

CCR
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meet
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FACT-FINDING MEETING ON
CALIFORNIA REAPPORTIONMENT

Held by the Reapportionment Subcommittee
of the California Advisory Committee
to the United States Commission on Civil Rights

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS HAD

August 13 and 14, 1981

State Capitol Building, Room 2170
Sacramento, California 95814

CCR
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Meet.
318

ed by: Karen R. Silva, CSR 5503

1 California Advisory Committee Members

2 (In Alphabetical Order)

3
4 Committee Members in Attendance:

5 Berg, Larry L. of Los Angeles
6 Campbell, Laurie of Los Angeles
7 Davis, Grace M. of Los Angeles
8 Drew, Garland A. of Irvine
9 Hata, Nadine I. of Sacramento
10 Hernandez, Helen of Claremont
11 Low, Elaine of Alhambra
12 Montez, Philip of Los Angeles
13 Russell, Richard L. of Blythe
14 Siddall, Cynthia L. of Los Angeles
15 Sillas, Herman, Jr. of Davis
16 Thomas, Shirley A. of Carmel

17
18 Committee Members not attending:

19 Arnett, Michael A. of La Mirada
20 Barnes, Carnella J. of Los Angeles
21 Chisolm, Bernita C. of Beverly Hills
22 Collazo, Anthony of Pico Rivera
23 Dizon, Ellen Endo of Los Angeles
24 Fillippini, Patricia A. of Santa Barbara
25 Flanigan, Timonthy N. of Sacramento
26 Fleishman, Stanley of Beverly Hills
27 Gabourie, Fred W. of Burbank
28 Gearing, Arthuir of Los Angeles
Arnett, Michael A. of La Mirada
Barnes, Carnella J. of Los Angeles
Chisolm, Bernita C. of Beverly Hills
Collazo, Anthony of Pico Rivera
Dizon, Ellen Endo of Los Angeles
Fillippini, Patricia A. of Santa Barbara
Flanigan, Timonthy N. of Sacramento
Fleishman, Stanley of Beverly Hills
Gabourie, Fred W. of Burbank
Gearing, Arthuir of Los Angeles
Gillette, Frankie J. of San Francisco
Martinez, Irene I. of West Covina
Martinez, J. William of Whittier
Morris, Joann S. of North Hollywood
Orme, Frank W. of Los Angeles
Parness, Velma of San Francisco
Perkins, Van L. of Riverside
Share, Jack B. of Sherman Oaks
Smith, Robert F. of San Diego
Spulock, Delbert L. of Sacramento
Takasugi, Robert M. of Los Angeles
Zapanta, Albert C. of Whittier

I N D E X

| Presentation by: | PAGE |
|--|-------|
| Alan Heslop, Ph.D., Director Rose Institute of State and Local Government Claremont Men's College..... | 4, 39 |
| Richard Alatorre, Ph.D., Chairperson California Assembly Elections and Reapportionment Committee State Capitol, Room 2188..... | 28 |
| Richard Santillan, Ph.D. Assistant Professor of Ethnic Studies California State Polytechnic University..... | 42 |
| William H. Durley Assistant Secretary of State Elections and Political Reform..... | 65 |
| Jack Trujillo Northern State Secretary California Democratic Party..... | 85 |
| Miguel Garcia State Chairperson Californios for Fair Representation..... | 104A |
| John E. Huerta, Director Southern California Office of the Mexican American Legal Defense and Educational Fund 1636 W 8th Street, Suite 319 Los Angeles, California 90017..... | 124 |
| Virna M. Canson Regional Director, NAACP 870 Market Street, Suite 378 San Francisco, California 94102..... | 145 |
| Daphne Macklin NAACP 870 Market Street, Suite 378 San Francisco, California 94102..... | 151 |
| Floyd Mori, Director Office of International Trade California Department of Economic and Business Development..... | 163 |
| Irma Lopez California Department of Employment Development Ventura, California..... | 177 |

I N D E X (Continued)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Presentation by:

PAGE

| | |
|--|-----|
| Rita Nunez Legal Assistant, Office Administrator Orange County, California..... | 198 |
| Dave Quintana Student at Claremont Men's College Republican Assembly Caucus on Elections and Reapportionment..... | 214 |
| Allen Rosin Staff Director Senate Committee on Elections and Reapportionment Sacramento, California..... | 231 |

KEY WORD IN CONTEXT

(KWIC)

Pg. Ln

Key Word

55.8 of office. So, you have some type of
63.1 s; and I think, again, their lack of
146.24 ion shifts the important business of
158.5 ituation which can make or break our
255.7 volved. You don't know — there's no

accountability or some way that you
accountability to the people puts t
accountability of public officials
accountability. We're looking at t
accountability afterwards, and ther

55.6 , because it is very difficult to be
122.8 hat can make political representation
254.27 one very simple reason: They are all
254.11 artisan instruments and are also not

accountable to the people. At least
accountable to our community. That
accountable, and they are able to b
accountable. So, I think the safest

111.9 has been a major contributor to the
111.10 xists in our community, but it is an
111.11 fined to the Latino community. It is
111.12 see across society. And we see that
146.22 most critical. The disease of voter
147.4 NAACP is deeply concerned about the
147.7 something positive about youth voter
158.10 serious difficulty. In terms of voter

apathy which exists in our communit
apathy that is not confined to the
apathy that we see across society.
apathy because of the lack of respo
apathy is fast becoming malignant.
apathy among the youth. Many of us
apathy, the NAACP has sought legisl
apathy, why, it's many, many reaso

8.27 emote the older State Constitutional
11.28 e early '70's that offended the older
12.13 o, there are three of the traditional
22.21 nstitute plan. Could you tell us the
23.1 cting, are plans that make use of the
23.5 ness, contiguity but also additional
23.9 that past failure. So, these are the
24.20 eria and to show what good government
24.20 rpose was rather to test a number of
24.22 rather. @MS. HATA:@ Good government
24.25 y of scholarship which suggests these
26.2 an, a plan guided by good government
33.28 weight should be given to political
37.17 HATA:@ Mr. Alatorre, you listed four
41.11 slature would make more explicit the
41.12 tion, for example, on the ranking of
42.10 own view is that there are different
42.11 be set into two groups. One group of
42.14 ies' interest alone as the paramount
42.16 ty. And there are, in addition, some
53.18 is morning and Mr. Alatorre speak of
53.20 r perception, what are the important
53.22 you rank them? @MR. SANTILLAN:@ The
53.23 he criteria, in terms of ranking the
55.10 think, if the Legislators follow the
56.3 oncerns? @MR. SANTILLAN:@ One of the
56.6 plans, there were two or three major
59.25 isn't the sole criteria or important
59.25 of ethnic background, isn't the sole
65.22 the Legislature to follow some of the
67.25 needed. @MS. DAVIS:@ Do you have any
76.6 @ That's correct. @MR. SILLAS:@ What

criteria of compactness and contigu
criteria. Here's another district
criteria violated at once. But aga
criteria that they used to develop
criteria entered to the State Cons
criteria that we believe important;
criteria that have guided us. @MS.
criteria produce in the way of a s
criteria and to show what good gove
criteria is defined as — @MR. HE
criteria as those that should guid
criteria, will attract partisan att
criteria on reapportionment? I kno
criteria: Viable redistricting pla
criteria that it uses; the question
criteria, can be answered and I th
criteria. They can be set into two
criteria I see as essentially cons
criteria. I see those, calling them
criteria which I believe serve the
criteria used in the process; and,
criteria that the Legislature has u
criteria, in terms of ranking the
criteria the Legislature will use,
criteria of what has been laid out
criteria that we use in drawing th
criteria that we were going to deve
criteria; but what I think is impo
criteria or important criteria; but
criteria that the last Speaker has
criteria that you give them, param
criteria do you use to determine t

97.19 ternal political machinations. What
97.21 rank them for me? Give me five basic
98.2 hey didn't. @MS. HATA:@ List me five
98.5 orm. @MS. HATA:@ You have no list of
98.15 e not sat down and voted on the five
112.20 you perceive as a Legislator's major
121.13 e respective parties. And one of the
124.27 e before you today is to discuss the
126.15 without violating the other mandated
132.27 tify this action based on non-racial
134.3 ing specific recommendations such as
134.17 S:@ Could you give us an idea of the
134.18 criteria you used? @MR. HUERTA:@ The
134.19 @ The criteria that we used were the
136.25 ng Rights Act actually prescribe the
140.12 ent here, he said he agreed with our
153.18 et forth the types of guidelines and
155.16 ring what your priorities are. What
155.28 est community in any state. So, our
157.8 xisting guidelines. @MS. HATA:@ What
157.18 rban area interest? The Legislature's
174.15 your perception of the Legislature's
174.25 @ Do you think this is a Legislative
181.16 rs totally ignored the four principle
193.17 ange at this time. @MS. HATA:@ What
207.27 MS. HATA:@ From your perception, what
228.15 ctive condition as an observer, what
256.1 make some judgments based on all the

57.23 ve a district drawn in such a way to
128.10 hink it unfair to any ethnic group to
128.21 d in prior reapportionments so as to
137.23 e discriminatory and therefore would

13.14 this diagram is the first technique:
13.18 rious chance of winning the election;
13.25 echniques are used: The technique of
61.7 an talking about political power, the
103.5 buffer Democratic districts to their
109.8 ature know what you perceive to be a

28.28 m at the local level. We just had a
29.6 t they were going to get an objective
29.9 y were going to get an open and fair
38.22 and I think of the importance of the
43.13 niversity at Los Angeles to attend a
43.15 One of the issues discussed at that
43.25 including myself, walked out of the
44.11 of cooperation and evidence that the
55.27 d gave as a research person for this
108.19 ls because we have testified at every
108.20 aring of the Senate as well as every
112.23 ieve, is the major factor and I keep
114.17 look like. @MS. HATA:@ Again, I keep
145.14 ave held hearings. Just last week, a
145.18 you today. The broader scope of this
145.19 now, however, is important — of your
150.10 eld a hearing and the Assembly held a
150.10 d at two hearings. The Seante held a

criteria are you going to use to ju
criteria and rank them in order of
criteria. @MR. TRUJILLO:@ We have
criteria? @MR. TRUJILLO:@ We will
criteria. @MS. DAVIS:@ Except the
criteria in this reapportionment pl
criteria that we used in developing
criteria for drawing districts and
criteria of the Article. The Equa
criteria discussed above. As advis
criteria for redistricting or autho
criteria you used? @MR. HUERTA:@ T
criteria that we used were the cri
criteria of good government; that i
criteria that is used that guides t
criteria and didn't have any troubl
criteria where we can move to prote
criteria will your organization use
criteria are basically going to be
criteria do you see the Legislatur
criteria is basically, unfortunate
criteria for reapportionment and r
criteria? Do you think this is a p
criteria for reapportionment and e
criteria, in your perspective, is
criteria is the Legislature using
criteria then is the Legislature us
criteria, public input, input from

dilute our voting strength, you are
dilute their voting strength. Ever
dilute our communities' voting stre
dilute the minorities' voting stren

Dilution. That is to say, the major
dilution. The alternative techniqu
dilution and the technique of packi
dilution of political power. Isn'
dilution of their political force.
dilution of the voting power of our

hearing last week where we had an
hearing; and that certainly it is
hearing or not. But I think the att
hearing and the public testimony,
hearing by the same committee on th
hearing - and I remember I sat sec
hearing in protest of those past p
hearing was primarily to discredit
hearing. @MS. HATA:@ What kinds of
hearing of the Senate as well as e
hearing of the Assembly. But we ha
hearing from many Legislators, 41
hearing your discussions with resp
hearing was held by the Joint Comm
hearing, now, however, is importan
hearing. It's my understanding tha
hearing. And we testified at both
hearing and the Assembly held a hea

153.6
153.12
153.20
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203.23
203.24
203.26
203.27
204.1
204.18
206.22
208.15
216.23
222.3
224.17
231.19
234.10
234.12
234.21
234.23
234.27
235.17
235.28
236.11
236.16
236.22
236.23
236.27
237.11
237.13
237.27
238.8
240.1
240.13
240.15
243.15
245.6
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247.10
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250.22
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251.18

. I had looked forward to last week's
t we would be before the Legislative
s. I think it's unfortunate that the
orth. @MS. HATA:@ Well, I appreciate
sk you what your response was at the
e statement that you gave before the
lature's plan. There will be a public
in his paper saying there would be a
what other groups were there at this
ns other than ours and, at the Senate
there. Again, I was speaking of the
listening to them. I mean, we're just
eeting you were at? @MS. NUNEZ:@ The
all, we didn't get the notice of the
wo days before. @MS. THOMAS:@ Which
is, specifically? @MS. NUNEZ:@ Which
. @MS. NUNEZ:@ Okay. We did attend a
zed. @MS. THOMAS:@ This was a public
we let it go. @MS. THOMAS:@ But this
:@ One question. Ms. Nunez, when the
f their appearance at the August 4th
on. You said you were at last week's
have took up our offer. At the last
culated into the Committee into your
e joint elections of reapportionment
the Legislature's intention at that
d Reporter of that joint Legislative
t 4, 1981. The Joint Senate Assembly
d by non-Legislative groups. By that
o Navarro at the joint Legis- lative
. The Leg- islature, however, at its
alk-out in advance of the August 4th
arro knew before they appeared at our
re not introducing our plans at that
ecisely the purpose of our having the
the Senate Committee approaching our
In addition to the transcript of the
ll submit to you, of that August 4th
Irma Lopez, who spoke at the Ventura
is connected to Los Angeles. At that
, is the fact that, in our Committee
And, on August 4th, in that Committee
l be clear in our transcript of that
e record, we can never have a public
testimony we received in the Ventura
mation, our policy was to send them a
ice. But, the logical place to send a
o the press. And we widely circulated
person who did nothing for the entire
tire hearing period but work on each
hat we possibly could in circulating
the hearings. @MS. HATA:@ Was your
offices were. We sent out not only a
a hearing notice in advance of each
ent into East Los Angeles and held a
May. So, if anybody heard about one
ust look around the room here at your
t significant numbers showing up to a
blem with people not showing up to a

hearing in order to get a much mor
hearing reacting to the Chicanos' p
hearing sort of went to pieces in
hearing what your priorities are.
hearing last week when you gave you
hearing last week? @MS. CANSON:@ I
hearing, according to the Chairman
hearing. @MR. DREW:@ But, once you
hearing, and did they personally g
hearing, NAACP wasn't there. Agai
hearing in Ventura. It was our gro
hearing them but we're not going t
hearing — first of all, we didn't
hearing until at least two days be
hearing is this, specifically? @MS
hearing are you talking about? @MS
hearing when it was held in Orange
hearing? @MS. NUNEZ:@ Right. Ther
hearing was on reapportionment, wa
hearing was held in Orange County,
hearing is great because they perc
hearing. I would like your evaluat
hearing, they came and looked at ou
hearing transcript. For example, I
hearing last Tuesday, August 4, 19
hearing was to discredit the two p
hearing on August 4, 1981. The Jo
hearing was held for the purpose o
hearing, we hoped to pose pertinent
hearing last week, I repeatedly ask
hearing, was denied the opportunit
hearing, it made their actions seem
hearing on August 4th that we were
hearing. Precisely the purpose of
hearing on August 4th was to consi
hearing last August 4th with an ide
hearing, which Chairman Boatwright
hearing, I've brought with me here
hearing, said, quote, we're not ta
hearing, other people testified, i
hearing in East Los Angeles, our Co
hearing, Mr. Carlos Navarro indica
hearing — he answered that: No, h
hearing where we do not have all po
hearing, regardless. @MS. HATA:@ W
hearing notice. But, the logical p
hearing notice is to the press. An
hearing notices. We had one staff
hearing period but work on each he
hearing sending out press notices.
hearing notices. We had no reason -
hearing person, or this public rel
hearing notice in advance of each
hearing, but we compiled an entire
hearing at the East Los Angeles Com
hearing somewhere, all they had to
hearing and understand how difficu
hearing, would it not be proper to
hearing or not significant numbers

254.2 om any group during the course of the
256.26 s or we're going to walk out of your
258.22 witnesses in the South Central L.A.
258.26 nvolvement. In the South Central L.A.
258.28 nce. And it was a very well attended
261.8 release of the plan and whatever the
261.21 statewide; and, two, we will have a
261.22 anybody submits to us, notice of the
266.27 knowledge to translate a complicated
267.4 ing about reapportionment, holding a
268.15 I probably won't have it before our
268.20 jects - the press conference and the
269.5 once the plan is presented, that the
269.8 decision that it -- it would -- the
269.15 f the chamber. For example, we had a
269.15 xample, we had a hearing -- our first
269.24 past a certain number to attend the
271.13 l probably be only willing to hold a
271.25 ity. And it has to be housed. If the
272.6 he other. @MR. ROSIN:@ You've held a
272.10 bly afford to send one member to our
274.17 to also have solidified a date for a
274.19 will also be an indication where the
275.15 blanket notice and then, before the
276.2 uld have circulated. But part of the
276.3 oblem is also that you have to get a
276.3 earing, get your permission to hold a
276.7 e in advance because you can't hold a
279.23 Why didn't you tell us that when the
279.26 aid, "Well, we didn't know about the
282.6 that the foregoing transcript of the
282.8 Rights was reported by me, that the
28.20 the neighborhood of 60 people in the
40.14 their public commitment to hold open
44.25 de from my belief, a series of token
64.15 articulate in any future Legislative
69.21 only thing we could come out of those
86.6 t, I needn't tell you, through these
93.24 atwright has said that there will be
94.6 emerge after perhaps tinkering, after
96.24 rovide sign language interpreters at
108.22 isadvantage because at none of these
109.28 oice we have represented at all these
117.18 d that there had been several public
117.21 volved in any one of the those seven
117.23 ion was involved in all seven of the
118.24 e the Assembly as well as all of the
118.3 er place, every other location where
118.7 he Legislature, there will be public
118.17 minds would plan the reapportionment
118.22 ould have been developed first, then
119.6 but how else could we speak when the
128.16 ate. In prior testimony, at previous
142.14 nce and support their plan, appear at
142.16 se it and fight it in the Legislative
145.14 he Senate and the Assembly have held
148.23 of our decision was borne out at the
150.9 MS. CANSON:@ We have testified at two
159.17 ay that there ought to be continuous

hearing schedule who said to me: D
hearing; that kind of thing. @MS.
hearing. I mean, I really -- we mad
hearing, there was a good particip
hearing, as a matter of fact. @MS.
hearing will be. @MS. HATA:@ You c
hearing and we will send material t
hearing. @MS. HATA:@ Will you also
hearing notice with very complicate
hearing, considering the drawing o
hearing -- @MS. HATA:@ I think if
hearing - and to say to you, "This
hearing would be held after it's p
hearing would only be held in Sacr
hearing -- our first hearing in Lo
hearing in Los Angeles, which was
hearing in Los Angeles because he
hearing in Sacramento or in somepl
hearing starts at 9 o'clock in the
hearing here. You've had lots of p
hearing in Sacramento. Now, they m
hearing so that, in the story that
hearing will take place; and that
hearing, we tried to have released
hearing problem is also that you ha
hearing, get your permission to hol
hearing from the Senate Committee
hearing if there's no committee me
hearing was held in such and such
hearing." And I say, "Well, why di
hearing of the California Advisory
hearing was taken at the time and
hearings we held in the different p
hearings on the officially propose
hearings up and down the State, the
hearings? @MR. SANTILLAN:@ No. It'
hearings with is something that is
hearings, is perhaps the most impor
hearings after those plans are rel
hearings, will, in fact, reflect H
hearings and public events. We hav
hearings have we had the opportunit
hearings. I would also express one
hearings in regard to reapportionme
hearings? @MR. GARCIA:@ Our organi
hearings before the Assembly as wel
hearings before the Senate's Commit
hearings were held; our coalition w
hearings and then the Legislature w
hearings the way that they have bee
hearings should have been held thro
hearings began on February the 13t
hearings before the Senate and Ass
hearings, and testify on behalf of
hearings and if that doesn't work,
hearings. Just last week, a hearing
hearings last week. It is the respo
hearings. The Seante held a hearin
hearings. Shouldn't we have more p

159.18 rings. Shouldn't we have more public
159.21 ce, the Democrats to go out and hold
160.5 at, again, as she said extending the
160.17 n, you have made reference to public
160.19 Assembly had seven statewide public
160.23 s. @MS. DAVIS:@ So, they were at the
160.24 Angeles. So, were you aware of those
160.25 re of those hearings. However, those
161.14 time, maybe ten years ago, they held
165.8 at the Spanish speaking people. When
167.11 representation at any of these public
183.2 Well, at the State level, the Senate
203.19 ere you in attendance at any of these
204.9 I know, and said there's going to be
205.4 Z:@ Yes. I think that, as far as the
215.20 and I have also attended some of the
215.25 ight, considering the reapportionment
229.25 important for the Legislature to hold
229.28 man Alatorre has agreed to hold these
230.2 Boatwright has agreed to hold these
230.4 on still remains as to whether these
234.16 os decided to not participate in the
235.4 fact, all of the Senate and Assembly
237.25 timony today, for example, about our
239.12 estimony into consideration, that our
245.28 rom a number of individuals as these
246.2 officials may have heard that these
246.22 d not receive adequate notice at the
247.4 on, whatsoever, to try to hide these
247.5 fact, the Chairman constantly at the
247.9 to try and germinate interest in the
248.8 compiled an entire list of what our
248.17 and we also phoned people before the
248.22 e are not interested in governmental
248.24 t terribly interested in Legislative
249.15 whole purpose — the purpose of the
249.21 dez? @MS. HERNANDEZ:@ Mr. Rosin, the
249.23 , over what period of time did these
250.24 out the whole list of what the other
251.5 ow turn-outs at the beginning of the
251.24 sure if people were informed of the
252.6 ane. But, through the course of your
252.20 antial turn-out when most Legislative
257.20 find out more about how we handle the
258.5 tion Fund got a statewide list of our
258.6 other words, a list of where all our
258.9 examine the transcripts, there are no
260.1 community groups that you will have
260.9 invite or notify individuals of the
260.13 ant you to be misled on what kind of
260.15 nning to leave Sacramento to conduct
260.19 ment has to be done, and we will hold
269.4 Friday. You stated earlier that the
270.17 o to Orange County, San Diego, three
270.19 , Fresno, Bakersfield. Each of those
270.21 rhhaps wouldn't it be feasible to hold
270.23 s being presented rather than holding
270.27 both serve a different purpose. The
271.11 lling to travel the State and conduct

hearings and because that's like wh
hearings. I feel that there's room
hearings; and we indicated again th
hearings by the Senate and Assembly
hearings? @MS. CANSON:@ I'm sorry,
hearings at Los Angeles. So, were
hearings. However, those hearings
hearings are previous to the releas
hearings throughout the State but
hearings were scheduled for that i
hearings — Legislature? @MR. MOR
hearings that were held on April 3r
hearings? @MS. NUNEZ:@ Yes, I was.
hearings on such and such a date.
hearings are concerned, they were r
hearings here in the Capitol; and I
hearings and the testimony that th
hearings after the lines are drawn
hearings as well as Senator Boatwr
hearings. But, the question still
hearings will give a full ability f
hearings. Let me state for the rec
hearings held up and down in the St
hearings not being publicized, bein
hearings were a sham, that there w
hearings were conducted up and down
hearings were being conducted; and
hearings, all that somehow learned
hearings. And, in fact, the Chairm
hearings said things for the press
hearings. @MS. HATA:@ Was your hea
hearings were going to be for the e
hearings — phone news media. I mea
hearings. Most people, of all ethni
hearings and reapportionment is a v
hearings was not a sham. It was to
hearings that were held up and dow
hearings take place? @MR. ROSIN:@
hearings were. @MS. HERNANDEZ:@ So
hearings in the different areas, w
hearings, when they were taking pl
hearings — and I popped in yesterd
hearings on all kinds of subjects
hearings. We got mailing lists, in
hearings. In other words, a list o
hearings were going to be. Our not
hearings where there are not a sig
hearings to which you will invite
hearings once your plan is complete
hearings are going to be held after
hearings in other parts of the Stat
hearings with substantial media co
hearings — once the plan is prese
hearings in Los Angeles, one in Ven
hearings requires a day. @MS. HERN
hearings after the plan is present
hearings prior to a plan being pre
hearings prior to the plan provide
hearings after the reapportionment

272.16 he basis on which we set Legislative
273.16 public that becomes involved in these
275.4 that you sent out prior to the open
275.5 tell me what time element before the
275.12 in each case. As we proceeded on the
276.1 by then, we had a statewide list of
276.10 cts on this whole process of holding
276.16 re detail and meticulously; but, the
278.5 ing records. You're trying to set up

48.7 unctions. First, it is an Educational
67.11 does your office do in regards to the
67.28 ith us, but it involves publicity and
68.7 ement for bilingual materials in the
68.21 minary instructions, in terms of the
68.26 en they — when they have done their
68.27 the whole Mail Registration Program,
69.24 our office, when you're reviewing the
69.28 tities directed toward their specific
70.3 't believe it should be. I think our
70.9 sponsibility to make sure there is an
71.3 want to get their group registered.
77.8 equirement of a county is to have an
77.18 u describe for the Committee what an
77.18 what an outreach plan, or what is an
77.19 s an outreach plan? @MR. DURLEY:@ An
78.4 S:@ Would it be fair to say that the
78.16 as a feeling that there was not this
78.26 . SILLAS:@ In an implementation of an
79.19 y, do you take into consideration the
80.1 ty just refuses to participate in an
81.1 tance, at one time, it was considered
82.15 to implement Voting Rights Act on the
82.24 pecifically provided materials in its
83.10 s where counties have been — county
83.12 de use of bilingual material in their
168.4 this advisory body to do a lot more
168.6 ative bodies that they do a lot more
168.8 in the Legislature to do a lot more
210.28 HOMAS:@ Yes. May I ask you about the
212.1 f undocumented workers. How was that
225.5 d you are not conducting any kind of
251.7 hat there was something wrong in the
259.12 And you can just point to one Asian

168.5 o do a lot more outreach. I think to

1.11 ittee receives information and makes
2.14 d Five, submit reports, findings and
40.9 the process this year; however, what
48.23 st and also developing public policy
119.21 that if you do so document and make
134.2 een involved in formulating specific
143.9 me decision as to the directions and
161.9 s is over will be submitting possibly
166.10 his advisory body should make strong
185.27 unty. @MS. HATA:@ What would be your
281.6 We will report our findings and our

hearings. @MS. HATA:@ Go ahead, Ms
hearings. If any of you read the t
hearings that you held this year, c
hearings were they sent out, and d
hearings, we didn't always have a
hearings that we would have circula
hearings. It's not a clean, clear-c
hearings which were going on while
hearings. You're trying to catalog.

Outreach Program; and, under this
outreach plan to insure registrati
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outreach and to the communities fo
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outreach program? @MR. DURLEY:@ W
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THURSDAY, AUGUST 14, 1981, SACRAMENTO, CALIFORNIA

* * * * *

MR. SILLAS: All right, panel members. This meeting of the California Advisory Committee to the United States Commission on Civil Rights will now come to order.

We are convening here today to examine the impact of the Legislature's reapportionment in California on the political participation of State citizens.

I am Herman Sillas, Northern Vice-Chairman of the California Advisory Committee. The Advisory Committee receives information and makes recommendations to the Commission in areas which the Committee or any of its subcommittees is authorized to study.

Other members of the Committee in attendance during the meeting will be: Grace Davis, Southern Vice-Chairperson, who will share chair responsibilities with me; Larry Berg; Garland Drew; Ellen Endo; Arthur Gearing; Nadine Hata; Helen Hernandez; Elaine Low; Richard Russell; Cynthia Siddall; Shirley Thomas and Albert Zapanta.

Also with us today are staff from the Commission's Western Regional Office, including Phil Montez, Regional Office Director.

This fact-finding meeting is being held pursuant to Federal rules applicable to State Advisory Committees and regulations promulgated by the U.S. Commission on Civil Rights.

The Commission on Civil Rights is an independent agency of the United States Government established by

1 Congress in 1957 and directed to: One, investigate
2 complaints alleging that citizens are being deprived of
3 their right to vote by reason of their race, color,
4 religion, sex, age, handicap, or natural origin or by reason
5 of fraudulent practices; Two, study and collect information
6 concerning legal developments constituting discrimination or
7 a denial of equal protection of the laws under the
8 Constitution because of race, color, religion, sex, age,
9 handicap, or natural origin, or in the administration of
10 justice; Three, appraise Federal laws and policies with
11 respect to discrimination or denial of equal protection of
12 the laws; Four, serve as a national clearinghouse for
13 information about discrimination; and Five, submit reports,
14 findings and recommendations to the President and
15 Congressmen.

16 I would like to emphasize that this is a fact-finding
17 meeting and not an adversary proceeding. Individuals have
18 been invited to come and share with the Committee
19 information relating to the subject of today's inquiry.
20 Each person who will participate has voluntarily agreed to
21 meet with the Committee.

22 Since this is a public meeting, the press and radio
23 and television stations, as well as individuals, are
24 welcome.

25 Persons meeting with the Committee, however, may
26 specifically request that they not be televised. In this
27 case, we will comply with their wishes.

28 We are also concerned that no defamatory material be

1 presented at this meeting. In the unlikely event that this
2 situation should develop, it would be necessary for me to
3 call this to the attention of the persons making these
4 statements and request that they desist in their action.
5 Such information will be stricken from the record if
6 necessary.

7 If the comments a person is offering, however, are of
8 sufficient importance, the Committee will hear the
9 information. In that event, the person against whom the
10 allegations are made will have ample opportunity to respond
11 by making statements before the Committee or submitting
12 written statements if they desire.

13 Every effort has been made to invite persons who are
14 knowledgeable about the progress in the area to be dealt
15 with here today. In our attempt to get a well-balanced
16 picture about reapportionment, we have invited State
17 Legislators and State Executives, as well as researchers,
18 political party representatives, community organization
19 representatives, and concerned individuals.

20 In addition, we have allocated time tomorrow afternoon
21 at 3:00 p.m. to hear from anyone who wishes to share
22 information with the Committee about reapportionment. At
23 that time, each person or organization will have five
24 minutes to speak to the Committee and may submit additional
25 information in writing. Those wishing to participate in the
26 open session must contact Commission Staff before 2:30 p.m.

27 All right. At this time, we'll begin with our first
28 person, Mr. Allen Heslop.

1 Is he present? Do you want to step forward?

2 **MR. HESLOP:** Mr. Chairman, I'm the Director of the
3 Rose Institute of State and Local Government, which is part
4 of Claremont Men's College. I was asked to come today to
5 show a slide show. It's had a lot of use. It's been up and
6 down the State.

7 I've appeared before many groups of all sorts. I've
8 shown it to newspapers, even been shown on television to the
9 extent possible in so controversial an area as
10 redistricting. This is a noncontroversial, indeed
11 educational, slide show. I would suppose that none of the
12 participants in the redistricting process would quarrel with
13 the -- would quarrel with the major themes of this slide
14 show. However, redistricting is a subject that is
15 traditionally conducted behind closed doors and in the
16 dark. So, if I could get someone who knows how to do it, to
17 dim the lights, we would proceed.

18 It might be a good thing if -- as we do go along, if
19 there are questions, you ask them and interrupt me.

20 All right. Can all members of the panel see the
21 screen?

22 This is the beast about whom all of the trouble
23 arises: The gerrymander, so-called because there was a
24 governor of Massachusetts in 1812 by the name of Eldredge
25 T. Gerry, who was seeking to advantage the Federalist Party,
26 drew this district. The local comrade of the day decided to
27 add wings to the thing and refer to it as the salamander.

28 A local wag said, "No, that's not a salamander. That

1 is the gerrymander." And the term has stuck ever since,
2 although Eldredge's name has been subtled into Gerry in the
3 expression "gerrymander".

4 What's also noticed about the first gerrymander is
5 that it failed; that is to say, not long after, the
6 Federalists lost in this district. It was an ineffective,
7 badly-drawn gerrymander.

8 Now, to introduce modern gerrymandering, modern
9 redistricting, I have a couple of slides which may be of
10 particular interest to this panel. Here is a gerrymander of
11 Los Angeles County. It was drawn in the Rose Institute
12 using computers. A student was asked to devise 28, exactly,
13 equal districts, 28 districts that would give maximum
14 advantage to the Democratic party. So, you're looking at an
15 ideal Democratic gerrymander.

16 Now, there are many features of this map I could point
17 to; but, if I may, I'll draw your attention to only one.
18 Here, in the center of the County, as we know, are the areas
19 of heavy minority population, concentrations of Blacks and
20 Hispanics in the census tracts.

21 Note the treatment of those census tracts. Only one
22 district, District 12, is wholly concentrated in the area.
23 Here is where the area has been chopped up, split down among
24 a number of districts. This is the way in which, typically,
25 minorities are being treated by the Democratic party. They
26 have been split up, splintered, and used to assure the re-
27 election of Anglo Democratic incumbents.

28 Now, when the student was through with this project,

1 he thought he'd finished his thesis, but he was wrong. I
2 told him to go forward and draw another plan. And you can
3 imagine what the instructions were in this case. It was to
4 develop the ideal Republican gerrymander; 28, exactly, equal
5 districts that would give maximum advantage to the
6 Republican Party.

7 Again, let me draw your attention to this area, the
8 area of heavy minority concentration. What's happened now?
9 Minorities are being crammed and backed into as few
10 districts as possible.

11 This is how Republicans deal with minorities. They
12 put them in as few districts as possible so they can waste
13 their votes. Both the Democrats and Republicans, when in
14 power, have gerrymandered against minorities. A typical
15 situation, when Democrats control, is that minority votes
16 are used to prop up Anglo Democrats. When Republicans are
17 in control, that minorities are as packed in as few
18 districts as possible; so, both are wasted.

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

25 The Democratic gerrymander that we drew produced 21,
26 entirely safe Democratic districts, 21 out of the 28. The
27 Republican, 17 -- 17 safe Republican districts out of 28.
28 It's a huge difference. That's what the fuss is all about.

1 It's about political control. It's about getting more seats
2 than you get votes. That's what redistricting is about:
3 The effort to waste the votes of the opposition party so
4 that you get more seats than you get votes.

5 I'm sure that I don't need to dwell for very long on
6 this next series of slides. It's well known that the 1960's
7 saw a judicial ~~rev~~olution affecting reapportionment. Up
8 until the 1960's, redistricting, as a process, had been
9 largely controlled by State Constitutions and by State
10 Statutes. Typically, states require that districts be
11 compact, contiguous or territorial linked, or they give good
12 access to the voters to different parts and they follow
13 county boundaries. You will remember, of course, that in
14 California, the upper-half of the Legislature was based on
15 counties.

16 But then, beginning in 1962, that changed. This was
17 the beginning of the one-man, one-vote revolution. Baker
18 vs. Carr saw a judicial entry into the redistricting
19 thicket. So, redistricting became a matter for Federal
20 judicial control in many cases.

21 In 1964, the key to watershed cases of Reynolds vs.
22 Simms saw the Supreme Court apply the new judicial doctrine
23 "one-man, one-vote" to both State Legislatures and to
24 Congress. Both Houses are bicameral State Legislatures of
25 the Court and, in Reynolds, must be based on population that
26 struck down the California Senate.

27 In Weiser, Congressional Districts were required to
28 be equal, too. By the end of the decade of the '60's, the

1 Court was enforcing this new doctrine with extraordinary
2 rigor. This is a case, Kirkpatrick vs. Preisler, involving
3 a Missouri Congressional District, where only -- there was
4 only 3 percent deviation from equality.

5 "Not good enough," said the Court. "What's needed is
6 precise mathematical equality."

7 Now, there's absolutely no reason to doubt the
8 sincerity of the Court in these "one man, one vote" cases.
9 They believed correctly, that malapportionment was a great
10 evil and that only a new doctrine "one man, one vote" could
11 correct that evil. They also believed that equality, this
12 equality of population, would produce greater fairness in
13 representation, generally.

14 Now, I believe, and I think I have shown in a number
15 of studies, that they were wrong. The fact of the matter is
16 that the early 1970's, far from producing fairer districts,
17 produced more gerrymanders than ever before. The doctrine
18 of "one man, one vote" failed to produce fairer
19 representation but rather gave a spur to gerrymandering.

20 Now, why would that be? The answer -- and it was
21 dramatically demonstrated in California in 1971 -- the
22 answer, in part, was that the Legislators saw the new
23 doctrine "one man, one vote" as their excuse to gerrymander
24 as never before.

25 The new doctrine was used to shunt aside the
26 traditional restraints on redistricting, to demote the older
27 State Constitutional criteria of compactness and contiguity
28 and voter access and, of course, county boundaries on other

1 jurisdictional boundaries. Those were shunted to one side.
2 The new paramount criterion of "one man, one vote", or
3 population equality was used as an excuse to leap across
4 rivers, to push across mountain boundaries, to ignore all of
5 the older limitations on redistricting as a political
6 process. That's one reason.

7 The other reason was that the '60's saw another
8 revolution. At the same time this judicial revolution was
9 going forward, there was another revolution. It was the
10 revolution of computer technology as applied to the
11 redistricting process.

12 Here's a line drawing of one of the computer systems
13 that sprang into being in the 1960's and early 1970's. I'm
14 not here to bore you with technical detail; but, against the
15 wall in the diagram, is a piece -- looks like a blackboard.
16 It has an arm hanging down, which contains a stylist. It is
17 a digitizer, a device for putting XY geographic coordinates
18 to a computer data base. That is to say, when you use the
19 stylist to draw around an area on the map, the computer
20 knows what area has been circumscribed. In the corner, the
21 desk-like looking piece of equipment, it's a computer
22 plotter, a device for outputting graphic display data. This
23 is the sort of material that this equipment can produce.

24 You're looking at a computer-drawn plot of the Bay
25 Area. You see a great many dots on the map. Each of those
26 dots has a precinct center, or more technically, a centroid,
27 a prejudged center of a precinct. You can see there a range
28 according to a color scale, red through blue. You're

1 looking at a registration plot of the Bay Area.

2 Imagine, suppose one had district lines to overlay
3 such a spot; how easy it would be to fine-tune district
4 lines to provide maximum political advantage. Let's see how
5 all of this was done.

6 Here's another plot, this time a blow-up of
7 registration in Los Angeles and Orange County.

8 Again, each of the symbols is a precinct center or
9 centroid; again, a color scale, red through blue: Red, the
10 high Democratic; blue, the high Republican registration; and
11 the rainbow scale in between. In this case, the computer
12 has drawn some district lines on the map. You can see them
13 here. And we have chosen to highlight one of the districts
14 there. It's the 69th Assembly District as it existed in the
15 1960's.

16 This is a district that fit all the traditional
17 processes of the redistricting process. It's compact. It's
18 certainly contiguous. It gives good access to its voters to
19 its different parts and fits into a county boundary. This
20 is the L.A.-Orange County boundary. There is only one
21 problem with this district. There is a political problem.
22 The incumbent wasn't happy with it. He happened to be a
23 Democrat. You can see why he wouldn't be too happy with the
24 district. All too many blue - that is, high Republican -
25 registration precincts within the district.

26 In 1971, the State was to be redistricted. This gave
27 the incumbent an opportunity -- an opportunity to redraw the
28 district. How did he redraw the district?

1 This is the new district. It is a district that cuts
2 across a county boundary. It does so here. You can see why
3 it cuts across the county boundary; that's so -- in order to
4 pick up those additional Democratic registration precincts.
5 Not only does it cut across a county boundary, it splinters
6 13 cities without including any city in its entirety.

7 This is a district that no one in his right mind
8 wouldn't call compact. It is contiguous only down those
9 narrow fingers of territory. It gives very poor access to
10 voters to its different parts. Yet, it was judged to be
11 legal and was passed by both Houses of the California
12 Legislature and would have become a law but for a group
13 oratorical veto. Very clear what's going on here.

14 Let me come back, since that slide seems to have
15 collapsed on me. It's very clear what's happening here.
16 There is a reach for political advantage, more blatant and
17 more sophisticated than ever before. This district is built
18 on those two revolutions that I've described. It is a
19 district, possible only in the new age of "one man, one
20 vote", when quality, exact precise mathematical equality, is
21 the basic test against which districts are measured. This
22 district was exactly equal in population with all of the
23 other districts in the plan. And therefore, it was judged
24 to be legal. This is a district that could have only been
25 created in the new age of computer redistricting. A
26 massive gerrymander. A sophisticated reach for major
27 political advantage. All sorts of districts were created in
28 the early '70's that offended the older criteria.

1 Here's another district in that same plan passed by
2 both Houses of the California Legislature, judged to be
3 legal because it was equal in population. It's a district
4 that really has two parts: Here, of course, the major part;
5 the lesser part. And this lesser part is connected to the
6 district on this narrow neck.

7 What is that narrow neck? It is the center divider
8 and one lane of the freeway. Yet, the district was judged
9 to be legal.

10 See what happens when you violate the requirement for
11 reasonable contiguity? You separate the other district into
12 almost two halves and push the district across the county
13 boundary. So, there are three of the traditional criteria
14 violated at once. But again, judgment was made that the
15 district was legal.

16 Well, perhaps I spent too long on history. Let me
17 come up-to-date and talk about redistricting politics.

18 Although these changes have occurred, although these
19 revolutions that I've described have taken place, some
20 things haven't changed. Redistricting still is a thoroughly
21 political process that has some very important political
22 stakes. The stakes haven't changed much. It is still a
23 process that can determine the fate of the incumbents, the
24 survival of their careers, still a process that mightily
25 decides how many Democrats, how many Republicans will be
26 elected to State Legislature, to Congress. And, of course,
27 as you all know, this is a process on which minority
28 representation substantially hinges. It is also a process

1 on which leadership careers rise and fall.

2 To probe a couple of these, I have a few slides that
3 perhaps will help illustrate some of what goes on. Here is
4 a slide that illustrates the partisan gerrymander. It's
5 surprising how many people don't understand that
6 redistricting, when it involves gerrymandering, is a process
7 of seeking to waste votes of the opposition party. And that
8 is to say, the majority party draws districts in such a way
9 that it gets more seats than it gets votes by wasting the
10 votes of the opposition.

11 How is this done? There are two techniques of wasting
12 votes.

13 On the left, this diagram is the first technique:
14 Dilution. That is to say, the majority party takes the
15 concentrations of voters of the opposition party and splits
16 them among as many districts as possible, only assuring that
17 in none of those districts does the minority party candidate
18 have a serious chance of winning the election; dilution.

19 The alternative technique is packing. In this case,
20 you take the concentrations of the voters of the opposition
21 party, and you put them in as few districts as possible so
22 that the incumbent of the opposition party gains re-election
23 with a huge surplus of votes or even runs unopposed.
24 Typically, in gerrymanders, both techniques are used: The
25 technique of dilution and the technique of packing.

26 What about the ethnic gerrymander? Here's an attempt
27 to demonstrate the problem that has confronted Hispanics in
28 California and other southwestern states that, typically,

1 have been under Democratic Party control.

2 On the left, you see the sort of district that
3 Hispanics would, today, wish to see created; it is to say
4 that a district, is 50, 55, 60, 65 percent Hispanic in
5 population.

6 Why create such a district? So that a Hispanic can
7 get elected. And the fact of the matter is that neither the
8 Republicans or Democrats like this. Republicans like it
9 better than Democrats, but they like to see the district,
10 not 60 percent Hispanic, but 90, 95 percent Hispanic.
11 Democrats would like to see it 20 to 35 percent Hispanic.

12 And what happens when you create such a district? You
13 create a district which wastes Democratic party votes. If
14 the district is 60 percent Hispanic then, typically, it
15 would be 85 percent, 80 percent Democratic in registration,
16 given the loyalist voting behavior of the Democratic
17 loyalist voting behavior of Hispanics.

18 I've given my previous discussion that this involves
19 wasting votes. It's wasting Democrats' votes. The result,
20 therefore, is the creation of another district: District 3
21 on the left, which means Republican.

22 So, what happened when Democrats controlled the
23 process? Well, typically, a corridor is drawn, a corridor
24 through the area of heavy minority population sufficient to
25 pick up the Democratic loyalist votes, sufficient to help
26 use those votes to prop up an upcoming incumbent but not
27 sufficient to elect a Hispanic. Then, it broadens out
28 specifically to separate other areas. It is often referred

1 to as the barbell district.

2 Here's a classic example from California. His
3 district used the corridor technique to run through an area
4 of heavy Black population.

5 As I think everyone in this room knows, the
6 redistrictings of the early 1970's created a reaction.
7 People looked at the product of those redistrictings and
8 said, "Something is wrong. It needs reform."

9 The indictment that was made was that redistricting
10 had become a process whereby politicians had too much power,
11 power to stack themselves up, pack themselves in and remove
12 themselves from the public opinion.

13 The new style redistricting, redistricting under cover
14 of "one man, one vote" and with the aid of the new computer
15 equipment, this new style redistricting threatened a number
16 of very important values: Group participation in the
17 process; effective two-party competition; party system is in
18 trouble the minority party, in particular, harmed by this
19 process. But, both parties can be harmed by it because both
20 lose an incentive to put up the best candidates.
21 Competition falls off. Competitive districts become fewer
22 in number.

23 What's the answer? The answer, according to Common
24 Cause, is to take the politics out of the process, to de-
25 politicize districting to the extent possible and to put
26 redistricting in the hands of an independent bipartisan
27 reapportionment commission. Common Cause may very well be
28 right; that this is the only way to cure the major abuses of

1 the system; but, I would not hold up too much hope for
2 independent nonpartisan reapportionment commissions. Those
3 that exist have acted in very political ways, generally.
4 They have not been nonpartisan. Quite often, their
5 independence has been a very serious question, independent
6 of the two political parties.

7 I wish to be fair to the Common Cause proposal; but,
8 myself, I doubt that there can be such a thing as an
9 independent nonpartisan reapportionment commission.

10 I believe that there's a better way to cure the
11 problems of redistricting. It's a good dose of old fashion
12 pleurism. It's the effort to open up redistricting, to
13 insist that this is a process in which many groups have an
14 important stake. This is a process where all of us have an
15 interest in the outcome and that, therefore, many groups
16 have a right to be heard; all sorts of groups that are
17 beginning to be active in the redistricting process, from
18 doctors to county supervisors, from attorneys to the NAACP,
19 from Blacks to Hispanics to Republicans. And the process is
20 properly a public one. It's one, if the present media
21 promptly attend to it, can be opened up and, as a result of
22 some sunlight shed on it, improved.

23 That's, at any rate, the belief that has guided the
24 redistricting program that we've conducted at the Rose
25 Institute for the last couple of years. It's been our
26 effort through slide shows, such as this, to shed some light
27 on the redistricting process.

28 Mr. Chairman, I'm open to your questions if there

1 should be any.

2 **MR. SILLAS:** I think if you just let us see the
3 light. Thank you.

4 I have a couple of questions, Mr. Heslop.

5 You mentioned the Hispanics and minorities.

6 Is not the same process used for other types of
7 minorities? For example, in thought, the right wing, we
8 have a concentration of right-winged or Right To Live
9 groups.

10 Are they also gerrymandered in the manner that you
11 have laid out here as pertains to minorities?

12 **MR. HESLOP:** Yes. I think it's been a much less
13 deliberate and a much less conscious process. One certainly
14 sees districts where there is a peculiar concentration, for
15 example, of right-winged groups. That, in my experience, as
16 far as my observation goes, is a result of a partisan
17 packing quite largely.

18 One of the unpleasant side effects of political
19 redistricting is often the creation of districts in which
20 only members of the extreme wings of the two parties run
21 successfully. Districts packed for Democrats often elect,
22 in my judgment, far-left Democrats. Districts packed for
23 Republicans often elect far-right Republicans. I think it's
24 true, but it's a much less conscious process.

25 **MR. SILLAS:** Another question I have: You made
26 the comment that in showing the -- your scheme as to the two
27 types of districts, you made the comment as to the one
28 district that this is a district where Hispanics can get

1 elected and that this is what Hispanics want.

2 Do you view that -- first, let me ask you: Do you
3 know what Hispanics want, they want elected officials from
4 their districts?

5 **MR. HESLOP:** It's my understanding that the great
6 majority of Hispanic groups today seek ethnic
7 representation. That is to say that they wish to see more
8 Hispanics in the Legislature and in Congress.

9 **MR. SILLAS:** And they see the drawing of districts
10 with increasing population placed in that district of
11 Hispanics as a basis for doing that?

12 **MR. HESLOP:** That's exactly right.

13 Hispanic leaders, with whom I've spoken - the Hispanic
14 scholars - are all agreed that it is only because of much
15 ingenious racial gerrymandering that there are so few
16 Hispanics now in the Legislature and in Congress.

17 **MR. SILLAS:** Doesn't it parallel with that, in
18 that a person who is a Hispanic and is not in a
19 predominantly Hispanic district would not be elected?

20 **MR. HESLOP:** No, it does not. It certainly doesn't
21 follow logically.

22 **MR. SILLAS:** Okay. In the comment that Hispanics
23 need a larger population to elect a Hispanic, are you not
24 saying, that in a district where they are a minority, that
25 they could not be elected?

26 **MR. HESLOP:** Well, certainly, it would confront the
27 individual Hispanic candidate with more difficulties than
28 the other district.

1 **MR. SILLAS:** Why is that?

2 **MR. HESLOP:** We know, factually, that Hispanics have
3 gained election from districts where there is only a minority
4 of Hispanic population. The reason -- I'm sure the answer is
5 racism, the racism of the electorate.

6 **MR. SILLAS:** We're asking these questions, of
7 course, for the purpose of the record.

8 So that a Hispanic that is elected from a district where
9 there is less than a majority of Hispanics, is it your view
10 that he or she could represent the Hispanics in that
11 community?

12 **MR. HESLOP:** Oh, yes.

13 **MR. SILLAS:** As an advocate?

14 **MR. HESLOP:** Yes.

15 **MR. SILLAS:** Without fear of being defeated next
16 time around because that person was too much of an advocate?

17 **MR. HESLOP:** Obviously so. It depends on the sort of
18 representation given the district by the candidate.

19 There are many variables that we all know about that
20 in some districts, that Hispanics would have much greater
21 difficulty than others, depending not only on the extent of
22 the Hispanic population but also on the attitudes of the
23 district on the issues that are raised by the district.

24 **MR. SILLAS:** Isn't one of the other items that's
25 raised not so much the election of the Hispanic but the
26 block -- a significant block of voting power be established
27 so that, regardless of who the person is that is elected, he
28 has to or she has to continually return to that home base

1 and respond to the needs of that community? -

2 **MR. HESLOP:** The concept of political basis is
3 known to all politicians. It can take many forms. It can
4 be a particular part of the district, a particular area. It
5 could center around a particular issue or set of issues.
6 But certainly, the representation of Hispanics, the
7 existence of a Hispanic community, that, too, can be
8 regarded as a political basis.

9 **MR. SILLAS:** One final question. And I'm not sure
10 you'll be able to answer this question.

11 Is it your opinion that the Hispanics have been
12 gerrymandered because of racism or because of political
13 parties' affiliation?

14 **MR. HESLOP:** That is a hard question to answer. I
15 don't know for a fact - none of us do - what motives have
16 led politicians in successive Legislatures, when
17 redistricting has been at issue -- what motives have led
18 them to pattern the districts as they are in East and
19 Central Los Angeles.

20 I would guess that it's primarily political advantage;
21 that they have put a higher premium on the re-election of
22 incumbents of their own party, who happened to be Caucasian,
23 who happened to be Anglo, than on the representation of
24 minorities and, putting this higher premium on the election
25 or the re-election of their colleagues and the making of the
26 status quo, have drawn districts which have resulted in
27 massive discrimination against the Hispanic minority.

28 **MS. HATA:** Thank you. I'd like to get back to some

1 facts for the record again.

2 Would you briefly describe the purpose and the
3 function of the Rose Institute for us?

4 **MR. HESLOP:** The Rose Institute is an academic,
5 research center, part of Claremont Men's College, that
6 focuses on issues of sub-national government.

7 The last two years, with the aid of a grant from the
8 California Round Table, we have developed a scholarly and
9 public educational program focusing on redistricting. A
10 large number of books and articles has been produced. A
11 bibliography can be made available to you. A computer
12 system has been developed with the aid of which model
13 districts can be drawn, model plans developed with the aid
14 of which, also, and the official plans proposed by the
15 Legislature, can be analyzed. We're reaching the conclusion
16 of this redistricting research program.

17 **MS. HATA:** You've shown us many models this
18 morning, and you've given us some comments about minority
19 representation and minority participation.

20 Could you give us a concise summary statement about
21 the -- based on your research, the impact the
22 reapportionment process in California has had on the
23 political participation on all minorities, not just
24 Hispanics only, but other minorities as well?

25 **MR. HESLOP:** I have such a concise statement.
26 Indeed, if I may, I would bring it to your attention. It's
27 one of our publications. If I may, I will make them
28 available to the Committee.

1 **MR. SILLAS:** We'll receive that as an exhibit.

2 **MR. HESLOP:** Let me say: Minorities have certainly
3 suffered from the redistricting process, not only here in
4 California but nation-wide, not only when Democrats control
5 the process but when Republicans control the process. As I
6 point out, there are anti-minority gerrymanders practiced by
7 Republicans as well as by Democrats.

8 Roughly, the story in this state has been that, up
9 until the late 1960's, Blacks suffered badly, as badly as
10 Hispanics, under the impact of ethnic gerrymandering; that,
11 up until today, the Hispanic community continues to suffer
12 from the heritage of ethnic gerrymandering; that this is a
13 process, not of accident, but of deliberate contrivance.

14 No one who looks at the map of Los Angeles and looks
15 at the areas of minority population there can believe that
16 those lines were drawn by accident. They were ingeniously
17 contrived to secure political advantage at the expense of
18 minorities; primarily in that case, the Hispanic minority.

19 **MS. HATA:** You've talked -- spoken about a plan, a
20 Rose Institute plan.

21 Could you tell us the criteria that they used to
22 develop this plan?

23 **MR. HESLOP:** There are a number of plans that are
24 being developed at the Rose Institute by scholars, by
25 different groups: Californios for Fair Representation is
26 one; NAACP; various civic groups.

27 The plans that the Rose Institute has circulated, and
28 which we believe useful for public discussion of

1 redistricting, are plans that make use of the criteria
2 entered to the State Constitution by Proposition 6; namely,
3 respect for city and county lines and respect for regional
4 integrity, compactness, contiguity but also additional
5 criteria that we believe important; namely, the proper
6 representation of minorities or, if you like, the failure in
7 the past to properly respect minority representation. They
8 attempt to undo that past failure. So, these are the
9 criteria that have guided us.

10 **MS. HATA:** Can you be more specific about how
11 you're going to safeguard minority interests?

12 **MR. HESLOP:** Well, the Rose Institute, a research
13 center, is not responsible for minority representation.
14 That is probably the role of the Legislature.

15 From the beginning, in our program, it has been our
16 position that the Legislature has the responsibility for
17 doing the redistricting. What I think we've attempted, and
18 perhaps partly keep, is to bring some attention to the
19 problems of minority representation.

20 **MS. HATA:** So, you have no intention to protect or
21 insure that minority interests are guaranteed?

22 **MR. HESLOP:** The Rose Institute has not the power
23 to protect or insure minority representation. Would we have
24 that power, we would -- I certainly hope it would be useful
25 for the protection of the minorities. It's the
26 responsibility of the Legislature.

27 **MS. HATA:** To talk about model plan? I thought
28 there was a model plan.

1 **MR. HESLOP:** There are several model plans. The
2 plan drawn by Dr. Richard ^{SP.}Moral (ph.), who is the President
3 of the American Geographers Association and who has served
4 on a number of Civil Rights Task Forces in the State of
5 Washington and nationally, that model plan created 14
6 districts that had 30 percent or better Hispanic
7 representation.

8 Hispanic groups that have looked at the plan have not
9 endorsed the plan. Obviously, they've endorsed their own
10 plans. But, I believe, it's true that they think that it
11 was an honest effort to add to -- to increase minority
12 representation.

13 **MS. HATA:** So, what you're doing, in effect, is
14 providing the Legislature with a series of alternative
15 proposals?

16 **MR. HESLOP:** It has not been the Institute's
17 intention, nor our expectation, that these plans would be
18 accepted by the Legislature. That was not part of our
19 purpose. Our purpose was rather to test a number of
20 criteria and to show what good government criteria produce
21 in the way of a scheme of representation rather.

22 **MS. HATA:** Good government criteria is defined
23 as --

24 **MR. HESLOP:** Those that I listed. There is a large
25 body of scholarship which suggests these criteria as those
26 that should guide the redistricting process.

27 **MS. HATA:** How many of your scholars have been
28 involved in the political process, precincts, running for

1 office, you know, writing a letter to the editor?

2 **MR. HESLOP:** I think a number of those scholars,
3 and experts on redistricting, have been involved in it.

4 **MS. HATA:** Can you give me a percentage?

5 Are we talking about a large number, meaning 25
6 percent or 76 or --

7 **MR. HESLOP:** We have completed a volume recently
8 that involved some 58 scholars, on redistricting,
9 nationwide. It was our effort to choose those scholars who
10 knew about redistricting in the different states.

11 I would guess that a large majority of those scholars
12 knew about the redistricting process because they had been
13 retained by one political party or another as consultants.
14 This is somewhat an esoteric area of scholarship, which
15 scholars come to know largely as a result of participation.

16 **MS. HATA:** I have one other question. There have
17 been allegations that the Institute has certain partisan
18 leanings.

19 What precautions or steps have you taken to secure the
20 objectivity of your model?

21 **MR. HESLOP:** There, of course, is one great step
22 that the scholarly world takes to insure its objectivity.
23 That is to say, it publishes what it does so that the
24 outside world has the opportunity to say this is slanted in
25 this direction or that. I haven't heard any charges or
26 allegations that the books and materials that the Institute
27 has published have been biased in one way or another.

28 No, if that is being said, I don't know about it.

1 Obviously, a plan, a plan guided by good government
2 criteria, will attract partisan attention and charges of
3 bias.

4 Mr. Moral (ph.) was attacked in the Legislature, here,
5 for drawing a plan that was biased toward the Republicans.
6 The previous week, in his home State of Washington, he had
7 been charged with conducting a vicious Democratic
8 gerrymander, an attack on the Republicans in Washington.

9 Redistricting is a controversial subject matter where
10 scholars should tread with care, and perhaps only scholars
11 with thick skins should enter at all. We've done what we
12 can at the Institute to insure the objectivity of the
13 program: First, by selecting highly qualified scholars,
14 both political parties to participate, the co-editor of the
15 book, I just mentioned, is Leroy Hardy, who, in 1971, when I
16 happened to be consulting to the Republicans, was consulting
17 to the Democrats in the State. That's one step.

18 And second, from the start, our aim is not to take the
19 process over from the Legislature but simply to provide
20 information on it.

21 **MS. HATA:** Thank you, Mr. Heslop.

22 **MR. SILLAS:** Mr. Montez, our Regional Director, has
23 one question.

24 **MR. MONTE:** In your discussion with Staff of the
25 Civil Rights Commission, you discussed a point of view about
26 - for a minute forgetting the minority population in the
27 state - but we had a discussion about what happened to the
28 general electorate that is the total voting population.

1 How is it affected by reapportionment? Do you
2 remember us talking about it?

3 **MR. HESLOP:** There are deleterious effects on the
4 whole electorate as partisan gerrymandering and also ethnic
5 gerrymandering.

6 What is the incentive on the voter to participate in a
7 district that is stacked or packed for the candidate of only
8 one party? Whether that voter's loyalty be to the party,
9 the benefits from the stacking, or whether his loyalty be to
10 the minority party, he loses incentive to participate in the
11 political process. The outcome of the election in such a
12 district is predetermined. Nothing that that voter does can
13 change it. So, it is an unhappy consequence for voter
14 participation. In particular, I think that this is true in
15 the case of minorities, that it can lead to their sense of
16 alienation from the political process to ask themselves:
17 Why bother when the outcome is already set and determined?

18 **MS. DAVIS:** Could we ask the gentleman if he could
19 remain and come back? I have some questions that haven't
20 been touched on.

21 **MR. SILLAS:** Would you be around later this
22 morning? I appreciate that. We do have a Legislator that
23 has some meetings he has to attend. Thank you. We'll call
24 you back.

25 At this time I ask Honorable Richard Alatorre,
26 Chairperson of the California Assembly Election and
27 Reapportionment Committee, and who we're indebted for the
28 use of this room. We appreciate that.

1 **MR. ALATORRE:** Mr. Chairman and members, my name
2 is Assemblyman Richard Alatorre; and I'm the Chairman, as
3 you mentioned, of the Assembly Election and Reapportionment
4 Committee. I took over that job at the beginning of this
5 year. The job is obviously a very thankless task from the
6 standpoint of having to come up with 80 Assembly districts
7 and, ultimately, working in conjunction with the members of
8 the Senate to come up with a Congressional reapportionment
9 plan that would now number 45 and, ultimately, come up with
10 the plan that deals with the whole plan of how we apportion
11 the members of the Board of Equalization.

12 Now, we have attempted, in the period of time that
13 I've been Chairman, to try to take the process out, and I
14 think the process has, in fact, been criticised. The
15 process is: That the process has been closed. So the
16 attempts that have been made, not only myself but the
17 members of the Committee, is to take the process out.

18 We've had a series of about seven meetings in
19 different somewhere in the neighborhood of 60 people in the
20 hearings we held in the different parts of geographic
21 regions in the State of California, to listen to testimony
22 from them. We have listened to representatives from a very
23 diverse group of people, not only the Californios for Fair
24 Representation, but also from the NAACP and, needless to
25 say, from various city and county officials that are
26 concerned with how the process is going to effect them at
27 the local level.

28 We just had a hearing last week where we had an

1 opportunity of attempting to listen to not only the plan
2 that was put forth by the Rose Institute, but also from the
3 Californios. Unfortunately, we were unable to listen to the
4 entire testimony because, for whatever reasons that the
5 Californios felt that it was necessary, that they didn't
6 believe that they were going to get an objective hearing;
7 and that certainly it is their -- ultimately -- it's their
8 prerogative as to whether, in fact, they were going to get
9 an open and fair hearing or not. But I think the attempt
10 that we obviously are trying to undertake and recognize the
11 difficulty of trying to please people that ultimately have
12 to vote on this plan.

13 We are in the process of negotiations with the various
14 members of the Legislature. And we are going to try and
15 come up with a plan that is fair and equitable to the
16 citizens of the State of California with a clear recognition
17 of the commitment I have; and that is: To try to unify
18 wherever possible the Hispanic community. In the past,
19 whether we talk about what the courts did, whether we talk
20 about what the Democratic or Republican Party did, and that
21 was the whole question of separating them to the point where
22 they were in a politically impotent position here in the
23 State of California.

24 With that, I would be more than glad to answer any
25 questions you have.

26 **MR. SILLAS:** Mr. Alatorre, if I understand your
27 statement then, the final plan has not been drawn?

28 **MR. ALATORRE:** No, it has not. The final plan has

1 not been drawn until you introduce it, and even that is not
2 the final plan. The final plan will be -- probably be a
3 plan that gets out of this House and that might be perceived
4 being the final plan if, in fact, you get concensus from the
5 Senate and ultimately a signature by the Governor.

6 **MR. SILLAS:** Has there been an arrangement between
7 the Senate and Assembly to respect each other's plans?

8 **MR. ALATORRE:** Well, I think that is basically an
9 unwritten aspect that I think took place before I even came
10 to the Legislature. I think there is respect for the
11 Assembly plan, and I am sure there is respect for the Senate
12 plan. Ultimately, as I mentioned earlier, there is a
13 cooperation in drafting a Congressional reapportionment plan
14 and the Board of Equalization.

15 **MR. SILLAS:** I wonder if you could list for us, in
16 the priorities as you see it, the considerations or the
17 elements you considered in drafting the plan?

18 **MR. ALATORRE:** Obviously, the number one
19 consideration that restricts - and we have to abide by - is
20 the concept of "one person, one vote". The other, in
21 drafting of the plan, is obviously trying to recognize not
22 only geographic boundaries but trying to maintain the
23 integrity of cities and counties as much as possible.
24 Certainly, you have to include the aspect of incumbency.

25 **MR. SILLAS:** Would that not be the top priority?
26 We're dealing with attempting to get 21 votes.

27 **MR. ALATORRE:** 41.

28 **MR. SILLAS:** 41.

1 Would not the vote, itself, be the prime factor which
2 you would consider?

3 **MR. ALATORRE:** Well, I think obviously that is a
4 consideration. I mean, I could come up with a plan that is
5 the best plan from my perspective; but, if it is unrealistic
6 from the standpoint of the members, themselves, I am going
7 to get absolutely nowhere. I mean, I have already had an
8 opportunity to discuss with some members, and even if you
9 think you have come up with what you perceive to be
10 something good for them and there is absolutely nothing in
11 the world they are going to be affected by it, it still is
12 not necessarily suitable from their particular vantage
13 point.

14 **MR. SILLAS:** To what extent does the political
15 affiliation party -- party affiliation enter into?

16 **MR. ALATORRE:** I would be less than naive -- I
17 think you would be naive to believe that that is not one of
18 the other considerations.

19 **MR. SILLAS:** So that you've listed then:
20 Incumbency, political parties, county lines?

21 **MR. ALATORRE:** I listed population. I've listed
22 Proposition 6. I've listed party as well as trying to sell
23 the plan to the members.

24 **MR. SILLAS:** How many Hispanics are presently in
25 the State Legislature?

26 **MR. ALATORRE:** Well, there is four of us in the
27 Assembly and three in the Senate, seven.

28 **MR. SILLAS:** And, in 1970, do you recall how many

1 there were?

2 **MR. ALATORRE:** I would probably say there were
3 two.

4 **MR. SILLAS:** Two in the Assembly?

5 **MR. ALATORRE:** Two in the Assembly.

6 **MR. SILLAS:** And none in the Senate?

7 **MR. ALATORRE:** And none in the Senate.

8 **MR. SILLAS:** How many Hispanics in the
9 Congressional delegation?

10 **MR. ALATORRE:** One.

11 **MR. SILLAS:** And in 1970, how many?

12 **MR. ALATORRE:** I'm sure there was one.

13 **MR. SILLAS:** Miss Thomas?

14 **MS. THOMAS:** Yes.

15 Mr. Alatorre, do you have -- would you like to make a
16 comment why the minorities are under-represented in the
17 State Legislature?

18 **MR. ALATORRE:** Well, I think there is several
19 reasons as to why. They're obviously in the past, and I'm
20 certainly not here to justify what has been done in the past
21 because I cannot justify that, nor was I even around to try
22 and be a part of that.

23 I think that, certainly, gerrymandery was a fact of
24 life. But I think that what is changed between then and now
25 is, there is obviously enough public scrutiny. I think of
26 what has been done in the '70's, '50's, and '60's. It
27 didn't even matter of what political party. It just
28 happened in the '60's the Democrats did it. In the '50's,

1 the Republicans did it. The end result was absolutely the
2 same. I think that the fact that you have much greater
3 public scrutiny to the process, and you have certain
4 constraints and population constraints, Proposition 6 of
5 constraint, I think it is a much more open process.

6 **MS. THOMAS:** In your opinion, Mr. Alatorre, has
7 reapportionment adversely affected the political
8 participation of minorities in the State?

9 **MR. ALATORRE:** I think it depends. From the
10 standpoint of Anglo population, it has not adversely
11 affected it because it's very interesting that when you
12 speak to an Anglo, they have no problems in feeling that
13 they can best represent the needs of all people. But, when
14 you talk to a Hispanic or minority politician and you're
15 speaking to the opposite group, they feel that a minority,
16 can only represent a minority and that we cannot represent
17 the majority.

18 **MS. THOMAS:** Now, has your Committee developed a
19 redistricting plan; and, if so, does this plan account for
20 the need for new minority voting districts?

21 **MR. ALATORRE:** As I have mentioned here, we have
22 not.

23 **MS. THOMAS:** When will your plan be released?

24 **MR. ALATORRE:** I really cannot say. Obviously, we
25 have a time constraint and time constraint is whenever we
26 recess.

27 **MS. THOMAS:** In your opinion, how much weight
28 should be given to political criteria on reapportionment?

1 I know you have covered that earlier; but, what are
2 your personal feelings on that?

3 **MR. ALATORRE:** What are my personal feelings?
4 It's a consideration.

5 **MS. THOMAS:** One other question here.
6 What effect, if any, will the voting rights
7 preclearance provision have on California's reapportionment
8 process?

9 **MR. ALATORRE:** The only effect - I have my legal
10 Counsel back here - I think there are probably certain
11 counties that are affected by the preclearance provision.
12 If I'm not mistaken, I think Madera County is one of them,
13 and I can really not recite others.

14 **MS. THOMAS:** I think the whole State has to have a
15 preclearance.

16 Thank you, Mr. Alatorre.

17 **MR. SILLAS:** Mr. Alatorre, you are one of the
18 Hispanic Legislators here in Sacramento?

19 **MR. ALATORRE:** Uh-huh.

20 **MR. SILLAS:** What percentage of Hispanics do you
21 have in your district?

22 **MR. ALATORRE:** Well, I think, at the present time,
23 it is over 60 percent.

24 **MR. SILLAS:** That's population?

25 **MR. ALATORRE:** That's population.

26 **MR. SILLAS:** And what percentage of registered
27 voters?

28 **MR. ALATORRE:** It probably goes down to less than

1 50 percent, probably 40's.

2 **MR. SILLAS:** And would that -- I take it that your
3 district would be viewed as a Hispanic district?

4 **MR. ALATORRE:** Well, population-wise, certainly.
5 Any district that is represented by Hispanics or any
6 district that is represented by Blacks is perceived as being
7 that.

8 **MR. SILLAS:** Are there not also Legislators,
9 Hispanics Legislators, less populated than yours?

10 **MR. ALATORRE:** Sure. Senator Chacon is --
11 obviously, I think he has more Blacks than Hispanics;
12 Senator Montoya has, not what would be totally construed as
13 being one. Obviously, Senator Ruben Ayala is one. When I
14 got elected, it was viewed as being a Hispanic district,
15 even though probably 18 percent of the people in my district
16 were Hispanic.

17 **MR. SILLAS:** In drawing on your experience then as
18 a Legislator for the last ten years and serving in a
19 Hispanic district, do you have an opinion as to type of
20 districts that Hispanics can run in and be elected?

21 **MR. ALATORRE:** I think it takes -- I don't think
22 that it takes a majority district for a Hispanic to get
23 elected. I think there are a lot of ingredients that enter
24 into play. I'll give you an example.

25 When I first got elected, I represented 20 percent, 18
26 percent of Hispanics; but, I also represented a fairly
27 liberal constituency of East Hollywood, of Silver Lake, Echo
28 Park, Highland Park -- which is lesser - El Camino, Lincoln

1 Heights; and then I went into -- at that time, I didn't even
2 have Eagle Rock. But what it was when you made up for the
3 lack of Hispanics, you had a fairly liberal constituency
4 that did not view the election of a Hispanic to be the end
5 of the world but that, if you could go out and you could try
6 and attract that voter and you could demonstrate to that
7 voter that, in fact, you were not only interested in one
8 particular group but you were interested in representing all
9 people, your chances of election, certainly, were there.

10 **MR. SILLAS:** You mentioned, I take it from that
11 statement, that you viewed a Hispanic candidate having to
12 deal with racism as it pertains to other --

13 **MR. ALATORRE:** Racism is a fact of life. It was
14 much more subtle for Hispanics than it ever was for Blacks.
15 But to me, the subtleties of racism are probably worse than
16 overt racism. And I think, Hispanics, historically, have
17 suffered from the subtleties of racism. I think it's,
18 obviously, becoming a little bit more overt because of the
19 trend in the growth of population in the State of
20 California.

21 **MS. DAVIS:** Mr. Alatorre, would you endorse
22 the establishment of an independent commission?

23 **MR. ALATORRE:** No.

24 **MS. DAVIS:** Why?

25 **MR. ALATORRE:** Look. There is not an independent
26 commission that can be independent. The fact is that
27 somebody makes the appointment of people; and that
28 particular person, who is making the appointment of people,

1 being present.

2 MR. ALATORRE: I have to go to session.

3 MR. RUSSELL: We know you do, and I appreciate you
4 being here.

5 MS. CAMPBELL: I have a question.

6 MR. SILLAS: Yes.

7 MS. CAMPBELL: You say you have been talking with
8 community groups.

9 Could you tell us exactly how this report you have has
10 helped or impacted on the reapportionment process?

11 MR. ALATORRE: The thing of it, when it comes to
12 Hispanics, it doesn't have to impact me. It has to impact the
13 other members that have to vote.

14 MS. CAMPBELL: Has this?

15 MR. ALATORRE: Hopefully, it has been an
16 educational process for them. It has not been an
17 educational process for me. What I listened to is what I
18 was involved in in the early 1970's, which, at that time,
19 Mr. Sillas was actively involved in a similar group, I
20 think. The problems are not new. The problems have been
21 with us for a long period of time and the education,
22 hopefully; and I think of the importance of the hearing and
23 the public testimony, not only the fact that it received
24 immediate attention, but the important thing is to try and
25 sensitize other Legislators as to the fact that there are
26 other people in this state with the exception of those that
27 they possibly represent.

28 I mean, most people, most Legislators, would tend to

1 its appointees, are ultimately going to reflect the
2 particular political or other persuasion or philosophical
3 persuasion of that particular individual. There is no such
4 thing as an objective body. If you talk about the courts,
5 the courts are not objective. If you talk about the elected
6 representatives, they are not objective. If you talk about
7 business or the private sector, they are not objective.
8 There is no such thing as an independent body.

9 **MR. RUSSELL:** May I ask a question?

10 **MR. SILLAS:** Yes.

11 **MR. RUSSELL:** Are saying this body is not
12 objective?

13 **MR. ALATORRE:** I think it recognizes whoever
14 appointed you.

15 **MS. HATA:** I have a question.

16 **MR. SILLAS:** Yes.

17 **MS. HATA:** Mr. Alatorre, you listed four criteria:
18 Viable redistricting plan, incumbents by political party
19 affiliation, Proposition 6 and --

20 **MR. ALATORRE:** Why don't we just look. If you just
21 want to ask me, I just listed you the things. Ask me the
22 question.

23 **MS. HATA:** Would you rank them in order?

24 **MR. ALATORRE:** I'm not going to rank them.

25 **MS. HATA:** Which is most important?

26 **MR. ALATORRE:** I already ranked them.

27 **MR. SILLAS:** Any other questions?

28 **MR. RUSSELL:** I'd like to thank the Assemblyman for

1 view the State of California from a very provincial point of
2 view: Whatever they happen to represent. And I think it's
3 been very educational and very beneficial to the process,
4 and it's been a much more open process than in the past.

5 **MR. SILLAS:** Mr. Alatorre, I want to thank you.
6 We'll take a short break.

7 (Whereupon a short recess was
8 conducted.)

9 **MR. SILLAS:** Okay. At this, Dr. Heslop will
10 return to answer the questions from one of the panel
11 members.

12 **MS. DAVIS:** Dr. Heslop, in the research regarding
13 the Hispanic redistricting, or try to provide some
14 opportunity for representation, have you taken into
15 consideration the numbers of Hispanics -- will also include
16 a lot of undocumented who, would possibly not be effected in
17 the political effectiveness of that group?

18 **MR. HESLOP:** There have been studies made -- some
19 of them conducted by the Southwestern Board of Registration
20 Project -- on the relationship between total population,
21 registered Hispanic population and effective voting
22 population. I'd like to see additional studies made in this
23 area.

24 It's far from clear what those relationships are in
25 fact and whether they remain the same from one area of the
26 state or one area of the country to another. Most of the
27 studies, I believe, have been made in Texas rather than in
28 California. Dr. Richard Santillan, who is the Director of

1 the Chicano-Hispanic Reapportionment Project of the Rose
2 Institute, is more familiar than I with those studies and
3 could comment more effectively on them.

4 **MS. DAVIS:** The other question was: You were
5 saying that one of the solutions to better redistricting
6 would be to insure the participation with the various groups
7 that would benefit by this.

8 We've had some demonstration of that during the
9 process this year; however, what recommendations would you
10 make to insure that that participation was meaningful and
11 effective?

12 **MR. HESLOP:** I believe the key steps may have been
13 taken by Senator Boatwright and Senator Alatorre in their
14 public commitment to hold open hearings on the officially
15 proposed plan after it's drawn but before it has been voted
16 on. This should give groups, interested groups, an
17 unprecedented opportunity to express themselves. I believe
18 that the process is more open in 1981 than it was in 1971 or
19 at any point past; and, I believe, those chairmen of the
20 elections and reapportionment committees are to be
21 congratulated on taking that very important step.

22 I also believe there is a change in terms of the
23 sophistication of group involvement in the redistricting
24 process at this time. There are groups that have developed
25 alternative plans that are working from the same data as the
26 Legislature. This is something new.

27 I think it's also particularly heartening to see the
28 number of Hispanic scholars who have been attracted into the

1 redistricting to be statisticians, demographers, political
2 science people with legal expertise in the area. This is
3 substantially new, the number of very well qualified
4 Hispanics who are assisting this group involvement in the
5 process.

6 Your question, how further to add to the openness of
7 the process: I would like to see the Legislature make more
8 open its process. I think it unfortunate that so much of
9 the process does take place behind closed doors. I think
10 that it would improve the process if the Legislature would
11 make more explicit the criteria that it uses; the question,
12 for example, on the ranking of criteria, can be answered and
13 I think it should be answered. This is a process, I
14 believe, that can be made more open than it's been in 1981,
15 although we're much better off this year than in the past.

16 **MS. DAVIS:** Thank you very much.

17 **MR. SILLAS:** All right.

18 **MR. BERG:** Could I ask a question?

19 What states have been reapportion^{ed}~~ing~~, and were you
20 involved in the drawing of the plan that was released in
21 Texas?

22 **MR. HESLOP:** We have conducted studies of a rather
23 large number of states; but, in terms of actual involvement,
24 in terms of development of computer systems, we have been
25 involved in the State of Washington, where we developed a
26 computer system; in the State of Illinois, where we
27 developed a computer system; and in Texas. Our involvement
28 in Texas was to create a small computer system, an analysis

1 system, essentially, for the Texas Rural Legal Aid; and, I
2 believe, that system was used not to develop the plan for
3 Texas but rather to analyze the Legislature's plan. And, I
4 believe, that it is still in use and has assisted in some of
5 the litigation in Texas.

6 **MR. BERG:** Would the priority system that would be
7 involved in coming up with a good plan in Texas be different
8 than in the priority system in the State of California.

9 **MR. HESLOP:** No, I really don't think so.

10 My own view is that there are different criteria.
11 They can be set into two groups. One group of criteria I
12 see as essentially constraining legislators, stopping them,
13 putting their own and their parties' interest alone as the
14 paramount criteria. I see those, calling them constraining
15 or crimping criterias, compactness, contiguity.

16 And there are, in addition, some criteria which I
17 believe serve the public interest generally. The respect
18 for minority populations is clearly one of those.

19 **MR. BERG:** Thank you.

20 **MR. SILLAS:** Thank you again for appearing this
21 morning.

22 At this time, I would ask Dr. Richard Santillan:
23 Doctor, if you would, for the record, state your name and
24 affiliation, please.

25 **MR. SANTILLAN:** I'm Richard Santillan.

26 **MR. SILLAS:** Your position?

27 **MR. SANTILLAN:** I'm Assistant Professor of Ethnic
28 Studies at Cal State University of Pomona, and also Co-

1 Chairperson of the Statewide Research Committee of
2 Californios for Fair Representation. In addition, as Mr.
3 Heslop has shared with you, I'm the Director of the Chicano
4 Reapportionment Project at the Rose Institute.

5 **MR. SILLAS:** Do you have a statement?

6 **MR. SANTILLAN:** Yes. I would like to read a
7 statement and would then entertain any questions that you
8 may have.

9 **MR. SILLAS:** All right.

10 **MR. SANTILLAN:** It's sort of interesting, in
11 January of 1971, I came to Sacramento in a bus with other
12 students from Cal State University at Los Angeles to attend
13 a hearing by the same committee on the lack of Chicano
14 political participation in the State of California. One of
15 the issues discussed at that hearing - and I remember I sat
16 second row from the back of the room, I was kind of shy then
17 - was ethnic gerrymandering and its negative consequences on
18 the social and economic consequences on the well-being of
19 the Chicano community.

20 It was also very clear in my mind, at that time, when
21 Jesse Unruh came to testify before the Committee, that he
22 was former Speaker of the Assembly and usually blamed for
23 being the architect of ethnic gerrymandering in the Chicano
24 community. And the Chicano delegation, including myself,
25 walked out of the hearing in protest of those past
26 practices.

27 It's sort of a political tragedy that ten years later
28 I'm testifying before the same committee, on the same issue,

1 on the lack of participation of Chicanos.

2 I should also add that my mode of transportation has
3 also remained the same. As a result of the air-controller
4 strike, I took the bus up here yesterday to Sacramento.

5 So much for class distinctions between students and
6 professors in California.

7 Something that also remained the same was that this
8 last week, in this same building, I appeared before a joint
9 committee of the Senate-Assembly Elections and
10 Reapportionment Committee. As a result of their lack of
11 cooperation and evidence that the hearing was primarily to
12 discredit the efforts of Californians for Fair
13 Representation, our delegation walked out. In 1971, we
14 walked out; in 1981, we walked out.

15 It's quite evident to us, in the Chicano community,
16 nothing has changed with the Legislative attitudes and
17 practices regarding redistricting and racial
18 gerrymandering. Despite Legislature rhetoric that this has
19 been an open, fair process, in reality, it's still being
20 done behind closed doors, in smoke-filled rooms, in order to
21 protect the selfish interests of incumbents at the expense
22 of the minority community.

23 I've been involved with this redistricting process
24 from the initial beginnings; and, aside from my belief, a
25 series of token hearings up and down the State, there has
26 been nothing else that has allowed the opportunity for
27 Chicanos and other minorities to participate and have an
28 impact on the Legislative plans for 1981.

1 On the surface, during the last ten years, it would
2 seem to us then that nothing has changed. That may be true
3 for the Legislature; but, in terms of Chicano community, the
4 last ten years in 1971 has seen a growing political
5 sophistication of our people, and there is much evidence to
6 prove this. And I would like to share with you some
7 examples.

8 In 1971, we saw the beginnings of La Raza Unida Party,
9 which emerged as a direct result of the insensitivity of
10 both Republican and Democratic parties. It failed in terms
11 of qualifying itself as an official party but indicated the
12 lack of frustration of Chicanos against both parties; and,
13 while the party was not able to qualify as a legal party, I
14 believe it did have a tremendous impact. It allowed me and
15 others to get involved, for the first time, in the political
16 process and develop certain leadership and organizational
17 skills that would probably not have been achieved in both
18 parties; but, I also think it was responsible for putting
19 pressure on both the Democrats and Republicans, especially
20 on the Democrats.

21 Mr. Sillas, you wrote an article in 1972 for the L.A.
22 Times discussing the election of fight Chicanos in the
23 Assembly in 1972, and you gave various reasons. And one of
24 the reasons you gave was development of La Raza Unida Party,
25 a pressure party, to the Democrats.

26 A second one was the attempted cityhood of East Los
27 Angeles in 1974, in which Chicanos attempted to incorporate
28 the largest area of Chicanos in the United States into

1 cityhood. Unfortunately, the La Raza Unida Party -- it
2 failed; but, from that failure came, I believe, a lot of
3 good.

4 Three, the inclusion of Hispanics in the 1975 Voting
5 Rights Act, giving Chicanos for the first time Federal
6 protection against illegal election practices.

7 Number four, bilingual ballots, personnel, and voting
8 materials.

9 Number five, in 1974, we saw the election of two
10 Mexican-American governors: Jerry Apodaca of New Mexico and
11 Raul Castro of Arizona.

12 Number six, we witnessed a presidential campaign of a
13 Republican, Benjamin Fernandez in 1980.

14 Number seven, a report by the Southwest Voter
15 Registration Project of San Antonio, demonstrating that --
16 the high turn-out of Chicanos in voter registration and turn-
17 out in the nation.

18 Number eight, Chicano and Latino caucuses in the
19 Democratic and Republican parties, both at the state and
20 national level.

21 The growth and development of national organizations
22 such as NALEAO, National Association of Latino Elected And
23 Appointed Officials, National Counsel of La Raza and
24 Hispanic Congressional Caucus.

25 And lastly, the recent election of Henry Anconus (ph.)
26 the Mayor of San Antonio, Texas, the ninth largest city in
27 the United States.

28 There is much more evidence, but I think that you have

1 the point. Although there has been important changes in
2 election laws and an increase of Chicano participation in
3 the political process, the major obstacle of racial
4 gerrymandering has not been overcome nor eradicated. My
5 remarks today will focus on the role of the Chicano-Hispanic
6 reapportionment at Rose Institute of State and Local
7 Government at Claremont Colleges; and I would like to
8 discuss how I got involved with it.

9 Two years ago, during the summer of 1979, the Rose
10 Institute staff invited approximately 50 Chicanos throughout
11 the State, primarily from Southern California, for a
12 luncheon. The program included a tour of their facilities -
13 which I may add really impressed us in terms of the computer
14 capability - and also showed us map rooms; and, in the
15 afternoon, we had a discussion. At that time, the Rose
16 Institute offered their facilities at our disposal, if we
17 desired.

18 Two weeks later, I was called by the Rose staff and
19 asked to direct a project that would inform the Chicano
20 community on the importance of redistricting. After several
21 discussions with the Director, Allen Heslop, I agreed to
22 consult with the Rose Institute; but, there were certain
23 conditions or guarantees that I had to have before I had the
24 position; and that would be: Number one, that it would not
25 be a token project; number two, that there would be no
26 interference from the Rose staff regarding the activities of
27 the project; number three, no editorial changes in our
28 publications; four, the right for me and others who work in

1 the project to be critical of Republicans as well as
2 Democrats; the ability for me to travel; and six, sufficient
3 funds in order to have maps, paid consultants, to hold
4 seminars and conferences. I can add, after two years, Dr.
5 Heslop and the Rose staff respected all of my wishes.

6 The Chicano-Hispanic reapportionment project has two
7 major functions. First, it is an Educational Outreach
8 Program; and, under this category, it's involved in several
9 categories: One is its publication series. There will be a
10 series of 10 publications when the project is completed.

11 We have already published two reports on a history of
12 ethnic gerrymandering against the Chicano community and also
13 a report on reapportionment in the Southwest. And I have
14 those reports here with me that I would like to give to the
15 Committee for you to read.

16 In addition, we have two other publications in the
17 process. One is a bibliography on redistricting in 1971 to
18 1973; and a second one, one that's going to be extremely
19 important, is the reapportionment of the City Council of Los
20 Angeles for 1971 to 1973.

21 In terms of future publications, we are going to look
22 at reapportionment in other states of the Southwest and also
23 developing public policy recommendations for 1991
24 reapportionment.

25 Second, we have been involved in a series of
26 seminars. We have sponsored four seminars at the Rose
27 Institute and have invited the Chicano community.

28 Three, we have allowed group tours by the Chicano

1 community to look at the famous computer, showing how it
2 works: The map rooms, plotters, color maps and terminals.
3 And lastly, we have been involved with conferences.

4 On January 31st, 1981, the Chicano Reapportionment
5 Project sponsored a statewide conference on redistricting in
6 the Chicano community. Over 130 Chicanos and Latinos
7 attended. As a result of the conference, a coalition of
8 Latino organizations, called Californios for Fair
9 Representation, was formed. In addition to the Chicano
10 Reapportionment Project hosted a statewide conferences with
11 the Californios on April 25th, 1981. Also, we have -- the
12 project has been involved in writing articles for
13 publication, interviewed by the press, and the ability for
14 me to travel and speak to various groups that brought, I
15 believe, in two years, the whole reapportionment to the
16 attention of the entire Chicano community.

17 The second function of the Chicano-Hispanic
18 Reapportionment Project: To provide technical assistance
19 and support and resources. Californios for Fair
20 Representation has a research committee.

21 The other Co-Chairman is Carlos Navarro, who is a
22 faculty member, Associate Professor of Chicano Studies at
23 Cal State Northridge.

24 I should add right here that the Californios' plan to
25 develop an Assembly-Congressional-Senate plan was not to
26 develop a complete or comprehensive statewide plan but ^{offer} ~~other~~
27 regional plans to demonstrate how other districts could be
28 drawn in certain areas of the state. The process of

1 developing these plans took various steps. -

2 The first steps were that each area of the state was
3 broken down into six regions. In each area, we provided
4 technical assistance, census tract information, maps, and a
5 number of other resources. They, in turn, then developed
6 their own plans, at least preliminary drafted their own
7 plans.

8 The second was that these areas came to the Rose
9 Institute, which analyzed their plans under the computer;
10 and, after we did, we shared maps, plotters, political and
11 demographical profiles of those areas. If those areas were
12 not satisfied with the kind of districting they had drawn,
13 we are then able to provide assistance and try to draw a
14 district that would satisfy them.

15 The third step was the fact, at various times in the
16 last six months, that many of these areas had press
17 conferences and revealing their regional plans to regional
18 areas such as San Diego, Orange County, Fresno, San Jose and
19 in Los Angeles. Besides the State plans, the Chicano -
20 Hispanic Reapportionment Projects provide the same service
21 to County supervisorial redistricting.

22 Two weeks ago, we put together a plan for Los Angeles
23 County, Kern County, Fresno County, Kings County, Merced
24 County, and Monterey County. Besides assisting in planning
25 supervisorial and statewide plans, the Rose Institution
26 computer has the capability to analyze plans that have
27 already been adopted.

28 We are in the process right now, in looking at the

1 supervisory plans that have already been passed in Ventura
2 County, Orange County, San Bernardino County, to detect any
3 racial gerrymandering in order that we may pursue litigation
4 in the courts.

5 We're also going to be meeting in a few days with
6 Chicanos from the North to develop a reapportionment plan
7 for the Board of Equalization in the redistricting. And
8 later, next year, our efforts in the Chicano reapportionment
9 will begin to focus on city council and school board
10 redistricting.

11 I should also like to add, that in the process of the
12 developing these State and County plans, that we have had no
13 assistance in terms of staff assistance or technical
14 assistance from the Rose Institute. In fact, I made it very
15 clear to the Director and the staff, if we were to develop
16 our own plans -- that we would have to develop our own
17 plans, we would utilize the computers. And, in fact, the
18 Rose Institute has done everything to not get involved, at
19 all, to give that impression.

20 And I would like to add that in terms of that that
21 there has been a certain amount of atmosphere of racism, I
22 believe, on the whole issue of Chicanos in redistricting.
23 The Democrats, for example, accused Chicanos -- Californios
24 for Fair Representation, has been nothing more than a front
25 for the Republican Party and, specifically, for the Rose
26 Institute; and, we feel that idea borders on racism because
27 it says in a way that we, as Chicanos, do not have the
28 intellect or talents to put together a redistricting plan on

1 our own. On the other hand is that the Republicans are
2 trying to take credit for Californios. That also accents
3 the issue of racism.

4 I would like to conclude one other point; and that is
5 what the Chicano-Hispanic Reapportionment Project is not.
6 We are not an advocacy group. I informed Dr. Heslop
7 initially, and he agreed and I agreed, that the Chicano
8 Reapportionment Project was not going to get into the
9 business of organizing the Chicano community or being a
10 spokesperson for the Chicano community. That would be left
11 up to Chicano groups; as it turned out, Californios for Fair
12 Representation.

13 Aside from future publications, our project will be
14 involved in two very important activities in the next few
15 months, probably in the next few weeks. That is when to put
16 together a statewide plan. We decided we are going to put
17 together a statewide plan because, if we are going to take
18 it to court, we have to have a statewide plan for
19 litigation.

20 We have also discovered that, in order to have a
21 statewide plan, it would make our job easier to compare that
22 when the Legislature comes out with their plan.

23 The second most important activity that would take
24 place next month is that the Chicano Reapportionment Program
25 would analyze the plan with the Senate, Assembly and
26 Congressional plans that are coming out. Once we detect any
27 type of ethnic gerrymandering or any information, it would
28 be our responsibility to provide that information to the

1 Chicano community, and you can go ahead and do whatever they
2 want with it.

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

15 Thank you very much.

16 **MR. SILLAS:** Thank you.

17 **MS. HATA:** Dr. Santillan, we heard Dr. Heslop this
18 morning and Mr. Alatorre speak of criteria used in the
19 process; and, from your perception, what are the important
20 criteria that the Legislature has used and will use? Can
21 you rank them?

22 **MR. SANTILLAN:** The criteria, in terms of ranking
23 the criteria the Legislature will use, is quite obvious.

24 The first one will be the protection of incumbents;
25 and second are to protect all the members of the R and E
26 Committee; the third is to protect the Speaker; the fourth,
27 protect all of the Legislators that have some influence in
28 the legislative body. That would be their primary concern,

1 to protect themselves.

2 I think anything else about good government, or in
3 terms of Proposition 6 or helping minorities, I think is
4 very naive coming from the Legislature.

5 I think the second would be keep the political party,
6 who is in part now, in the same position for the next ten
7 years. After that is done -- and it's sort of ironic that
8 I'm echoing; I sound like a parrot, but I'm echoing a
9 gentleman, Mr. Sillas, who I respect highly, who in the
10 1970's, wrote a number of articles and reports on
11 redistricting; and basically, much of that is true -- and
12 after that, they'll look after their friends and then
13 they'll look after whatever is left, and that would be
14 whatever is for the Chicano community or Black community or
15 probably for the Asian community: That is ranking of the
16 reality of the political process of redistricting.

17 In terms of what my priorities would be, is that it
18 would be a plan in which we would look at the political and
19 ethnic composition of this state and attempt to draw a plan
20 that would reflect a diversity of ideological political
21 parties, racial and ethnic and religious groups, so that
22 when we really talk about representative government, we
23 really mean that.

24 Now, I know that that is an abstract and that is very
25 idealistic; but, I would have to agree with Dr. Heslop that,
26 in the legislative redistricting, nothing has changed
27 there. I think what has changed has been the drawing
28 political sophistication of a number of groups on

1 redistricting; and, if I could add my opinion about special
2 commissions of the courts that I feel very strongly about,
3 the responsibility of redistricting should be in the hands
4 of the Legislature. I don't think it should be in the hands
5 of the Court or the Commission, basically, because it is
6 very difficult to be accountable to the people. At least,
7 Legislatures could throw the rascals out of office. So, you
8 have some type of accountability or some way that you can
9 get back at some of the Legislators.

10 I think, if the Legislators follow the criteria of
11 what has been laid out in terms of priorities of
12 redistricting, and I think Dr. Heslop has outlined those in
13 the slide presentation and I think in one of your questions,
14 I think it would be a -- natural boundaries would be drawn
15 that would reflect that diversity which I just alluded to.

16 **MS. HATA:** Has your project worked with other
17 minority groups in drawing up its plans?

18 **MR. SANTILLAN:** We have worked with other Chicanos
19 in Texas, in Colorado, and New Mexico and, in fact, in
20 Portland. We have not worked with other groups. The NAACP,
21 for example, has utilized the Rose Institute computer. In
22 terms of the Asian communities that the Rose Institute has
23 had some workshops. In fact, one of the gentlemen that I
24 suggested to testify here was Mr. Floyd Mori, former
25 Assemblyperson, who testified, in fact, on a panel that I
26 moderated at the Rose Institute and gave as a research
27 person for this hearing.

28 **MS. HATA:** What kinds of guarantees do Hispanic

1 groups have that your project will not infringe on some of
2 their rights and concerns?

3 **MR. SANTILLAN:** One of the criteria that we use in
4 drawing the plans - the Californios for Fair Representation -
5 is, when we developed our plans, there were two or three
6 major criteria that we were going to develop. Number one,
7 that all Chicano Legislators that are in office now would be
8 protected. Either we would strengthen their districts or
9 make their districts more accommodating for them. Second is
10 that our districts -- our plans would not be at the expense
11 of any minority group, including the Blacks.

12 And so, when we develop our plans, we make sure the
13 Black communities were well represented. And that is in
14 terms of our first premise to protect the minorities that
15 were already in the Legislature.

16 **MS. HATA:** And when you say minorities in the
17 legislature, you mean Black as well as Hispanic?

18 **MR. SANTILLAN:** Yes, I do.

19 **MR. SILLAS:** Any questions from the members of the
20 panel?

21 **MR. RUSSELL:** I have one question.

22 In your article, Overview of the California
23 Reapportionment in the Chicano Community, 1960-1980, point
24 number eight was: Chicano community must take a position
25 that is independent of both major parties.

26 **MR. SANTILLAN:** Yes, sir.

27 **MR. RUSSELL:** Now, you're saying that the
28 Legislature should determine the reapportionment in

1 California.

2 Is there any dichotomy between those two comments?

3 **MR. SANTILLAN:** No, I don't think so at all.

4 Again, I think reapportionment is one of those facts
5 of life -- one of those facts of life. And if I was in the
6 same position as a legislator, I might be doing the same
7 thing because you are talking about someone's political
8 career, about someone's future in terms of their job, and
9 where he or she has the power to keep themselves in office.
10 I think there's a certain ulterior motive that all of us
11 would get involved with that.

12 My point is that I think there is a way in which we
13 can reasonably draw a reapportionment plan that would
14 protect incumbents but would give a better chance for
15 minorities to run for those offices. I don't think that
16 protecting incumbents from having political representation
17 or at least a chance, the Chicano community is not asking
18 for more or less in terms - we want 12 or 14 positions. We
19 are going to be prepared to run for those offices, to raise
20 campaigns, to go out and do voter registration to do all
21 those things that are necessary in order to do it.

22 But, whenever you have a district drawn in such a way
23 to dilute our voting strength, you are not going to find
24 much political participation. I think, by having more
25 competitive districts and giving the incumbents a little
26 edge that they deserve -- because I think being Legislators,
27 I think they deserve that -- by giving a little more
28 competitiveness, I think then the Legislators are more

1 accountable to Chicanos and Black communities, and, at the
2 same time, give at least the aspirations for Chicanos to run
3 for those offices and possibly win. I think if you had that
4 situation, the best of both worlds, you would have a very
5 healthy political system.

6 **MR. SILLAS:** Yes, Grace?

7 **MS. DAVIS:** Dr. Santillan, I don't know if you
8 heard the question I had Dr. Heslop answer regarding -- when
9 we the compound districts, say Hispanics.

10 If you could elaborate on the studies that have been
11 done to relate that to the existence of the document that
12 contribute to the large numbers of Hispanics, how does that
13 effect it?

14 **MR. SANTILLAN:** Unfortunately, Miss Davis, there
15 hasn't been that many studies on correlation of -- between
16 population, Chicano, and election of Hispanics to office.
17 It's sort of interesting because the whole question is:
18 What is a Chicano district?

19 It's interesting that of the seven Chicano Legislators
20 that only four -- only three would have what we call Chicano
21 districts. That's more than 50 percent voter registration.
22 The other four do not have majority of Chicanos or Spanish
23 surname voters registered in their district.

24 It is also interesting that, in the State of Colorado,
25 you have nine Chicanos in the State Legislature out of 100
26 members; and, out of the nine, none of them came from
27 districts that have majority Chicano districts. So that
28 it's sort of interesting in terms of: How does one *define*

1 a Chicano district? Navarro, in the volume that we did,
2 attempts to address that issue, is: How do we design a
3 district that we don't put too many Chicanos in there and
4 then waste our votes or put too ~~many~~ ^{few} ~~less~~ and possibly not
5 elect a Chicano into office?

6 And there has been some figures thrown out in terms of
7 40, 50, 60 percent, 30 percent or 40 percent. ~~I think, how~~
8 I would personally define a Chicano district[?], ~~It would not~~
9 ~~be~~ by population, but I would look at the question of how
10 many people come out and vote on election day. I think that
11 really determines if that is a Chicano district or not.

12 And I would like to also add that Californios and, I
13 think a Chicano is not the same -- I would like to make that
14 very clear, is that we are not saying that only Chicanos can
15 represent Chicanos and only Blacks can represent only Blacks
16 and Asians can represent Asians and only Anglos can
17 represent Anglos. I think that would put us in a very
18 uncomfortable and weakening position for us to do that.
19 There are many Anglos who represent the Chicano community in
20 a very fine fashion, and I would also add that there are
21 some Chicano Legislators that I wouldn't want representing
22 me.

23 So, the whole question of a good public official,
24 what's important in terms of ethnic background, isn't the
25 sole criteria or important criteria; but what I think is
26 important, regardless of whether we have Chicanos in a
27 district, I think what's more important is the ability for
28 us to wield some political influence. If we can't elect

1 someone, at least enough for them to listen to us.

2 We developed a supervisorial plan for Los Angeles
3 County two weeks ago; and, in the plan is, instead of
4 electing a Chicano in the next two years and by putting
5 Chicanos all in one district, is we developed a plan to put
6 Chicanos in two supervisorial districts so that we could
7 have two strong influences on two supervisors rather than
8 just one.

9 The importance here is not the election of a Chicano
10 in the short run, but influence it would have in the short
11 run. The election of Chicano to county or supervisors would
12 happen shortly because of our growing population.

13 I know that's a very complex answer to your question,
14 but it is a difficult thing for us to try to define: What
15 is a Chicano district or not?

16 **MS. DAVIS:** Can I just pursue that a little bit
17 more?

18 The census, 1980, went to some new approaches to try
19 to get better characteristics on the minority communities.

20 Has that information actually been of assistance to
21 you in characterizing the Hispanic community? In other
22 words, according to income and do they register to vote, so
23 you can't differentiate in the profile for district?

24 **MR. SANTILLAN:** We do have the tapes in terms of
25 population by Spanish surname by census tract for all the
26 counties. But, as far as I know, ~~that~~ the tapes dealing
27 with income, education, occupation, income, have not been
28 made public yet, ~~to us~~. But, there's no doubt that once we

1 receive those tapes that we can begin developing correlation
2 between education, income and occupation to Chicano
3 patterns.

4 **MR. SILLAS:** I'm having -- for the purpose of
5 clearing the record, do you use the term considerably,
6 Chicano districts -- in your response to Miss Davis, you
7 began talking about political power, the dilution of
8 political power.

9 Isn't that really what the issue is? The issue being
10 that we have a population with a significant number of
11 persons who are being diluted politically because they are
12 being placed in numerous districts as opposed to one or two
13 districts?

14 Isn't that really the guts of it?

15 **MR. SANTILLAN:** Correct.

16 **MR. SILLAS:** And so that, if I understood your
17 statement correctly, whoever is elected out of a district,
18 whether it's a significant number of Hispanics, would have
19 to respond to that population?

20 **MR. SANTILLAN:** Correct.

21 **MR. SILLAS:** And that person can be Black, white,
22 male or female?

23 **MR. SANTILLAN:** Correct.

24 **MR. SILLAS:** I thank you again for appearing this
25 morning and appreciate your taking time; and, I know you
26 spent a considerable time with our staff.

27 Is there another question?

28 **MR. THOMAS:** I just wanted to clarify something

1 you said, Doctor.

2 You feel then that there is no conflict of interest
3 with the Legislature having the power of reapportionment. I
4 know no one likes to relinquish power.

5 But you don't feel there might be a better checking
6 balance perhaps in the past?

7 **MR. SANTILLAN:** I don't think there has been any
8 other viable alternative. I think that practices of
9 commissions and of the courts -- I think the courts in the
10 1973 and the special masters were kind to certain areas of
11 the Chicano community is that after the redistricting by the
12 courts, by the special masters, and much of that -- plans
13 were adopted by the Legislature anyway; but, they did make
14 some modifications for the Chicano community.

15 That in 1973, you had five Chicano Assemblymen. We
16 now, I believe, have four. At that time, we had no Chicano
17 State Senators. We do have three. And, at that time, we
18 had one State Chicano Congressperson, and we now have one.
19 Even though the courts attempted to eradicate some of the
20 racial gerrymandering under the legislative plan, the courts
21 - as Mr. Alatorre has pointed out - was very political as
22 well as the special masters. So that after the Court
23 redistricting is that we have a net gain of one Chicano in
24 the last four elections. I don't think we can continue on
25 that kind of pattern for the next ten years.

26 Special commissions in the State of Colorado and other
27 states, where they have high minority populations, has not
28 led to an increase to minorities; and I think, again, their

1 lack of accountability to the people puts them in a position
2 that they don't have to listen to us. So, I guess we have
3 to take the lesser of all the evils and leave it at the
4 Legislature; but, hopefully, if there is a strong pressure
5 from a number of groups that the Legislature would respond
6 to those needs.

7 **MR. SILLAS:** One final question: Bilingual
8 ballots.

9 In a process of traveling as you have, has the
10 provision for bilingual ballots -- have you seen that
11 playing a significant role in the terms of Hispanic
12 participation in the political system?

13 **MR. SANTILLAN:** It has.

14 The Southwest Voter Registration Project -- and I know
15 some preliminary studies we have begun in California here --
16 has indicated the tremendous need for the usage of bilingual
17 ballots. We don't have any real documentation, but I think
18 the passage of the 1975 Voting Rights Act that there was a
19 lot of negative response by county registered voters against
20 the - including Los Angeles County - as an excuse because of
21 the cost that it would entail.

22 And there's probably some evidence. The fact is that
23 they have continued to place impediments or obstacles to
24 prevent or discourage people from using bilingual ballots as
25 a means to show that there really is no need.

26 But, I think, as long as we have a tremendous amount
27 of Chicanos, whose primary language is Spanish and as a
28 result of the Cashlow (ph.) case, that there is a need for

1 bilingual ballots. I would suspect, if we eliminate
2 bilingual ballots, that there would be a dramatic impact, a
3 negative impact, on the Chicano community, in their
4 participation.

5 **MR. HERNANDEZ:** Mr. Sillas, I have a question.

6 Dr. Santillan, did the Chicano-Hispanic
7 Reapportionment Project have any input with the Texas plan?

8 **MR. SANTILLAN:** No, we had nothing to do with it
9 except in terms of my introducing some of the staff people
10 there to the Rose Institute people, but that is a separate
11 project.

12 **MR. HERNANDEZ:** Thank you.

13 **MS. HATA:** Dr. Santillan, does your walk-out last
14 week indicate that you will not participate in any future
15 Legislative hearings?

16 **MR. SANTILLAN:** No. It's my position that we
17 would like very much to meet with Senator Boatwright, to
18 meet with Mr. Alatorre. I would be more than willing,
19 anytime, to discuss our plan. But, if they had any
20 intention - which I know they did - to discredit our plan,
21 we would not be involved in that type of activity. But, at
22 a meeting of Californios, after the walk-out, it is our
23 position - unanimous position, consensus - that we would
24 like to continue to operate in a very cooperative manner
25 with the Legislature.

26 **MR. SILLAS:** Thank you for your attendance here
27 and your work with the staff.

28 **MR. SANTILLAN:** Thank you.

1 **MR. SILLAS:** Next, who would present information
2 to the Committee is William H. Durley.

3 Would you state your name and your position for the
4 record, please?

5 **MR. DURLEY:** William Durley, Office of the
6 California Secretary of State.

7 I think my testimony is going to be extremely brief
8 because the Secretary of State has essentially no role at
9 all in reapportionment except for a little liason work with
10 the counties, helping the Legislature get maps from the
11 counties, passing along some of the rules the Legislature
12 has laid down for us to the counties and helping them
13 understand it. The Secretary of State simply is not a part
14 of the reapportionment process at all.

15 You've asked for our opinion on the authority, the
16 Legislature. I believe that question is not, "Does the
17 Legislature have the authority," because I think everybody
18 here knows that it does and it is nearly absolute. There
19 are only three small breaks on it. The fact that there are
20 four counties where preclearance is necessary: Yuba, Kings,
21 Merced and Monterey. That is a slight break on the complete
22 freedom of the Legislature to follow some of the criteria
23 that the last Speaker has pointed out are paramount with
24 them.

25 The Governor, of course, has a veto; and the
26 referendum is available if the plan comes out; that is,
27 displeases enough people.

28 There's a question on the impact of reapportionment on

1 the political representation on minority citizens. I think
2 that is something that this Commission understands fully,
3 and it was well covered by the last speaker. I couldn't
4 disagree with a word he said, except that, probably, I'm not
5 quite as confident as he is in the Legislature's ability to
6 do the job that needs to be done. It's just very difficult
7 for somebody to put somebody else's interest foremost
8 because that person is very likely not going to be voting on
9 the next reapportionment, because if not, protecting
10 oneself.

11 That's -- as I say, we have very little to do with
12 this, and therefore, we have very little input. But I'm
13 available for questions; and maybe Mr. Sillas' question
14 about ballots could be something I could help with if there
15 are any questions on that.

16 **MR. SILLAS:** All right. Ms. Davis.

17 **MS. DAVIS:** Okay. When you say you have very
18 little to do with the reapportionment, if you do have
19 something, what specifically is that?

20 Do you provide political assistance, or do you get
21 involved in the distribution of information?

22 **MR. DURLEY:** All we do, when the Legislature comes
23 up with a new law, as they did recently, that the counties
24 will supply them with not only population by precinct or
25 registration by precinct, but who voted in the precinct by
26 party. But this is something not normally available. It
27 requires special studies and took some interpretation by us
28 to make sure the counties understood what was needed. But

1 mainly, the Legislature works directly with the counties to
2 get their maps and get the data that they need for
3 reapportionment, and the Secretary of State essentially is a
4 bystander in this.

5 **MS. DAVIS:** Mr. Durley, even if we come out with
6 perfect plans, they're not going to be very effective if we
7 don't have the people who get out there and register and
8 vote in response to the redistricting.

9 Can you tell me -- your office -- I see you're in
10 charge of elections and political reform.

11 What does your office do in regards to the outreach
12 plan to insure registration of the voters?

13 **MR. DURLEY:** Well, the counties --

14 **MS. DAVIS:** Or do you have a plan?

15 **MR. DURLEY:** Well, the counties have the
16 individual plans which they submit to us, and they have the
17 authority -- the California Election Code gives them the
18 right to do it. We don't have the authority to disapprove a
19 plan, but we're able to -- by persuasion, to have some of
20 these things strengthened when they are. We provide the
21 funds. The cost of the whole mail registration program is a
22 cost to the Secretary of State, and it is our job to make
23 sure that the funds are channeled to the counties where
24 they're needed.

25 **MS. DAVIS:** Do you have any criteria that you give
26 them, parameters by --

27 **MR. DURLEY:** I should have brought our regulations
28 with us, but it involves publicity and outreach through the

1 media. It involves consultation with local groups of all
2 kinds, racial, political, whatever -- religion. The
3 counties are encouraged to do this; however, we don't have
4 police power to enforce it.

5 **MS. DAVIS:** Well, do your regulations, by the way,
6 include a requirement for bilingual materials in the
7 outreach plan?

8 **MR. DURLEY:** No, because that is thoroughly
9 covered by the Voting Rights Act. Now, the things for which
10 we're responsible, we provide. For example, the card, on
11 which people register to vote, that is produced by us and
12 bilingual covered counties under the Voting Rights Act.

13 **MS. DAVIS:** Do you mind?

14 **MR. DURLEY:** It would be just redundant for us to
15 give regulations on bilingual when the U.S. Justice
16 Department is handling that.

17 **MS. DAVIS:** You're describing a very informal
18 relationship with the various political entities; but, does
19 your office then monitor or do some follow-up after you've
20 provided the funds and whatever preliminary instructions, in
21 terms of the outreach plan, to actually monitor and record
22 the response to those requirements?

23 **MR. DURLEY:** Okay.

24 **MS. DAVIS:** Saying the police power, but still --

25 **MR. DURLEY:** The contact is when they -- when they
26 have done their outreach program and the other phases of the
27 whole Mail Registration Program, outreach is one facet when
28 they come in with their claims. Because one thing that

1 makes them contact us is they want their money. So, they
2 come to us, and we're able to monitor that claim and see if
3 they've spent this money in a productive way and to deny
4 those parts of the claim where the money is wasted.

5 **MS. DAVIS:** But again, do you have some standards
6 that you use to compare these?

7 When you say a "productive way", what is
8 "productive"?

9 **MR. DURLEY:** Are people registering or people not
10 registering?

11 **MS. DAVIS:** Do you have a minimum number of people
12 that if they have to show an increase in registration or at
13 least a maintaining of a level of registration?

14 **MR. DURLEY:** We attempted to have regulations that
15 did exactly that. They give a minimum percentage gain,
16 taking into allowance the normal rise and fall because of
17 the kind of elections that are coming up. And that was
18 attacked by people of all points of view as unworkable.
19 People -- people interested in bilingual registration
20 attacked it and registered voters attacked it and everyone
21 else; and the only thing we could come out of those hearings
22 with is something that is more general than I like.

23 **MS. DAVIS:** Well, to move onto another aspect.

24 Does your office, when you're reviewing the outreach
25 plans or just voters' registration, are you concerned with
26 the minorities, particularly Hispanic participation; and
27 therefore, is there any direction that you give the
28 political entities directed toward their specific outreach

1 and to the communities for registration?

2 **MR. DURLEY:** No. And I don't believe it should
3 be. I think our outreach is to all voters. It should be.

4 **MS. DAVIS:** But when you say "all voters", I
5 specifically -- I had gone over those segments because they
6 are voters. Those of us, who are on the board, however,
7 should want to be sure they participate in the election
8 process; and therefore, wouldn't your office have some
9 responsibility to make sure there is an outreach to these
10 particular segments of the population?

11 **MR. DURLEY:** Let me tell you what we have done in
12 that area.

13 We have conducted studies from school data, from
14 census data, from all sorts of data, and we've given these
15 counties a series of books called The Where-To Book of
16 Bilingual Registration. And this is outlined on the map
17 those parts of the county; and I say it's just not census
18 data but data from interviewing people in the community; and
19 there's a lot of good information that comes from the school
20 districts on the -- on the racial or ethnic make-up of the
21 student body, and we've delineated those areas where there's
22 a high probability of ~~minority~~ language minority
23 population. And we've asked them to concentrate.

24 We've also made this available to people having
25 registration projects, citizens' groups having registration
26 projects, because that's where registration really comes
27 from is when somebody wants to get somebody registered. I
28 don't care whether this is for a party or for any other

1 group. Registration comes from inreach or from being pushed
2 by people who want to get their group registered.

3 Outreach can only go so far to make this available
4 where it is and to cooperate with those groups, and
5 consultation with these groups is what we have told the
6 counties in our regulation to do.

7 **MS. DAVIS:** Can we have a copy of that publication
8 you make reference to?

9 **MR. DURLEY:** Yes, I'll send it over.

10 **MS. DAVIS:** Has the Office of the Secretary of
11 State imposed sanctions on any entity for failing to comply
12 or implementing the Voting Rights Act?

13 **MR. DURLEY:** No. The Secretary of State doesn't
14 have that power.

15 **MS. DAVIS:** Who does? The courts?

16 **MR. RUSSELL:** May I ask a question?

17 **MR. DURLEY:** Mr. Sillas was able to help us
18 strengthen it when he had another job in Sacramento.

19 **MR. RUSSELL:** One quick question. I'm glad you
20 admired Dr. Santillan's report because I did, too. It's
21 very interesting. On Page 24, it says:

22 December 27th, 1971, Secretary of
23 State, Edmond G. Brown, asked the
24 State Courts to take charge of
25 reapportionment.

26 Are you saying that the Secretary of State no longer
27 has that authority?

28 **MR. DURLEY:** He asked them to.

1 **MR. RUSSELL:** They did, as a matter of fact.
2 Didn't they in 1970?

3 **MR. DURLEY:** Who?

4 **MR. RUSSELL:** The State Supreme Court and
5 the Panel Masters. You are telling me -- you're trying to
6 tell me the Secretary of State has no authority; and I'm
7 trying to tell you, according to what I've been reading for
8 the last two days, the Secretary of State has quite a bit of
9 authority.

10 **MR. DURLEY:** The Secretary of State asked the
11 courts to take jurisdiction?

12 **MR. RUSSELL:** That is right. This is from Dr.
13 Santillan, by the way.

14 Brown said:

15 Continued conflict in the Legisla-
16 ture and the Governor would only
17 make it very difficult to determine
18 what districts in the use of the
19 June primary.

20 Brown added, however, that he personally supported the
21 Democratic -- and so on and so on. And Brown, I believe,
22 our current Governor, and the Secretary of State got the
23 Supreme Court involved in that little matter.

24 So, I'm asking you: Does that authority still exist
25 with you or does it not?

26 **MR. DURLEY:** The operative word there is "ask".
27 It's not a word of authority. It's a word of request.

28 **MR. RUSSELL:** The Supreme Court in that case

1 intervened, didn't they?

2 **MR. DURLEY:** That's right.

3 **MR. RUSSELL:** Yes, they did.

4 **MR. DURLEY:** If the Legislature fails, and we're two
5 years downstream into a new decade, I assume Mrs. Eu would
6 make a similar request. It would be a request. It's not an
7 exercise of authority.

8 **MR. RUSSELL:** I understand that.

9 **MR. MONTEZ:** I have one question.

10 **MR. SILLAS:** Mr. Durley, you talked about, under
11 the preclearance from the Justice Department under Title V
12 of the Voting Rights Act, there are four counties in the
13 State of California that fall under the second; is that
14 correct?

15 **MR. DURLEY:** That's correct.

16 **MR. MONTEZ:** Wouldn't it have some effect on the
17 total State?

18 How could you reapportion four counties and have the
19 Justice Department give it clearance without affecting the
20 total State?

21 **MR. DURLEY:** You're absolutely right.

22 I'm saying, the fact that these four counties exist in
23 the parts of the thing is going to be some break on the
24 Legislature's absolute authority to reapportion it, too.
25 And that's right. Because none of those counties are large
26 enough to have a whole district in it. It's going to share
27 with it. So, some of them: Yuba County and Kings County --

28 **MR. MONTEZ:** Monterey and Madera.

1 **MR. DURLEY:** But, two of them are uniform
2 districts. They have only one Congressman, one Senator and
3 one Assemblyman. There is a line that goes through two of
4 them.

5 **MR. MONTEZ:** What I'm saying, would that have a
6 ripple effect on the total State?

7 **MR. DURLEY:** That is right because there's going
8 to be something in the way, and they're going to have to
9 work around that and they have to have a plan; and that's
10 right, in which other counties are involved, that would make
11 what happened in those four counties acceptable to the
12 Justice Department.

13 **MR. SILLAS:** Mr. Durley, a couple of questions
14 along the -- do you know the number of bilingual ballots
15 that are presently being used in the State of California?
16 Does your office have that information?

17 **MR. DURLEY:** Most of the counties covered use a
18 bilingual ballot rather than having an English ballot here
19 and Spanish ballot there. The only major county that
20 doesn't have a bilingual ballot is San Diego County. They
21 worked -- Ray Ortiz, the Registrar, worked it out with the
22 community, and they came up with something that they felt
23 worked better.

24 So, most of the ballots are bilingual. So -- which
25 does not give us a way of knowing how many people needed the
26 Spanish version.

27 **MR. SILLAS:** On the State elections, who has the
28 responsibility for preparing the ballots?

1 **MR. DURLEY:** The counties.

2 **MR. SILLAS:** Does the Secretary of State's Office,
3 in any way, have responsibility for any State elections?

4 **MR. DURLEY:** Well, I'm not sure I'm answering your
5 question. But we're responsible for preparing the voters'
6 pamphlet.

7 **MR. SILLAS:** You are or are not?

8 **MR. DURLEY:** We are. The State voter pamphlet has
9 the propositions in it, and we make three monolingual
10 versions of it.

11 **MR. SILLAS:** Three monolingual versions.

12 **MR. DURLEY:** That's right; and they distribute
13 them in most counties now by targeting, based on prior
14 request and also people's registration. We also make it
15 available on request if we've missed anybody.

16 **MR. SILLAS:** Okay. Let me back up.
17 You make three monolingual ballots printed?

18 **MR. DURLEY:** Pamphlets, yes.

19 **MR. SILLAS:** Pamphlets.

20 I gather that you determine, at some point, the amount
21 or number of monolingual ballots that you want?

22 **MR. DURLEY:** That's correct.

23 **MR. SILLAS:** Can you tell me what number you have
24 for the Spanish monolingual ballot or pamphlets?

25 **MR. DURLEY:** It turns out -- the first time we
26 went 5 percent of them, and this contributed to an enormous
27 paper drive because the request didn't come in. Now, it's
28 about 1 percent, and they're unable to find need beyond

1 that.

2 **MR. SILLAS:** Okay. And the second factor you must
3 determine is now, where do you send those monolingual
4 pamphlets; is that correct?

5 **MR. DURLEY:** That's correct.

6 **MR. SILLAS:** What criteria do you use to determine
7 that?

8 **MR. DURLEY:** Our main criterion is, that the
9 result of, was beginning to be a bit of history from '76
10 till now.

11 And on the registration form, one question is asked,
12 "What language preference do you have on your election
13 materials?" So, those data have been collected.

14 We also had, in the English version that has gone to
15 everybody, a card, postage paid, if they wanted a minority
16 language -- Chinese or Spanish. And those data have been
17 collected.

18 And the people who have requested once go on a list;
19 Automatically, they get it next time.

20 So, Los Angeles, where the biggest part of this
21 happened - and I'm describing Los Angeles more than the
22 others because there's a little variety here and there -
23 we've sent an English pamphlet and a Spanish pamphlet to all
24 of the people who were in either of those groups.

25 They've registered that way, or they had requested one
26 for some earlier election. And then to everybody else in
27 Los Angeles County, we sent one with a card enclosed so they
28 can mail in if we missed anybody with that first way.

1 **MR. SILLAS:** That card, is it in English or in one
2 of the other monolingual languages?

3 **MR. DURLEY:** It's bilingual.

4 **MR. SILLAS:** It's in three or two languages.

5 **MR. DURLEY:** It's in two languages, except San
6 Francisco, where we have three.

7 **MR. SILLAS:** Okay. Part of the requirement of a
8 county is to have an outreach program; is it not?

9 **MR. DURLEY:** That's correct.

10 **MR. SILLAS:** It was required by the Legislation,
11 passed by State Legislation?

12 **MR. DURLEY:** That's correct.

13 **MR. SILLAS:** Do you recall when that became
14 effective?

15 **MR. DURLEY:** Yes, in 1975 and became effective the
16 1st of July '76.

17 **MR. SILLAS:** Would you describe for the Committee
18 what an outreach plan, or what is an outreach plan?

19 **MR. DURLEY:** An outreach program is anything that
20 is not initiated by the voter him or herself. Okay. That's
21 a broad thing, to get registration materials in the hand of
22 the voters.

23 This involves leaving the materials in various, widely
24 spread locations in the county. This involves working with
25 community groups who want large numbers of these so that
26 they can work their neighborhoods. This involves material
27 in the media. You may have seen a number of get-out-to-vote
28 radio or television spots that Mrs. Eu put together. And we

1 had -- one time it was baseball players. Some spoke in
2 English, and some spoke in Spanish on those.

3 **MR. SILLAS:** Would it be fair to say that the
4 outreach program that -- enacted by the Legislature, was an
5 acknowledgement that more had to be done to reach certain
6 segments of the communities to participate in a political
7 system?

8 **MR. DURLEY:** I don't think so. They -- that
9 legislation looks at the community as a whole community, and
10 it doesn't talk about certain segments.

11 **MR. SILLAS:** But wasn't -- the thrust of the
12 legislation to have the county take extra steps to have
13 people register and participate in the political process?

14 **MR. DURLEY:** Yes.

15 **MR. SILLAS:** Because it was a feeling that there was
16 not this outreach, in effect, taking place till 1975?

17 **MR. DURLEY:** Yes.

18 And included in that process then is the placing of
19 materials in places that are frequented by people in the
20 general public; is that correct?

21 **MR. DURLEY:** That's correct.

22 **MR. SILLAS:** Some of those places are places where
23 only given language is spoken, be it Chinese or Spanish; is
24 that correct?

25 **MR. DURLEY:** That's also correct.

26 **MR. SILLAS:** In an implementation of an outreach
27 program, each county must submit their plans to the Secretary
28 of State's office, do they not?

1 **MR. DURLEY:** That's correct.

2 But perhaps one of the details that you're envisioning
3 -- naming all the locations and all the banks and
4 libraries.

5 **MR. SILLAS:** They must submit their plan to the
6 Secretary of State's office; correct?

7 **MR. DURLEY:** Correct.

8 **MR. SILLAS:** For the Secretary of State's review?

9 **MR. DURLEY:** Yes.

10 **MR. SILLAS:** And have there been occasions when you
11 reviewed the plan and reverted back to the county --

12 **MR. DURLEY:** Yes.

13 **MR. SILLAS:** -- for specific details?

14 **MR. DURLEY:** Yes, I can't give you specifics they
15 have.

16 **MR. SILLAS:** I understand. I'm just trying to
17 establish the process.

18 In evaluating the program that is to be implemented by
19 a county, do you take into consideration the outreach
20 program as it pertains to non-English speaking citizens?

21 **MR. DURLEY:** Yes, I think -- I think the place
22 where we did this mostly and most effectively is in going
23 through the whole thing and coming up with these "Where-To"
24 books, and "How-To" books on how to register language
25 minorities, and directed their attention to the -- to these
26 areas where there is a high concentration of language
27 minority people.

28 **MR. SILLAS:** Now, in the event the county just

1 refuses to participate in an outreach program,- that is to
2 say it just refuses to participate, does not submit a
3 program to you, what do you understand your authority to be,
4 the Secretary of State's office?

5 **MR. DURLEY:** Number one, it hasn't happened.

6 **MR. SILLAS:** I understand.

7 **MR. DURLEY:** I think we would have to go after them
8 through the courts. I don't think --

9 **MR. SILLAS:** How would you do that? Under what
10 authority would you do that?

11 **MR. DURLEY:** We just go into a civil suit. Well,
12 Mrs. Eu is the -- has a very general authority in the
13 Election Code and the Government Code as the Chief Officer
14 of California and is told to see that the election laws are
15 uniformly enforced. It's very general language, but I think
16 that would be the authority we would have.

17 **MR. SILLAS:** Would you have available for the
18 Committee Staff, the number of times or -- strike that, the
19 Committees -- the counties that have had their plans
20 returned to them by the Secretary of State's office for
21 further implementation and further direction, would you have
22 that data?

23 **MR. DURLEY:** It would take some research because it
24 would be over at the archives by now because all this
25 happened in the first year of the --

26 **MR. SILLAS:** Did they have to submit a plan every
27 year; then, once they submit a plan, that's it?

28 **MR. DURLEY:** Now, we have modified their plans.

1 For instance, at one time, it was considered outreach,
2 the distribution of cards broadly around the county. And we
3 told them all your plans are modified to include this.

4 **MR. SILLAS:** Is there any monitoring being done by
5 the Secretary of State's office to determine whether or not
6 the plan, that had been submitted by the various counties,
7 was actually implemented?

8 **MR. DURLEY:** No. We simply don't have the staff
9 around -- the staff to do that.

10 But we respond to complaints, which I think is the
11 best kind of monitoring. If something hasn't happened, in
12 any particular place, people who are impacted by that should
13 and do let us know.

14 **MR. SILLAS:** Assuming they know they are supposed
15 to have it happen?

16 **MR. DURLEY:** Well, a lot of people write us letters
17 when they don't like the way things are happening. We get a
18 lot of people on the other side of this thing. We get
19 terrible responses from people who -- who don't like the
20 thing we are all here trying to promote.

21 **MR. SILLAS:** Yeah, I will get to that in a moment.

22 Let me ask: Has the Secretary of State's office ever
23 requested, from the Legislature, funds for the purpose of
24 hiring persons that would monitor implementation of the
25 programs?

26 **MR. DURLEY:** Not that I recall.

27 **MR. SILLAS:** Now, the Secretary of State's office
28 deals considerably, does it not, with the County Clerks of

1 the State of California?

2 **MR. DURLEY:** Yes.

3 **MR. SILLAS:** And there, in fact, is a County Clerk
4 Association; is there not?

5 **MR. DURLEY:** Yes.

6 **MR. SILLAS:** And isn't it a fact that the County
7 Clerk's Association has passed a resolution denouncing the
8 bilingual ballots?

9 **MR. DURLEY:** Yes.

10 **MR. SILLAS:** And how recent was that?

11 **MR. DURLEY:** I can't remember. It was one of their
12 reasons.

13 **MR. SILLAS:** What steps has the Secretary of
14 State's office taken to work with the County Clerks' Offices
15 in having to implement Voting Rights Act on the outreach
16 program?

17 **MR. DURLEY:** Well, I can't think of anything other
18 than things we've already been talking about.

19 They -- they have resolved -- they wanted to denounce
20 the bilingual provision of Voting Rights Act. I have no
21 case where they're disobeying it, though. They don't like
22 it, but they have it.

23 **MR. SILLAS:** Do you know of any county that has
24 specifically provided materials in its outreach program in --
25 in Spanish?

26 **MR. DURLEY:** I think a lot of bilingual material,
27 but I can't think of any monolingual Spanish material.

28 **MR. SILLAS:** All right. But you know of some

1 counties that have provided it in bilingual and one of the
2 languages is in Spanish?

3 **MR. DURLEY:** Uh-huh.

4 **MR. SILLAS:** Would you have that information
5 available to the staff?

6 **MR. DURLEY:** I better start taking some notes here,
7 what you are going to need.

8 **MR. SILLAS:** All right. I think the Committee
9 would like to know of any instances where counties have been
10 -- county outreach program has been rejected by the
11 Secretary of State's office and the number of counties that
12 have made use of bilingual material in their outreach
13 program.

14 Any other questions?

15 **MS. HATA:** I would like to have samples of the
16 bilingual material being used by the counties, as well.

17 **MR. DURLEY:** Would you like samples -- things we
18 put out, too, or just counties?

19 **MR. SILLAS:** That would be very helpful, yes.

20 **MS. HATA:** Yes.

21 **MR. SILLAS:** I want to thank you, Mr. Durley, for
22 being here; and I realize that this was not the specific
23 topic, but as you can see, it was very much related to
24 this.

25 **MR. DURLEY:** It doesn't surprise me that there was
26 an interest in this.

27 **MR. SILLAS:** For the record, Mr. Montez would like
28 to read into the record.

1 **MR. MONTEZ:** I would like the Committee to know,
2 for the record, certain individuals were invited this
3 morning to testify before the Committee and have declined to
4 do so; and I would like the record to show, and would I be
5 in order to state those individuals by name, Mr. Chairman?

6 **MR. SILLAS:** Yes.

7 **MR. MONTEZ:** The following people were invited to
8 testify before the Committee and have declined for reasons
9 of, I believe, because they are in session; Honorable Daniel
10 E. Boatwright, Chairperson of the California State Elections
11 and Reapportionment Committee of the Senate; Honorable
12 Willie L. Brown, Jr., Speaker of the California Assembly;
13 Honorable David Roberti, President Pro Tem for the
14 California State Senate. And these people declined to
15 testify before the Committee at the last minute, so
16 obviously, they were not removed from the agenda.

17 Others who declined, declined in time so that we --
18 Staff -- did not put them on the agenda today, and so it's
19 important to show that they did not. Whatever the Committee
20 sees fit, what is the follow-up on that, is up to the
21 Committee.

22 **MR. SILLAS:** All right.

23 **MR. MONTEZ:** Any letters or anything to go out?

24 **MR. SILLAS:** All right.

25 **MR. MONTEZ:** Let the record show that other
26 people in the State that were invited were also requested -
27 when they turned down the invitation - they were then sent
28 notice that they could send a written statement to the

1 Committee.

2 And, for the record, I would like to see that Mayor
3 Tom Bradley, of the City of Los Angeles, has sent a
4 statement to the Committee. I believe we have it and would
5 like to make that part of the record.

6 **MR. SILLAS:** That will be received.

7 **MR. MONTEZ:** I don't want to read the statement,
8 just a letter. There's a letter. And so there is a
9 statement here that would be included in the record.

10 **MR. SILLAS:** All right. Very well.

11 All right. At this time the Committee will take a
12 recess, and we will reconvene at 2:15 this afternoon.

13 (Short recess conducted.)

14 **MR. SILLAS:** Okay. I guess we're ready now to
15 reconvene. And this is the afternoon session of the
16 Reapportionment Subcommittee of the California Advisory
17 Committee, United States Commission on Civil Rights,
18 commencing our afternoon session on August 13th, 1981 at
19 approximately 2:23 p.m. And we have with us to present
20 material, Mr. Jack Trujillo, the Northern State Secretary
21 for the California Democratic Party.

22 **MR. TRUJILLO:** Committee members, my name is Jack
23 Trujillo. As Mr. Sillas said, I'm the Northern Secretary of
24 the State Democratic Party.

25 We're very pleased to have been invited to come and
26 address you today. And I must start by extending apologies
27 from Nancy Pelosi, our State Chair, who very much wanted to
28 be here. This is a particular interest of hers, and she has

1 particular knowledge that I think would have been very
2 useful to hear. But, unfortunately, her schedule required
3 her to be out of the State, and she asked me to extend those
4 apologies.

5 The topic of reapportionment, I needn't tell you,
6 through these hearings, is perhaps the most important issue
7 that the State Legislature will deal with, perhaps the most
8 important issue for the next ten years, simply because it
9 will recreate the political picture in this State. And any
10 time you do that, you open possibilities up for both good
11 and bad; for opening up processes, or closing them down; for
12 opening up access, closing it down; increasing participation
13 or decreasing it.

14 The Democratic Party shares with you some concerns
15 about reapportionment. We share concerns that the plan that
16 comes out this fall be one that is equitable, one that
17 maximizes participation on the part of minorities and poor
18 people, that maximizes representation, that maximizes
19 involvement and access. We feel very, very fortunate as
20 Democrats, as partisan Democrats, that we have three people,
21 three Legislators, working on reapportionment who share
22 those concerns with us and share historic commitments that
23 the Democratic Party has for finding solutions to the
24 problems that minorities have had in the political process
25 before.

26 Congressman Phillip Burton, Senator Daniel Boatwright
27 and Assemblyman Richard Alatorre, we feel, could not be a
28 better picked three to represent what we believe the

1 Democratic Party believes.

2 We have not had a formal structure in dealing with
3 these three Legislators. We instead have served as a very
4 informal funnel for concerns as they have come to us. We
5 have very good rapport with our Legislators and, as concerns
6 have been expressed to us by individual Democrats - whether
7 they be large concerns or whether they be specific concerns
8 about a specific district and a specific line - we have then
9 forwarded those concerns on and have felt that what we got
10 was open consideration of those concerns.

11 We have looked at the other plans that certainly will
12 be presented to you. Some of those plans, we have a great
13 deal of sympathy with, and we agree with large portions of
14 but have some questions as to whether they would stand up in
15 court.

16 Other plans, we find nothing in common with. Those
17 plans will be presented to you as models of equity, as
18 models of even-handed treatment of everybody in the State.
19 And, yet, I think you will find, if you look beyond the
20 surface, that in fact that they are -- are models of a
21 lecture in how to jiggle statistics to narrow ends.

22 So, when those come before you, we ask, as Democrats,
23 that you look at those plans very, very carefully. Again, I
24 say they will look great on the surface; but, if you dig,
25 they are not so fair.

26 For example, one plan creates a system whereby
27 approximately 35 percent of the Legislature's seats in this
28 State are what are called "Safe Democratic" seats, another

1 35 percent are "Safe Republican" seats, and the others are
2 marginal districts; they could go either way. That has the
3 appearance of equity. It is even-handed. It allows
4 whichever party is most active better deals with their
5 constituency to win those unaligned seats in the middle and
6 control the State Legislature. But, if you examine the fact
7 that over 50 percent of the voters in this State are
8 registered Democrats, then a plan that only creates 35
9 percent Safe Democratic seats is, in fact, not equitable;
10 that 15 percent of registered Democrats are going to be cut
11 out to create a balance on paper, though no balance in
12 political reality.

13 We will stand through this entire process as a
14 Democratic party on the historic commitments that we have
15 lived and worked for: For minority involvement. We think
16 that the plan that will emerge from the Democratic
17 Legislators will reflect that.

18 We are -- I must add, I personally was especially
19 pleased that Richard Alatorre is where he is because I think
20 it is a mark where the Democratic Party and Democratic
21 leadership views Latinos in this State; and we believe
22 ~~Senator~~ ^{Assemblyman} Alatorre has the concerns of Latinos foremost in his
23 mind.

24 I'd like to leave it at that, that that's a very brief
25 statement; but I would really prefer much to address your
26 concerns, your questions, as to anything that the Democratic
27 Party is doing -- more specifics. So, if you have
28 anything.

1 **MR. SILLAS:** Mr. Trujillo, I'm a little unclear in
2 my mind as to the role the Democratic Party plays in the
3 reapportionment.

4 Does the party, per se, the party structure, will it
5 have a plan that it will present to the Legislature?

6 **MR. TRUJILLO:** No. We have had input through the
7 process of expressing concerns to our Legislators that we
8 feel will result in a plan that we can live with.

9 **MR. SILLAS:** And in that input that you have had,
10 has the lack of Hispanic representation in the Legislature
11 been one of the concerns?

12 **MR. TRUJILLO:** It's a major concern. ~~It's a major~~
13 ~~concern.~~ Seventy percent of the Hispanics in this State
14 voted for the presidential candidate this year, and we're
15 not about to abandon that nor are we about to abandon our
16 long commitment to minority involvement.

17 **MR. SILLAS:** When you use the word "abandon", is
18 there a feeling, on your part, in the event that the
19 Legislature does not recognize and respond to the Hispanic
20 needs, that there will be abandonment of Hispanics on the
21 Democratic party?

22 **MR. TRUJILLO:** There will not be from the Party.
23 We'll continue to relay input and, after this plan is
24 released, we'll continue to say we are happy or unhappy with
25 it. But I am fully confident that the plan will come --
26 will reflect Hispanic needs.

27 **MR. SILLAS:** You now express and testify to the
28 concern of the Democratic Party as it pertains to the

1 representation of Hispanics. Our next area that I'm going^{to} to
2 go cover, our next area I want to cover, is what power the
3 party has as it pertains to the legislatures.

4 Does the party, Democratic structure, have any power
5 to prevent the Legislature from enacting a redistricting
6 plan that would not take into consideration the Hispanic
7 population?

8 **MR. TRUJILLO:** Only the power at the ballot box.

9 **MR. SILLAS:** Did not the -- for example, any
10 monetary sanction that would be plotted against the
11 incumbents?

12 **MR. TRUJILLO:** No, we do not.

13 **MR. SILLAS:** Now, you mentioned -- let me ask to
14 pursue that a little further.

15 Is it your position that -- that there perhaps should
16 be some -- some controls, some lever, that the party might
17 have or should have over incumbents when it comes to
18 redistricting?

19 **MR. TRUJILLO:** We would like it, but that's a
20 textbook situation. I don't know that it would be possible
21 to implement that in a real life situation.

22 **MR. SILLAS:** One of the things that this Committee
23 will be considering in its discussions and its deliberations
24 is possible alternatives. And that's why I'm pursuing this
25 line of questioning with you.

26 In terms of alternatives, would the party structure --
27 you see the party structure playing a greater role in the
28 redistricting than it presently plays as it pertains to

1 power?

2 **MR. TRUJILLO:** We are not unhappy with the role
3 that we are currently playing. We have had input into the
4 process and we felt -- we feel that that input has been
5 listened to.

6 One can always, I suppose, create -- give more power
7 here to this group by taking away from that group; in this
8 case, party versus the Legislators. But, I think, in this
9 case, it doesn't serve any purpose. We have had input and
10 it has been listened to.

11 **MR. SILLAS:** There has been testimony this morning
12 that indicates that the Hispanic population is diluted in
13 the redistricting for the benefit of the Democratic Party;
14 that they form a -- that they form a base of Democratic
15 support which is then used to add and secure Democratic
16 incumbency.

17 Without asking you to comment on that as a basis, but
18 assuming that to be a fact, what is the position of the
19 Party as it pertains to incumbents versus Hispanic
20 representation?

21 Do you have a priority in -- on that area?

22 **MR. TRUJILLO:** I don't know that -- that it's
23 possible to say we have a priority. We certainly have a
24 much longer history of supporting minorities than we do of
25 supporting incumbents. Any of you who have ever been to a
26 Democratic convention would know that. And we have no
27 problems with opposing incumbents within our party
28 structure, but we don't belittle incumbents either.

1 Incumbents are incumbents because they manage to represent
2 the areas from which they are elected, and we don't feel
3 that can be discounted.

4 I don't think we're going to be given a choice between
5 that and the premise that the Democratic Party or its
6 Legislators would, in effect, use Hispanics as cushions in
7 various districts. I don't think that will result in the
8 reapportionment plan. I think you are going to find several
9 more districts that are safe Hispanic districts if you want
10 to quote them as that.

11 **MR. SILLAS:** What figure do you have in mind when
12 you say that?

13 **MR. TRUJILLO:** We have not discussed specific
14 figures, and we don't remove the possibility that it may not
15 be enough to satisfy us; but, from all that we have heard
16 back from our Legislators, we believe we will be satisfied.

17 **MR. SILLAS:** You made reference earlier to "model
18 plans" that had been submitted in which 35 percent of the
19 districts would be Democrat, 35 percent would be Republican,
20 and then the difference being going either way, and you said
21 that would not be equitable or fair because 50 percent of
22 the persons are registered Democrats. Using that logic,
23 there's approximately 20 percent Hispanics in the State;
24 that would mean approximately 16 seats in the Assembly.

25 Would you project that as a figure that would be fair
26 and equitable?

27 **MR. TRUJILLO:** Well, the one problem I have with
28 that use of statistics is that not all Latinos are clumped

1 into geographic areas, which make it possible to --

2 **MR. SILLAS:** Not all Democrats are clumped in the
3 same area.

4 **MR. TRUJILLO:** -- I think we're dispersed in a way
5 that is more effective for creating 50 percent Democratic
6 districts. The dispersal of Latino votes in San Joaquin
7 Valley particularly makes it difficult. I mean, that is
8 certainly an area in which I think we need Hispanic
9 representation; but drawing that district would be
10 difficult, I think.

11 **MR. SILLAS:** In the event that the district --
12 redistricting plan does not provide an adequate opportunity
13 for Hispanics to participate in the political process
14 because of gerrymandering, has there been any discussion in
15 the Democratic structure that they would take the matter to
16 the courts?

17 **MR. TRUJILLO:** There has been no such discussion.
18 And I think there are alternative ways to change a plan,
19 before it becomes law, without resulting to the courts.

20 **MR. SILLAS:** And what would those alternative
21 plans be?

22 **MR. TRUJILLO:** Well, the input we now have, the
23 rapport we share with our Legislators. Senator Boatwright
24 has said that there will be hearings after those plans are
25 released. I think there will be the opportunity to change
26 things, once those plans are released. I don't believe
27 they're drawn in concrete for the next ten years.

28 **MR. SILLAS:** And in the event, after the input and

1 the plans are still not reflective of the Hispanic
2 population in the State, would you see the Democratic Party
3 marching on into the courts?

4 **MR. TRUJILLO:** I don't see that as a realistic
5 question. My sense very strongly is that the plan that will
6 emerge after perhaps tinkering, after hearings, will, in
7 fact, reflect Hispanic needs in this State.

8 **MR. SILLAS:** You're convinced that it will?

9 **MR. TRUJILLO:** I am convinced of that because of
10 our relationship with our Legislators. Richard Alatorre
11 certainly cannot be accused of not having interests of
12 Latinos in this State in his mind.

13 **MR. SILLAS:** There must be some figure that you
14 have in your mind that you think reflects -- would be
15 reflected.

16 Would you share that with the Committee?

17 **MR. TRUJILLO:** I am not an expert on the
18 reapportionment and have not sat and looked down at district
19 per district per district, so it would be useless of me to
20 give a figure.

21 **MR. SILLAS:** How would you then be able to evaluate
22 the plan?

23 **MR. TRUJILLO:** If, in fact, I saw Latino
24 neighborhoods split up to the five different -- I mean, I
25 know where Latino neighborhoods are in this State. If I see
26 one of those neighborhoods split up into five different
27 districts, I'm going to have problems with that, and I
28 imagine many Democrats will. I don't expect that we will

1 see that.

2 **MR. SILLAS:** Any questions from other members?

3 **MS. DAVIS:** Can I just pursue your last question?

4 When you talk about the rapport of the Democratic
5 party with the Legislators, Mr. Alatorre said this morning
6 that it would require 41 ~~years~~ votes to pass any plan. We
7 certainly have not seen the support the Hispanic community
8 experienced the support of that many Democrats in the
9 State.

10 Are you talking about Democrats as a whole or just
11 Hispanics --

12 **MR. TRUJILLO:** Well, our --

13 ~~**MS. DAVIS:** We already have --~~

14 **MR. TRUJILLO:** -- particular rapport with
15 Legislators is strongest in the leadership because they have
16 tended to be the Legislators most involved in the State
17 Party. I am sure that compromises will be made along that
18 process, along the way.

19 I think though, given the Legislators we have working
20 on reapportionment, that they will become compromises we can
21 live with.

22 The plan that comes out this fall will not be the
23 perfect plan for me if -- I'm a partisan Democrat. I would
24 love to see a plan that created 100 percent Democratic
25 districts. Clearly, that's not either a political or legal
26 possibility. But I think that, you know, one starts
27 somewhere and comes up with a compromise.

28 **MS. DAVIS:** But, where in your priority does the

1 Hispanic community come from?

2 **MR. TRUJILLO:** The Hispanic community and all
3 minority communities are perhaps highest on the priority
4 list on the Democratic party. Our commitment to minorities
5 far out-distances anything else that we have. We're very
6 proud of that commitment, very proud that we can say that;
7 and we don't believe the other major parties in the State
8 can say that. But we also have concern with our incumbent
9 Legislators, who we believe are good. Some mix there will
10 be found; but I do feel that, especially with Mr. Alatorre
11 in his position, the needs of Hispanics will be fully dealt
12 with.

13 **MS. HATA:** You've been speaking of your proud
14 commitment to minority concerns.

15 Would you cite me two examples of these commitments
16 that you are most proud of?

17 **MR. TRUJILLO:** We have a process that insures
18 50 percent women in all of our Democratic Party activities.
19 We have officers where we have two Latinos out of ten
20 officers -- two Latinos; one Black, who is 24 years old. We
21 have an affirmative action plan for disabled at the State
22 Party. We do not meet in hotels that are not accessible to
23 disabled people and, as often as we can, provide sign
24 language interpreters at hearings and public events. We
25 have caucuses that are strong and active. The Hispanic
26 caucus, in fact, State Central Committee, is the largest and
27 perhaps in terms of monetarily the best off.

28 We have consistently supported the issues that are of

1 concern to minorities. Right now, we're doing an incredible
 2 amount of work of trying to extend the Voting Rights Act
 3 within the party structure -- *Not only in terms of --*

4 ~~MS. HATA: It looks like~~

5 ~~MR. TRUJILLO: -- not only in terms of --~~

6 MS. HATA: *It looks like* it's an incredible amount of
 7 work.

8 MR. TRUJILLO: An incredible amount of work.

9 -- making sure that every one of our Legislators
 10 understands how strong we feel on the issues with letters,
 11 with phone calls. Then, furthermore, educating our own
 12 people to why this is going on. I mean, for minorities,
 13 the Voting Right Act is clear.

14 MS. HATA: And you have minorities doing this?

15 MR. TRUJILLO: We have minorities. We have
 16 minorities on staff. We have minorities at every level.

17 MS. HATA: We are not here to pursue your internal
 18 political machinations.

19 What criteria are you going to use to judge the plan
 20 to come forth from the Legislature? Can you rank them for
 21 me? Give me five basic criteria and rank them in order of
 22 importance?

23 MR. TRUJILLO: We have not put it in that fashion.

24 MS. HATA: Why not?

25 MR. TRUJILLO: Because one, again, our trust that
 26 the Legislators will come up with a plan that we can in
 27 general live with. They are our legislators specifically
 28 because they represent our concerns. They wouldn't be

1 Democrats if they didn't.

2 **MS. HATA:** List me five criteria.

3 **MR. TRUJILLO:** We have not -- I'm saying that we
4 have not put it in that form.

5 **MS. HATA:** You have no list of criteria?

6 **MR. TRUJILLO:** We will look at that plan and, using
7 the political judgment that we have built up over years of
8 being involved in this process, I think, be able to very
9 clearly say this is an unfair plan, an extremely fair plan
10 or plan --

11 **MS. DAVIS:** But you have no standards against which
12 to judge whether it is fair or unfair, except a gut
13 feeling?

14 **MR. TRUJILLO:** Not as an organized party. We have
15 not sat down and voted on the five criteria.

16 **MS. DAVIS:** Except the gut feeling and trust in
17 your Legislators to do what is right and proper?

18 **MR. TRUJILLO:** And the fact that we have some clout
19 at the ballot box if we are unhappy with what happens.

20 **MR. SILLAS:** Okay.

21 **MR. RUSSELL:** Jack, could I ask one question?

22 **MR. SILLAS:** Yes.

23 **MR. RUSSELL:** 1950 -- Jack, in 1950 and 1960 and
24 1970, we went through this process apparently; and, based on
25 everything I've read -- I just read stuff and tried to
26 analyze it -- it appears to me our Legislators didn't do a
27 very good job. Now, we're in the 1980's.

28 Why do you have this sudden faith in the Legislators?

1 **MR. TRUJILLO:** I -- well, first of all, I've got to
2 say that in 1970, which is the last plan in which I had any
3 knowledge whatsoever, I was a little bit more concerned
4 about formulas in my freshman chem class than I was in
5 reapportionment. My remembrance of the 1970 battle is that
6 it was largely a battle between Ronald Reagan and Democratic
7 Legislators. And I can't -- I don't know the specifics of
8 the plan that was put out; but, given a choice between, if I
9 had to chose in that battle who was right and who was wrong
10 when we're given yes or no choices like that, I certainly
11 would not side with then Governor Reagan.

12 And to say that that those plans weren't done well,
13 because Governor Reagan opposed them seven to ten years ago,
14 says very little. Not everyone is going to be happy with
15 the plan that comes out this fall. Perhaps no one is going
16 to be happy with the plan that comes out. But it is a
17 balancing process of balancing a great many issues; and, as
18 a partisan Democrat, ultimately, I trust my Legislators.

19 **MR. SILLAS:** Mr. Trujillo, let me see if I can
20 focus here.

21 Are there, in your opinion now, some districts,
22 conceivable districts, that would be Hispanic districts but
23 there is an incumbent, a Democratic incumbent, who might be
24 defeated if the lines were drawn to create the Hispanic
25 district?

26 **MR. TRUJILLO:** I'm sure there are; in Los Angeles,
27 particularly.

28 **MR. SILLAS:** Given that situation, where would the

1 Democratic Party be on that issue?

2 **MR. TRUJILLO:** Again, this is not something we have
3 sat down and taken a vote on, though there is a great deal
4 of discussion at the State Party about this.

5 My sense would be that we would try to find a way to
6 make sure that Hispanics represented those areas and without
7 necessarily destroying the political career of an incumbent,
8 non-Hispanic Legislator.

9 **MR. SILLAS:** So, what you're doing at that point in
10 time, you're weighing the Hispanic community against, as you
11 put it, the political life of an incumbent, who, for the
12 sake of this discussion, is a Democrat?

13 **MR. TRUJILLO:** It need not necessarily be a
14 Democrat.

15 **MR. SILLAS:** But the premise we're going upon is
16 there is a Democratic incumbent who, if the lines were drawn
17 to reflect a Hispanic community -- the likelihood is that
18 that incumbent would not be successful in that district?

19 **MR. TRUJILLO:** Yes.

20 **MR. SILLAS:** Given that, those two choices, I hear
21 you saying that you would attempt to provide the Hispanic
22 community with its district but not at the -- at the loss of
23 the incumbent.

24 **MR. TRUJILLO:** No. What I said was that we would
25 attempt to create a Hispanic district and, at the same time,
26 try to find a method that did not destroy the political
27 career of a good Democrat.

28 **MR. SILLAS:** And what --

1 **MR. TRUJILLO:** And that balance will not always be
2 possible, but that is what we are hoping to try and do.

3 **MR. SILLAS:** All right. Let me come back to that.
4 What methods do you see available to you to not
5 destroy the political life of a Democrat?

6 **MR. TRUJILLO:** I think it is: If, in fact, a
7 Democrat represents an area that is entirely Hispanic and is
8 not Hispanic, then that person is not representative of that
9 district. And we, I think, would first and foremost want
10 Legislators representing -- representative of their
11 district. In such an extreme example, there would be
12 perhaps no way to save an incumbent like that because, if
13 nothing else, their time was short anyway if they're that
14 unrepresentative. I don't know of an example quite that
15 blatant.

16 **MR. SILLAS:** Do I hear you saying, as a matter of
17 record, that the Democratic Party would give up an incumbent
18 in that situation in exchange for a Hispanic district?

19 **MR. TRUJILLO:** If there were an election, the
20 Democratic party will support the Democrat who wins in the
21 primary. We don't -- aren't always happy about that, who we
22 have to support. I don't think any party is ever happy with
23 every single person who runs under their banner.

24 If an individual can manage to get elected in a
25 primary, we will support him or her.

26 **MR. SILLAS:** We're not at the primary stage.
27 We're now at the process of --

28 **MR. TRUJILLO:** But that ultimately --

1 **MR. SILLAS:** -- of drawing a line. -

2 **MR. TRUJILLO:** -- ultimately that is where it
3 goes.

4 In terms of drawing the lines, I don't think the
5 Democratic party will have the clout to wholesale redraw
6 lines. When the plan comes out, we will have the ability to
7 change and to express the concerns of Democrats. But we're
8 not going to -- the party, itself, is not going to draw the
9 map.

10 **MR. SILLAS:** Would it be a fair statement to say
11 that the Democratic Party is not -- is not committed
12 wholeheartedly to the support of incumbents if it is going
13 to deprive the Hispanic community of its representation?

14 **MR. TRUJILLO:** What we want is -- are districts
15 drawn that are representative of some interest and concerns
16 that we share, though it might be minority interests; it
17 might be issues. The lines, we believe, will be drawn in
18 that regard and we will support those lines.

19 **MR. SILLAS:** I'm not sure what that means.

20 **MR. TRUJILLO:** You're asking me to -- Mr. Sillas,
21 to come down to saying we will abandon Democratic
22 incumbents.

23 **MR. SILLAS:** No, I'm not asking you what to say.
24 I'm merely asking, when it comes to that, where you believe
25 the Democrats will be.

26 One of the -- from the testimony we heard earlier this
27 morning is -- and this is the reason for the question -- is
28 that the Democratic party has abused the Hispanic population

1 in the past and --

2 **MR. TRUJILLO:** Forgive me, I missed a word there.

3 **MR. SILLAS:** -- has abused the Hispanic population
4 in the past and used them to buffer Democratic districts to
5 their dilution of their political force. And that's why I'm
6 raising the issue with you.

7 When you have an incumbent, and it is incumbent versus
8 the representation of or the creation of the Hispanic
9 district, what position is the party going to take as it
10 pertains to that, to that issue?

11 **MR. TRUJILLO:** Again, I go back to my statement
12 that the party is not going to draw the line. We are going
13 to look at the plan as a whole when it emerges.

14 What we have done to this point is express our strong
15 belief that minority concerns must be very strongly felt in
16 that plan.

17 **MR. SILLAS:** Let me put it this way: Is the
18 Democratic Party, one of its criterias, to increase its
19 numbers by way of redistricting?

20 **MR. TRUJILLO:** As a partisan party, yes.

21 **MR. SILLAS:** As a partisan party?

22 **MR. TRUJILLO:** Yes.

23 We would like to see more Democrats in the State
24 Legislature.

25 **MR. SILLAS:** Do you see doing that running in
26 conflict with the creation of Hispanic districts?

27 **MR. TRUJILLO:** Absolutely not.

28 **MR SILLAS:** Do you see those two as parallel?

1 **MR. TRUJILLO:** Yes.

2 For the large-part, Hispanics elected to the
3 Legislature will be Democrats.

4 **MR. SILLAS:** All right. Any further questions?

5 Mr. Trujillo, I want to thank you for coming and
6 honoring us with your presence.

7 **MR. TRUJILLO:** Thank you.

8 **MR. SILLAS:** We have a change in our scheduling.
9 And it appears that some of the witnesses that were
10 scheduled today will testify tomorrow. So, without any
11 further witnesses to hear from today, we will adjourn at
12 2:55, and the Committee will meet shortly for a brief
13 discussion.

14 We will be in recess until tomorrow morning at
15 9:00 am.

16 (Whereupon the proceedings
17 were adjourned for the day.)
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1 9:00 A.M., AUGUST 14, 1981, SACRAMENTO, CALIFORNIA

2 * * * * *

3 **MS. DAVIS:** August the 14th, at 9:12 a.m. We are
4 reconvening the California Advisory Committee to the United
5 States Commission on Civil Rights fact-finding meeting on
6 California reapportionment. My name is Grace Montanez
7 Davis. Sharing with me in this meeting and other members of
8 this committee are Garland Drew, Shirley Thomas, Nadine
9 Hata, Mr. Larry Berge and Helen Hernandez and the Staff
10 Regional Director, Phil Montez.

11 The agenda for today will present community groups
12 first, and we have our first speaker Miguel Garcia.

13 Mr. Garcia, will you please step forward?

14 **MR. GARCIA:** Sure.

15 **MS. DAVIS:** Will you please state your name and
16 the organization you represent and your title?

17 **MR. GARCIA:** Yes.

18 Good morning, folks. The name is Miguel Garcia and
19 I'm the Chairperson for Californios for Fair Representation,
20 a coalition of Latino organizations in the State of
21 California.

22 I can say that every major Latino organization in the
23 State of California is either part of the coalition or
24 actively working with us to both monitor the reapportionment
25 process as well as assisting us in developing our own
26 reapportionment plans.

27 Before I continue with my testimony, let me say that I
28 am very glad that your committee has chosen to enter the

1 thicket of the reapportionment process. It is a real
2 necessity for us to have governmental bodies involved in
3 this process other than the Legislature itself.

4 As we see the history of reapportionment in the State
5 of California, we see that the process has contributed
6 greatly to the present disenfranchised position that our
7 community finds itself in, in the year 1981. We truly do
8 believe that the reapportionment process has been a major
9 contributor in terms of causing the conditions in our
10 community, which very badly need to have solutions develop,
11 to solve those conditions.

12 In terms of our organization, our organization is
13 really rather new on the scene. We've only been together
14 for a very short period of six months. But, when we came
15 together in February of this year, we did realize that
16 history could not repeat itself in terms of what has
17 happened in 1971 as well as 1961. And it was for that
18 purpose that our organization came together in order to
19 monitor the reapportionment process. We are very much
20 concerned that what has happened in the past will happen
21 again. I say it very sincerely when I tell you that I do
22 believe, and we do believe, that there is actually a very
23 clear and present danger that again the voting rights of the
24 Chicano and Latino in the State of California will suffer at
25 the hands of Legislators.

26 It is not an accident that our community has
27 traditionally been carved up in many districts for the
28 benefit of the Democratic Party or for the benefit of the

1 Republican Party. We are aware that the policies presently
2 being carried out have been to use the population within our
3 communities to benefit incumbents or to benefit either of
4 the major parties. That is totally unacceptable to us.

5 In terms of the activities of our organization, we
6 have already developed an Assembly, a Senate, as well as a
7 Congressional Plan; and we have submitted those plans as of
8 July the 10th of 1981, giving the Legislature an opportunity
9 to review those plans and consider the alternatives that we
10 do ^{no} propose to the individuals who will be making the
11 decisions. In terms of the development of those plans, we
12 believe that those plans safeguard the interest of our
13 community and, at the same time, follow all of the
14 principles of law which reapportionment plans are supposed
15 to follow: They are equal in population; they are compact;
16 they are contiguous; and definitely, they do respect the
17 community of interest. Very importantly, the community of
18 interest in terms of the Latino and in terms of the Chicano,
19 a community of interest which has not been respected in past
20 reapportionment efforts.

21 We have also very intentionally, in our plans,
22 retained the strength of all of those individuals who
23 represent communities that are under-represented.
24 Specifically, I'm speaking about those Legislators, who are
25 Chicano, who are Latino. Their strength is retained as well
26 as those Legislators who are Black. Their strength is
27 retained as well. We also respect city and county
28 boundaries. So, we do believe that our plans is a fair plan

1 for all citizens and all residents in the State of
2 California, not just Latino, not just Chicanos.

3 It is not our purpose to create districts where only
4 Latins or Chicanos can be elected. It has been our purpose
5 to create districts where we will have a significant voice
6 and influence upon anyone who is going to be representing
7 that district: Whatever color, whatever creed he or she
8 is.

9 In terms of what we expect from the Legislature, as we
10 look at the population distribution of our communities, we
11 know that there are definitely areas where new districts can
12 be developed that will have a majority Latino population.
13 We have shown that to the Legislature in Los Angeles County
14 as far as an Assembly, new Assembly districts is concerned.

15 In our plans, we have also created two new districts
16 that are in the percentage of 40 percent plus. We have also
17 created five districts above the 30 percent Latino
18 population. Altogether we will have under our Assembly Plan
19 16 districts where Latinos would have a significant
20 influence in those communities, as far as being able to tell
21 those Legislators that our interests have to be respected.

22 In terms of the Congressional Plan, we do create one
23 new Congressional Seat, also in the County of Los Angeles.
24 We believe that these plans are very realistic and very
25 moderate plans. If we, of course, were to demand or request
26 representation according to our population, then we would be
27 entitled to much more. We are 20 percent of the population
28 in the State of California and a 92 percent increase that

1 has been shown by the census is very telling in terms of the
2 amounts of people of residence, of citizens, we have in the
3 State of California.

4 Yet, there does exist a great disparity between the
5 numbers in terms of our population and the numbers in terms
6 of our representation. We have less than 5 percent of the
7 political representatives in the State Legislature when you
8 also include the Congressional Delegation. There are two
9 new Congressional Seats and we believe that it is very fair
10 that those Congressional Seats be made significantly Latino
11 populated.

12 In terms of the work of this Committee, I come before
13 this Committee somewhat in the same position as we have
14 given testimony before both Committees of the Legislature,
15 the Assembly as well as of the Senate. Now, they tell us
16 that the reapportionment process in 1981 is more open than
17 it has ever been before. If it is true then it is more open
18 in the sense that these committees have taken testimony from
19 many individuals because we have testified at every hearing
20 of the Senate as well as every hearing of the Assembly. But
21 we have been at a great disadvantage because at none of
22 these hearings have we had the opportunity to review what
23 are the Legislatures plans.

24 And so, in that respect, ladies and gentlemen, I make
25 a very important request of you. You are now involved in
26 the reapportionment process. But that -- instead of
27 retrospectively looking at violations of civil rights, my
28 request is for you to remain together studying and analyzing

1 this problem until the Legislature has surfaced their plans;
2 and that you do everything in your power, within your
3 resources, to analyze those plans so that instead of you
4 looking at what is history and what have been past
5 violations of civil rights and past dilutions of voting
6 rights, that you remain together and that you express a
7 position, and that you let the Legislature know what you
8 perceive to be a dilution of the voting power of our
9 community or of any other community. And that you also do
10 everything in your power in terms of letting Governor Brown
11 know, that if this plan does not meet the requirements of
12 the law, that he should not sign this plan into law. That
13 is a very important request that we make.

14 We also invite you to participate with us on the 23rd
15 and the 23rd of August for what we hope will be a major
16 demonstration of unity and solidarity on the part of our
17 community as far as this issue is concerned. Because as far
18 as this issue is concerned, we have no division. We are
19 united. Every major organization from the Mexican-American
20 Political Association to the G.I. form to LULA to ~~MAVA~~ to
21 Commission ~~Feminine~~ to CAFE. There is not one organization
22 that is not participating with us in this process. And so
23 that Senator Boatwright is correct that we are speaking with
24 one united voice, and he has told us that it would make it
25 easier for him to be able to make ~~d~~ecisions. We hope that
26 the plans that he comes out with, that the Assembly also
27 develops, will follow the very united community, the very
28 united voice we have represented at all these hearings.

1 I would also express one other concern to you, and it
2 is a very real concern. We do not want to gain in political
3 representation at the expense of another minority that is
4 also under represented. And I am speaking, specifically, of
5 the Black community. It is my major concern, that
6 especially as far as the Senate plan is concerned, that they
7 will create a new district, but that it is going to be
8 created in such a fashion where, in order for us to obtain
9 increase representation, we are going to have to be pitted
10 against Black Legislators or individuals in the Black
11 community. We do not agree with that concept. We do not
12 agree with that approach. We believe that it is possible
13 and that it should be done in areas where minority people
14 will not be competing against each other for that political
15 voice.

16 On the 23rd and 23rd of August, there will be
17 individuals from throughout the State of California, from
18 within the 10 local area coalitions, which do comprise the
19 coalition of Californios for Fair Representation.

20 We have coalitions here in Sacramento, San Francisco,
21 San Diego, San Bernardino, Los Angeles; we have altogether
22 10 coalitions. Five counties in the San Joaquin Valley have
23 organized themselves to work in the issue of
24 reapportionment, Santa Barbara also, Los Angeles, San
25 Diego. My memory is not all that good. I should have
26 written these down, but we do have 10 of them, ladies and
27 gentlemen. All of these people, all of these coalitions,
28 will be represented on the 23rd when we converge in the City

1 of Sacramento to let the Legislators know that 1981 is
2 different from 1971. That our community has grown in
3 sophistication and in political power and that we can meet
4 that test in terms of turning out that vote and so that
5 because we are going to be providing our communities with
6 viable candidates with individuals who can speak in a strong
7 voice in terms of what are our interests.

8 Reapportionment and gerrymandering ~~has~~ been a major
9 contributor to the apathy which exists in our community, but
10 it is an apathy that is not confined to the Latino
11 community. It is apathy that we see across society. And we
12 see that apathy because of the lack of responsiveness on the
13 part of Legislators. So it is my request that you stay
14 involved in the reapportionment process and that you state a
15 strong position in terms of the appropriateness, or lack
16 thereof, of the plans that are going to be coming forth very
17 soon.

18 Thank you very much.

19 **MS. HATA:** Mr. Garcia, what ^{has been} ~~is building~~ the
20 Legislator's response to your purpose?

21 **MR. GARCIA:** The first response has been a
22 critical response. We had representatives in the City of
23 Sacramento no more a week ago. From my -- I was not
24 present, but I listened to the tape on the entire
25 proceeding. And it appears to me from the discussion that
26 occurred at that proceeding that the Legislators, at least
27 some of the Legislators, have focused very much in terms of
28 some of the shortcomings of our plans. Our plans are not

1 perfect, and we have never claimed them to be. We have
2 operated with what can be literally called a shoestring
3 budget. We cannot compete with the high finances of the
4 Legislature with which runs in the millions of dollars.

5 At the same time, our regional plan is a very sound
6 plan. But, from my listening to the discussion that went on
7 at that committee, the reception has been critical. I do
8 not believe that that is a positive approach as far as the
9 Legislature is concerned. Also the Legislature has been
10 very secretive in terms of what they are doing. I do not
11 believe that it is in the public's interest for the
12 Legislature just to take in information without letting the
13 people know what it is that they are developing. We are
14 hoping, that what Mr. Willie Brown has said, "Judge me by
15 not what I say, but what I do." Unfortunately, we cannot
16 judge him otherwise with what he says. It would be a
17 terrible plan. So we are having to wait and see what they
18 are coming forth with.

19 **MS. HATA:** What do you perceive as a Legislator's
20 major criteria in this reapportionment plans or ideas?

21 **MR. GARCIA:** Yes, excuse me, based on history, it
22 would be a protection of incumbents. That, I believe, is
23 the major factor and I keep hearing from many Legislators,
24 41 votes, 41 votes, 41 votes; and those 41 votes are going
25 to be based whether or not those individual Legislator's
26 districts are protected, the way they wish them to be
27 protected.

28 **MS. HATA:** Have you seen the Legislature take any

1 specific steps to safeguard minority representation?

2 **MR. GARCIA:** I cannot say that I have. And I am
3 really at a disadvantage to be able to really give a
4 definitive answer because I have not seen the Legislature's
5 plans. The final test is going to be in terms of what they
6 create. What will the legislative plan look like. I am
7 hopeful that there will be sufficient time from the point of
8 time that the Legislature surfaces those plans for us to be
9 able to analyze those plans and to be able to give effective
10 input to that process.

11 **MS. HATA:** You spoke of a concern for Black
12 representation.

13 I wonder what your groups' concerns are for Asian
14 representation, places like Chinatown and Little Tokyo, in
15 Los Angeles?

16 **MR. GARCIA:** Yes, we are also very concerned in
17 terms of Asians being well protected under our plan and we
18 have made an effort to identify all of the pockets where
19 people of Asian descent live and to make sure that their
20 community of interest is also protected.

21 **MS. HATA:** Have you worked specifically with
22 minority groups, Black and Asian, in your reapportionment?

23 **MR. GARCIA:** Our major emphasis has been within ~~the~~
24 our own community. As we look at the -- at our political
25 development ten years ago, for example, the last
26 reapportionment process, there were individuals who were
27 involved in attempting to impact that process; but, the
28 situation, as far as the level of political development, was

1 much different ten years ago; and so there was only a small
2 number of individuals who were testifying before committees
3 such as yours.

4 In the last ten years, we have grown a great deal in
5 terms of people who have gone to the university, people who
6 have private businesses and all of that. And so what we
7 have tried to do in 1981 is to coalesce as many of the
8 organizations within our own community as is possible. That
9 has been our primary emphasis. However, we are now also
10 focusing on the local reapportionment efforts throughout the
11 State of California. And to give you the example, in the
12 Los Angeles County situation, we have begun to work with
13 representatives of the Black community, and we submitted a
14 supervisorial plan that where representatives of the Black
15 community as well as our coalition were in agreement in
16 terms of what that plan should look like.

17 **MS. HATA:** Again, I keep hearing your discussions
18 with respect to the Black community.

19 Are you trying to tell us perhaps the Asian community
20 is perhaps not organized enough to present any kind of
21 reapportionment concern?

22 **MR. GARCIA:** Let me say this, without offense to
23 any group, that it appears that the only community ^{which} has
24 organized itself has been the Latino community of 1981; and
25 that is unfortunate because we would really welcome the
26 support and participation of our brothers and sisters in the
27 Asian community as well as the support and participation of
28 our brothers and sisters in the Black community.

1 It has only been at the local supervisorial level in
2 L.A. County that, when we were presenting our plans and
3 making our demands in terms of that committee, which was
4 appointed by the Board of Supervisors and had five
5 individuals who were all white, no representation from the
6 Blacks, no representation from the Asians, no representation
7 from Latinos; and we made the request that there be such
8 representation, and there were Black folks in the audience.
9 And it was then that they began to participate with us.

10 We have not made any efforts to actively reach out to
11 any community, other than our own, because it is -- there is
12 such a dire need for people within our own communities to
13 organize ourselves, and that has been our emphasis. Not
14 because we do not wish to work with other folks but that has
15 been our emphasis up to now.

16 **MS HATA:** I understand that it is one step at a
17 time; and I just wanted to clarify, for the record, that you
18 were being very open about it, and you were encouraging
19 those who were organized and to join together.

20 **MR. GARCIA:** Thank you very much.

21 **MS. HATA:** Does any member have a question?

22 **MS. DAVIS:** I do, Mr. Garcia.

23 You made reference, I don't think -- I don't remember
24 if it was you, but it was some other people -- that your
25 main source of data has been the Rose Institute.

26 **MR. GARCIA:** Yes.

27 **MS. DAVIS:** And yesterday we heard from the
28 Chairman of the State Democratic Party, and he mentioned

1 that the Democratic Party was also involved, I guess, with
2 the Legislators in terms of developing a plan for the
3 Democrats.

4 Have you requested or has anybody made an offer to you
5 of the availability of the same data base for your -- you
6 know, the deliberations on the reapportionment?

7 The reason I'm asking is Mr. Trujillo was very
8 confident that Democrats had, as one of their priorities,
9 minority representation of --

10 **MR. GARCIA:** We have been in contact with the
11 staffs of both the Democratic -- the Senate Committee as
12 well as Assembly Committee, but we have not had the same
13 type of response and openness in term of their data base --
14 the use of their data base as we had from the Rose
15 Institute.

16 The Rose Institute has been very gracious in terms of
17 allowing us to use the wealth of information that they
18 possess. We were concerned, because we are nonpartisan,
19 that the use of the data base from the Rose Institute would
20 open us to attacks that we were allying ourselves with the
21 Republican Party. In fact, those attacks have been made in
22 the past by different people and different sources. We are
23 very happy that now the Los Angeles County Board of
24 Supervisors has also voted to use that same data base; and
25 so that the data base, we continually state, is an objective
26 data base. Those are numbers. And it has been our
27 discretion that has gone into creating our reapportionment
28 plans. We have not had the same openness or willingness to

1 share with us the information that the Senate or the
2 Assembly has.

3 **MS. DAVIS:** But, have you actually made a request
4 for the use of their data base to the Legislators or to the
5 Democratic Party?

6 **MR. GARCIA:** Yes, we have.

7 **MS. DAVIS:** And they have just flatly refused it?

8 **MR. GARCIA:** They have provided us with some
9 information but not a carte blanche in terms of we being
10 able to use their computers.

11 And let me say, without the use of the computers, we
12 would have been at a great disadvantage to compete in this
13 process. The technological side of reapportionment is a key
14 part. Without these computers, we would be at a
15 disadvantage.

16 **MS. DAVIS:** Secondly, the Legislature Assemblyman,
17 Mr. Alatorre yesterday indicated that there had been several
18 public hearings in regard to reapportionment throughout the
19 State.

20 Was your organization involved in any one of the
21 those seven hearings?

22 **MR. GARCIA:** Our organization was involved in all
23 seven of the hearings before the Assembly as well as all of
24 the hearings before the Senate's Committee.

25 To give you an example, in San Bernardino, 23
26 representatives of the community and of organizations
27 testified under the banner of Californios for Fair
28 Representation supporting the plans that our coalition had

1 submitted. The same applied in terms as L.A. County, as
2 well as every other place, every other location where
3 hearings were held; our coalition was represented and was
4 represented in numbers.

5 **MS. DAVIS:** Secondly, the Assemblyman also
6 mentioned, after the plan is presented by the Legislature,
7 there will be public hearings and then the Legislature will
8 then take into consideration the input at that time; and
9 then, the voting, you know, of how the plan will take
10 place.

11 Do you feel that -- and, of course, I have no idea of
12 the time element, that that would give you sufficient time
13 to react and present your reaction and analysis of the
14 plan?

15 **MR. GARCIA:** I would think not, and I'm really at
16 a loss to understand why good thinking minds would plan the
17 reapportionment hearings the way that they have been
18 planned.

19 If there was really a good faith to make this process
20 an open process, where the public could have an effective
21 input, the reapportionment plan should have been developed
22 first, then hearings should have been held throughout the
23 State and those questions and those plans so that the
24 Legislature then could really have an effective input from
25 all of the people of the State of California not just those
26 individuals that are able to spend the \$124 to fly to
27 Sacramento, or whatever it is from San Diego, you see. The
28 economics are a big obstacle in terms of a lot of folks who

1 would be able to give an input to the Legislative
2 Committees.

3 I believe that the process was somewhat turned
4 around. They took testimony first and were even sometimes
5 critical because we had to speak in generalities, but how
6 else could we speak when the hearings began on February the
7 13th? Our organization came together on February the 7th;
8 and, yet, six days after we formed our coalition, we had to
9 come before Senator Boatwright's Committee, again in the
10 Board of Supervisors in L.A. County, and what could we say
11 except to give him the history and give them our
12 expectations. We could not give them concrete information
13 in terms of this is the way we want as far as the
14 reapportionment plan is concerned. So, the process has been
15 somewhat turned around. And I am at a loss to understand
16 why that has been the case.

17 **MS. DAVIS:** Well, I would like to think
18 Californios would document the experience you had from the
19 section of your organization through the adoption of the
20 reapportionment plan. And that if you do so document and
21 make recommendations in terms of improving the participation
22 of the State of California, the people of California, that
23 you would make that document available to the Committee.

24 **MR. GARCIA:** Thank you very much. We appreciate
25 that perception.

26 **MS. HERNANDEZ:** Thank you, Ms. Davis.

27 Mr. Garcia, we understand that the Rose Institute has
28 so very eloquently allowed your organization to use the

1 computers at the Rose Institute.

2 Could you give us some kind of an idea as to what kind
3 of time was put in for the plan that Californios was able to
4 implement?

5 **MR. GARCIA:** We have a near 300 hours of being at
6 the computer. And we have an inside joke within our own
7 organization that our research committee is in need of a
8 marriage counselor because, literally, our research
9 committee had to report for duty, above and beyond the call
10 of duty, at 11:00 p.m.--midnight; and we would be at the
11 computers from that time until very early in the morning.
12 That was the time the computers were made available to us.
13 So that it was not the optimum time, but we appreciate the
14 computer time that we had in any case.

15 Without it, we would not have been able to develop
16 reapportionment plans. It would be thousands and thousands
17 of hours, months of work, had we had to do that through the
18 manual process.

19 **MRS. HERNANDEZ:** Thank you.

20 **MS. DAVIS:** Any other questions?

21 Do you have one?

22 **MR. MONTEZ:** Miguel, as you know, the Committee
23 was here in 1971, and I would suspect the Committee is new
24 with the exception of my face; but, we have been here now
25 going on the second day. And I have a real sense of
26 politics as usual. We've heard from different faces and
27 different people, you know. I don't get any sense that it's
28 any different now than in 1971.

1 What do you foresee, from your own personal point of
2 view, as far as politics as usual? It doesn't seem to me
3 and maybe I'm being much more pessimistic than I should be --
4 we now have minorities testifying before us who are in the
5 positions of power. And I have some concern about the
6 direction you're going to go in and your committee is going
7 to go in if, in fact, it turns out to be politics as usual?

8 **MR. GARCIA:** We have been disappointed at the lack
9 of response, especially from the top level Democrats in the
10 State of California.

11 We understand that reapportionment is a very important
12 process as far as the political power of the respective
13 parties. And one of the criteria that we used in developing
14 our plans was not to influence, not to impact, the
15 respective balance of power between the Republican Party and
16 between the Democratic Party. But, as far as the response,
17 we see that Republicans are very eager to work with us and,
18 at the same time, we see the Democrats -- maybe because we
19 have used the computers at the Rose Institute, and we know
20 that the Rose Institute has been funded by the Business
21 Roundtable.

22 We're aware of that, but we are exercising our
23 discretion. We have made it known to all people that we are
24 independent, that we are independent of the Democratic
25 Party; that we are independent of the Republican Party; we
26 are independent; and our first loyalty is to our community.

27 What I see that is very positive, which hopefully will
28 be a change as far as politics as usual is concerned, that

1 no matter what happens in reapportionment, as far as our
2 community is concerned, we are coalesced. We are more
3 united now than we have been for at least almost ten years.
4 So that our organization, our coalition, is going to
5 remain. And it is an important development in our community
6 because even if there was not to be one new district in our
7 community, our organization, our coalition is a coalition
8 that can make political representation accountable to our
9 community. That is a very positive development.

10 We hope that the leadership of both parties realizes
11 that we have a developing and dynamic constituency that,
12 within the last five years, has increased 35 percent as far
13 as voter registration, that turned out 65 percent of its
14 registered voters for the last general election. And so
15 that, if it is politics as usual, it is not going to be
16 politics as usual as far as our community is concerned in
17 1982. We are voting in great numbers now and that is going
18 to increase.

19 **MS. HATA:** Mr. Garcia, yesterday, Mr. Trujillo,
20 the Democratic Party expressed great pride in the
21 accomplishments of the Party with respect to minority
22 concerns as a great track record. He also expressed great
23 optimism in the leadership of the Party providing an
24 appropriate reapportionment plan.

25 Would you share his perspective based on your
26 experiences since February of this year?

27 **MR. GARCIA:** I would say that the Democratic Party
28 is closer to the sense of our community as far as a lot of

1 the issues that affect our people; but that, on the question
2 on reapportionment, it is just opposite. The track record
3 of the Democratic Party is a dismal record. It is a record
4 that no Democrat could be proud of or should even voice
5 anywhere within the Chicano-Latino community.

6 **MS. HATA:** Could you point to a few specifics for
7 us for the record?

8 **MR. GARCIA:** Certainly.

9 In the area of Santa Clara County, the area of San
10 Jose, we have a population that is divided into three
11 Assembly districts. As we were developing our
12 reapportionment plan and we color-coded the census tracts
13 where we could visually see where population was located.

14 You can see that gerrymandering is a very apparent
15 one. They're a community that could be put into one
16 district which is also not our approach. We don't want to
17 fall into the policy of the Republican Party. The
18 Republican Party would want to put us all into as few
19 districts as possible and in order to increase their power.
20 We do not agree with that either. We do not agree with the
21 policy of the Democratic Party that we should be diluted and
22 put into many districts -- 10, 15 percent of our
23 population. We want to strike a balance between those two.

24 Another example, is the east Los Angeles community.
25 Where a population of 800,000 plus was divided into eight
26 Assembly districts so that there was not any one district
27 with more than 10 to 15 percent voter register, Latino
28 population. That same population could have been divided

1 into three districts where we would be able to elect people
2 to represent our interest. But that was not done. Those
3 are definitely two examples that come to mind at this
4 particular point in time.

5 **MS. DAVIS:** Are there any other questions? Mr.
6 Garcia, thank you very, very much.

7 **MR. GARCIA:** Thank you very much.

8 **MS. DAVIS:** Our next presenter is John E. Huerta.
9 Mr. Huerta, would you please state your name, your
10 organization your with and your title?

11 **MR. HUERTA:** My name it is John Huerta and I'm
12 Director of the Southern California ^{office} of the Mexican-American
13 Legal Defense and Education Fund. I'm an attorney and
14 graduated from law school in 1968. I have been a civil
15 rights attorney prior to teaching, being a Professor of Law
16 at the University of California at Davis where I specialized
17 in civil rights amongst other courses.

18 In 1977, I left the University of California at Davis
19 to become Deputy Assistant ~~Attorney~~ Attorney General for Civil
20 Rights. In that capacity with Attorney General Bell and
21 Attorney General Civiletti, I had responsibility for
22 overseeing the administration of the Voting Rights Act.

23 As this Committee is well aware, reapportionment is
24 the top item on the agenda of every major Hispanic
25 organization, not only in the state but in the country. The
26 purpose of my appearance before you today is to discuss the
27 criteria for drawing districts and the legal framework for
28 creating districts that may provide for increased Hispanic

1 political influence. These two issues are closely
2 intertwined.

3 The source and limit of the State's authority and
4 obligation to redraw districts is ^{the} U.S. Constitution, the
5 supreme law of the law. The dictates of 14th and 15th
6 amendment of the Constitution are interpreted by the Supreme
7 Court in Baker vs. Carr and White vs. Regester. Baker and
8 its prodgeny require the State to draw districts respecting
9 the one person, one vote principle. White vs. Regester
10 requires the State to draw districts that do not invidiously
11 discriminate against minority interests.

12 In White, the Supreme Court overthrew a
13 reapportionment plan that discriminated against Blacks and
14 Hispanics in Dallas and Bexar counties in Texas.

15 Additionally, four counties in California - Kings,
16 Merced, Monterey and Yuba - are covered by Section 5 of the
17 voting Rights Act. Under this provision of law, the
18 Legislature must submit all reapportionment plans to the
19 U.S. Department of Justice for preclearance. The burden of
20 proof is on the State to show that its reapportionment plan
21 does not have the purpose or effect of discriminating
22 against minorities' voting rights. The Department will
23 closely examine the submission and scrutinize the "ripple"
24 effects of the plan to determine its impact on the
25 minorities in the covered jurisdiction.

26 If the Department of Justice determines that the
27 reapportionment plan has the effect of diluting minority
28 voting rights, it will object to the proposed plan, and it

1 will be invalid unless a three-judge district court in
2 Washington, D.C., after extensive litigation between the
3 Justice Department and the State of California, determines
4 otherwise.

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

8 Under State law, the Equal Protection Clause and
9 Article XXI of the California Constitution, otherwise known
10 as Proposition 6, place further restraints on the State.
11 Proposition 6 mandates the creation of contiguous,
12 consecutively numbered, single-member districts throughout
13 the State. It further suggests that the geographical
14 integrity of political sub-entities be respected to the
15 extent possible without violating the other mandated criteria
16 of the Article.

17 The Equal Protection Clause of the California
18 Constitution demands much more. Any redistricting plan that
19 has the purpose or effect of diluting minority voting
20 strength will be subject to the strict scrutiny by the
21 California Supreme Court to determine if there is a
22 compelling governmental interest. If there is a less
23 discriminatory alternative, that must be followed. This
24 principle is drawn from the court's decision in because
25 Calderon vs. City of L.A., Gould vs. Grubb, Jackson vs.
26 Pasadena School Board of Education, and Serrano vs. Priest
27 II.

28 The California Supreme Court has consistently applied

1 the effects test to determine if the Equal Protection Clause
2 has been violated whenever there is a fundamental right
3 involved such as voting or education, or where there is a
4 protected class, such as Blacks or Hispanics, or Asians that
5 are being discriminated against. MALDEF is well-armed with
6 persuasive judicial precedent to insure that the Latino
7 community will not be subjected to the same kind of
8 treatment that it has received in prior Legislature
9 gerrymandering.

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

14 The courts are loathe to intervene and only do so when
15 the one person, one vote principle is not followed, as in
16 Baker vs. Carr, or when minority voting strength is
17 diluted as in White vs. Regester.

18 The Hispanic community in California is a large one.
19 It's growing faster than any other ethnic group. As of
20 April of last year, there were four and a-half million
21 Hispanics in the State. This represents 19.2 percent of the
22 State population. Los Angeles County, with over two million
23 Hispanics, represents the largest concentration in the U.S.
24 There is another one million Hispanics in the neighboring
25 Southland counties. While we have large numbers, we do not
26 yet have adequate political influence. With the able
27 leadership of the California Advisory Committee to the U.S.
28 Commission on Civil Rights, I am certain, however, that the

1 dawn of Hispanic political participation is close at hand.

2 As an initial starting point, let me emphasize that
3 Californios are not asking for proportional representation.
4 Because we have 20 percent of the State's population does
5 not mean that we claim 20 percent of the State political
6 representation; and, as a corollary, we're not asking the
7 State to gerrymander districts to underemphasize white or
8 Anglo political influence. We, as a community, have been
9 subject to that process in prior legislative apportionments
10 and we think it unfair to any ethnic group to dilute their
11 voting strength. Everyone's interests can be accommodated
12 within the context of a fair reapportionment plan.

13 It is MALDEF's position that the State has a unique
14 opportunity to substantially increase Hispanic political
15 participation and representation in this State.

16 In prior testimony, at previous hearings before the
17 Senate and Assembly Committees on Elections and
18 Reapportionment, demographers, political scientists and
19 lawyers have shown how the Hispanic community has been
20 intentionally gerrymandered in prior reapportionments so as
21 to dilute our communities' voting strength. Members of both
22 the Senate and Assembly Reapportionment and Election
23 Committees have agreed with this analysis.

24 In this testimony, we've gone back as far as 1950 and
25 have shown that the Republican controlled Legislature of
26 1950, the Democratically controlled Legislature in 1961 and
27 again in 1971. In all three of these plans that were
28 presented, the Hispanic community was gerrymandered and cut

1 up into districts ranging from 15 to less than 30 percent in
2 heavily concentrated areas such as East Los Angeles. We are
3 not imputing blaming on current day members of the
4 Legislature for events that occurred as far back as 1950.
5 However, we are asking them to fashion a legislative remedy
6 to correct the lingering effects of that prior
7 discrimination against our community.

8 I say lingering effects because many of our present
9 day problems are routed in that prior gerrymandering
10 activity at the state and local level. Why is it that we
11 don't have more political influence in the community?

12 The answer to that question is not an easy one. The
13 answer lies intertwined with the history of that prior
14 gerrymandering, our demographic profile and our economic
15 circumstances. When one's vote is diluted, as it has been
16 in years past, there is less of an incentive to run for
17 office, to vote and to conduct that voter education and
18 registration drives.

19 Once this initially happens, it creates a vicious
20 circle that is difficult to break up. The result is not
21 only less political participation but a growing gap between
22 the have's and have not's.

23 For example, in the area of education, our lack of
24 political influence has translated itself into an
25 unresponsive educational system. Not only have we been
26 subjected to de-jure discrimination as in Orange County, but
27 as the Cohen Commission pointed out in the wake of the Watts
28 riots, the minority community - Blacks and Hispanics - have

1 been the subject of a more subtle but nonetheless invidious
2 discrimination for distribution of State funds for
3 educational purposes.

4 The Cohen Commission found, as one of the principle
5 causes of the Watts riots, the fact that the L.A. School
6 Board disproportionately expended more resources on the
7 white community than it did on the minority community.
8 Today this problem still persists, and the Latino youth are
9 disproportionately more subjected to inferior facilities in
10 year-round schools. The hope for the future for not only
11 the Hispanic and Black communities and for all Californians
12 lies in our providing all education to all our children
13 regardless of national origin or income or status.

14 The cumulative effect of this prior discrimination --
15 educational discrimination and continuing neglect is to
16 handicap our children, pushing them out of the school system
17 and into the streets, creating broad social problems for our
18 community and society at large. This, in turn, affects our
19 unemployment, under-employment and social services
20 dependency rate. When these factors are blended with
21 existing racial prejudices against our community, the result
22 is that we are drastically over-represented along with our
23 Black brothers and sisters in the poorest of the poor of
24 this country; or, as President Reagan would say, "the truly
25 needy".

26 Redistricting and fair representation are directly
27 related to our current social condition. There are other
28 factors, however, that contribute to our strength and

1 weaknesses as a community. These factors auger strongly for
2 the State Legislature and/or the courts, if necessary, to
3 recognize and keep intact our community of interest.

4 Let me explore these factors with you. Hispanics as a
5 group are young. Over one-half of our population is under
6 21 years of age; 43 percent of our population are under 18;
7 therefore, not eligible to vote. A large proportion of our
8 community are emigrants. It is estimated between 15 and 20
9 percent of our population statewide are non-citizens. Under
10 the U.S. Constitution, all persons are entitled to
11 representation even if they are not able to vote because of
12 citizenship or age. That is the very concept of
13 representation is broader than the electorate.

14 President Reagan is the President of all those in the
15 United States not just those who voted for him. A
16 supervisor or a legislator must, as a matter of political
17 theory, at least, represent the interests of all those
18 within the legislative district. In fact, there is a very
19 strong commonality of interest between the immigrant
20 community and the Hispanic community -- citizen community.

21 The immigrant lives and works alongside the Hispanic
22 citizen. The immigrant is often indistinguishable from the
23 citizen in physical appearance, dress or even language. The
24 discrimination that is often encountered by the Hispanic on
25 the street or in the work place does not respect the legal
26 niceties of citizenship. For the purpose of many in the
27 outside world, we are all stereotyped as immigrants, even if
28 one's particular family was in the southwest before the

1 Pilgrims landed at Plymouth Rock.

2 Language is an important element defining our
3 community of interest. Many of us are bilingual; but some
4 of us, inspite of years of residency, indeed a lifetime of
5 citizenship, have not mastered the English language. The
6 California Supreme Court, Castro vs. California, recognized
7 the right of the Hispanic citizen to vote in their native
8 tongue. Spanish is the most common means of communication
9 in our barrios.

10 Throughout the State, we have numerous Spanish
11 newspapers, magazines, radio and television stations. The
12 quality of news reporting, especially as to events occurring
13 in our community, such as reapportionment, are often better
14 covered by the Spanish language media than they are by the
15 popular English language. For us, our language, Spanish, is
16 an integral part of our community interest. I read through
17 other indications of why we have a commonality of interest
18 that I'm not going to bore you with, but I'm going to leave
19 them as part of the record, in which family size and various
20 economic indicators, wealth, housing conditions, all point
21 to the fact that, as a community, we ought to be kept in
22 tact so that we have a political voice.

23 The point I'm making by this discussion is that the
24 Hispanic community has a very real and unique community of
25 interest. The integrity of which ought to be respected in
26 drawing districts lines. One could easily justify this
27 action based on non-racial criteria discussed above. As
28 advisors to the U.S. Commission on Civil Rights, you're

1 aware of and have recognized that Hispanics as a group have
2 been disadvantaged in prior reapportionments; and Hispanics
3 have suffered institutional-societal discrimination that
4 have continuing effects upon our ability to fully
5 participate in the political process. The Legislature, with
6 those findings, could fashion a narrow legislative remedy to
7 grant relief for that prior injury. This is the principle
8 involved in Bakke, which the Court approved in affirmative
9 action. The Legislature can mold affirmative minority
10 districts relying upon this prior discrimination that
11 they've admitted on the record that they've participated
12 in. They can do this without diluting the voting strength
13 of Anglos, Blacks or Asians. They can often do this without
14 upsetting incumbent supervisors.

15 We are not seeking ethnic or racial representation.
16 We are seeking political influence. We want the ability to
17 elect legislators and to have palanca - political clout.
18 When our numbers are diluted, as we have been in prior
19 legislative redistricting, we do not have that palanca.
20 Where we have the numbers, the Legislature should respect
21 the integrity of our community of interest and put us in
22 common Legislative boundaries; if not, we'll ask the courts
23 to do so.

24 I will be pleased to take your questions at this
25 time.

26 **MS. DAVIS:** Mr. Huerta, you described the concerns
27 regarding the reapportionment here in California. You made
28 reference to participating in terms of getting involved in

1 some legal determinations later; but, has MALDEF been
2 involved in formulating specific recommendations such as
3 criteria for redistricting or authority in the
4 reapportionment, and have you presented any of those
5 concerns either as an organization or Californios to the
6 Legislature?

7 **MR. HUERTA:** Yes. On behalf of MALDEF, and I am
8 the Secretary of Californios on the Statewide Steering
9 Committee, I have presented testimony on several occasions --
10 various aspects of the same testimony to the -- both the
11 Senate and the Assembly and spelled out in more detail the
12 history of prior discrimination as it's taken place by
13 them. I have also been involved on the Californios Research
14 Committee drawing the Assembly and Congressional plans that
15 they submitted for the Legislature.

16 **MS. DAVIS:** Could you give us an idea of the
17 criteria you used?

18 **MR. HUERTA:** The criteria that we used were the
19 criteria of good government; that is bringing in districts,
20 trying to make them contiguous, consolidated, closely
21 together respecting the boundaries of cities and counties.
22 At the same time, looking at the community of interest of
23 various ethnic groups - Hispanics, Blacks and Asians - we've
24 provided, for example -- Mr. Garcia may not be aware of this
25 because he wasn't involved in the actual drawing of the
26 plans -- but we have overlays with the Hispanic population,
27 the Black population and also the Asian population, so we
28 would know where the communities were. And, in drawing

1 those lines, we made an effort not to cut those communities
2 up at all, to retain them as much together as possible so
3 they would have as much political influence as possible.
4 Now that's -- were some of the factors.

5 But we looked at other communities of interests, that
6 we didn't cut up coastal communities, for example. We took
7 geographic areas into consideration in drawing our plan.
8 The one factor we really didn't consider that heavily, and
9 were criticized by the Legislature for this, is incumbency.
10 We have not made that a high priority to protect every
11 incumbent in the Legislature; but, we've been fairly
12 realistic. And I think we presented them a politically
13 feasible plan that doesn't radically alter the balance in
14 the community of the Democrats and Republicans in the
15 Legislature. So, I think we have a very well-developed
16 plan.

17 We may have some minor technical difficulties in terms
18 a census tract dropping out of the community one place or
19 another. That is so minor that it can be cured in a matter
20 of a-half an hour of work on the computer.

21 **MS. DAVIS:** Mr. Huerta, in regards to the Voting
22 Rights Act, could you describe for us what the process is
23 for the State in terms of submitting the plans for approval
24 and who -- which entity in the State has the responsibility
25 for submitting the plans? Is it the Secretary of State's
26 Office?

27 **MR. HUERTA:** I believe it's the Secretary of
28 State's Office has that responsibility.

1 Before the law can go into effect, it must be
2 submitted to the Justice Department. What they would have
3 to do is submit not only the plan itself but supporting
4 information justifying the plan, specific information as to
5 the minorities affected by the plan. And the prior --
6 Justice Department may ask for additional information. If
7 they think they have additional -- sufficient information
8 upon the original submission of the plan, they have 60 days
9 to review that data, in which administrative unit, in the
10 Civil Rights Division of the Department of Justice, that
11 specializes in these, will review it, put the plan on their
12 computers and see what affect it has and what other
13 alternatives they could have come up with. And if it has
14 not diluted the minorities' interest, the plan will be
15 approved.

16 Often they don't have sufficient information submitted
17 on the plan and it takes additional time. They have another
18 period of time for the State to submit additional data; and
19 there's another 60 days approval period from the time that
20 new data arrives. The presumption that's very important to
21 keep in mind, the presumption is against the State in that
22 submission. The presumption is that this is a
23 discriminatory plan unless they prove otherwise.

24 **MS. DAVIS:** Does the Voting Rights Act actually
25 prescribe the criteria that is used that guides the State in
26 terms of developing their plan?

27 **MR. HUERTA:** No, it's more general in terms of
28 saying that you cannot -- I think the exact wording is that

1 they cannot have an action which has the purpose or effect
2 of limiting minority voting rights. And so, they have
3 interpreted that in many different contexts besides
4 reapportionment activities.

5 **MS. DAVIS:** You mentioned the State Equal
6 Protection legislation. Does that happen simultaneously or
7 does the State go through fulfilling the requirements of
8 that law first and then submits it to the voting?

9 **MR. HUERTA:** Okay.

10 It would be the State Equal Protection laws would only
11 be invoked upon a lawsuit being filed in State Court which
12 we have fully researched and we're quite confident that
13 we're in an extremely strong position on this.

14 As you're familiar with the L.A. School desegregation
15 case, in that situation, the Supreme Court -- actually prior
16 to that, in the Jackson case that I cited, the California
17 Supreme Court developed what's known as the "effects test"
18 for the Equal Protection Clause. So, they don't look into
19 the intent, as you do under Federal law, to find out if
20 under the Federal Equal Protection laws; they don't see if
21 it's your intent to discriminate; they just look at your
22 actions. If your actions are discriminatory and therefore
23 would dilute the minorities' voting strength, that's
24 sufficient there to violate the California Equal Protection
25 Clause.

26 **MS. DAVIS:** Has MALDEF's -- you mentioned that you
27 were prepared to enter into a lawsuit of some kind if
28 necessary.

1 What background does MALDEF have materially in other
2 States?

3 **MR. HUERTA:** Well, I mentioned the White versus
4 Regester case. MALDEF brought that case against the State
5 of Texas and went all the way up to the U.S. Supreme Court.
6 And they won that.

7 I referred to the Calderon case, which is against the
8 Los Angeles City Counsel back in 1971. My office, MALDEF,
9 brought that. I wasn't in the office at the time.

10 MALDEF also participated in the Legislature in the
11 case of Legislature vs. Reinecke, the California Supreme
12 Court redistricting plan. We submitted the plan, or
13 submitted to the Masters a plan, that resulted in the actual
14 plan that -- in which Senator Garcia and Assemblymen
15 Alatorre and Torez represented and that was directly a
16 result of one of the MALDEF plans.

17 MALDEF, this year, has successfully sued the State of
18 Texas to keep from putting into effect a plan of --
19 reapportionment plan, over our objection, that they tried to
20 put into effect. And they have had to go back to the
21 drawing boards and redo that.

22 I'd say MALDEF has a lot of expertise in this area. I
23 personally have many years of experience in voting rights,
24 so we're in good shape.

25 **MS. DAVIS:** Are there any questions from any other
26 members of the committee?

27 Shirley?

28 **MS. THOMAS:** If I'm reading you clearly, Mr.

1 Huerta, you feel that these are safeguards here that will
2 insure a fair representation in reapportionment through the
3 Justice Department?

4 **MR. HUERTA:** Well, I'm confident the Justice
5 Department will give a very critical review of the plan, but
6 I'm also very confident that this Legislature is not going
7 to want the California Supreme Court to draw the plan
8 because they don't necessarily respect incumbents in the way
9 as the Legislature will. And I hope the Legislature has
10 good legal counsel in this regard because sometimes I wonder
11 whether they're just putting their heads in the sand and
12 disregarding that; but we'll just have to see the actual
13 plan.

14 **MS. HATA:** Is this optimism been based on a
15 positive response to the Legislature on your concerns and
16 plans?

17 **MR. HUERTA:** My optimism is based on the analysis
18 of the court decisions. That's only what we have to rely
19 on.

20 **MS. HATA:** Then what has been --

21 **MR. HUERTA:** I would rather see a plan being drawn
22 by the Legislature. I think it's very easy. We've showed
23 them our plans are not radical at all. We've protected
24 every minority incumbent in the Legislature and asking for
25 just minimally additional -- one additional Assembly seat.
26 It's minor. We've just involved two Assemblymen, both of
27 which have agreed to it: Maxine Waters and Frank
28 Vicencia. Just a change. Now, she's got 40 percent

1 Hispanics in her district and he's got 40 percent Blacks.
2 Basically switching those two. His giving up Compton to
3 Maxine Waters and Vicencia taking Southgate and Huntington
4 Park from her and part of Lynnwood.

5 **MS. HATA:** What has been the Legislature's
6 response?

7 **MR. HUERTA:** It's been stone-walling, as Nixon has
8 been capable of doing. They have not told us what their
9 plans are. They have agreed with us, what we're suggesting
10 is feasible. When we met with Mr. Willie Brown, Miguel
11 Garcia and myself, Mr. Sillas was present here, he said he
12 agreed with our criteria and didn't have any trouble with
13 it; but, we have not got that response from him publicly, so
14 I'm very curious about what the Legislature will be doing.

15 **MR. BERG:** Ms. Davis.

16 **MS. DAVIS:** Yes.

17 **MR. BERG:** Would it be appropriate for the
18 Committee to ask to see your model plan and have it become a
19 part of the record?

20 **MR. HUERTA:** We could submit it to you. Ours is
21 not a model plan in the sense that it's the only plan of --
22 what we've tried to do. I guess it is a model plan in a
23 sense.

24 **MR. BERG:** It's a model, I would assume?

25 **MR. HUERTA:** Pardon?

26 **MR. BERG:** I would refer to it as a model plan.

27 **MR. HUERTA:** When we presented it to the
28 Legislature, we're saying, "We're not asking you to draw the

1 lines exactly where we were drawing them. We're showing
2 you, you can draw a reasonably good plan with, for example,
3 around 33 percent Hispanics out in the San Pedro area,
4 another 33 to 40 percent in the Van Nuys area -- excuse me,
5 out in the San Fernando Valley, another 60 percent Hispanic
6 district in South Central Los Angeles, a 40 percent district
7 in the Fresno area. Now, how you want to cut that -- we
8 understand you've got political realities you've got to deal
9 with. We want to be reasonable and negotiate with you."

10 They have just stone-walled. They have not met with
11 us after we have asked to meet with them. I mean, they will
12 meet with us, but they will not discuss any particulars as
13 to what census tract's included in particular districts.

14 We are trying to be flexible with this approach, and
15 we have not gotten any receptivity to them.

16 **MS. HATA:** Is this plan that we are talking about
17 the same plan as the Californios' plan?

18 **MR. HUERTA:** Yes, it is the Californios' plan.

19 **MR. MONTEZ:** I would suspect, John, that the stone-
20 walling has something to do with the fact that they already
21 have a plan amongst themselves and they're not ready, you
22 know, to take the heat on. When they are, I think everybody
23 will know it and see it, and that's probably when they
24 adjourn on February the 15th. So, we'll see the plan on the
25 night of the 14th, I would assume.

26 **MR. HUERTA:** I don't think we will.

27 **MR. MONTEZ:** Could you give us some idea of what
28 the process is, if we're going to continue to be as

1 pessimistic as I would suspect most of us are?

2 What is the process when they do release a plan, as
3 far as do you have a strategy or maybe you don't want to
4 discuss the plan? What is it?

5 **MR. HUERTA:** Once they release it, we have a
6 commitment from the Rose Institute that the computers will
7 be available to us to do our analysis of the plan. We'll do
8 our analysis. It will take us anywhere from 24 to 48 hours
9 if we work around the clock. I can guarantee it because I
10 have done that for about three days in a row in terms of
11 drawing a plan. And we'll have our analysis of it and how
12 it shapes up compared to what we're asking for it.

13 If it's within the ballpark, we'll probably call a
14 press conference and support their plan, appear at hearings,
15 and testify on behalf of it. If it is not in the ballpark,
16 we will oppose it and fight it in the Legislative hearings
17 and if that doesn't work, we will go to the courts.

18 **MR. MONTEZ:** Could I request as part of the
19 Committee that maybe a person from our staff or somebody to
20 keep the Committee as abreast as quickly as we can to join
21 some of your people when you go to the Rose Institute?

22 Is that -- would that be infringing on --

23 **MR. HUERTA:** I don't think so. It's pretty boring
24 work. I think should this matter --

25 **MR. MONTEZ:** The staff can handle that. They're
26 used to boring work.

27 **MR. HUERTA:** I think we can accommodate your
28 staff.

1 **MR. MONTEZ:** I would suspect it would be as quick
2 as we could come up with something. The Committee could be
3 informed by phone?

4 **MR. HUERTA:** That's correct.

5 **MR. MONTEZ:** And I would find that, probably if
6 we're going to have any kind of impact, that as soon as we
7 know, you know, part that I think that maybe the Committee
8 could make some decision as to the directions and
9 recommendations that we're going to make.

10 **MR. HUERTA:** The Legislature will obviously know
11 what they're coming up with and have all the political data,
12 and they could just release that along with it, and we don't
13 have to go to the trouble of doing this extensive
14 analysis.

15 You know, it's basically census data. Whether it's
16 Rose Institute data or happens to be somebody else's, when
17 you come down to it, it's good old U.S. census data that
18 you're basically talking about except maybe for a few
19 districts where the balance in the Republican-Democratic
20 Party or be somewhat significant and then you'll look at
21 some political data. But it's basically census data we're
22 concerned about.

23 **MS. THOMAS:** I was just curious now.

24 Since the last reapportionment now we have the 1965
25 Voting Rights because we have only the four Counties
26 involved?

27 **MR. HUERTA:** Right. They weren't covered until, I
28 think, either 1970 or '75 amendments to the Voting Rights.

1 They weren't initially covered in '65.

2 **MS. THOMAS:** And do you feel the ripple effect on
3 that might be helpful in your drawing of the plans, the
4 Legislature? Can you clarify it; where in your opinion, how
5 you feel this will affect them?

6 **MR. HUERTA:** Well, it depends on what the plan
7 is. You really can't prejudge a preclearance until you have
8 all the facts in terms of what was submitted. It depends
9 upon the effects on those four covered counties and what
10 that is. You just have to take a look at it. You can reach
11 out by looking at surrounding counties to see what the
12 effect is also and take that into consideration because,
13 often, a Congressional district or Senate district will be
14 more than just a particular covered jurisdiction.

15 **MS. DAVIS:** Are there any other questions that you
16 have?

17 Thank you very much, Mr. Huerta.

18 **MS. DAVIS:** We have a break now, members, and let
19 me ask staff: Do we know if Miss Canson is here? Have we
20 heard from her?

21 How about Mr. Floyd Mori? How about Mr. Floyd Mori?
22 Have we heard from him?

23 (Off the record discussion.)

24 **MS. DAVIS:** We are reconvened and our next
25 presenter and speaker is Virna M. Canson, Representative of
26 a community group.

27 For the record, would you give us your name and the
28 organization your with and your position?

1 **MS. CANSON:** Chairman Davis, members of the
2 Committee, my name is Virna Canson. I'm Regional Director
3 of the West Coast Region of NAACP; and seated here with me
4 is Daphne Macklin. And she has completed her legal training
5 at Bolt Hall, and is now sweating out the bar -- University
6 of California

7 I do have a prepared statement, and I'll be glad to
8 answer any questions; and would ask the Committee's
9 permission for Miss Macklin to participate in the
10 questioning and a brief statement if she choses to do so. I
11 appreciate the invitation to be before the Committee.

12 Reapportionment is a current issue and we all have a
13 major statement. The Senate and the Assembly have held
14 hearings. Just last week, a hearing was held by the Joint
15 Committee on Elections and Reapportionment. I'm sure you
16 heard about. NAACP presented a statement to that Committee
17 and attached a copy of that statement to this statement that
18 I'm giving you today. The broader scope of this hearing,
19 now, however, is important -- of your hearing. It's my
20 understanding that you're concerned with the impact of
21 reapportionment in California on the political participation
22 of the state's citizens. You stated that some of your
23 principle concerns are voter participation, access to
24 candidacy, representation in the State Legislature.

25 In the testimony before the Joint Committee last week,
26 the issue of reapportionment was addressed by us. I will
27 have some more comments in that area.

28 We have carefully reviewed census tract maps and find

1 there are Black population clusters in Alameda and Contra
2 Costa County and in Easterly Los Angeles, Pasadena, Alta
3 Dena where Blacks can reasonably expect to elect
4 representation which may be Black. We do not believe that
5 representation needs necessarily to be virtually assured by
6 huge percentages. In other words, we do not require 60
7 percent or more districts to assure representation.

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

13 Another dimension of access, which the Committee
14 should examine, is the degree of participation - meaningful
15 participation - of Blacks and other minorities in political
16 party affairs. The glaring absence of minorities has a
17 negative impact on access. How often have we witnessed
18 party structures turn their backs on good minority
19 candidates and thus denied them meaningful opportunities to
20 compete.

21 The area of voter participation is no doubt the most
22 critical. The disease of voter apathy is fast becoming
23 malignant. The absence of adequate voter participation
24 shifts the important business of accountability of public
25 officials away from the people to the vested interests. We
26 are seeing, all about us, public officials who are single-
27 issue representatives. We see political leaders who have no
28 more than 30 percent of the eligible electorate proclaiming

1 mandates from the people. Thirty percent of the eligible
2 electorate diminishes to 15 percent or less of the eligible
3 populations.

4 NAACP is deeply concerned about the apathy among the
5 youth. Many of us fought hard to get voting rights for the
6 18 year olds. In an effort to do something positive about
7 youth voter apathy, the NAACP has sought legislation in
8 several states which would require registration of young
9 people in the high schools when they became eligible or when
10 they are at an age where they would reach 18 after
11 graduation and before the next elections. Hard-core
12 resistance surfaced in some states, including California.

13 You have pointed out voter participation. Of course,
14 this rests on voter registration. The most important form
15 of voter participation is voting. The need for affirmative
16 programs and creativity is great.

17 In one of NAACP's prison branches, the prisoners
18 conducted a unique campaign. Their families and friends,
19 who came to visit, were challenged to become registered
20 voters.

21 Our public and private educational institutions can
22 and must be a major force in revitalizing our electorate.
23 While the issue of reapportionment is critical it is highly
24 likely to provide the indepth political education so
25 critically needed because the event takes place only every
26 ten years. We can, however, take every possible step to
27 maximize the opportunity during the process.

28 We have not -- and that's the end of the formal

1 statement, but I'd just like to say that we have started --
2 we started quite some time ago -- trying to determine how
3 best to approach the business of getting the information
4 necessary to make a meaningful assessment of potential in
5 this reapportionment period.

6 We have visited the Rose Insititute. I notice that
7 they presented here and we have found them willing to push
8 the buttons and draw the southern districts and this type of
9 thing. We have tried to get information from other
10 sources. I must say that we feel that the information that
11 we have received from the Senate has come more easily and
12 more helpful, and we have had just a bit of difficulty
13 getting, I think, the kind of information from the Assembly
14 that we would like to have had. We don't mean to be
15 critical necessarily; but, it was interesting that material
16 that we did need we were able to obtain from the Office of
17 the Minority Member of the Committee.

18 We're not a partisan organization, minority being the
19 partisan minority. We have worked extensively with the
20 members of staff. We have felt it ill-advised to try to
21 take the place of the Legislature and draw a plan. And I
22 think the wisdom of our decision was borne out at the
23 hearings last week. It is the responsibility of the
24 Legislature to draw the plan.

25 We hope there will be time for people to examine these
26 plans as they are presented, whenever that's going to be.
27 Hopefully, the process will not drag on and the courts will
28 not have to take on another highly sensitive, political,

1 racially overcast issue.

2 We said last week that there are those people, who
3 perhaps sit back and keep pushing the responsibility to the
4 courts, that ought to be attended to by the Legislature.
5 And to the degree that this is done, the hard-core people,
6 such as the Senator from the South and others who monitor
7 the courts and sit on a day-to-day basis to see which judge
8 tries to give at least the process an opportunity to work,
9 who did that, and who's liberal, and who's a fuzzy-headed
10 liberal judge. It makes it very difficult because it erodes
11 our system, the administrative system. It takes the easy
12 way out and dumps all the responsibility on the court. And
13 if that process continues, we'll find ourselves having a
14 large number of single interests, highly subjective persons
15 at the Legislative level, and over-worked and embattled
16 judges. And I think that would be a disastrous state of
17 affairs.

18 That ends my statement, and I'll be happy to answer
19 any questions.

20 **MS. DAVIS:** Garland?

21 **MR. DREW:** Ms. Canson, as I understand, you do not
22 have sufficient timing -- formal plans that you have drawn
23 up for your organization for reapportionment?

24 **MS. CANSON:** We have census tract maps which we
25 have secured from the Rose Institute and other information
26 that we have secured from the Senate consultants. We have
27 drawn some lines around some places. We know where there
28 are 90 percent Blacks living. We have some idea of the

1 increasing percentages. We know where we have the best
2 chance of getting in office. We do not have something that
3 we hold out and we say, "Here is the ironclad plan" for the
4 reason that we do feel that the fundamental responsibility
5 for drawing a plan and the plan that we all will have to
6 eventually respond to is that of the Legislature.

7 **MR. DREW:** Also, we were informed that there have
8 been fact finding or meetings throughout the State.

9 **MS. CANSON:** We have testified at two hearings.
10 The Senate held a hearing and the Assembly held a hearing.
11 And we testified at both of those.

12 **MR. DREW:** Also, do you feel that the Legislators
13 can adequately do the reapportionment without having it --
14 are you in favor of having it go to an independent
15 organization for reapportionment.

16 **MS. CANSON:** Well, I suppose we've sort of taken
17 for granted what is tradition and that type of thing. I
18 really would like to give that more thought. It -- can the
19 Legislature reapportion itself?

20 **MR. DREW:** No, do you feel they can do that with
21 the interest of the minorities over the interest of the
22 incumbents?

23 Do you feel it could be a fair reapportionment?

24 **MS. CANSON:** I would like to give you my response
25 and then let Daphne give you hers.

26 Our system is a system of checks and balances. I
27 question whether or not the public can be insulated and
28 continually protected from their own responsibility. We --

1 certainly NAACP -- we're in business to be advocates. And
2 although we do not have the resources of major corporation
3 to have people here in Sacramento on a full-time basis with
4 all kinds of expense accounts; nevertheless, the system that
5 is open for advocacy, I think that's a very important
6 system.

7 I'm saying that I feel that the public officials have
8 a responsibility to provide us with information. And I'm
9 pleased that we have had access to the Rose Institute. I'm
10 mindful on how that's funded. And I'm really not quarreling
11 with that concept as such. So, I think we have a
12 responsibility to get out here and to push and to try to
13 make out which is known. I don't know whether or not
14 protecting both the public and the Legislature by having
15 somebody else out there do it is the way we ought to go.

16 These are just off the top of my head remarks and,
17 maybe over careful thought, I would have something more
18 definitive to say.

19 **MS. MACKLIN:** All I would like to say is that
20 whenever you talk about setting up yet another body to do
21 the work, that body -- that body is, itself, going to
22 reflect whatever biases of power and interests and concern
23 probably that would be reflected in the Legislature. It may
24 even be worse.

25 You may be having, say, two or three people chosen by
26 the Governor, so he could have political influences both
27 ways on the people that he chooses. He may have three or
28 four, five people chosen by the Legislature. So you're

1 going to have hassling out over which five people, which
2 five interest groups, get represented. Then you may have
3 several people nominated by the courts and whatever. So, it
4 seems to me that you would only be adding over another layer
5 of political influences and whatever concerns that are
6 already out in the public, in the marketplace, in the
7 political sphere. And, as long as the Legislature has
8 already been elected, and this is one of their duties and
9 obligations under the law, then they should not be permitted
10 to escape by establishing a commission. If it has to go
11 lawfully through the process of voting and being vetoed and
12 then take it to court or whatever, that, I think, is much
13 more direct than adding yet another layer of administration
14 and political influence.

15 **MS. CANSON:** Which is insulated in the public
16 branch.

17 **MR. DREW:** I have another question.

18 We've listened to a lot of testimony from a lot of
19 Hispanic groups in reference to reapportionment. Seems as
20 though they put many arduous hours in this plan that they've
21 presented, et cetera.

22 Also, this morning, they stated they would welcome the
23 organization or any minority organization to join them in
24 their plans for reapportionment.

25 My question is: Have you been solicited to do this
26 and, if you have, why haven't you participated in maybe
27 going in --

28 **MS. CANSON:** My office has not been solicited. My

1 office is the Regional Directorship. It may well be that,
2 in various communities, NAACP ^{is a} in its many splendid
3 operations with a network of some 75 or 80 chapters of
4 various degrees of activity in California -- and it may well
5 be that it has been down at a local level of which I'm not
6 aware. I had looked forward to last week's hearing in order
7 to get a much more definitive picture of what that plan was
8 all about.

9 We chose to look at the -- to respond to the Rose
10 Institute plan because we are not interested in having a
11 political manipulation to the degree that we would be before
12 the Legislative hearing reacting to the Chicanos' plan to
13 enlighten persons who would like to explore that. We
14 understand and we support the push of the Chicano community
15 to seek greater representation.

16 We believe that the rules that apply - Proposition 6,
17 the Supreme Court, the Masters' plan - set forth the types
18 of guidelines and criteria where we can move to protect our
19 interests.

20 I think it's unfortunate that the hearing sort of went
21 to pieces in terms of the dialogue and then, under the
22 questioning from the Chairman of the Senate Committee and
23 even the Assembly Committee, there were the kinds of
24 responses that didn't work through to some solution. It
25 left it on quite a negative note.

26 It left a lot of confusion; and, as I looked at the
27 maps, I perceived some significant vulnerability of the plan
28 as it would measure up to Proposition 6 guidelines and that

1 type of thing. We certainly needed that clarification. And
2 I certainly see that there could well be a common interest
3 in some areas and an interest which may or may not be
4 covered in other areas. I think the most important point is
5 that both Blacks and Chicanos rise above vulnerability to
6 exploitation.

7 **MR. DREW:** Thank you.

8 **MS. DAVIS:** Are there any other questions?

9 **MS. HATA:** Yes.

10 Ms. Canson, does this mean then that you did not see
11 the Californios' plan?

12 **MS. CANSON:** I saw the maps of the area last
13 week.

14 **MS. HATA:** Have you requested the Californios --
15 asked them for a copy of their plan?

16 **MS. CANSON:** I suppose we've had greater concern
17 in getting a plan that the Legislature would pass. I have
18 not requested it. As a matter of fact, I have not thought
19 to request it.

20 The NAACP staff in the West Coast Region is a very,
21 very small one. In two days time we will have the challenge
22 to respond to what the KKK is doing here, this person has
23 lost their job there, and that type of thing. We perhaps
24 have made an error in not having a staff person at the Rose
25 Institute in the same manner that the Chicano community
26 apparently has. That was perhaps an oversight on our part.
27 But now, energies have been directed at trying to mobilize
28 the Black community, to move past what appears to be a sort

1 of lethargy that I'm not sure is the indigenous property of
2 the Black community.

3 And it goes something like this: Well, you know, the
4 goal is to fight on, to hold on, what we have and this type
5 of thing. We've had to counter this type of thing. We've
6 also had to counter, what I hope is a false one, that a
7 decision has been made and this is the year of the Chicano
8 and then all else steps back. We try to counter that in a
9 positive way, so that I suppose the -- I have not felt the
10 responsibility to request that plan, since that plan
11 basically, as the Rose Institute plan, is not really the
12 final product. The energies that we do have we want to
13 focus in on what the Legislature's put forth.

14 **MS. HATA:** Well, I appreciate hearing what your
15 priorities are.

16 What criteria will your organization use to determine
17 the acceptability or non-acceptability of the Legislature's
18 reapportionment redistricting plan?

19 **MS. CANSON:** Daphne, do you want to take a shot at
20 that?

21 ^{Macklin}
MS. DAVIS: As you may or may not know,
22 legislative reapportionment is a concern of the NAACP
23 nationally. It is a major concern of our general counsel
24 Tom Atkins, and it is a concern particularly in California
25 because we understand, from the census data, that the Black
26 community in California is the largest -- second largest
27 community in any state.

28 So, our criteria are basically going to be the

1 existing Federal and State laws, primarily the Voting Rights
2 Act of 1965, whatever the laws that the State of California
3 has with respect to reapportionment redistricting. What we
4 would like to call fair and effective equitable
5 representation; there are a lot of words there.

6 What it boils down to: We would like to be sure that
7 the Black community of voters and the Black community of
8 interest is not compacted into as few Legislative districts
9 as they could possibly be able to control. Saying it isn't
10 to our advantage to have three or four districts that are 90
11 percent Black, which would be expected to represent a Black
12 representative, Republican, Democratic, Conservative,
13 whatever; that cuts down in our ability to sit on different
14 key committees. It cuts down in our ability to affect
15 policies in terms of who's pointed to particular
16 administrative positions, and it narrows our interest and
17 really sort of puts us out as, "Oh, those two over there."

18 On the other hand, we certainly don't want to see
19 viable communities where there would be a potential of, say,
20 25 to 30 or 40 percent of Black concentration in a
21 particular district or area. Narrow it down to 10 or 15,
22 where it would be very difficult for that community to ever
23 express itself or even have an opportunity of electing a
24 representative who spoke not only to that community's
25 interest but to the interests of other areas.

26 Our guidelines are basically to make sure that
27 communities of interest are protected; that they are
28 maximized to their best advantage; that we are not stuck

1 with something that looks good in 1982 or '83, but in 1988
2 or '87 is going to be impossible to win. People are going
3 to get moved out of there. We're going to have a very old
4 population, much too young population. So, we really have
5 to wait and see what the Legislature finally provides before
6 we can take an advocacy position, and we are going to
7 measure it against the existing guidelines.

8 **MS. HATA:** What criteria do you see the
9 Legislature having as it prepares to draw up its plan?

10 **MS. CANSON:** Survival.

11 **MS. MACKLIN:** I perceive not only the survival but
12 they're going to have to think about their partisan
13 interests, whether they're Democrats or Republicans,
14 Conservatives, not Conservatives. They're going to have to
15 take into account Proposition 6 as a bottom line, that they
16 have a lot of room in there. So, how is my district
17 growing? Are more of these people going to be urban area or
18 suburban area interest? The Legislature's criteria is
19 basically, unfortunately, it's very one-sided: Can I win
20 the next time around? And it -- it's going to require a
21 great deal of statesmanship and courage for people to say:
22 Well, I may not always be representing this district, so how
23 is it going to further the interest of the people who live
24 there.

25 **MS. HATA:** Before I ask my next question, Mrs.
26 Canson, did you want to respond?

27 **MS. CANSON:** Yes, I want to say that I do -- say
28 that we are interested in certainly having representation.

1 But we're also interested in influencing performance. So
2 that if in fact we can, as Daphne has indicated, have those
3 broader concepts in mind where maybe we've got 15 to 20% but
4 can, in effect, represent a third force in a given situation
5 which can make or break our accountability. We're looking
6 at that from a very broad prospective, and I would hope that
7 other groups, who are looking at it, are looking at it
8 also.

9 What I'm trying to say is: That I feel that we're in
10 serious difficulty. In terms of voter apathy, why, it's
11 many, many reasons. And if we have Legislators who are so
12 comfortable - black, white, blue, green or gray - that they
13 fail to do the kind of things that need to be done, they
14 know they're going to get elected anyway. I think that is a
15 disservice if you've been studying the Richmond situation;
16 utterly disastrous situation. And I assume people turning
17 out to vote -- I think some people have to accept some
18 responsibility, that kind of thing; and so, as we are
19 approaching reapportionment, we're looking at getting that
20 seat but also improving the whole political situation.

21 **MS. HATA:** Yesterday; we heard from Mr. Trujillo,
22 the Democratic Party, and he pointed with great pride to the
23 accomplishments of the Democratic Party with respect to
24 minority concerns; and you also had a great deal of optimism
25 with respect to what he anticipates will be a fair and
26 equitable treatment by the Democratic leadership with
27 respect to redistricting, and he looked at the Legislators
28 with a great deal of confidence.

1 Do you share that very positive prospective?

2 **MS. CANSON:** Well, I'm having to face the --
3 whatever vacuum on whatever that was created in the 43rd
4 Congressional District when the Democratic Party, to lead by
5 itself plans, for a candidate. I would have to make
6 evaluation of that representation based on this section,
7 that section, that district.

8 **MS. HATA:** And?

9 **MS. CANSON:** I guess I'm saying that the Democrats
10 are in control of this Legislature, and the plan will
11 reflect whether or not his representations are true.

12 **MS. THOMAS:** Mrs. Canson, may I ask you what your
13 response was at the hearing last week when you gave your
14 statement. Was there any response at all when you
15 appeared?

16 **MS. CANSON:** We were significantly pressured to say
17 that there ought to be continuous hearings. Shouldn't we
18 have more public hearings and because that's like which I
19 show in that type of thing, and I sense there was that
20 pressure to leverage, to force, the Democrats to go out and
21 hold hearings. I feel that there's room for the public to
22 have an opportunity to see the plan, itself. I certainly
23 support that concept. If, however, that concept is being
24 advanced simply to stall and stand and movements to the
25 referendum-type situation or court situation, then we got a
26 good concept with a bad motivation. I can't remember any
27 other significant kind of job. Do you Daphne?

28 **MS. MACKLIN:** Other than concerns as to: Are you

1 presenting a comprehensive plan in which there is no
2 response to? Our concern really, is the comprehensive
3 plan. It is really a plan that protects the concerns of the
4 community that we represent. And that, again, as she said
5 extending the hearings; and we indicated again that it would
6 be nice to see a Legislative plan, and we could respond to
7 that and the Legislatures are taking their time -- taking
8 their time.

9 **MS. THOMAS:** Would you make available to us, our
10 committee, a copy of the statement that you gave before the
11 hearing last week?

12 **MS. CANSON:** I happen to have a copy with me, as a
13 matter of fact, I would really like to have it read into the
14 record or at least incorporated into the record as a part of
15 my presentation to you here.

16 **MS. DAVIS:** Ms. Canson, you have made reference to
17 public hearings by the Senate and Assembly here in
18 Sacramento. Were you aware that the Assembly had seven
19 statewide public hearings?

20 **MS. CANSON:** I'm sorry, I didn't mean to confuse
21 the Committee. Both times that we testified were in Los
22 Angeles.

23 **MS. DAVIS:** So, they were at the hearings at Los
24 Angeles. So, were you aware of those hearings.

25 However, those hearings are previous to the release of
26 the Legislature's plan. There will be a public hearing,
27 according to the Chairman of the Assembly Committee, after
28 the plan's released and before the vote is taken by the

1 Legislature.

2 **MS. CANSON:** Where would that be held?

3 **MS. DAVIS:** Here in Sacramento, like they do for
4 any other Legislation. We've had concern expressed by other
5 groups here that feel that that is not going to be adequate
6 time for analysis and review of the plans by the various
7 concerned groups throughout the State.

8 Do you think that your organization after the whole
9 process is over will be submitting possibly recommendations
10 that show how the whole process could be improved to
11 increase the participation of organizations in different
12 sections?

13 **MS. CANSON:** As I recall, this is the first time,
14 maybe ten years ago, they held hearings throughout the State
15 but I don't know if that took place. I think that's some
16 improvement. I think they did make an effort to get out, of
17 course, that is flooded by people having to empty out their
18 feelings and say what they thought, and, you know, perhaps
19 give them general information which they already had. I
20 think it would be much more exciting to have the definite
21 plan of reforms. But I don't have the criticisms of the
22 ethics of that. I feel that perhaps one in the South and
23 one in the North, both plans are ready, would be a good
24 thing to have.

25 **MS. HERNANDEZ:** Mrs. Canson, could you tell me,
26 for the record, how many Black Legislators there are
27 currently in the State Legislature?

28 **MS. CANSON:** Let's see; I could count on my

1 fingers. We have ^{Assemblymen} Hughes, Tucker, Moore, ^{Senators} ~~Assemblyman~~ Watson,
 2 Greene, ^{Assemblyman} ~~Senator~~ Brown, Assemblyman Harris, Assemblyman
 3 Maxine Waters.

4 **MR. MONTEZ:** Six and two; isn't it?

5 **MS. CANSON:** Yes, two Senators. We feel there
 6 should be a Senator in the North -- the population in the
 7 North.

8 **MS. HERNANDEZ:** Thank you.

9 **MS. DAVIS:** Does anybody have any questions?

10 **MR. MONTEZ:** Would there be, I would suspect that at
 11 this time, without knowing anything about the plan, there is
 12 no obvious attempt to cut out any Black Legislators in any
 13 way, is there? I mean, there hasn't been those rumors fly,
 14 you know, you never know whether --

15 **MS. CANSON:** I am not aware of that, however, and I
 16 have to speak from an advocacy room not from a politician
 17 room, sometimes holding your own is not game. They say the
 18 worse putt on a golf course is not the one that goes a foot
 19 from the hole and two feet pass it. It's the one that doesn't
 20 get to the hole. I guess what we're trying to say is that to
 21 guild the lily or reinforce districts already existing by
 22 NAACP levels is not game.

23 I think that certainly every effort is going to be made
 24 to preserve seats. But we do not find it acceptable adding
 25 more and solidifying a particular district and not looking at
 26 the potential for additional districts.

27 **MS. DAVIS:** Are there anymore questions? Thank
 28 you very, very much for your presentation.

1 **MS. CANSON:** Thank you very much.

2 **MS. DAVIS:** Is Mr. Mori here?

3 (Whereupon a short recess took
4 place)

5 **MS. DAVIS:** Okay. Has Mr. Mori arrived?

6 **MS. CANSON:** Does the Committee plan to have this
7 valuable information ready in time? For some of us depend
8 upon it as we proceeded in our pursuit -- in other words, I
9 mean, when is the Committee's report going to be ready?

10 **MR. MONTEZ:** In San Diego, the Committee agreed
11 that they would have a public statement about two weeks
12 after today. And the full report is possibly going to take
13 longer. But the public statement will be in reference to
14 what is going on with the reapportionment process.

15 **MS. CANSON:** Rumor has it, the Senate plan ought to
16 be dropped in about a week.

17 **MR. MONTEZ:** Well, we'll try to get the public
18 statement ready sooner. It's just that time is working
19 against us then Laurie has nothing to do on weekends so --

20 **MS. DAVIS:** Off the record.

21 (Whereupon an off the record
22 discussion took place.)

23 **MS. DAVIS:** Back on the record.

24 We are reconvened and our next presentor is Mr. Floyd
25 Mori.

26 Mr. Mori would you please, for the record, state your
27 name, your organization and your position.

28 **MR. MORI:** Sure, I'm Floyd Mori. As I^{am} listed here,

1 a concerned citizen, but I am also Director of the Office of
2 International Trade for the State of California.

3 **MS. DAVIS:** And do you have a prepared statement?

4 **MR. MORI:** Yes, I have a brief statement and will
5 respond to any questions or comment that you may have.

6 As I said, my name is Floyd Mori, and I've -- guess
7 been involved in the political process for a number of
8 years. And I'm very anxious that a segment of our
9 California society become much more involved.

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

18 Unfortunately, much of that constituency in the State
19 of California has been invisible, not heard, nor
20 represented. The silent character of the Asian population
21 is not only in culture but literally unheard of from the
22 Legislative halls of state and local government. Mostly,
23 this is not because they're not speaking but because nobody
24 is listening.

25 During the 1970's we've seen a dramatic increase of
26 Asian population in California. Immigration has been at an
27 all-time high in Korean, Filipino and Indo-Chinese
28 populations. In the case of the Filipino, much of the

1 accounting is due to the fact they were designated as
2 Filipinos rather than others or grouped in the Spanish
3 surname area.

4 The new Asian population are faced with major language
5 problems. When I came to the California Legislature in
6 1975, and was assigned to the Subcommittee on Bilingual
7 Education, I found that bilingual education was solely aimed
8 at the Spanish speaking people. When hearings were
9 scheduled for that interim year, there was no one invited
10 from the Asian-speaking communities, this is 1975.

11 Of course, that quickly changed, but I wondered why
12 that changed, an Asian pointed out the omission, the
13 majority community failed to see that invisible group of
14 people. With many Asians as new immigrants, citizenship
15 will be forth coming in the '80's and '90's. Hundreds of
16 thousands -- hundreds of thousands -- will be added to the
17 voting roles as naturalize -- naturalization occurs and as
18 todays young Asian population matures.

19 The problem is to potentially maintain the political
20 silence for two more decades if reapportionment does not
21 maintain the integrity of major Asian population blocks.
22 Since the Asian is politically invisible today, the
23 potential of dividing Asian populations is to accommodate
24 politically motivated gerrymandering as a real threat.
25 This comes to the heart of the concern of this commission.
26 When and if Asian populations are divided up, the voter
27 participation, the accessibility to candidacy, the
28 electability of Asians, become nonexistent or we can say the

1 population will remain invisible for two more decades.

2 The '80's and the '90's are very important, extremely
3 critical, for the democratization of Asian-Americans in
4 California. Reapportionment is going to have a major,
5 positive, or a retarding impact on this process.

6 I hope the impact is positive. Asian-American
7 communities must be kept intact in order that they may have
8 the same opportunities afforded the majority ^{and} ~~in~~ other minority
9 populations in this Democratic process. This advisory body
10 should make strong recommendations towards this end. The end
11 of my prepared statement. Do you have any questions?

12 MS. DAVIS: ^{Shirley} ~~Surely.~~

13 MS. THOMAS: Yes, Mr. Mori?

14 ~~MR. MORI: Yes.~~

15 MS. THOMAS: I notice you've been on the Assembly
16 or were in the Assembly for six years.

17 In your opinion, ~~in the past,~~ how has past redistricting
18 affected unfairly the Asian community in California? Can you
19 give me some specifics?

20 MR. MORI: Well, I think if we look at Los Angeles
21 where we have ~~the~~ major ~~or~~ block of Asian populations, you
22 ~~can~~ see some significant areas ~~in the core of Los Angeles~~
23 where ~~some~~ Asian populations are really divided by the
24 districts that are there. And, I don't know if
25 redistricting in 1970 was the major cause because a lot of
26 that population has come in the '70's.

27 And I think it's important that, in this decade, we
28 recognize that so that those groups of population is going

1 to have some integrity in terms of a political-community
2 that there be some representation. But you take the Korean
3 and Philippino, Japanese and Chinese community in Central Los
4 Angeles. You have a major population block that has a
5 potential to elect their own officials and to voice their own
6 opinions, rather than have the majority population voice it
7 for them. And, I think it's important that we recognize that
8 in Los Angeles, possibly in parts of San Diego and, of course,
9 San Francisco. It is --

10 **MS. THOMAS:** Has there been any Asian
11 representation at any of these public hearings *conducted by the*
12 Legislature?

13 **MR. MORI:** I really can't speak to that. There has
14 been some. But again, I think much like the time when I
15 entered the Legislature there are no Asian Legislators
16 now. There's no one there to really advocate clearly the
17 needs of the Asian population. In being in the
18 administrative part of government now, we do our best to
19 advocate and to get others to do that.

20 But, in fact, if there's not a legislative person there
21 on that body, it's very difficult to get the kind of
22 participation that one ought to have.

23 Asians, particularly, are very well, somewhat reluctant,
24 to testify in public bodies. And Nadine certainly is not the
25 typical Asian in that respect. But I think, to a large
26 degree, Asians have been reluctant, in the past and present,
27 to testify and to appear before bodies such as this and
28 Legislative bodies to let their feelings be known.

1 **MS. THOMAS:** What suggestions do you have for
2 improving the situation?

3 **MR. MORI:** Well, I think it's incumbent upon this
4 advisory body to do a lot more outreach. I think to
5 recommend to the Legislative bodies that they do a lot more
6 outreach because that's what's going to be required. We have
7 that ability. When I was in the Legislature to do a lot more
8 outreach and I think there's be a lot more positive impact,
9 but it's a continual process, particularly, in the newer
10 populations. We take the Korean population, Indo-Chinese
11 population. The language problem becomes a real barrier for
12 them to even express their interests.

13 **MS. THOMAS:** Participate?

14 **MR. MORI:** Yes, and the Korean population numbers
15 probably over 200,000 in L.A. county now, maybe. I would
16 say very easily over 200,000. But have recently 200,000 and
17 still they have a very difficult time with English, if not
18 no English at all.

19 **MS. THOMAS:** I gather, Mr. Mori, that there is no
20 kind of cooperation of unified community of Asians. They
21 are all splintered, if they are?

22 **MR. MORI:** In terms of the real community, it's
23 real tough. I think some cultural problems go way back.
24 But I sense, right now, a lot more willingness to
25 cooperate. I worked very closely, for example, with the
26 Korean community. I still do. And I sense in them a lot
27 more larger willingness to work with other Asian communities
28 where, probably more reluctant in the past. But, the new --

1 the newness of the Asian populations ~~is, I think, really~~
2 creates some ~~problems, some~~ real problems.

3 There's no solid unified leadership within those
4 communities, and, well, again I point to the Korean
5 community. There's a lot in the L.A. Times these days about
6 the Mafia in the Korean town, and the attention we paid to it
7 is set up an Asian task force to crack down on crime in that
8 community than really look at what I feel are more significant
9 problems and needs that they have. And that's where the whole
10 media focuses, and I think, that's whereas I have been out in
11 the majority community, that's where their relationship with
12 the Korean community is. If there's a bunch of crooks down
13 there, that's all they know about. And I don't really think
14 they sense the real representative problems that they have. I
15 think if the Koreans had some representations in city and
16 county government in Los Angeles, some accessibility there,
17 more than they have now - the kinds of problems they're facing
18 now is in a community imagine - really wouldn't be as
19 desperate as they are.

20 **MS. THOMAS:** Has the Asian community been working
21 with any other minorities in regards to reapportionment? Do
22 you know of any efforts?

23 **MR. MORI:** Excuse me?

24 **MS. THOMAS:** Have the Asian community organizations
25 been involved with other minorities in regards to
26 reapportionments? Have there be any contact, *for* --

27 **MR. MORI:** As we began talking about reapportionment,
28 this is when I was retired from the Legislature, and there

1 were some initial attempts to get a lot more coordinated
2 effort with other minorities. But reapportionment,
3 unfortunately, I think, is going to be an element because
4 we're all fighting for representation. Potentially, an
5 element that draws some of the minorities apart. You know,
6 you hear a lot of talk in L.A., Central L.A. of preserving or
7 creating a new Chicano district.

8 Well, for Asians that are trying to fight for some
9 representation there, maybe being quiet and patient, is
10 something they're going to have to do. But in that process,
11 I hope that the opportunity is developed where - whether it's
12 an Asian Congressional district or Assembly district,
13 whatever it is - that as we look to the rest of the '80's and
14 the '90's, that the potential of representation is there
15 rather than carved up into little segments in this district, a
16 little segment in that district by being a small minority in
17 two or three districts, there's going to be no voice at all.
18 No voices.

19 **MS. DAVIS:** Is there any organization in the Asian
20 community that is identified and has taken on the issue of
21 reapportionment in terms of doing some homework to be ready
22 for when the Legislative plan comes out?

23 **MR. MORI:** I am not aware of any organization as you
24 say, "Asian community".

25 **MS. DAVIS:** As established organizations, there are
26 many established organizations. This may have some other
27 issues involved in immigration, economic development,
28 education so on.

1 But have any of these organizations diverted their
2 interest to reapportionment?

3 **MR. MORI:** I think you will find those who have
4 shown interest are the activists-type individuals more than
5 a major organized effort. I think a lot of our
6 organizations, right now, are just struggling for survival
7 today, and that's been probably overshadowing what they need
8 to be doing in terms of looking at the future,
9 unfortunately.

10 **MS. HATA:** Mr. Mori, could you tell us what your
11 involvement has been in the area of reapportionment?

12 **MR. MORI:** My involvement. Well, my involvement has
13 been, I'd say minimal, accept for the fact that the Rose
14 Institute had their conference on reapportionment way back in
15 last December. I participated and gave some presentations at
16 the Rose Institute Conference at the Claremont Colleges in
17 December. I think I was the only Asian that was there, I
18 believe. I don't think any other Asians were involved in that
19 conference at all. I think this basically came about because
20 I was invited when I was in the Legislature. And since that
21 time, being a sort of initiate into a new assignment in the
22 administration, reapportionment has not been in my area of
23 responsibility, and it's been difficult to get into my new job
24 and organize a community in terms of reapportionment. And
25 there has been -- not a lot of it -- there's been some
26 discussion by staff people here in the Legislature and out of
27 the speaker's office; however, again, it has been very
28 difficult to get some cohesive organized effort.

1 **MS. HATA:** I was just curious as to what kind of
2 data base you were using to come up with the general plans
3 about Asians with respect to reapportionment; that's the
4 reason for the question.

5 **MR. MORI:** In terms of data base?

6 Well, I think one thing we did in the past was to really
7 look at some of the populations, where the Asian populations
8 were in the State.

9 **MS. HATA:** Whose we?

10 **MR. MORI:** My office.

11 **MS. HATA:** As an Assemblyman are you talking
12 about?

13 **MR. MORI:** As an Assemblyman, yes. We did some
14 research to try and identify where the Asian populations
15 were in the State, where some concentrations were. And this
16 is done preliminary to begin looking forward to what we
17 could do in terms of reapportionment.

18 **MS. HATA:** You've been speaking about Asian
19 communities and the need to keep them in tack. And if I get
20 a sense is you seem to feel that only Asians can represent
21 Asians; am I correct that either that's the attitude
22 represented by minority representatives or by white
23 representatives -- little Tokyo, for example, is in Mr.
24 Alatorre's district?

25 **MR. MORI:** I'll take your first comment first.

26 I don't think it's necessary -- let's put it this way
27 -- I think that certainly other people are capable of
28 representing Asians. I represented a district that was not

1 Asian, and I think I did very well representing white people
2 and Chicano people and Black people, whatever. So, I don't
3 think it takes an Asian to be sensitive to Asian needs. It
4 doesn't have to be the case. But I think the obvious
5 situation is, is that there is a total void, and unless
6 there is somebody there on a Legislative elective
7 responsible area, Asians are shunted by as a satisfied,
8 fulfilled, successful minority, which they are not.

9 **MS. HATA:** And yet, Mr. Mori, we seem to have a
10 very successful Asian-American serving in the halls of
11 Congress.

12 **MR. MORI:** Oh, I don't know.

13 **MS. HATA:** You talk about political invisibility?

14 **MR. MORI:** In the House, yes.

15 **MS. HATA:** And in the Senate we have an
16 Asian-American, so there seems to be some dichotomy between
17 political invisibility versus the fact that a Senate -- an
18 Asian-American Senator has been elected.

19 **MR. MORI:** Well, my response to that, Nadine, is
20 that he is not an Asian-American; ~~he does not think like an~~
21 ~~Asian-American, and he does not represent Asian-American, if~~
22 ~~your talking about Senator Hayakawa.~~ He's a Canadian.

23 **MS. HATA:** Focusing on the question of political
24 invisibility?

25 **MR. MORI:** Yes, I think that's very unfortunate
26 because in some recent testimony by Senator Hayakawa, I
27 think the majority population may get the perception that he
28 is speaking ~~in~~ behalf of Asians; and I would agree there are

1 some Asians that don't represent Asian interest, there are
2 Blacks and Chicanos that don't represent those minorities
3 either. Just because your skin colors is a certain hue,
4 that doesn't mean you're going to represent their
5 interests.

6 My concern is with the population, in general, of
7 those communities that they have the opportunity, whether
8 it's the -- Hayakawa or whoever it might be, that they at
9 least have that opportunity to express that voice. Whether
10 it's the wrong voice or right voice, they have that
11 opportunity. I don't think they have that opportunity now.
12 Hayakawa was not elected by Asians, Hayakawa was elected by
13 the majority population.

14 **MS. HATA:** As a former Assemblyman, what is your
15 perception of the Legislature's criteria for reapportionment
16 and redistricting?

17 **MR. MORI:** I think there's some basic sensitivity
18 to minority needs. Obviously, we have a speaker that's a
19 minority and Chairman of the Committee that's a minority,
20 and I have some feeling they're going to be sensitive to
21 minority issues. But I think it's incumbent upon other
22 groups to assure that all minorities are considered when
23 reapportionment lines are drawn.

24 **MS. HATA:** Do you think this is a Legislative
25 criteria?

26 Do you think this is a priority when they're drawing
27 the lines that this is what they're thinking about, in your
28 opinion?

1 **MR. MORI:** In this particular body, this is going
2 to be a major priority. I don't know if it is the priority,
3 but I think it's going to go be a major priority simply by
4 make-up of the leadership of those involved.

5 **MS. HATA:** So, you would share the optimistic
6 perception we had yesterday from a member of the Democratic
7 Party that he trusts the leaderships and democrats to do
8 what is right and just?

9 **MR. MORI:** Well, I trust the present leadership in
10 the House to do that, yes.

11 **MS. DAVIS:** Are there any other questions?

12 **MR. MONTEZ:** I have some interest, Mr. Mori, in
13 the total picture of the Asian community; and for the
14 record, could you give us some idea of the history of
15 elective Asian officials on making reference to racist's
16 overtones. Were you voluntarily retired? ~~did you~~ ~~you~~
17 ~~were not~~ --

18 **MR. MORI:** No, I was not voluntarily retired.

19 **MR. MONTEZ?** Did you have any sensitivities about
20 that, like being an Asian?

21 Did that hinder you from being re-elected?

22 **MR. MORI:** I think it had an impact. I represented
23 a community that was maybe one-half of one percent Asian.
24 And during my tenure in the Legislature, I spent a great
25 deal of my time, I'd say a great portion of my time, on
26 Asian issues. But it had some impact.

27 I think Mr. ^{Bunsei} ~~Bunsei~~ (ph.) was the first Japanese-American
28 elected to the State Legislature and Mr. Song from a few

1 years ago and myself, March Fong Eu several years ago. I
2 think that's the extent of Asian-American representation in
3 the State Legislature.

4 In local levels we see, probably, a little bit more
5 involvement from farm communities. From Woodland down to
6 San Diego, you see a sprinkling of Asian representations on
7 school boards and city councils. But, I think, as you look
8 at these areas, like even in my own case, there are areas
9 where ethnic minorities are not too large. I represented
10 and was a mayor of a city where you probably -- I mean,
11 there wasn't too many Asians in my community. So, the Asian
12 issue in terms of that was not an issue.

13 **MR. MONTEZ:** ~~It seems,~~ in our deliberations
14 throughout the State, not only as reflects reapportionment
15 on the part of minority officials, that there seem to be a
16 predominant ~~kind of~~ feeling that they ascend ~~the power~~ only
17 to a certain point and then there's all kinds of attempts
18 made by the establishment to wipe them out. That's
19 generally been the feeling. We've tried to get a handle ^{on}
20 that several years ago and have ^d difficulty. It always seems
21 that minority elected officials ended up in all kinds of
22 trouble that the general group of elected officials don't
23 end up with. And I think that's what my question was
24 leading to.

25 **MR. MORI:** Oh, yes, I think that happens, and I
26 think physically we are more visible and don't blend in like
27 the white people in the majority community. There's going
28 to be a lot more scrutiny; and I think that's the price we

1 have to pay, and it's going to have to do for some time to
2 come. We as minorities have a problem that's going to be
3 magnified ten times above what it might be, in terms of the
4 majority population, or something that would be ignored in
5 the majority population would be magnified in minority-
6 elected officials.

7 **MS. DAVIS:** Are there any other questions for Mr.
8 Mori?

9 Thank you very, very much for your presentation here
10 this morning.

11 **MR. MORI:** Thank you. I appreciated the
12 opportunity.

13 **MS. DAVIS:** We're now adjourned for lunch, and may
14 I remind the Committee, we have a shorter lunch period than
15 yesterday. We'll reconvene at 1:15, and your Chairperson
16 will be Nadine Hata.

17 (Luncheon recess conducted.)

18 **MS. HATA:** I think we'll reconvene the meeting.
19 The participants have been here, and I apologize for the 10-
20 minute delay; and so, I would like to call the session back
21 to order so we can meet your afternoon commitments.

22 The person scheduled to testify at 1:30 is Irma Lopez
23 and if Mrs. Lopez would come forward, please.

24 Make yourself comfortable.

25 Would you please state your name, occupation and
26 county of residence?

27 **MS. LOPEZ:** My name is Irma Lopez and I'm from
28 Ventura County. I work for the State of California

1 Employment Department, and I'm from Ventura County.

2 **MS. HATA:** Would you briefly describe your
3 involvement in the area of reapportionment for us?

4 **MS. LOPEZ:** I've been involved ~~locally~~ both
5 locally and statewide in organizations that are addressing
6 the issues of reapportionment, specifically, in our County
7 addressing the reapportionment issue.

8 **MS. HATA:** Thank you.

9 Now, do you have a prepared statement for us?

10 **MS. LOPEZ:** Yes, I do.

11 **MS. HATA:** Okay. Thank you.

12 I am Spokesperson for ^{Project} ~~Per~~ject VOTAR, a Hispanic
13 organization from the Santa Barbara/Ventura Counties.
14 Project VOTAR is a network of 29 Hispanic organizations and
15 groups from both counties. Project VOTAR decided to become
16 involved with the redrawing of local and State district
17 boundaries because of the obvious implications for one of
18 our main activities, which is voter education.

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

24 Our purpose in providing testimony before you ~~is~~
25 follows: Although we have provided input to the State and
26 local districts on the issue of redistricting, both the
27 State and local representatives are proving to be
28 unresponsive to the chronic gerrymandering that befalls the

1 minority populations of both counties.

2 The history of two counties is one of a large and
3 growing Latino population that has remained seriously
4 unrepresented at all levels of elective office. Up to now,
5 all efforts for Latino representation have been strongly
6 resisted and undermined by leaders of both political
7 parties. The most current example is the strong opposition
8 to the Latino efforts for fair and equitable representation
9 for this decade. The two Counties are combined in instances
10 where a Congressional and Senate seat is shared and,
11 therefore, impacts both populations.

12 According to 1980 census, the total population for
13 both counties is 828,559, Ventura County having 529,899, and
14 Santa Barbara having 298,660. Ventura County has a 21.4
15 Hispanics and 26.5 percent total minority population. Santa
16 Barbara has 18.5 percent Hispanics and 24.8 percent total
17 minority population.

18 Yet, in either county, there is not one elected
19 Hispanic official for the following offices: In three
20 Congressional districts, in three Senate districts, in five
21 Assembly districts, and ten supervisorial districts, and ten
22 community college trustee board positions; ~~for~~ in the nine
23 city councils of Ventura County, six have no Latino
24 representation and three cities have one councilperson
25 each. We must point out that the three ~~later~~ cities with
26 one Latino councilperson having ^{ing} Hispanic populations of
27 approximately 50 percent each.

28 Of the five cities in Santa Barbara County, two have

1 no Latino representation, although the Hispanic populations ^{are}
2 30 percent in Carpinteria and 45 percent in Santa Maria.
3 There are seven councilpersons for 27 seats. Of the 21
4 school district seats in Ventura County, nine are Hispanic.
5 Santa Barbara has 23 school districts with six Latino
6 representatives. The result of this woeful under-
7 representation during this period of reduced budgets at all
8 levels of government is that many decisions have been made
9 at the expense of minority population. These decisions are
10 further accentuating the social and economic differences
11 between the minority and dominant population. We feel
12 without changes in the pattern of representation that the
13 situation will worsen before becoming better.

14 It is for this reason that so much effort has gone
15 into influencing the reapportionment effort we began six
16 months ago to plan an organized proposal that would be
17 beneficial to the minority and community at large. The
18 status of our efforts is as follows: We have asked that the
19 Congressional district be changed to increase the impact of
20 the minority vote in the two counties instead of diffusing
21 the vote in three counties.

22 The Senate plan purposes to unite the two counties to
23 provide Hispanic impact. The State Senate Reapportionment
24 Committee's response to our presentation was suspicious,
25 rude and insulting. For the proposed 18 Senate districts,
26 the total population would include 592,072, of which the
27 Hispanic population would be 25 percent or 148,028. The
28 total minority percentage would be 30.7 percent.

1 Three: the Assembly plan presented to the Assembly
2 Reapportionment Committee was well received. Again, the
3 proposed plan provides an equitable redistricting to allow
4 for Latino input. For the proposed Santa Barbara 35th
5 Assembly District, the population would equal 298,660, of
6 which 55,357 will be Hispanics, 18.5 percent; 7,762 Blacks;
7 and 3.5 percent would equal American Indians and Asians.

8 For the proposed Ventura County, 36th Assembly
9 District, the total population would equal 293,412. Of that
10 population, 92,497 would be Hispanic; 8,849 would be Black;
11 and 2.2 percent would be American Indian or Asian.

12 Four: The Ventura Community College District's option
13 that was proposed by Project VOTAR was finally approved by
14 the trustees.

15 Five: To date, the Ventura County Board of
16 Supervisors totally ignored the four principle criteria for
17 reapportionment and enhanced the existing gerrymandering
18 districts. If allowed to stand, this racist redistricting
19 divides the largest Hispanic city: Oxnard, population
20 108,195 in the County three ways.

21 Number six: In Santa Barbara County it remains to be
22 seen whether the gerrymandering situation in the North and
23 South of the County will be corrected as proposed by Project
24 VOTAR.

25 Seven: In the case of Santa Barbara Community College
26 District, a serious question has arisen. The Latino
27 population is gerrymandered by the system of large elections
28 to the Board of Trustee who would represent specific areas.

1 We feel this system again dilutes the minority vote and
2 denies an equal opportunity for electing ethnic
3 representation.

4 Eight: In the largest cities, such as Oxnard and
5 Santa Barbara and large school districts, the area-wide
6 elections have not allowed minorities a chance for
7 representation. For example, the Santa Barbara School
8 District has a 50 percent minority enrollment and only one
9 Hispanic seat that the individual was appointed, The Oxnard
10 Elementary School District with a Hispanic enrollment of 50
11 percent with no Latino representation. Hispanics have tried
12 but have been unable to win elections at large in both
13 counties.

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

22 Thank you.

23 **MS. HATA:** Thank you, Miss Lopez. We are most
24 impressed by the huge amount of background information that
25 you have attached to your testimony.

26 Could you be more specific in the terms of the kind of
27 response you've gotten for your proposed plans, either at
28 the local level or State level?

1 **MS. LOPEZ:** Well, at the State level, the Senate
2 hearings that were held on April 3rd in the City of Ventura,
3 we were quite taken aback. Of course, we didn't expect them
4 to receive us with open arms with our plan.

5 We went up with a proposal as to our district, but we
6 were quite taken aback with the rudeness of the Committee in
7 what we stated -- we stated that we had done. We had gotten
8 all the facts, and this is what we're presenting on the
9 statistics that were based on the census. And it was
10 insinuated, by some of the members, that we did not do this;
11 that all this information was given to us by the Rose
12 Institute, which we had been to, and we have utilized their
13 computers; but, all the information that we had gotten up to
14 this, in April, we got it in March, we had personally gone
15 to the County Clerk and to Planning and they had helped us.
16 And especially one of our members. I mean, we knew
17 everybody there in person. She spent hours there getting
18 all the information. And they kept insisting -- you know,
19 she even told them the testimony. She even said she would
20 be willing to go down and show them how she arrived at all
21 the numbers and through the census stats and everything.

22 And one of the members stated that he would be very
23 surprised if that was our plan; that he didn't feel that it
24 was our plan; and that we, as Chicanos, should be careful of
25 the Rose Institute because it was Republican-backed; and
26 that they were just taking advantage of us.

27 **MS. HATA:** These were elected officials who were
28 responding to you?

1 **MS. LOPEZ:** Right.

2 **MS. HATA:** And was this also true at the local
3 level?

4 **MS. LOPEZ:** At the local level, no.

5 At the local level, the problem we had there, we were
6 very well received in the -- in the school district boards.
7 As a matter of fact, they implemented one of our plans that
8 we had put in there. They were very happy with that.

9 But, at the Board of Supervisors, last Tuesday, they
10 met. They had met the week before that -- they met every
11 Tuesday and Wednesday -- they met the week before that. And
12 they decided on a plan. And they stated that they would be
13 voting on that plan the following Tuesday. So, they gave
14 one week for people to look at the plan without clear
15 information on how they arrived at that. They just had the
16 map that, "This is it. We'll be voting on that next
17 Tuesday." So, we made our presentation before them.

18 Among other members, other members of city councils
19 from different cities, in particular Oxnard, which is now
20 being cut up into three districts. And Oxnard having the
21 largest -- the second largest in Ventura County population
22 of Hispanics. And they heard all the testimony from
23 everyone. They did not have to vote until September 30th.
24 We were just asking for the 30 days extension to give us so
25 that we might offer some input and they denied it. They
26 just -- they voted and it was passed without any input
27 whatsoever.

28 **MS. HATA:** At the Ventura meeting, were you the

1 only organization presenting a plan?

2 **MS. LOPEZ:** No. Presenting a plan? Yes.

3 **MS. HATA:** Did the Committee treat you any
4 different from any other organization who made a
5 presentation?

6 **MS. LOPEZ:** No, they ignored us all. They
7 listened very -- no comments at all. No comments from
8 anyone.

9 There were -- you know, city council people and staff
10 there to protest the plan. Everyone just about protested
11 the plan. The City of Thousand Oaks, because they were cut
12 in half. The City of Camarillo because they were moving
13 them out of a different area. We on the basis they were
14 gerrymandering. They were cutting Oxnard into, like I
15 stated earlier, three districts. Each of the two districts
16 that they were cutting out, they were leaving the middle in
17 the same districts. The two districts that they were
18 cutting out, one is what is referred to as a Bologna area
19 of Oxnard, which is -- all the Hispanics live in that area.
20 They have been pitted with the City of Ventura, which has a
21 very high population of Anglos.

22 The west -- on the west side, they cut that out, which
23 also has Hispanics. And they put them with Thousand Oaks,
24 which, in our area, would be about 20 miles away -- very
25 high Anglos. And they just diluted Hispanic vote in the
26 largest city in the County.

27 **MS. HATA:** What would be your recommendations if
28 you had the power to change the reapportionment process in

1 the State?

2 **MS. LOPEZ:** That they adopt our plans.

3 **MS. HATA:** In terms of the openness process and
4 getting public opinion and securing real meaningful input
5 because I get the sense that you felt your input was just
6 pro forma or discouraged, what would you do if you were
7 sitting up there or you had the opportunity to make some
8 changes, how would you change the process?

9 **MS. LOPEZ:** I would hope -- and going through,
10 from the Legislature down to the local level, that they have
11 input, genuine input, from the community that there be
12 commissions that we can sit together and be part of the
13 decision-making into this; that they consider the community
14 of interest.

15 And there are a lot of Hispanics. And we feel that it
16 is time now that we be represented, and the only way we can
17 is if we have input because I don't feel they'll give us
18 that representation otherwise.

19 **MS. HATA:** Well, aren't they doing it now?
20 They're coming out, they're meeting in your County, they're
21 soliciting opinions from you?

22 **MS. LOPEZ:** Well, they met; and I feel that that's
23 just showcasing or whatever. They met there. But like --
24 as in our case, in Ventura, everything that we put down,
25 they -- everything that was presented to them, was -- they
26 kept saying that it was Republican backed. And we kept
27 telling them, "It's not Republican and it's not Democrat.
28 It's Hispanic and what we feel we need as -- we need the

1 representation that we need at this time."

2 **MS. HATA:** Could you describe for me very briefly
3 the process in which you got involved in the testifying
4 before the Committee?

5 Did they call you up to say, "We're coming down.
6 Would you testify," or how did you get into that?

7 **MS. LOPEZ:** My husband is in local government in
8 the City of Oxnard. And he happened to receive a notice in
9 the Council meeting, that there would be meeting -- Assembly
10 would be meeting in Los Angeles the following day to
11 consider also the Ventura and Santa Barbara areas. At that
12 time they would be taking input.

13 And this was on one day notice. And he canceled all
14 his patients and we went down there. We wanted -- we
15 didn't, at that time, present any testimony because we had
16 just found out about it. So, we went down there and we
17 listened, and that's where we met Dr. Santillan and we spoke
18 to him. I was very impressed with his presentation, and we
19 spoke to him about what has been happening in our area
20 because this has happened before, as far as when they
21 changed the districts and they don't consider the Latino
22 population.

23 So, we got in touch with him and we -- you know,
24 became very interested in it. And so, that's when we found
25 out at that time that they were going to be holding the
26 meetings in Ventura, the Senate Committee would be holding
27 their meeting.

28 **MS. HATA:** So, it was only by accident?

1 **MS. LOPEZ:** It was by accident.

2 And I think maybe a couple of days before they had a
3 little blurb in the paper.

4 **MS. HATA:** In English?

5 **MS. LOPEZ:** In English?

6 **MS. HATA:** Did you see anything in bilingual or in
7 the Spanish paper?

8 **MS. LOPEZ:** No.

9 And we subscribe to them and there was nothing there.

10 **MS. HATA:** Are there any other questions from the
11 Committee?

12 Ms. Thomas?

13 **MS. THOMAS:** I just noticed, I haven't perused
14 through it all.

15 How was the press at this meeting? Were you handled
16 fairly or did you feel your press --

17 **MS. LOPEZ:** I think very fairly. In particular
18 the largest newspaper in Ventura County, which you will see
19 a lot of the clippings, it was very good. They have been
20 very open. They have been very willing to be at any of our
21 press conferences, to -- they have investigative reporters,
22 which we are very happy now that we have that type of
23 reporting where they go out and they're very responsive to
24 what we have to say, and they do their own investigating.
25 And I think they've come up with what -- you know, that we
26 do have issues that have to be contended with, that are
27 genuine issues. So, they have been very fair, very good, I
28 would say.

1 **MS. THOMAS:** I notice from something I just read
2 that the Senate -- members of the Senate Committee were very
3 rude?

4 **MS. LOPEZ:** They were rude; and, in particular,
5 one member who stated -- I don't know if the person taking
6 the testimony there was-- would understood it; but in
7 Spanish -- he is Mexican-American -- in Spanish told us
8 during the testimony, used a Spanish word for us not to be
9 stupid, that we were being used by the Republicans. And,
10 you know, I don't know if the other members of the panel
11 understood the word. I think a lot of non-Spanish speaking
12 know what the word is because that's one of the first words
13 they do learn in Spanish. You know, so they might have
14 understood at that point. But we were very, very insulted
15 that he would use that language with us. And especially he
16 -- because when we saw him on there, we thought this is very
17 good. I felt better because there was a Hispanic up there.
18 And it didn't seem to help us because he was the one that
19 was telling us this.

20 **MS. THOMAS:** I take it, this member of the
21 Legislature was of the other Party.

22 Did he offer you anything from the Democratic Party
23 that helped you?

24 **MS. LOPEZ:** They informed us, as did our Senator,
25 Omer Rains that he would be very helpful with us, that they
26 would help us with anything that we needed; but, I haven't
27 seen that help.

28 **MS. HATA:** Have you requested that help?

1 **MS. LOPEZ:** We have.

2 And, in all fairness, one of the aids of our local
3 Senator is Hispanic and he has been very, very helpful in
4 the information; but he also is -- he's a very good person;
5 but, he's also working for his boss, so you know. But, any
6 information that we have asked for, they have given to us.

7 Our local Senator has been helpful in that way; but
8 he's also cautious. He was a lot nicer because he had to
9 contend with us at home. But he also cautioned us to be
10 very careful of the Rose Institute. And I think we were
11 really taken aback because we knew where their funding comes
12 from, and I could care less, you know.

13 We wanted to use the computers. And we felt that that
14 would be very helpful to us. We're not that naive to think
15 that we would go with whatever they gave us. As a matter of
16 fact, we are not supportive of the plan that the Rose
17 Institute has come out with in our area. We're not
18 supportive of it at all. So, you know, we understand this.
19 But they did not give us the credit for having any brains.

20 **MS. HATA:** Could you briefly tell us why you're
21 not supportive; what you object to?

22 **MS. LOPEZ:** Well, in the 36th Assembly District,
23 the way they cut it up -- the Rose Institute's plans is to
24 cut the City of Oxnard off and put them in the 37th. Right
25 now they're in the 36th under Mr. Imbrecht. They would
26 propose to cut us off and put us with the Camarillo-Thousand
27 Oaks area which is -- the commonality of interest is not
28 there to begin with. Their problems are different to the

1 problems that we have in our large community. -

2 We wanted to be with the cities of Santa Paula and
3 Fillmore that have very high Hispanic population that
4 geographically are right next to us, also. Not only are
5 they -- do we have this interest of the Hispanic population,
6 but geographically they're there. So we could go across.

7 And we do have the same problems and same issues that
8 we could be on. In the Rose Institute, in their plan, says
9 it would be better if we were in the area of Thousand Oaks.
10 And, we could see their population of Hispanic is 5.8. And
11 it's just not the same concerns there.

12 **MR. DREW:** For my own edification, I would just
13 like to ask you to explain in a little more detail about
14 this fact-finding or gathering of information that the
15 Committee had down there at Ventura, Los Angeles. I mean,
16 who got invited?

17 I don't understand the process. I mean, who showed up
18 by invitation?

19 **MS. LOPEZ:** Well, I didn't understand the process
20 either.

21 As far as the Senate in Ventura, no one specifically
22 got invited. Well, I shouldn't say anyone. I shouldn't
23 speak to that. I should say we were not specifically, the
24 Hispanic community.

25 We have a Concillio who -- that has been in the County
26 for years, that if they wanted to go to minority
27 organizations, they could have. We were not contacted. As
28 far as this - the one in Los Angeles - by a fluke, my

1 husband found out about it, something in his paper saying
2 there would be a hearing.

3 **MR. DREW:** But, once you showed up -- in other
4 words, what other groups were there at this hearing, and did
5 they personally get invited is what I'm trying to
6 ascertain?

7 **MS. LOPEZ:** No, I can't speak for them on that.
8 I've spoken to the president of the NAACP. They were
9 not invited. They were not invited and, as far as the other
10 groups, they were just citizens. There were no
11 organizations other than ours and, at the Senate hearing,
12 NAACP wasn't there.

13 Again, I was speaking of the hearing in Ventura. It
14 was our group, Project VOTAR, was there; and the other one
15 was citizens. They were not groups. They were citizens
16 from different parts of the area.

17 **MR. DREW:** Do you feel then -- we've heard about
18 seven of these such meetings, that basically they're not
19 really out to really get the facts or to hear the minority
20 or get the minority input on reapportionment, or did you
21 think it's just a kind of window-washing type?

22 **MS. LOPEZ:** I feel very strongly that that's
23 exactly what it is.

24 They are there; and, in our case -- in most cases,
25 they will hear you very politely; and, in our case not so
26 politely.

27 And I don't feel that they are taking any of it into
28 consideration; that they're going to go ahead and do what

1 they want to do.

2 In our local level and the supervisorial -- the State
3 plan hasn't come out, so I can't address that at this point
4 -- but supervisorial level, that's exactly what they did.
5 They heard our protest and our proposals and there was no
6 discussion. The first thing, "I move that this item be
7 adopted," you know, without any discussion, without telling
8 you, "Well, we can't give you more time," because of this
9 and that, because they didn't have that excuse. They could
10 have.

11 **MR. DREW:** I take it, you're not very optimistic
12 then, that when reapportionment is done by the Assembly,
13 that it's simply going to be adequate?

14 **MS. LOPEZ:** I'm not. I don't think they have a
15 track record to go on; and I don't see why they would change
16 at this time.

17 **MS. HATA:** What criteria, in your perspective, is
18 the Legislature using to put together its redistricting
19 plan?

20 **MS. LOPEZ:** To hold onto their seats and to
21 insure, that at this point, that the Democrats hold the
22 majority or whatever, that they can keep the seats that they
23 have.

24 I think that's what they're holding onto. And you
25 know, anyway, they can really do whatever they want even
26 though there's Proposition 6 that is telling you all this.
27 I mean, they work with these laws, and I think they know --
28 would know how to work around them.

1 **MR. DREW:** I'm sorry we didn't have your input
2 yesterday when we talked with Senator Alatorre because he
3 kind of alluded to, I think, reference to the seven fact-
4 finding meetings. And I just got the impression, that
5 listening to the testimony, that they were very beneficial,
6 that they were out trying to really get the facts from the
7 Hispanic organization or minorities in reapportionment.

8 I sense now that's not the case in your opinion?

9 **MS. LOPEZ:** I mean, that's my opinion.

10 **MR. DREW:** That's your testimony?

11 **MS. LOPEZ:** Right.

12 I don't see how he could say anything else, though. I
13 really don't see how anyone could come up and say, you know,
14 "We're just listening to them. I mean, we're just hearing
15 them but we're not going to listen to them." They wouldn't
16 say that. But, I think when it comes out, it will be very
17 evident. I would hope it would be fair and just.

18 **MS. HATA:** Thank you.

19 Are there any other questions from the panel?

20 Mr. Montez?

21 **MR. MONTEZ:** How many Assembly seats in Ventura
22 County?

23 **MS. LOPEZ:** Three.

24 **MR. MONTEZ:** And they're all within that County or
25 they don't cross county lines?

26 **MS. LOPEZ:** They do.

27 **MR. MONTEZ:** They do?

28 **MS. LOPEZ:** Yes.

1 We have one which is very -- from what I understand --
2 is rare for this State. We have one solely within the State
3 -- I mean within the County.

4 **MR. MONTEZ:** Then they cut over -- is Thousand
5 Oaks in Ventura County?

6 **MS. LOPEZ:** Right. It's Ventura County. Well,
7 it's Ventura County geographically or the way the boundaries
8 are cut off, but mostly it's into Los Angeles.

9 **MR. MONTEZ:** Has the Board of Supervisors already
10 agreed and voted on their plan?

11 **MS. LOPEZ:** They have.

12 **MR. MONTEZ:** They have?

13 **MS. LOPEZ:** They voted on it, against strong
14 opposition from us and other city -- other jurisdictions.
15 And they're very upset to say the least.

16 **MR. MONTEZ:** Is there any intended strategy to go
17 beyond presentation? Is there any --

18 **MS. LOPEZ:** Definitely.

19 **MR. MONTEZ:** There are?

20 **MS. LOPEZ:** We are not going to sit back and say
21 "Well, it's done."

22 I mean, it's too important. Well --

23 **MR. MONTEZ:** What is your intent now?

24 I don't want to be revealing strategy; maybe you don't
25 want to mention it.

26 But, what direction do you intend to go now with --
27 I'm speaking specifically with the Board of Supervisors?

28 **MS. LOPEZ:** Specifically with the Board of

1 Supervisors, we are looking at litigation.

2 MR. MONTEZ: Okay.

3 MS. LOPEZ: Like I say, it's been passed. There's
4 nothing that -- I mean there's no other recourse that I can
5 see.

6 MR. MONTEZ: How many supervisors? Five?

7 MS. LOPEZ: Five.

8 MR. MONTEZ: And, from the looks of the district,
9 they each will have their protected area?

10 MS. LOPEZ: Right. They each have their area.

11 But, again, in reference -- and we do have maps in our
12 thing here that will show you the areas that are cut out of
13 the largest city of over 100,000 people in our County has
14 been divided into three districts. And that division there
15 has left the main chunks in the district that it was. And --
16 but, on one area, that it's out, it is a very high
17 concentration of Hispanic -- only Hispanics and Blacks live
18 in that area. And in the other area that they took out and
19 put with Thousand Oaks is also Hispanics. So, they've
20 diluted our power, our voting strength, I would think, by
21 doing that.

22 MR. MONTEZ: Is there any feeling of any one
23 Supervisor on the Board that may be more than an out person
24 that they might be willing to sort of throw to the dogs. I
25 mean, that's happening in -- you know, in some districts
26 that are -- the majority might be liberal majority, and so,
27 there might be one or two that are more conservative that
28 would be willing to --

1 **MS. LOPEZ:** Something very strange has happened in
2 regards to the Supervisorial districts. In the last
3 election, we, at the time, thought we were very happy. We
4 had some liberal people on there. And now, there would be a
5 chance for inputting even though there were no Hispanics,
6 which is ideally what we would like to have.

7 But what happened is that they all -- their voting
8 record -- and I attend a lot of the meetings and plus it
9 comes out in the paper their votes. All of them are yes,
10 yes, yes or no, no, no. But they hardly ever differ. I
11 mean, they've all -- it's all well planned ahead of time.
12 There was one descenting vote on the Board of Supervisors,
13 and that was from the Thousand Oaks area because they didn't
14 want to be divided in half. They wanted their city intact.

15 But even other people that were non-Hispanics that
16 were from that area were saying it was just so well
17 orchestrated ahead of time that they saved him with his
18 constituents and -- by letting him vote no. And he -- he
19 got his constituents calmed down because they were
20 presenting testimony against the plan, also. And the other
21 ones didn't give a darn because, you knew, they already knew
22 what they were going to vote or what they were doing. So,
23 his city had the strongest opposition from city members at
24 the meeting.

25 **MS. HATA:** That's it.

26 **MR. MONTEZ:** Thank you.

27 **MS. HATA:** We thank you for your candor.

28 **MS. LOPEZ:** Thank you.

1 **MS. HATA:** We thank you for coming over, all the
2 way up from Ventura.

3 The next person who was scheduled to testify was Mr.
4 Pedro Carrillo. Unfortunately, his flight was cancelled;
5 and so, he will not be able to make it today. I guess he's
6 one of the victims of the long air controllers' strike.

7 So, we will ask the staff to pick up materials from
8 him. I understand he's got quite a few important documents
9 to present to the Committee. So, staff will make sure we
10 get it, the testimony for the record.

11 Ms. Rita Nunez?

12 Will you please state your name, your occupation and
13 your county of residence for the record?

14 **MS. NUNEZ:** My name is Rita Nunez. I am a Legal
15 Assistant/Office Administrator for -- working in Orange
16 County.

17 **MS. HATA:** Would you briefly describe your
18 involvement in the area of reapportionment for us?

19 **MS. NUNEZ:** I've been working with Californios for
20 Fair Representation in reapportionment primarily because of
21 Orange County being one of the largest counties with
22 Hispanics; one of the three largest, I should say. And
23 being involved with the Hispanics in Orange County, working
24 as a Legal Assistant, handling maybe 75 percent of the
25 clientele that's Hispanic, I have come across so much that
26 the people are not getting their fair representation, not
27 only in the State level but on local levels. It is
28 something that really is getting to a point where Hispanics

1 don't know where to turn if they don't turn to people like
2 us that really care.

3 **MS. HATA:** Could you be more specific?

4 You say you've been getting a lot of --

5 **MS. NUNEZ:** Let me just read this statement first,
6 and then we can go into that.

7 Having worked in Orange County for some time, I have
8 seen the growth that developed in the community. The need
9 for representation of Hispanics is one in the growing
10 communities not only the State level but on the local levels
11 such as in housing, employment income, et cetera.

12 As we enter the decade of the '80's, Orange County is
13 one of the three fastest growing counties with an increase
14 in Hispanic population. The population is 1,931,000 of
15 which 286,331 are Hispanic origin; yet, very little is known
16 about the population trends and population, the destinies of
17 Hispanics in Orange County cities.

18 There's a report -- projection of employment and
19 occupation 1980-85 by Orange County published in '79,
20 projects that population growth will be limited by lack of
21 affordable housing and birthrate. The report also projects
22 that, in 1980 and 1985, plummet growth will be constrained
23 by the net increase in working population. It thus becomes
24 necessary to understand and determine with a future on-tap
25 work force maybe potentially Hispanic during population
26 decline. If this observation is correct, the employment and
27 housing, employment strategies will have to be devised for
28 employment and economic opportunities for Hispanics in

1 Orange County.

2 The challenge of the '80's will be to recognize the
3 economic, social and political consequences of policies
4 negligent toward Hispanic and seek remedies by understanding
5 the social contact, the commitment and the resources between
6 Hispanics and Orange County leaders.

7 The redistricting of Orange County to adhere to the
8 principle of community interest as well as their mutual
9 social and economic well-being, thus enabling each Hispanic
10 community to play an active role in shaping their political
11 destiny. The Orange County Coalition of Californios for
12 Fair Representation recognizes that the drawing of districts
13 on other areas with smaller concentrations of Hispanics must
14 take into consideration their distinctive community of
15 interest of the Hispanic population. The integrity of the
16 Hispanic population must be represented and not violated by
17 (inaudible) Hispanic communities as in the past. The plans
18 storm for Orange County and -- and the injustices of
19 gerrymandering which crippled our communities in the past
20 and limited our opportunities for political advancement.

21 One of the areas that has been taken into
22 consideration in Orange County is our youth. As of 1979,
23 there were 57,141 Hispanics identified as youths in Orange
24 County, representing 16 percent of Orange County's total.
25 While 16 percent may not seem exceedingly large, a focus on
26 cities with large Hispanic population provides a clearer
27 view of major demographic shifts of Orange County's youths
28 in population.

1 Santa Ana, for example, has student Hispanic
2 population that represents 31 percent of Orange County
3 total. Within the City of Santa Ana Unified School
4 District, however, the Hispanic elementary student
5 population is 61 percent point seven, 61.7 percent.
6 Additionally, elementary schools such as a Lowell and Santa
7 Ana, which has 73 percent minorities in 1973, of which 67
8 percent were Hispanic, now has 92 percent Hispanic
9 enrollment. There are other cities in Orange County that
10 have large population of Hispanics.

11 In redrawing our lines, the City of Santa Ana, with a
12 total population of 200,000 people of which 90,000 are
13 Hispanic origin, a 44 percent is the core of the 72nd
14 Assembly District, expanding -- expanding Hispanic
15 population of Santa Ana to the outlying cities, constitutes
16 and, in fact, future Hispanic Assembly District in the 71st
17 and 73rd A.D; this can also be said in the State Senate and
18 Congressional seats.

19 The redrawn plans has created a 35th Senate seat as a
20 possible Hispanic majority and designs the 34th as a future
21 seat. On the Congressional side, we have defined the lines
22 of the 38th Congressional District as a possible Hispanic
23 majority seat for the near future, bearing in mind that the
24 expanding Hispanic population of the cities: Santa Ana,
25 Anaheim, Garden Grove, Westminster, Fullerton, Staton,
26 Orange, Buena Park and La Habra, make the future very
27 positive in creating the above mentioned. This then keeps
28 in pace with a 92 percent increase in Hispanic population

1 since 1970.

2 We feel that Orange County, being that it is one of
3 the largest, has a very vast potential of having more
4 representation as far as the Hispanics are concerned. We
5 see now that we've got a possible Assembly seat maybe open,
6 and it is in the Santa Ana area which constitutes Santa Ana,
7 Anaheim, Garden Grove and Orange.

8 **MS. HATA:** Excuse me, Ms. Nunez,
9 Could I have order on my left, please?
10 Continue.

11 **MS. NUNEZ:** That particular area can bring in
12 Assembly District which is 38 percent Hispanic, the core of
13 the Hispanic. The core of the Hispanic is right in the
14 Santa Ana area. Downtown Santa Ana, you will see that there
15 is a vast majority that is moving into the Santa Ana area,
16 whereas the Anglo, the other persons are moving out to the
17 outlying areas. Irvine, which is getting very heavy, very
18 busy because of the industry. There is a lot of industry in
19 the Orange County area. We have Newport Beach. You'll find
20 that all that is primarily Republican area and also
21 primarily an Anglo area. Your core is right in the Santa
22 Ana-Anaheim-Orange areas downtown.

23 I have found it very interesting to be working on the
24 redistricting of Orange County; but not only seeing Orange
25 County, seeing that statewide working with Californios. It
26 was something that I never did before in getting involved in
27 politics as far as the city is concerned; although, I have
28 always worked with Hispanics throughout L.A. and Orange

1 County.

2 Working with the lines in Orange County, I have found
3 that there is a lot of potential in Orange County. It's a
4 new area. It really has been -- I think it's been a myth
5 that Orange County has been the Cadillac and Mercedes place;
6 but, it's not really true. There is a lot of minorities.
7 We're getting an influx of the Cuban, the San Salvadorians
8 and the refugees that are coming into Orange County. And
9 it's a very fast moving place. People really don't realize,
10 I think -- Orange County, whenever you talk about being
11 Orange County, they think it's all L.A., L.A. being Los
12 Angeles as California; but --

13 **MS. HATA:** Is that the end of your prepared
14 statement, Ms. Nunez?

15 **MS. NUNEZ:** Do you have any questions, anyone?

16 **MS. HATA:** Is there any questions from the
17 Committee?

18 **MS. THOMAS:** I would like to ask Ms. Lopez (sic):
19 Were you in attendance at any of these hearings?

20 **MS. NUNEZ:** Yes, I was.

21 **MS. THOMAS:** Can I have your impression at what
22 meeting you were at?

23 **MS. NUNEZ:** The hearing -- first of all, we didn't
24 get the notice of the hearing until at least two days
25 before.

26 **MS. THOMAS:** Which hearing is this, specifically?

27 **MS. NUNEZ:** Which hearing are you talking about?

28 **MS. THOMAS:** Well, I'm asking you.

1 **MS. NUNEZ:** Okay. We did attend a hearing when it
2 was held in Orange County -- the Senate and Assembly; and we
3 only got like two days notice before.

4 **MS. HATA:** What kind of notice did you get?

5 **MS. NUNEZ:** Telephone call.

6 **MS. HATA:** From?

7 **MS. NUNEZ:** One of the -- well, I got a call from
8 the City Council person that I know, and said there's going
9 to be hearings on such and such a date.

10 **MS. THOMAS:** So, that was not a formal invitation
11 of the Committee?

12 **MS. NUNEZ:** No, no, no. We never -- nobody ever
13 got -- I don't think it was ever publicized that there was
14 going to be held --

15 **MS. THOMAS:** And what date was that? In April?

16 **MS. NUNEZ:** It was sometime in April, yes. And it
17 was not publicized.

18 **MS. THOMAS:** This was a public hearing?

19 **MS. NUNEZ:** Right.

20 There were other organizations that were called in.
21 MAVA made a presentation for Orange County and we had the
22 Carpenters Union come in. But, like I said, there was no
23 real publication on it. That should have been. That place
24 would have been packed had we had.

25 **MS. THOMAS:** Was there a concentrated Latino
26 proposal, or did you all come from your different
27 organizations?

28 **MS. NUNEZ:** No. It was a concentrated Latino.

1 **MS. THOMAS:** And could you describe what occurred
2 and what the response was briefly?

3 **MS. NUNEZ:** Yes. I think that, as far as the
4 hearings are concerned, they were really -- they weren't --
5 they were willing to listen, but they really weren't going
6 to do anything.

7 I think one of the things they brought up and one of
8 the Senators that was on the Senate Committee was indicating
9 why, if we had a person who was Hispanic running in the last
10 election, why didn't we elect him if we wanted to have
11 representation, not understanding that we weren't really
12 concerned whether he was Hispanic or not, as long as he was
13 representing the people. And kept going through everybody
14 who presented a proposal to them. That was what he was
15 really just harping on, was the fact we did have somebody
16 who was a Latino running and didn't elect him. Finally, at
17 the end, we just told him it was not the Latino who was
18 going to help our community. He wasn't really too concerned
19 with the Latino or the Hispanic.

20 They were, like I say, willing to listen to us but
21 they weren't really going to give us anything.

22 **MS. THOMAS:** Did you purpose any concrete
23 boundaries or any suggestion of redistricting at all to this
24 committee?

25 **MS. NUNEZ:** I didn't.

26 **MS. THOMAS:** Not you personally.

27 **MS. NUNEZ:** Well, I didn't speak on it, but they
28 were proposed to them and even the supervisor in the

1 standing, who was one of the persons who spoke at that time,
2 did indicate to them what boundaries should be redrawn. And
3 I don't think they were really concerned.

4 **MS. HATA:** What evidence do you have that they
5 weren't concerned? Did they fall asleep on you or --

6 **MS. NUNEZ:** Not necessarily fall asleep; but they
7 just went through it very quickly and really were not
8 concerned with why Orange County shouldn't be cut in such a
9 way that there is no representation. And one of the things
10 that we did bring up was the fact that bringing Los Angeles
11 into Orange County or Orange County into Los Angeles, there
12 really is no interest between Orange County and Los Angeles,
13 really divide whoever was going to be handling be elected in
14 that area.

15 **MS. HATA:** So, you're saying you got no response
16 from them?

17 **MS. NUNEZ:** They're only --

18 **MS. HATA:** They just sat --

19 **MS. NUNEZ:** They're only concern was the fact that
20 we could have had our chance to have Hispanic representation
21 and we let it go.

22 **MS. THOMAS:** But this hearing was on
23 reapportionment, wasn't it?

24 **MS. NUNEZ:** Right.

25 **MS. THOMAS:** Was there a slide presentation, or
26 did you have a verbal presentation, or was it prepared --

27 **MS. NUNEZ:** No, it was just a verbal
28 presentation.

1 **MS. THOMAS:** So, there was nothing visually being
2 shown?

3 **MS. NUNEZ:** Right.

4 **MS. HATA:** Let's go back to my original question
5 that occurred.

6 Who did it --

7 **MS. NUNEZ:** Would you reask --

8 **MS. HATA:** I think, as you started reapportionment
9 creating some problems or problems perhaps resulting
10 from reapportionment; and you just kind of slid over it,
11 and I wanted more specifics.

12 **MS. THOMAS:** For instance, you said there has been
13 a great change in population, shifts in population from the
14 center city to the outskirts and an increase in population
15 in Santa Ana and, let's say, from 1970.

16 **MS. NUNEZ:** Right.

17 There has been a great -- a big big increase as far as
18 the population; and the districts that are drawn now don't
19 take into consideration the new growth that is coming in.
20 Of course, we do have a big majority of undocumented that
21 live in the Santa Ana area. But that really will not
22 enhance the fact that we do need a district that will take
23 into consideration the Hispanics. And I think the lines
24 that Californios has drawn as far as the two areas that
25 handle or that have the largest majority of Hispanics will
26 bring in a good representation.

27 **MS. HATA:** From your perception, what criteria is
28 the Legislature using to set up this redistricting plan?

1 **MS. NUNEZ:** Well, I think one of the facts -- the
2 fact that they're -- they are going to keep the incumbents
3 as they are. They really have no problem, at this point, in
4 getting reelected because of the fact that there is no
5 Hispanic, as per se, elected on there.

6 They, as far as the Democrat's concerned, they have a
7 good district. And I don't think they're going to be really
8 (inaudible) -- but, however, the Republican lines are -- the
9 persons who are running in the Republican side can very
10 easily take over because there is a very heavy Republican
11 area in Orange County.

12 **MS. HATA:** Okay. Are there any other questions
13 from the Committee?

14 **MS. HERNANDEZ:** One question. Ms. Nunez, when the
15 hearing was held in Orange County, was there a
16 representation from other minority groups --

17 **MS. NUNEZ:** Yes.

18 **MS. HERNANDEZ:** -- or ethnic groups testifying?

19 **MS. NUNEZ:** We had the Louvacs (Ph.) put on a
20 presentation. We had -- of course, we had the Carpenters
21 Union. We had MAVA testify; Californios. We had, I believe
22 -- I don't recall whether -- every organization was there.
23 But we had several. The Santa Ana Neighborhood which is
24 Santa Ana based organization also testifying.

25 **MS. HERNANDEZ:** Was there representatives from
26 other minority groups other than Hispanic?

27 **MS. NUNEZ:** No.

28 **MS. HERNANDEZ:** Thank you.

1 **MR. MONTEZ:** Are there any elected officials in
2 Orange County at all -- municipalities? There's none at the
3 County level -- Hispanic supervisors?

4 **MS. NUNEZ:** There -- there's -- no. There's no
5 Hispanic supervisor. We do have two councilmen in Santa Ana
6 and one just recently appointed or elected.

7 **MS. HATA:** Any other minority persons in elected
8 offices?

9 **MS. NUNEZ:** No, not in supervisory and/or
10 council.

11 **MR. MONTEZ:** Are there any women on any of the
12 city councils that you know of?

13 **MS. NUNEZ:** I'm not sure about the outlying areas,
14 but there are not any in Santa Ana.

15 **MS. THOMAS:** Ms. Nunez, as the districts are now,
16 do you feel that the Hispanic community is somewhat
17 concentrated, or how would you assess the situation and how
18 would the Hispanic --

19 **MS. NUNEZ:** They are being concentrated now, I
20 think, primarily in the Santa Ana, Anaheim, Fullerton area
21 is a big concentration.

22 **MS. THOMAS:** There is?

23 **MS. NUNEZ:** Garden Grove, parts of Orange, City of
24 Orange.

25 **MS. THOMAS:** Now, how do you foresee a more
26 equitable -- I mean, what are your plans in your particular
27 area as to a change in your redistricting.

28 Would you, I mean do you want more districts?

1 **MS. NUNEZ:** With a population increase, there is
2 going to be a need for a new district, very definitely.

3 **MS. THOMAS:** But, I was curious if you feel, as
4 the district is drawn now, there is a diffusion or there is
5 concentration; whether you feel there is a need for a new
6 district?

7 **MS. NUNEZ:** We feel --

8 **MS. THOMAS:** Primarily that --

9 **MS. NUNEZ:** I might add something that -- that
10 just came into mind as a fact.

11 One of the problems that we do have in Orange County
12 is our media. They have never been very sympathetic to any
13 Hispanic programs or news items that come out. And, when we
14 had our press conference on the Willie Brown matter, some of
15 the newspapers would not even show up. Television won't
16 show up. And --

17 **MS. THOMAS:** What specific -- I'm sorry, I'm not
18 familiar with that.

19 What specifically are you talking about?

20 **MS. NUNEZ:** On the Willie Brown issue, we --
21 Californios did have a press conference denouncing the fact
22 that Willie Brown had indicated that Latinos don't vote,
23 that type of thing.

24 But we have had problems with the media, and, I think,
25 this is one of the things that has not helped Orange County
26 in really getting to the media.

27 **MS. THOMAS:** Yes.

28 May I ask you about the outreach program for voter

1 registration in your county.

2 Is it effective and is it active; and perhaps might
3 touch upon the community colleges, too?

4 **MS. NUNEZ:** That is something we have been working
5 on in the past year. It has never been -- I guess, really
6 pushed years ago.

7 And we have been working on that since the last
8 election, and it is very effective. We have had vast
9 majority of registration coming in. We do have -- we have
10 hit the colleges. We have hit the high schools because you
11 find all your 18 year olds and get them registered before
12 they leave school.

13 **MS. THOMAS:** How are your local community colleges
14 in regard to the Hispanic population? Are they encouraged?
15 More active participation? Do you get a great many in the
16 community colleges?

17 **MS. NUNEZ:** No.

18 We have had problems with the community colleges. One
19 of the -- Cal State is really the one that we have been
20 dealing with very much so because they are interested in
21 what's going on. And they've got a good Chicano study there
22 that has a good population in it.

23 We've hit the other colleges, the little local
24 colleges, the J.C.'s that are there and they're really not
25 interested in studies.

26 **MS. THOMAS:** This is somewhat related; but, during
27 the census last year, how did the -- you say you have a
28 great deal of undocumented workers.

1 How was that outreach done?

2 Do you feel that was effective on the County on the
3 census was there reluctance there? Were there community
4 relations people there?

5 **MS. NUNEZ:** Yes.

6 **MS. THOMAS:** Were they respected?

7 **MS. NUNEZ:** Yes.

8 **MS. THOMAS:** So, there was trust?

9 **MS. NUNEZ:** Yeah.

10 **MS. THOMAS:** So, you say there has been more
11 awareness in your area?

12 **MS. NUNEZ:** Oh, yes, definitely.

13 We have -- I've been working on the immigration
14 problem in Santa Ana, so I can see what's been going on as
15 far as that's concerned.

16 **MS. THOMAS:** There was a bigger cooperation on
17 that when the census came?

18 **MS. NUNEZ:** Yes.

19 **MS. HATA:** When you say you hit the community
20 colleges, what do you mean?

21 Do you mean walk on campus or did you --

22 **MS. NUNEZ:** We have hit the -- I shouldn't say
23 "hit", but we have gone to the different colleges.

24 **MS. HATA:** As a formal organization, with a formal
25 request?

26 **MS. NUNEZ:** Not as far as Californios is
27 concerned.

28 This is another organization that we have gone to. We

1 have gone to register and advise all the students that it is
2 necessary to start registering and specifically going in and
3 with the META Program, the Chicano Studies, any Hispanic
4 organizations they have in the college, not primarily on
5 Hispanics or getting everybody to vote or register.

6 **MS. HATA:** You started with the Hispanic people?

7 **MS. NUNEZ:** Started with the Hispanics but not
8 limited to that.

9 **MS. THOMAS:** Going a little lower on the
10 educational level? How about all the high schools?

11 Do you have the same majority of high schools,
12 Hispanic high schools, in your area?

13 **MS. NUNEZ:** Yes. We have -- the Santa Ana high
14 schools there are very, very heavy concentrated in
15 Hispanics.

16 **MS. THOMAS:** Have there been many registered?

17 **MS. NUNEZ:** Oh, yes. That was our first
18 priority. Those are the ones that are going to make our
19 future.

20 **MS. HATA:** Okay. That wraps it up.

21 Are there any further questions?

22 If not, we thank you very much for coming Ms. Nunez.

23 We are scheduled to go into open session at 3
24 o'clock. We seem to have finished our formal testimony a
25 little earlier.

26 I wonder if Mr. Quintana would like to come forward
27 now? So, that perhaps you can spend the rest of the
28 afternoon going back to your committee or doing whatever

1 Bureaucrats do.

2 **MS. HATA:** We're now formally in the open session.
3 I am sure the staff was briefed to make statements before
4 the Committee.

5 Mr. Quintana, would you state, for the record, your
6 name, your occupation and your affiliation?

7 **MR. QUINTANA:** Ms. Hata, members of the Committee,
8 I would like to thank you for this opportunity to present my
9 testimony as a citizen.

10 My name is Dave Quintana. I am a student at
11 Claremont's Men's College in Claremont, California, and I am
12 currently working for the Republican Assembly Caucus in
13 their Elections and Reapportionment Committee. I have been
14 involved in analysis of the various plans which have been
15 referred to earlier in testimony. And I have been working
16 on the Republican plan as well. I have a prepared
17 statement, and I will provide a copy of it when I finish
18 typing it later.

19 To begin, the reapportionment of a legislative body is
20 a process which regards great forethought because the
21 results of reapportionment will influence the shape of the
22 policies in the Legislature for many years. The
23 redistricting is a basic distributor of political power.
24 The policy that governs the line-drawing process is
25 influenced by many differing interests, including incumbent
26 politicians, political parties, courts, academia and the
27 opinions of the general public. The weighty responsibility
28 of producing a fair reapportionment and in even the process

1 of defining what constitutes a fair reapportionment should
2 be deliberated and evaluated with care. One of the factors
3 to be considered in reapportionment in California during the
4 1980's is respect for ethnic groups.

5 I have explored the effects of reapportionment on
6 ethnic politics with a focus on the Chicano community. I am
7 currently writing my thesis on that subject. I began with
8 an analysis of the shifting of ethnic groups within the
9 major metropolitan areas in the State. And I've produced a
10 minority maximization plan for the plan for the 1980
11 reapportionment for areas of high ethnic concentrations.
12 The ethnic groups included in this analysis were the ethnic
13 groups in California: Blacks, Spanish origin and Asian.

14 In addition to the demographic analysis, I've looked
15 at some of the legal issues governing ethnic considerations
16 in reapportionment and analysis of the conflicts between
17 ethnic groups and redistricting. As a result, I have come
18 to some conclusions about the proper way reapportionment
19 should be done, and I have also attended some of the
20 hearings here in the Capitol; and I have some of my own
21 questions and reactions to some of the things that they said
22 there.

23 I'm currently writing a letter to Assemblymen
24 Alatorre, although, it could be addressed just as easily to
25 Senator Boatwright, considering the reapportionment hearings
26 and the testimony that they receive. The letter is
27 addressed:

28 Dear Assemblyman Alatorre:

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

4 I wish to comment on the testimony given to
5 the Committee on elections reapportionment for
6 the Assembly and Senate meeting jointly on
7 August 4th, 1981. The Californios for Fair Re-
8 presentation, which presented its plan to the
9 Committee, represents an unprecedented coalition
10 of Hispanic leaders and community activists.
11 Their concern for reapportionment is a legiti-
12 mate attempt at participation in the political
13 process as established in the State of
14 California.

15 There is no other body but the State Leg-
16 islature to which they can more effectively take
17 their grievances for lack of political represen-
18 tation. They represent a portion of the popula-
19 tion in California which has been historically
20 disenfranchised by previous Legislatures and
21 only partly recognized by the Supreme Court ap-
22 portionment in 1973. The significance of their
23 appearance at the August 4th hearing is great
24 because they perceive the present course of
25 action as the only way to pursue in order to
26 improve their legislature representation in a
27 politically legitimate way. Their actions are
28 not being directed by any Republican scheme.

1 They are only attempting to achieve the repre-
2 sentation that they feel they deserve in any way
3 they can.

4 They have come to the Legislature for one
5 reason. Any gains made in the California Leg-
6 islature, by the Latino Community, will be
7 legitimized only by an act of the Legislature
8 itself. The Civil Rights Act, by itself, cannot
9 totally assure minority reapportionment maxima-
10 zation nor can the Constitution of the State of
11 California nor can the Constitution of the
12 United States. The Supreme Court has ruled,
13 however, that any gains made by minorities in
14 legislative reapportionment cannot be de-
15 creased by subsequent reapportionments. This
16 means that if the present Legislature grants the
17 Chicano community additional representation now,
18 it cannot be taken away later. The time for any
19 gain in minority representation is now.

20 The Chicanos of the State cannot rely on
21 the Supreme Court of the State to recognize
22 their plea for political recognition in the
23 Assembly, Senate and Congress in the same way
24 and appeal directly to the Legislature can do
25 it. Only the State Legislature can legitimize
26 their gains.

27 Hispanics are not interested in maintaining
28 the status quo of Hispanic representation. They

1 have formed a bipartisan coalition in order to
2 impress the Legislature with the seriousness of
3 their demands. If the Legislature fails to act,
4 their only recourse is to seek court interven-
5 tion. They may seek other means to vent their
6 political frustration such as party splinter-
7 ing. Either of these actions will be considered
8 as politically legitimate to their present pe-
9 tition to the California State Legislature to
10 which they have elected you.

11 Chicanos are only beginning to realize
12 their electoral potential. If there political
13 aspirations are to be achieved, a proper stage
14 must be set for their advancement. Your posi-
15 tion on the control to the very committee to
16 which they petition, gives you the ability to
17 effect the changes with which they desire to be
18 made. They do not mean to attack you personally
19 nor to declaim the Democratic Party.

20 I realize that granting these changes will
21 be no easy task. I know this because I'm in the
22 very fortunate position to have access to the
23 equipment and data necessary to formulate a
24 comprehensive reapportionment plan. I know the
25 innumerable factors which must be taken into
26 consideration, not the least of which includes
27 incumbent protection, party impact, and popula-
28 tion trends. I can only wish you luck in all

1 your proceedings with this committee. I believe
2 that you are capable of drafting a reapportion-
3 ment plan which will recognize the growing in-
4 terest of Chicanos in the Legislative political
5 process.

6 As the young Chicano community begins to
7 mature, the fruits from groundwork laid now by
8 your committee will be reaped well into the
9 coming decade.

10 The Supreme Court has confirmed the need
11 for public participation in the process which,
12 in the past, has often been shrouded in a pall
13 of darkness. But one of the main reasons for
14 the Court's hesitance to enter into the politi-
15 cal jungle is because they felt that the public
16 ought to be more actively involved in the
17 process. The Honorable Justice Frankfurter in
18 the landmark case of Baker vs. Carr spoke,
19 stated:

20 "An appeal must be made to an in-
21 formed civicly militant electorate.
22 In a Democrat-sided society like
23 ours, relief must come through an
24 aroused popular conscience that
25 sears through the conscience of the
26 people's representatives".

27 We are now witnessing such an aroused elec-
28 torate in the form of the Californios and the

1 NAACP among other groups. It is the duty of the
2 Legislature to recognize this appeal. The Leg-
3 islature must prove its ability to be responsive
4 to the interest of the community it represents
5 or face the possibility of court interference.

6 I have the confidence that this job can be
7 done.

8 If there are any questions that the Committee would
9 like to direct now?

10 **MS. HATA:** Now, Mr. Quintana -- are there any
11 questions from the Committee?

12 Mr. Montez?

13 **MR. MONTEZ:** You're working on the reapportionment
14 plan of the Republican Party or --

15 **MR. QUINTANA:** Yes, I am, for the Assembly.

16 **MR. MONTEZ:** For the Assembly?

17 **MR. QUINTANA:** And in conjunction and in
18 coordination with analysis of other plans, possibly the
19 Congressional plan. We are doing our own independent
20 analysis. We are involved most directly in the Assembly
21 plan; however, we are not developing the Legislature's
22 plan.

23 However, what must be realized is that the Republicans
24 will attempt to make input to the Legislature's plan;
25 however, the Republicans and the Democrats are each
26 developing their own prospectives for reapportionment.

27 **MR. MONTEZ:** What are the feelings, and I know
28 it's only speculation because you obviously don't speak for

1 all Republicans -- of trying to avoid the political
2 implications?

3 What are the feelings of the Republicans as relates to
4 minorities, all the minorities in the State?

5 You mentioned three specifically: Chicanos, Blacks,
6 Asians. Do we have a feeling that there is a new trend
7 among the Republican Party?

8 Is -- there certainly doesn't seem that way from what
9 is happening; but, what I'm saying: Is there? You seem to
10 think that.

11 **MR. QUINTANA:** Well, my prospective from the past
12 and from my conversations with the various members in the
13 Republican Party, Republicans are hoping for resurgence in
14 their Party in the near future and broadening of their
15 political base for the reason that they have, in the past,
16 been a minority party and they wish to become a majority
17 party. Whether this would be possible in the near future is
18 another question.

19 However, the Republicans have spoken in press releases
20 and to the press in the general media, on television, for
21 the need for minority representation. So, they have become
22 public on this issue. They have, to my knowledge, not made
23 what would be considered an official policy on this matter,
24 however, by any Legislative actions.

25 But, the reapportionment that the Legislature produces
26 could very well be that first indication.

27 **MR. MONTEZ:** There are political advantages for
28 the Party to try to swing more minorities toward that?

1 **MR. QUINTANA:** Certainly.

2 **MS. THOMAS:** I have a question.

3 You said you were at last week's hearing. I would
4 like your evaluation, perhaps your overall view, of what
5 went on and what the responses were.

6 **MR. QUINTANA:** My impression of the actions of the
7 participants - namely, the people who were giving testimony
8 - was that they perhaps should have stayed there and stuck
9 it out to present their plan, regardless of the nit-picking
10 of the Committee in order to clarify and to explain, for the
11 record, their own petition for representation; and, despite
12 the defects of their own plan, they should have pointed out
13 the strengths of it and elaborated as to where the
14 Legislature could improve on the reapportionment
15 considerations for their communities.

16 I think though that their walk-out was symbolic
17 because it evidenced their opinion that the Legislature has
18 not been as responsive as it could be in considering
19 minority interests, and they wanted to make clear, for the
20 record, that their history of involvement in reapportionment
21 has been very minimal.

22 **MS. HATA:** You say that the Republican Party has
23 gone on record in support of more minority representation as
24 far as redistricting is concerned.

25 What specific steps has the party done or taken to
26 encourage minority participation in the formulation of its
27 plans?

28 **MR. QUINTANA:** The Republican Assembly Elections

1 and Reapportionment Committee, on which I serve, has allowed
2 members of the Californios' group to give their plan to us;
3 and we have done a complete analysis of their plans and
4 attempted, where possible, to find out where we can
5 incorporate parts of their plan. We have also asked various
6 other individual areas, such as in San Jose, to submit their
7 own suggested lines for a plan. We have looked at the Rose
8 Institute plan and done a full analysis of it, and we'll do
9 a full analysis of the Democratic plan when it comes out.

10 But, as far as the minorities are concerned, they have
11 been very open and have met continually in order to try to
12 establish a rapport.

13 **MS. HATA:** Are you meeting the minorities, or are
14 you initiating the meeting?

15 **MR. QUINTANA:** It's been a two-way process.

16 When the Californios, for instance, came to the
17 Assembly to give their testimony in the past, they have met
18 with the Minority Leader, Carol Hallett, and given their
19 opinions on reapportionment. They have met with the Vice
20 Chairman of the Committee on Elections and Reapportionment
21 for the Assembly, Bob Naylor, and have talked to him on the
22 subject of reapportionment as well.

23 **MS. HATA:** What specific provisions are there in
24 your plan to be sure that minority representation will
25 occur, that there will be adequate minority representation?

26 **MR. QUINTANA:** At this point, there cannot be a
27 structural guarantee of reapportionment considerations for
28 minorities on -- for the reason that, first of all, the

1 process is rather nebulous in the sense that it is
2 constantly a changing process even in the development of a
3 plan where you lay down a line one day. After
4 considerations of any number of factors, you may change the
5 line the next day, and nobody really knows what the final
6 lines will be until the bill is passed. However, a major
7 influence on how those lines may end up is the influence by
8 the public on how those lines will lay; and the more public
9 scrutiny there is on the process, the greater chance for a
10 fair reapportionment.

11 **MS. HATA:** You've had a chance to scrutinize if
12 the Californios' plan -- has the Californios had a chance to
13 scrutinize the ever-changing Republican plan?

14 **MS. QUINTANA:** Yes, they have.

15 In fact, we have invited them a couple of times to our
16 office to review our plan, and they have took up our offer.
17 At the last hearing, they came and looked at our Assembly
18 plan in our office and had access to our computer to look at
19 it and analyze it.

20 **MS. HATA:** Have you made similar offers to other
21 groups like the NAACP?

22 **MR. QUINTANA:** We have not been approached by the
23 NAACP; however, I would imagine that our office would be
24 just as open with their group. However, I cannot act in an
25 official capacity in that sense in that I am not running the
26 operation myself. I can say though that, in the past, they
27 have been very open.

28 **MS. HATA:** But the office will have -- in order

1 for the office to act, you have to be approached first; am I
2 correct?

3 Minorities have to know you exist and that you're
4 willing to help. They will have to initiate the action and
5 you are not conducting any kind of outreach from your
6 office; am I correct?

7 **MR. QUINTANA:** The purpose of our office is
8 analysis of plans. We have per se no public relations at
9 all in our concerns because we are in charge of the computer
10 analysis and not writing any letters.

11 **MS. HATA:** In order to analyze plans, you have to
12 find out they exist.

13 How do you find out they exist if you --

14 **MR. QUINTANA:** We have the data. We have census
15 tapes. We use those in our data. And we have a number of
16 other data, including political data, in our computer.

17 **MS. HATA:** So, the purpose of your office is to
18 create your own plan; if someone drops their plan on your
19 lap; if not, so be it?

20 **MR. QUINTANA:** Ultimately, we have to turn to our
21 Legislators. And as far as a public appeal to input from
22 any minority group or any other group, it would be through
23 the Legislators in their official capacity. And, under
24 their direction, we will seek public input if they so
25 choose.

26 **MS. HATA:** Do you share Mr. Trujillo's positive
27 perspective about believing in the integrity and the ability
28 of the Legislature to do what is just and right as they

1 reapportion the State?

2 **MR. QUINTANA:** My own personal opinion?

3 **MS. HATA:** As an impartial student who is looking
4 at the political process and writing a very objective
5 thesis.

6 We all look forward to reading it at sometime soon.

7 **MR. QUINTANA:** My purpose is not to point fingers
8 at anyone saying --

9 **MS. HATA:** We can't let you point fingers anyway
10 because there's a law that says you can't defame and
11 degrade.

12 **MR. QUINTANA:** However, I have seen, in my studies
13 of the history of reapportionment itself, that factors to be
14 considered in politics, when drawing a plan, do not lend
15 themselves to considerations of minority interests because,
16 if you are only looking at data which tells you that this
17 area is Democratic and this area is Republican and so we'll
18 draw the line here. You cannot consider whether this area
19 has a high minority population and the other area does not.

20 We do now have incorporated into the data complete
21 information as given by the census. Whether, you know, the
22 lines drawn will reflect an accurate or a fair
23 representation for these minorities in a Democratic sense as
24 opposed to Republican census has been explained by Dr.
25 Heslap earlier in his testimony to the Committee. Partisan
26 gerrymandering is very easy without public scrutiny.

27 **MS. HATA:** I take it, you are not that optimistic
28 as a student of human behavior or observance perhaps?

1 **MR. QUINTANA:** Legislators -- -

2 **MS. HATA:** You sound like a Legislator already.
3 Yes or no?

4 **MS. THOMAS:** To clarify your question, are you
5 talking about the Democratic Party or are you talking about
6 both parties?

7 **MS. HATA:** I'm letting Mr. Quintana define his
8 parameters in all fairness.

9 **MR. QUINTANA:** Since minorities tend to vote
10 heavily Democratic, it has been the history of the
11 Democratic Party to split up their voting potential in order
12 to support many districts for many Democratic incumbents.
13 And, as a result, many of these Democratic incumbents tend
14 to be non-minorities.

15 By consolidating minorities into high minority
16 districts, you can insure a minority becoming elected;
17 however, it tends to work against the ability to create many
18 Democratic districts for the reason that it concentrates the
19 minorities, if they are high Democratic voting minorities in
20 a certain district, you automatically concentrate the
21 Democratic vote into a high Democratic vote district. And
22 so, we've seen through past reapportionment, that some of
23 the Democrats have consolidated the Democratic -- I mean,
24 excuse me -- have dispersed the minority vote in order to
25 support many Democratic districts.

26 Now, it is possible to create districts which are
27 representative of a community in the sense that a minority --
28 a given minority has the ability to influence the outcome of

1 an election. And that, I believe, is what the Hispanics and
2 Blacks are ultimately trying to do. They don't want the
3 high minority district because it will tend to consolidate
4 them into a few districts. However, they do not wish to be
5 dispersed as has the Democratic Party in past
6 reapportionments. So, there seems to be a kind of polarity
7 here where, at one end of the spectrum, you tend to be over
8 consolidated. The other end of the spectrum, you tend to be
9 over-dispersed; and in the middle is the happy medium, where
10 the minorities may try to have an effect on more Legislative
11 campaigns in the long run.

12 **MS. HATA:** I have one final question for you,
13 which you can probably answer it.

14 Give me a little list from your objective condition as
15 an observer, what criteria then is the Legislature using to
16 draw up its reapportionment or redistricting plans?

17 **MR. QUINTANA:** The Legislature, as I have seen it,
18 on both the Democratic and the Republican parties, is going
19 to attempt to protect its incumbents. This is obvious.

20 The Constitution has not indicated that there is
21 anything wrong with considerations for incumbents. However,
22 the extent to which the Legislature will consider other
23 factors, such as respect for city and county boundaries and
24 respect for communities of interest, will be to the extent
25 to which they are observed by the courts and influenced by
26 the public.

27 **MS. HATA:** Thank you.

28 Are there any other questions?

1 Ms. Thomas?

2 MS. THOMAS: Yes. I want to clarify on what Mr.
3 Quintana said earlier about his department.

4 You said this is primarily an analysis-type of work
5 situation?

6 MR. QUINTANA: Yes.

7 MS. THOMAS: However, would you state that your
8 policy is an open one, that that has been a policy?

9 MR. QUINTANA: Our policy has been, in my
10 experience, to be more open than I have ever heard of in any
11 other reapportionment, to my knowledge, other than those
12 conducted by the courts.

13 When we are talking about a sense of openness, we have
14 to keep in mind that there is a relative sense here that, by
15 making all lines that are on any particular map available
16 for public scrutiny, might cause a commotion because these
17 lines are going to be changed the next week after further
18 considerations.

19 I think what the public should do, as far as scrutiny
20 of this plan, is to petition the Legislature and, as the
21 Californios and NAACP have done, to present their own ideas;
22 and then, to wait until the Legislature has come out with
23 its own plan and then make comments after those lines have
24 been drawn but before the bill has been passed. I believe
25 it's very important for the Legislature to hold hearings
26 after the lines are drawn and after the incumbents have
27 agreed to pass a bill but before any bill is passed. And I
28 believe Chairman Alatorre has agreed to hold these hearings

1 as well as Senator Boatwright has agreed to hold these
2 hearings.

3 But, the question still remains as to whether these
4 hearings will give a full ability for the public to analyze,
5 enough time.

6 **MS. THOMAS:** Enough time.

7 **MS. HATA:** Mr. Montez?

8 **MR. MONTEZ:** No.

9 I just had a comment that the amazing thing itself in
10 the 1970-71 reapportionment, there were no new seats created
11 by the State Legislature for Hispanics; and the only saving
12 grace there was that a Republican Governor vetoed the
13 Democratic plan, which then threw it into the courts and
14 then the courts, in their wisdom, "Well, let's give them one
15 or two more seats."

16 That's really what the reality of it is. I'm highly
17 suspect that if there isn't court intervention that it's not
18 going to change much more than it is now. I mean that --

19 **MR. QUINTANA:** That was the purpose of this letter
20 to Chairman Alatorre. And that is that if any member of the
21 community wishes to have political participation, with
22 legitimacy, they must petition that Legislative body
23 personally and make their opinions felt and make their votes
24 felt if the Legislative body refuses to take into
25 consideration their petition.

26 **MS. THOMAS:** Well, we thank you, Mr. Quintana.

27 **MS. HATA:** We thank you, Mr. Quintana, for
28 allowing you to sit there for two days.

1 There was one other person to make a statement and
2 that is Mr. Rosin and is Mr. Rosin here?

3 You are early. Welcome aboard.

4 **MR. ROSIN:** Where do you want me to sit?

5 **MS. HATA:** Right there.

6 Would you state for the record, Mr. Rosin, your name
7 and your occupation and your affiliation?

8 **MR. ROSIN:** Yes. My name is Allen Rosin. I'm the
9 Staff Director of the Senate Committee on Elections and
10 Reapportionment.

11 My background, I'm a political scientist. I had the
12 same role for the Senate that I have now. I had the same
13 role in 1970 through 1973. I have a prepared statement,
14 which I'll try to read although I'd like to preface it by
15 indicating that my presence here today is because there
16 seems to be a lot of statements coming through to us about
17 what the Senate has or hasn't done, which implies to me a
18 kind of misinformation that's been circulated into the
19 Committee into your hearing transcript.

20 For example, I came into the room just now and I heard
21 Mr. Montez -- who I know well and like, I don't know him
22 well, but we've had some experience before -- and I heard
23 him say that the problem in 1970 was that there was no seats
24 created by the Legislature - no new seats for Hispanic
25 representation. That is a factual absolute inaccuracy.

26 The first plan, passed by the State Senate in October
27 of 1971, contained a Hispanic seat in East Los Angeles with
28 no incumbent in it. I know that because I drew it very

1 carefully in conjunction with the Hispanic community. Now,
2 the fact that that bill could not get out of the Assembly
3 because of their partisan rangling does not indicate that
4 the Senate did not produce that kind of seat initially in
5 1971. And I want to just say that right off. I think there
6 are some real problems with the testimony that you're
7 building in the transcript, from what I've been able to
8 hear, from people who called me in the evening.

9 Let me read my prepared statement which says: Your
10 Regional Director, Phil Montez, and I know each other,
11 harking back to the days when I held this same role in
12 reapportionment of 1970. Mr. Montez, I hope knows, that I
13 had a personal commitment to Hispanic representation then,
14 in the 1970's. I administered a reapportionment staff in
15 the 1970's which created a reapportionment plan with the
16 first proposed United States Hispanic Senate District at a
17 time when there were no Hispanics in the State Senate, and
18 when there was great resistance to the creation of a
19 Hispanic Senate seat. I worked with many individuals on the
20 Committee for Fair Representation in the 1970's, helping
21 advise them on how to draft their own reapportionment plans
22 in 1971 and 1972.

23 Since that time, I have spoken at conferences on
24 ethnic representation as, for example, at a conference in
25 which Mr. Montez participated, convened by then Lieutenant
26 Governor of California, Mervyn Dymally, to consider the
27 whole question of Hispanic and other ethnic -- other ethnics
28 and their political representation in California. He knows,

1 as do others, that my approach then, as a private
2 consultant, was to speak and work in ways to enhance the
3 ethnic representation within the political structure of this
4 State.

5 I don't think my personal record is something that I
6 want to dwell more upon, but I think can stand on that
7 record now, feeling as I do a commitment to Hispanic
8 representation in this State. I would not be associated
9 with this Senate committee did I not feel a confidence in
10 its commitment, also.

11 Yesterday, at least two individuals mentioned to me,
12 to our Senate personnel and to me, comments presented to you
13 by Dr. Richard Santillan and the Californios. I do not know
14 if those reports are accurate. I will have to wait until I
15 can read your transcript. But, because of the report of
16 those remarks, I would like to read into the record a
17 statement of a Chairman, Senator Daniel E. Boatwright.

18 "Statement of Seantor Boatwright As Read By Alan
19 Rosin.

20 I regret that, as the Legislature was in
21 Session, I was unable yesterday to personally
22 appear before the Reapportionment Subcommittee
23 of the California Advisory Committee on the
24 Civil Rights. I also appreciate the efforts of
25 the members of the Commission to insure and
26 protect the rights of all Californians in regard
27 to the 1980 reapportionment process.

28 There are several points that I would like

1 to make to clarify the record to be sure that
2 the people of the State of California receive
3 accurate comprehensive information about the
4 Legislative redistricting procedure.

5 I understand that yesterday, a Commission
6 member asked Dr. Richard Santillan, Director of
7 the Hispanic reapportionment project at the Rose
8 Institute, about the walk-out of Californios for
9 Fair Representation from the joint elections of
10 reapportionment hearing last Tuesday, August 4,
11 1981. Dr. Santillan responded that because of
12 the Legislature's intention at that hearing was
13 to discredit the two plans: The Rose Institute
14 Morrill Plan and the partial plans of the Cali-
15 fornios for Fair Representation. Californios
16 decided to not participate in the hearings.

17 Let me state for the record that this is an
18 absolute untruth. To clarify that issue, I will
19 forward to the Commission the entire verbatim
20 transcript prepared by a Certified Shorthand
21 Reporter of that joint Legislative hearing on
22 August 4, 1981.

23 The Joint Senate Assembly hearing was held
24 for the purpose of introducing to the Legisla-
25 ture and the public any statewide reapportion-
26 ment plans produced by non-Legislative groups.
27 By that hearing, we hoped to pose pertinent
28 questions and gather evidence about the plan to

1 be used in the development of the Senate and
2 Assembly reapportionment plans.

3 In fact, all of the Senate and Assembly
4 hearings held up and down in the State were for
5 the purpose of gathering from individuals and
6 from special interest groups the input for cons-
7 sideration by the Legislature in drawing its
8 plans.

9 Last week, however, before the plan of the
10 Californios for Fair Representation ever was
11 formally introduced, much less analyzed, the
12 Californios staged its walk-out. I have since
13 received information confirming the fact that
14 the walk-out was preprogrammed; that is, planned
15 in advance. Furthermore, following the state-
16 ment of Mr. Armando Navarro at the joint Legis-
17 lative hearing last week, I repeatedly asked
18 Californios whether or not their plan had
19 created Hispanic districts at the expense of any
20 other minority groups.

21 The question was repeatedly avoided. I
22 understand that here yesterday, August 13th,
23 1981 at this meeting, Dr. Santillan stated the
24 plan of Californios for Fair Representation
25 would not be drawn at the expense of any other
26 minority group, that it made sure that the in-
27 terests of Blacks were not injured. The Leg-
28 islature, however, at its hearing, was denied

1 the opportunity to ask and receive answers to
2 the same question.

3 That ends the Chairman's statement.

4 And I would now like to add that we first were puzzled
5 by the walk-out of the Californios' delegation. It looked
6 like a deliberate attempt by them to make us - the Senate
7 and Assembly Committees - look bad. And, subsequently, when
8 the Senate Committee Chairman obtained rather interesting
9 evidence that Dr. Santillan and Dr. Armando Navarro of the
10 Californios planned a deliberate walk-out in advance of the
11 August 4th hearing, it made their actions seem rather
12 cynical and hypocritical because there was no way they could
13 have known in advance what their treatment by the Committee
14 would be.

15 Dr. Santillan, Dr. Armando Navarro and Dr. Carlos
16 Navarro knew before they appeared at our hearing on August
17 4th that we were not presenting Legislative plans or
18 discussing plans of our own. And yet, I say parenthetically
19 that's the reason they claimed they walked-out as we did not
20 introduce our plan. They knew well in advance, from
21 conversations with me, that we were not introducing our
22 plans at that hearing.

23 Precisely the purpose of our having the hearing on
24 August 4th was to consider input from other people's plans
25 before we completed drafting our own.

26 Insofar as the Senate Committee approaching our
27 hearing last August 4th with an idea of, quote, discrediting
28 plans, unquote, in order to make our own plan look good, I

1 want to state that as an inaccuracy. We drew the plans that
2 were presented to us on our own maps and attempted to
3 analyze them. We could not make a plan look bad if it was
4 already good or make a plan look good if, in substance, it
5 was already bad.

6 So, for anyone to come here and state to you that
7 their walk-out was done in response to Committee's
8 performance is a rather cynical and inaccurate bit of
9 testimony if they know that they have discussed and planned
10 that walk-out with the Californios in advance.

11 In addition to the transcript of the hearing, which
12 Chairman Boatwright will submit to you, of that August 4th
13 hearing, I've brought with me here today copies of 11 other
14 transcripts which we've held throughout the State. Those
15 transcripts will speak for themselves, and I think they
16 demonstrate a sincere willingness to take and consider
17 testimony from the Californios and other Hispanics
18 throughout the State. Moreover, we have spent the staff
19 time, prior to August 4th, by summarizing all of these
20 transcripts and producing the testimony for ourselves in a
21 small book so we know what are the relevant features and
22 demands and interests of the people who testified before
23 us.

24 And I understand that there was testimony today, for
25 example, about our hearings not being publicized, being a
26 sham, being a show, and just a few minutes ago Ms. Irma
27 Lopez, who spoke at the Ventura hearing, said, quote, we're
28 not taking their testimony into consideration.

1 For the record, in response to that, I would like to
2 introduce a copy of a story that appeared in the Camarillo
3 Daily News, July 14th, 1981. The testimony of Mrs. Lopez in
4 Ventura -- and I remember it very well, I'm sure probably to
5 her surprise -- that she advocated that the city of
6 Camarillo be removed from the 18th Senatorial District and
7 put into the 19th Senatorial District which is connected to
8 Los Angeles. At that hearing, other people testified,
9 including a senior citizens' advocate, that the City of
10 Camarillo belonged in the Ventura District; that is the 18th
11 Senatorial District and not in the 19th.

12 I have here a copy of the speech I gave in Camarillo,
13 in which I indicated and I quote -- this is July 14th --
14 Rosin said, quote, this is the story:

15 Tony Lame, a widely known senior citizens'
16 advocate from Thousand Oaks, said Camarillo
17 should stay in the 18th District because Senator
18 ~~because~~ Rains is receptive to the problems
19 of seniors. But Rosin said members of Project
20 VOTAR, a group of Hispanic citizens said .
21 Camarillo, Selmo City, Valley and Moorpark
22 should go to the 19th District because there are
23 fewer Hispanics in these areas. By keeping
24 these communities in the 18th District, Rosin
25 said, the Hispanics feel their voting power is
26 diluted. Quote, these are real questions in
27 American politics, unquote, Rosin said. They
28 are questions of representation, unquote. Rosin

1 said, final decisions about reapportionment will
2 probably be made public at the end of August.

3 **MS. HATA:** Mr. Rosin --

4 **MR. ROSIN:** Yes.

5 **MS. HATA:** -- I think you will be pleased to know,
6 perhaps surprised to know, that Ms. Lopez provided the
7 Committee with a copy of that letter, and we have been
8 advised by counsel that we do not want to get involve in any
9 kind of one-to-one degrading or defaming --

10 **MR. ROSIN:** Madam Chairman, all I'm trying to say
11 to you, the bits and pieces we have heard, that we have not
12 taken testimony into consideration, that our hearings were a
13 sham, that there was a show, et cetera, is something that
14 you're putting on the record in testimony here; and I think
15 it's incumbent upon me, as a Staff Director of this
16 committee, the Senate Committee, to make it clear that those
17 statements are, at best hearsay; they're based on no real
18 evidence of conversations with us, no understanding of our
19 state of mind or committee policy or anything else. And so
20 merely to state them on the record here is, I think, a
21 substantial danger unless they're ~~responded to.~~ ~~I mean,~~
22 ~~unless they're responded to, excuse me.~~ I am concerned, and
23 you can tell by the emotion in my voice. I mean, I have
24 worked on reapportionment now for 20 months. At no time
25 have I not considered Hispanic representation to be terribly
26 important. Let me finish my statement, if I may.

27 Finally, and I think demonstrative of the possible
28 misinformation presented yesterday to you, is the fact that,

1 in our Committee hearing in East Los Angeles, our Committee
2 Chairman, Senator Boatwright, made a public commitment
3 reported in the Los Angeles Times to supply political
4 reapportionment data to Hispanic communities prior to the
5 introduction of our own plan. That offer was made several
6 months ago. During the testimony by Dr. Santillan and Dr.
7 Armando Navarro, on August 4th last, they stated that our
8 committee had not cooperated in the supplying of data.
9 Chairman Boatwright interrupted and I indicated that that
10 was not true. No one had ever -- I underline ever --
11 contacted us to receive any of the data even though we were
12 waiting for such call.

13 And, on August 4th, in that Committee hearing, Mr.
14 Carlos Navarro indicated, when asked -- and I think it will
15 be clear in our transcript of that hearing -- he answered
16 that: No, he had never contacted Allen Rosin to ask for any
17 data. So, the statement that we have not cooperated is
18 misleading and inaccurate, and I think your transcripts
19 should reflect that.

20 We want to be receptive and communicative with the
21 Hispanic community; but, we do not want deliberately to be
22 made to look bad, particularly as part of some attempt by
23 some Hispanics in conjunction with any political party or as
24 an attempt to get publicity. We have not been uncooperative,
25 quite the contrary.

26 That is the gist of what I have to say, Mr. Chairman.
27 I hope you can accept these exhibits that we bring and that
28 you can consider them carefully.

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

9 Thank you for allowing me to come at the last minute
10 like this.

11 **MS. HATA:** Mr. Rosin, would you be available for
12 questions from the Committee?

13 **MR. ROSIN:** Sure.

14 **MS. HATA:** I think I would like to have the Staff
15 explain the procedure that Staff will follow as we compile a
16 report so that we'll have an idea of the kind of input we
17 will get from the official transcripts of the meeting.

18 **MR. ROSIN:** Well, I prepared the transcript -- the
19 testimony of Senator Dymally ten years ago for this same
20 Committee, and I have and we have read a copy of the report
21 turned out ten years ago. So, I'm not unfamiliar with all
22 of this; but, I will be happy to --

23 **MR. MONTEZ:** So, some of this is familiar that
24 1970 ~~Senator~~ of Congressman Dymally was a member of this
25 Committee, as you well know.

26 **MR. ROSIN:** Right.

27 **MR. MONTEZ:** It was through his hard work that the
28 commission got involved in reapportionment at that time.

1 In answer to the procedure, I'm glad that Mr. Rosin is
2 here because, as you well know, Allen, ~~that~~ yesterday we had
3 problems with trying to get officialdom to come before the
4 Committee. And, when I received your note today, knowing
5 you for as many years as I have, that I was very happy to
6 know that you were going to be here.

7 **MR. ROSIN:** Let me explain something, Phil.

8 Yesterday, I went to the floor just before noon to
9 talk to Senator Boatwright. One of the things I mentioned
10 was responding to what we had heard what was happening
11 here. Senator Boatwright could not walk off the floor of
12 the Senate to come into the corridor.

13 Yesterday was a work day in our office and I had not
14 shaven, and I was wearing old clothes; and I was embarrassed
15 to come into the Senate Chamber, but he could not come out
16 because there was, quote, a call of the House, unquote,
17 which means no member can leave the chamber when the call is
18 out. And, during the end of the sessions, calls are very
19 frequent. That means that they call the role and all the
20 members do not answer the role call. So, they put a call on,
21 meaning the Sergeant is supposed to go out and round up the
22 members. No member can leave the floor. The Sergeant of
23 Arms would not let him off.

24 So, yesterday, no member of the Senate, for a good
25 part of the day, was allowed to leave the chamber
26 physically. So, you have to understand our process here,
27 too, when we're ending a session and there's lots of bills
28 on the floor. It was not easy for members to leave the

1 floor or to not vote on pieces of legislation yesterday.

2 **MR. MONTEZ:** I just wanted to clarify that it is
3 always the intention of this Committee, as well as the
4 Commission on Civil Rights, to get all points of view that
5 are addressed to the Committee; and that's why, if you will
6 peruse or look at our agenda, we have a total cross-section
7 of all points of view. And I am convinced that there are
8 diversified points of view. I am convinced there are
9 disagreements publicly and so forth; but, we have to hear
10 all those points of view. That's why we were somewhat
11 frustrated yesterday when we had attempted and Staff had
12 been in Sacramento for a couple of weeks trying to make sure
13 that we could line up these diversified points of view
14 because we do not and, for the record, we can never have a
15 public hearing where we do not have all points of view
16 represented.

17 But the Committee is very strong in that area; that it
18 is a non-partisan committee. We have Republicans. We have
19 Democrats. We have every ethnic minority on the Committee,
20 as you well know. The times for public meetings are never
21 convenient for all members. So, sometimes, we're -- we've
22 had to be strapped with the fact that it would look like an
23 all Mexico committee or all white committee. And that is
24 not the purpose of the Committee and you know the work of
25 the Civil Rights Commission.

26 **MR. ROSIN:** Yes, very impressive.

27 **MR. MONTEZ:** And I am very much committed to that
28 kind of diversity and those points of view that will present

1 the cross-section that is going on in the particular issue
2 we're dealing with. And we appreciate you coming here today

3

4 **MR. ROSIN:** Thank you.

5 **MR. MONTEZ:** ~~and~~ your testimony will be part of
6 the record and will be viewed when we analyze and come out
7 with a report.

8 **MS. HATA:** And we're sorry that the Senator could
9 not join Mr. Alatorre yesterday to meet with the Committee.

10 **MR. ROSIN:** I just -- as I say, the Houses are not
11 identical in their procedures and structures. The Assembly
12 votes by push button, which is a very different system than
13 having to answer verbally a roll call in the Senate.

14 **MS. HATA:** I have a question for you, Mr. Rosin.

15 **MR. ROSIN:** Sure.

16 **MS. HATA:** When you speak of redistricting, all
17 you're talking about, the only minority group you mentioned
18 are Hispanics --

19 **MR. ROSIN:** Because --

20 **MS. HATA:** -- is this the Senate's policy, to
21 speak only of Hispanics when they talk about minorities?

22 **MR. ROSIN:** No, but I'm responding to what seems
23 to be the focus of the testimony yesterday, or at least of
24 what testimony I was aware of in bits and pieces, which I
25 wish to respond to.

26 We, of course, are concerned about the representation
27 of any group in California, whether it be Black, Hispanic,
28 Asian, American-Indian. And there are very difficult

1 problems in doing reapportionment. And there never are good
2 solutions. Just like in Camarillo, no matter what we do in
3 Camarillo, whether we put Camarillo ~~is~~ ^{the} in 18th Senatorial
4 District or 19th Senatorial District, somebody will be angry
5 at us and we will be going contrary to some of the testimony
6 we received in the Ventura hearing, regardless.

7 **MS. HATA:** What guarantees do non-Hispanics have
8 that their interests will be equally protected?

9 **MR. ROSIN:** No better or no worse than the
10 Hispanics. To guarantee -- to protect interest in
11 reapportionment is an impossible task. We do the best we
12 can. There are all kinds of outcries about the last
13 reapportionment with most people forgetting that the last
14 reapportionment was enacted into law by the California State
15 Supreme Court. And no sooner had it been done than there
16 were outcries all over the State about gerrymandering and
17 about political partisanship.

18 People in Oceanside and San Diego, the city was split
19 by the court. 59,000 people were pulled out of Contra Costa
20 County and attached to Alameda County. They were very
21 upset. And I can go through the entire State and give you a
22 litany of people who are outraged over particulars by the
23 plan done by the California State Supreme Court, which
24 certainly would fit in your model of more non-partisan.

25 So, regardless of what we do, someone is going to be
26 upset in some area of the State.

27 **MS. HATA:** We have heard from a number of
28 individuals as these hearings were conducted up and down the

1 State, there was no public notice; that perhaps only city
2 officials may have heard that these hearings were being
3 conducted; and that community groups had no knowledge of
4 those meetings.

5 Could you tell us what your procedure is or was?

6 **MR. ROSIN:** Madam Chairman, I thank you for
7 raising that.

8 From our perspective, that is not only not untrue but
9 absurd. We contacted every kind of entity that we could
10 think of. But, when you don't know the names of groups that
11 have just formed, if anybody wrote us a letter asking for
12 any information, our policy was to send them a hearing
13 notice. But, the logical place to send a hearing notice is
14 to the press. And we widely circulated hearing notices. We
15 had one staff person who did nothing for the entire hearing
16 period but work on each hearing sending out press notices.
17 We sent out notices to public officials, assuming that if
18 people had interaction with elected officials, mayors and
19 supervisors and city councilmen, somehow they'd learn about
20 this.

21 I notice all the people who came and said they did not
22 receive adequate notice at the hearings, all that somehow
23 learned about it; but they didn't consider it a proper
24 notice if they saw it on a city hall bulletin board or they
25 heard about it, you know, from some representative. We
26 don't know how to reach groups because there is no registry
27 in the State of California of all groups in the State of
28 California.

1 We did -- I can say this on my reputation -- we did the
2 most thorough, complete job that we possibly could in
3 circulating hearing notices. We had no reason -- no reason,
4 whatsoever, to try to hide these hearings. And, in fact,
5 the Chairman constantly at the hearings said things for the
6 press about: I'm really disappointed about the low turn-
7 out. I'm sorry that, you know, the mayor didn't come, and
8 so on and so forth, to try and germinate interest in the
9 hearings.

10 **MS. HATA:** Was your hearing person, or this public
11 relations person, bilingual?

12 **MR. ROSIN:** No. She's Asian. She's Filipino.
13 And so she --

14 **MS. HATA:** Did she send out notices in Spanish?

15 **MR. ROSIN:** I think we tried. I'm not sure. I
16 honestly don't know. I'm sure we tried to send them to
17 Hispanic papers.

18 **MS. HATA:** In English?

19 **MR. ROSIN:** No. I mean I'm not sure. I frankly
20 don't know. I'd have to go back and check. But, on a
21 Hispanic paper that prints in Spanish, I'm sure they have
22 someone who receives the information in English and can
23 translate it. That would be the normal way they would get
24 information. I don't think that was a real barrier.

25 **MS. HATA:** Ms. Thomas?

26 **MS. THOMAS:** Mr. Rosin, do you recall any letter
27 of invitation to any community group, or was it just done
28 through the press?

1 **MR. ROSIN:** If we had --

2 **MS. THOMAS:** -- or selected --

3 **MR. ROSIN:** If we had a name, I think we sent it
4 out. And I think as we got the name of the Californios, I'm
5 pretty sure we must have notified them, wherever their
6 offices were. We sent out not only a hearing notice in
7 advance of each hearing, but we compiled an entire list of
8 what our hearings were going to be for the entire period and
9 sent that out. All the Capitol media had it. All media in
10 every community we were going into and to all elected local
11 officials that we could find on the roster of the State of
12 California, the book that was published.

13 **MS. THOMAS:** Was there any monitoring to see if
14 the press picked up on all this?

15 **MR. ROSIN:** Yes. We have a clipping service and
16 we tried to see that; and we also phoned people before the
17 hearings -- phone news media. I mean, we did this same
18 procedure ten years ago, and we tried then to be thorough,
19 and we tried this time to be thorough. But it's very hard.

20 When the Census Bureau has problems counting people,
21 it's very hard. People are not interested in governmental
22 hearings. Most people, of all ethnic groups, from WASPS to
23 Hispanics to Blacks, are not terribly interested in
24 Legislative hearings and reapportionment is a very obtuse
25 subject. But, if we had a name of the group, if they had
26 written to us, if they had written to the Committee, and we
27 knew their name then it was wasn't difficult.

28 But how do we know the name of a group that exists in

1 some county who we've never heard of, who has been formed
2 maybe a year or two years?

3 **MS. THOMAS:** Do you have your own list, is that
4 what you're saying?

5 Now, when you say that you would have written to us
6 that you can't expect me to write you when you're not aware
7 there's --

8 **MR. ROSIN:** If they had written to the Senate
9 Committee on Elections and Reapportionment saying, "I'm
10 interested in learning about what reapportionment is, would
11 you send me some information," then we had a name.

12 Just remember, this is a committee that springs into
13 existence overnight with a new staff to do reapportionment
14 And we try -- the whole purpose -- the purpose of the
15 hearings was not a sham. It was to really get public input,
16 to know what the problems or what the tensions were going to
17 be. Where there was great concerns and were not going to
18 meet all those demands. I can say that in advance; we
19 can't.

20 **MS. HATA:** Ms. Hernandez?

21 **MS. HERNANDEZ:** Mr. Rosin, the hearings that were
22 held up and down in the State, over what period of time did
23 these hearings take place?

24 **MR. ROSIN:** Well, just let me look at the
25 transcripts.

26 **MS. HERNANDEZ:** Well, no. Just say one week, two
27 weeks, a month, two months?

28 **MR. ROSIN:** Well, here's the first one. The

1 Supervisors Chamber, Los Angeles County Administration
2 Center, in Los Angeles, February 13th; the Supervisors
3 Chamber in San Diego, February 20th; the Engle's Auditorium,
4 East Los Angeles Community College, Brooklyn Avenue,
5 Monterey Park, California, Friday, March 6th.

6 **MS. HERNANDEZ:** I don't think the locations are
7 necessary to --

8 **MR. ROSIN:** Well, no. I'd like you to hear the
9 fact that when we went into East Los Angeles and held a
10 hearing at the East Los Angeles Community College, I think
11 that's of significance; at the Santa Ana Council Chamber,
12 City Hall, Santa Ana, March 13th; the Kinsey Auditorium,
13 Museum of Science and Industry, Los Angeles, that's in the
14 Center in the Black community, Friday, March 20th; the State
15 Office Building Auditorium, San Bernardino, Friday, March
16 27th; the Ventura City Hall, Council Chambers, Ventura,
17 April 3rd; the State Office Building, Fresno, California,
18 April 10th; the San Francisco County Health Department,
19 couldn't get a better room in San Francisco, I'm sorry to
20 say, Friday, May 1st; Shasta College, Redding, California,
21 Saturday, May 9th. So, it went from February through May.

22 So, if anybody heard about one hearing somewhere, all
23 they had to do was write and we would have told them about
24 the whole list of what the other hearings were.

25 **MS. HERNANDEZ:** So, you are talking about a span
26 of time of approximately two and a-half months; is that
27 correct?

28 **MR. ROSIN:** I think so.

1 **MS. HERNANDEZ:** And you mentioned earlier also
2 that there were low turn-outs; is that correct?

3 **MR. ROSIN:** Generally, yes, correct.

4 **MS. HERNANDEZ:** If you were having low turn-outs
5 at the beginning of the hearings in the different areas,
6 wouldn't that automatically tell the Committee that there
7 was something wrong in the outreach that was being done?

8 **MR. ROSIN:** Ms. Hernandez, my only --

9 **MS. HERNANDEZ:** And looking into it --

10 **MR. ROSIN:** My only response can be is you can
11 just look around the room here at your hearing and
12 understand how difficult it is to get people out. If I turn
13 around, for the record, I don't see more than ten or fifteen
14 people in this auditorium.

15 **MS. HERNANDEZ:** I don't think that answers my
16 question, Mr. Rosin with all due respect.

17 If there was a problem with people not showing up to a
18 hearing or not significant numbers showing up to a hearing,
19 would it not be proper to check into what kind of press
20 releases or invitations were sent out to concerned groups?

21 You mentioned earlier that you thought you had a list
22 or people were invited; but that's rather ambiguous. It
23 would -- it would certainly help if we could know for sure
24 if people were informed of the hearings, when they were
25 taking place.

26 **MR. ROSIN:** We did not -- we cannot mail door-to-
27 door.

28 **MS. HERNANDEZ:** No, no, no.

1 **MR. ROSIN:** But in every other way that we can
2 think of, we legitimately wished to encourage people to
3 participate.

4 Just like you would encourage people to participate
5 here. I think it is germane. But, through the course of
6 your hearings -- and I popped in yesterday for five minutes -
7 - you have a very low turn-out. That's not a reflection on
8 your work. It's a reflection on the state maybe of public
9 interest in governmental and political topics.

10 **MS. THOMAS:** Excuse me, Mr. Rosin.

11 It is expensive to come to Sacramento. I don't quite
12 think that analogy comes when you're doing a regional
13 meeting.

14 **MR. ROSIN:** I don't know what else I can say to
15 you to try and convince you or to justify or defend our
16 approach. I know we made a good faith --

17 **MS. THOMAS:** We're just asking questions.

18 **MR. ROSIN:** I know. I understand.

19 But the record seems to be that we should have had a
20 substantial turn-out when most Legislative hearings on all
21 kinds of subjects always have low turn-outs. We made every
22 legitimate, honorable, honest method we could think of.
23 Now, there are always things we could have done more. I
24 didn't know what they were at the time, and I'm not sure I
25 know what they are now. But, --

26 **MS. THOMAS:** I think we're trying to clarify
27 that.

28 **MR. ROSIN:** -- if you have ideas, I would be happy

1 to know them. I would have been happy to receive any input
2 from any group during the course of the hearing schedule who
3 said to me: Did you do such and such; and if I could say
4 no, I would have done it. Nobody gave me an idea at anytime
5 in writing or in person at that --

6 **MS. HATA:** Let's move onto other questions.

7 Ms. Siddall, you had a --

8 **MS. SIDDALL:** Yes.

9 Mr. Rosin, you work for the State Reapportionment
10 Committee? Was that --

11 **MR. ROSIN:** Technically, I work for a private
12 contract on the Senate Committee on Rules to Administer
13 Reapportionment.

14 **MS. SIDDALL:** As a practical sense, when you ^{have} ~~come~~
15 ~~between the~~ conflict between incumbent protection and
16 minority protection, what do you do?

17 **MR. ROSIN:** It depends on the incumbent. Some of
18 the incumbent protection in this reapportionment involves
19 protection of the incumbents, if that be the case, like
20 Senator Joseph Montoya or Senator Alex Garcia or Senator
21 Ruben Ayala, or Senator Bill Greene, who is Black; or
22 Senator Diane Watson, who is Black. So, the concept of
23 incumbent protection and minority interests are not
24 incompatible in those cases.

25 **MS. SIDDALL:** In those cases; but, those are the
26 minority cases. Now, you have to prepare something that has
27 to be passed by the Senate.

28 **MR. ROSIN:** That is correct.

1 **MS. SIDDALL:** How are those people going to vote
2 against or in favor of something that is going to get them
3 out of a job? What do you do then/, as a professional in a
4 practical sense, what do you do?

5 **MR. ROSIN:** You either get, as we attempted to do
6 in 1971, where we had no incumbent Senators who were leaving
7 office. As I wrote for testimony for Senator Dymally at one
8 point, there was no incumbent that had to retire at that
9 time; and yet, we did create a new Hispanic seat with no
10 incumbent in the district, and we did it by convincing the
11 Democratic majority in the Senate that we are going to have
12 to give up one of the incumbents.

13 **MS. SIDDALL:** Do you think that would be better to
14 have some other method of reapportionment other than
15 creating this obvious conflict of interest?

16 **MR. ROSIN:** I thought, that about 1972, when I
17 finished working in the reapportionment plans, did not
18 proceed in 1971 and I felt, after two years of work, very
19 frustrated; and I helped to draft a lot of the legislation
20 that Senator Gregorio and others introduced that would have
21 turned things over to a commission; and that was my firm
22 view. Since then, I watched the State Supreme Court do
23 reapportionment, and I have had some familiarity with
24 reapportionment commissions in other states. And I now
25 return to my view that the best place to put reapportionment
26 is in the hands of the State Legislature for one very simple
27 reason: They are all accountable, and they are able to be
28 defeated at subsequent elections; and the process,

1 regardless of what people say about it, is still an open
2 process. There are still transcripts, records, press
3 reports, all kinds of things going on.

4 You have no more idea than do I as to how the
5 California Supreme Court did the reapportionment in 1973.
6 You don't know what considerations are involved. You don't
7 know -- there's no accountability afterwards, and there's no
8 removal of the judges; and that is true in many cases with
9 the commissions. And I've seen very few commissions, if
10 any, that do not become partisan instruments and are also
11 not accountable. So, I think the safest place is here in
12 the Legislature.

13 **MS. SIDDALL:** Now, as you do future work and you
14 come up with facts and lines and all this, what do you?

15 Do you turn them over to the Senators you're working
16 for in order to -- for approval, or how does that procedure
17 work?

18 **MR. ROSIN:** We interact not only with the public
19 the best we can for these kind of transcripts, we also
20 interact with the members of the Legislative body: The
21 Senate; and so, last -- the end of last year and the early
22 part of this year, the Chairman of the Committee, who was
23 then Senator Barry Keene, and I drove around the State and
24 talked with a number of incumbents in their districts,
25 looked at the areas, drove around their disticts; tried to
26 get a feel. After all, these men are elected from these
27 constituencies and they know something about those areas.

28 And so, we have a lot of input and the staff attempts

1 to make some judgments based on all the criteria, public
2 input, input from the members of the Legislature,
3 Proposition 6, notwithstanding all the comments that have
4 been made. We are watching the Proposition 6 standards very
5 carefully as we draw our plans. And we draw up drafts and
6 we present them to the Chairman of the Committee, to the
7 leadership of the House, and get some interaction and
8 feedback: What do they think? That is part of the
9 procedure.

10 **MS. SIDDALL:** Now, as a professional, do you get a
11 feeling of pressure from different parties who are really in
12 power -- Democrats and Republican -- as far as guiding your
13 work?

14 **MR. ROSIN:** Strange as it may seem, I don't feel
15 pressure to this point. I have more feelings of pressure,
16 which is all right because that's the political process,
17 from people who raise things that seem to be more attempts
18 of publicity and misinformation than I do from a calm
19 sitting down trying to rationally discuss something as to
20 what's a good district; that's not pressure to me.

21 The pressure is when people try to attempt to push you
22 in a direction by inuendo and misstatement or threat. I
23 think that's when the Legislature feels pressure, also. If
24 you don't do this, we're going to get you or we're going to
25 make you look bad in the press or we're going to walk out of
26 your hearing; that kind of thing.

27 **MS. SIDDALL:** Thank you.

28 **MS. HATA:** Mr. Montez?

1 **MR. MONTEZ:** No. I've already said too much.

2 **MR. ROSIN:** Not at all, Phil. You haven't even
3 been your usual humorous self.

4 **MS. HATA:** We're going to have to take a few
5 minutes break because our court reporter is going to have to
6 change her paper.

7 **MR. ROSIN:** You're not dismissing me yet, I
8 gather.

9 **MS. HATA:** No. Please don't leave, yet.

10 (Short recess conducted.)

11 **MS. HATA:** We have a few items left on our
12 agenda. Let us see if we can finish up.

13 Any more questions that the Committee may have?

14 **MR. ROSIN:** Madam Chairman, may I respond to
15 something that was asked of me earlier?

16 Given the role of the delegations of authority and my
17 job in the Committee is to delegate authority to the people
18 who really know how to do it. So, I don't always know a lot
19 of everything. But I just asked, during the recess, that we
20 find out more about how we handle the hearings.

21 We got mailing lists, in addition to what I told you,
22 from the District offices of the Legislators', the members'
23 offices, including special interest groups in their offices
24 that their districts were aware of. If they knew the names
25 of groups in the district office, we would send information
26 to those groups: All press and public officials; and we try
27 to work with individuals if we could find such a name in an
28 area -- in other words, if we knew in Ventura the name of

1 somebody -- someone had given us the name in the district
2 office of so-and-so, then we would call so-and-so and say,
3 "Who should we send notices to?"

4 MALDEF, the Mexican-American Legal Defense and
5 Education Fund got a statewide list of our hearings. In
6 other words, a list of where all our hearings were going to
7 be. Our notes show that, in Orange County, we begged for
8 witnesses from MALDEF. And I think the list of witnesses,
9 if you examine the transcripts, there are no hearings where
10 there are not a significant number of Hispanic individuals
11 testifying.

12 In every case, the Californios seem to have been
13 present. And we would have hoped, in some cases, they would
14 have notified others.

15 **MS. HATA:** Mr. Rosin, what accounts for the lack
16 of Black participation and Asian participation?

17 **MR. ROSIN:** Well, as a matter of fact, I
18 particularly solicited Pacific ~~Valley~~ participation by
19 calling one of my former students, who now runs a community
20 project in the Asian area. I called him particularly and
21 asked him to go out and get me witnesses in the South
22 Central L.A. hearing. I mean, I really -- we made an
23 attempt out of just personal interactions aside from all the
24 other methods.

25 The lack of Black -- I don't think there was a lack of
26 Black involvement. In the South Central L.A. hearing, there
27 was a good participation and attendance. And it was a very
28 well attended hearing, as a matter of fact.

1 **MS. HATA:** We understand in Orange County that
2 there were no other minorities present other than the
3 Californios and Hispanics and that was the reason for my
4 question.

5 **MR. ROSIN:** Well, Orange County is a pretty
6 difficult situation right now. It's so fast growing. I'm
7 not sure what the awarenesses are for the groups or the
8 communication media that reach the Vietnamese population;
9 particularly the general Asian population. I just don't
10 know.

11 **MS. HATA:** And you can just point to one Asian
12 outreach example, that when there are groups like Chinese
13 for Affirmative Action, who are very well-know in San
14 Francisco, and the Japanese-American Citizens League, which
15 purports to represent all Asians; yet, you did not contact
16 these large organizations.

17 Am I correct?

18 **MR. ROSIN:** Madam Chairman, I honestly don't know,
19 or I can't tell you who specifically we did contact or
20 didn't contact; but, in San Francisco, I would have assumed
21 we would have contacted them. If we did not, I cannot
22 explain to you why we didn't.

23 **MS. HATA:** Could you provide the Committee with a
24 list of people you contacted?

25 **MR. ROSIN:** If we still have such. I'm not sure
26 such still exists.

27 **MS. HATA:** Why wouldn't such a list still exist
28 considering the fact that Senator Boatwright has promised

1 community groups that you will have hearings to which you
2 will invite community people?

3 **MR. ROSIN:** I can provide you with a list of
4 whatever our mailing list is; but, I can't say, you know,
5 what point people came on the mailing list or didn't come on
6 the mailing list because I just don't know.

7 **MS. HATA:** You will work from this mailing list,
8 am I correct, to invite or notify individuals of the
9 hearings once your plan is completed?

10 **MR. ROSIN:** We will try, to the best of our
11 ability.

12 This is going to be -- I don't want you to be misled
13 on what kind of hearings are going to be held after the plan
14 is introduced. The Legislature is not planning to leave
15 Sacramento to conduct hearings in other parts of the State
16 on a strenuous schedule. It is not going to be able to do
17 that. There is too much other legislation. They have a
18 deadline as to when they have to finish and when the
19 reapportionment has to be done, and we will hold hearings
20 with substantial media coverage and whatever witnesses want
21 to testify in Sacramento.

22 **MS. HATA:** Be that as it may, you cannot -- those
23 are the ground rules; you cannot or will not leave
24 Sacramento. Then will you insure that everyone on your
25 mailing list is notified so that they will have an
26 opportunity to come up to Sacramento or at least submit
27 written testimony if they cannot get up here?

28 **MR. ROSIN:** Not only that, Madam Chairman -- I say

1 again, to the best of our ability, if you want to provide us
2 with a list of groups, the ones you've just mentioned, their
3 names and addresses; and anybody else on the -- your
4 Committee wants to provide us with a list of names or
5 anybody in the audience wants to provide us with a list of
6 names, I can assure you categorically that we will send them
7 a notice of whatever the press conference will be at the
8 release of the plan and whatever the hearing will be.

9 **MS. HATA:** You can assure us?

10 **MR. ROSIN:** I am telling you, Madam Chairman, that
11 if you will give me a list that I can have, any other member
12 of the Committee wants to give me a list, any members of the
13 audience wants to give me a list of names of people that
14 they would like to be notified, that I assure you
15 personally, categorically, that they will be notified, one,
16 of the press conference -- I don't know how short notice
17 will be because I don't dictate schedules here; and, two,
18 that a notice of whatever the press conference is going to
19 be when the plan is announced will probably be a press
20 conference to insure coverage statewide; and, two, we will
21 have a hearing and we will send material to the people you --
22 anybody submits to us, notice of the hearing.

23 **MS. HATA:** Will you also --

24 **MR. ROSIN:** I hope that demonstrates some good
25 faith.

26 **MS. HATA:** Well, I'm sure that we'd like to see
27 your mailing list also as a sign of good faith so we can
28 compare that with some of the comments received in

1 community.

2 **MR. ROSIN:** I say -- there I have to say I don't
3 know what we've kept and/or not kept. I mean, many times,
4 we've finished, we've set up the transcript, and we go onto
5 the next task. It's very possible they may not exist. I
6 don't know what exists.

7 What I'm saying to you now, categorically, if you have
8 names of people you think we did not contact, anybody in the
9 Committee give us the names back in advance. I can't
10 promise what doesn't exist in the past; but I can promise
11 what I'm responsible for in the future.

12 **MS. HATA:** I understand that.

13 I'm just amazed at considering what I thought was the
14 forthright support of public input by the community on the
15 Legislature's plan that the Senator was not thorough and
16 efficient enough to keep such a mailing list to insure that
17 he would not be attacked for lack --

18 **MR. ROSIN:** Well, nobody quite anticipates the
19 attacks that they will get, Madam Chairman, from the
20 legislative process.

21 **MS. HATA:** Well, he is a shrewd politician.

22 Anyway, also, it has come to my attention that there
23 is a list of newspapers available that has been compiled by
24 almost any reliable public relations office that will give
25 you not only the major newspapers, Anglo newspapers, but
26 minority newspapers as well.

27 **MR. ROSIN:** I would think we would have used
28 that.

1 **MS. HATA:** I would think so, too.

2 **MR. ROSIN:** So --

3 **MS. HATA:** Could we see a list included in your
4 mailing list -- that we'd like to see a list of your
5 newspapers that you sent it out to?

6 **MR. ROSIN:** The only caveat that I have, Madam
7 Chairman, is that I can't tell you what -- I mean, we can
8 show you a list of the same booklet that you, probably you
9 have in mind of newspapers; but, I can't show you an
10 envelope that says we sent that to so-and-so.

11 **MS. HATA:** I'm not asking for that.

12 I'm asking for your normal mailing list; and we will
13 assume, from that normal mailing list, you sent everybody in
14 the State --

15 **MR. ROSIN:** All right. I -- I will try and I
16 think we can probably do that. We use newspaper lists.

17 **MS. HATA:** Good. That's reassuring.

18 **MR. ROSIN:** I'm just trying to be cautious and not
19 state things for the record that I don't know absolutely for
20 a fact personally.

21 **MS. HATA:** And I'm trying to be thorough that we
22 get all the information in.

23 **MR. ROSIN:** Okay. But I think we've done a better
24 job in trying to reach people than has been indicated in
25 your prior testimony; and I know we have done a better job
26 as far as intention goes than has been indicated in your
27 testimony prior to me.

28 **MS. HATA:** Well, lots of good intentions are fine;

1 but, people can't survive on good intentions. .

2 **MR. ROSIN:** Well, that may be; that may be.

3 But, I think our intentions probably were good enough
4 to reach some level of thoroughness.

5 **MS. HATA:** Are you going to send out your press
6 releases in a bilingual form?

7 **MR. ROSIN:** Madam Chairman, we shouldn't send them
8 out in bilingual form. Then you'll want them sent out in
9 multi-lingual form.

10 **MS. HATA:** Why not in bilingual form since you
11 send out voter registration forms and ballots in bilingual
12 form?

13 **MR. ROSIN:** No, we send out voter registration
14 materials sometimes in multilingual form.

15 **MS. HATA:** Why not? Set a precedent: Show good
16 faith.

17 **MR. ROSIN:** If someone will supply me with a
18 translator for various esoteric areas, I will be happy to
19 have it translated into anything.

20 **MS. HATA:** We're not talking esoteric languages.
21 We're talking about languages such as Spanish and
22 Cantonese. And I'm sure that the Committee, if it is really
23 interested in soliciting community support should be able to
24 find, among staff, persons, someone who will be willing to
25 donate a few moments of their time to translate a few places
26 and times and dates into an appropriate language.

27 **MR. ROSIN:** I'll approach the committee which
28 sets policies with that, Madam Chairman.

1 But I hope that itself, if it serves a purpose,
2 legitimately to communicate with people who otherwise would
3 not be communicated with, and I would be pleased to do that
4 -- but I hope it is not merely a sham, a symbol of some sort
5 with real substance. But if we send something in English to
6 foreign -- to enough -- to a non-English newspaper, I go
7 back to my earlier statement: I would think there should be
8 somebody on the paper who normally, as part of their duties,
9 translates material they received from English to Spanish or
10 English to Cantonese or whatever.

11 And so, I will -- I'll try to do that; but I hope you
12 recognize, as my perception is, that we can do things here
13 now -- just for a sense of symbolism and show that have
14 nothing to do with the real content or -- of whether people
15 are reached or not reached.

16 **MS. HATA:** Sending out a piece of -- important
17 press release like this, I don't think is a sham. You're
18 trying to really reach people who want to get involved.

19 **MR. ROSIN:** If you're really reaching people.
20 What I'm saying, Madam Chairman --

21 **MS. HATA:** But you haven't tried, have you, to find
22 out whether you have or not?

23 **MR. ROSIN:** Yes. I think we have sent things out
24 to multi-language areas. I think I've tried, yes.

25 Now, I would not accept your sort of inuendo that I
26 haven't. I think -- I think -- I think we've tried.

27 I'm just saying that to get a translator, which is
28 difficult, and involving the translation - we're operating

1 reapportionment on a very tight schedule - is to delay that
2 notice getting out to that paper, so it gets there in the
3 language that one of the reporters can read, but that
4 someone else could have read in English and translated it.
5 I think the real thing is to things that have a real affect;
6 and translations involve time and finding people. And I
7 think that -- I think that pulls back from really getting in
8 touch with the people. I would agree with the end result
9 you seem to be suggesting: We want to reach all people in
10 the State. That I agree with. And the question is whether
11 which method is the fastest. Some may be more symbolically
12 meaningful.

13 **MS. HATA:** Do you have any bilingual people on
14 your staff?

15 **MR. ROSIN:** I don't know. I have -- we have a
16 woman on our staff that speaks Spanish; I think a women who
17 is Phillipine who speaks Filipino.

18 **MS. HATA:** She wouldn't speak Filipino. She'd
19 speak Tagalog.

20 **MR. ROSIN:** Tagalog, excuse me for my ignorance.
21 I'm sorry.

22 **MS. HATA:** But, if you got a bilingual person on
23 your staff, what's the hassle with translating from
24 English?

25 **MR. ROSIN:** I don't -- because we can't trust a
26 person who doesn't have a very sophisticated knowledge to
27 translate a complicated hearing notice with very complicated
28 governmental and political terms in it. You understand

1 that.

2 If we were saying there's going to be a community
3 dance, that's one thing. If we're talking about
4 reapportionment, holding a hearing, considering the drawing
5 of legislative districts, that's a very complicated piece of
6 work. I would be derelict if I had someone on my staff, who
7 was not very sophisticated in a language, translating that
8 language. We both know that.

9 MS. HATA: And I think you're underestimating the
10 intelligence of minority groups who can't --

11 MR. ROSIN: No --

12 MS. HATA: -- perhaps understand --

13 MR. ROSIN: -- I recognize the degree of language
14 skill that is not used once you get into this country except
15 perhaps for the Hispanic community.

16 MS. HATA: Look, we're not here to debate --

17 MR. ROSIN: I know.

18 MS. HATA: -- the language and translation
19 problems. But, it's my concern, that if you don't translate
20 materials and you use it as a sham or as a reason for not
21 getting the information across, then I think the Committee
22 is derelict in its responsibilities and in all of its --

23 MR. ROSIN: Madam Chairman --

24 MS. HATA: -- public statements.

25 MR. ROSIN: Madam Chairman, we have done nothing
26 as a sham in this process. I can assure you of that
27 personally.

28 I mean, I value my reputation and my credibility too

1 much to do anything that would be considered a sham in this
2 process. We may not have done things to the same structure
3 that some of you may perceive and I may -- we'll learn from
4 that; but, my case is to get things done expeditiously and
5 still have the end result achieved.

6 **MS. HATA:** My suggestion is not to make things
7 more complicated than they need be, translations being one
8 example, Mr. Rosin.

9 **MR. ROSIN:** Madam Chairman, let me say this: Any
10 suggestions or advice you have, any way we can reach you as
11 we do this, I will be happy to do so.

12 **MS. HATA:** I think you have heard some suggestions
13 this afternoon.

14 **MR. ROSIN:** But I don't have the transcript, and I
15 probably won't have it before our hearing --

16 **MS. HATA:** I think if you have some transcript --

17 **MR. ROSIN:** So, if you will leave me a place
18 where I can reach you, I will be happy to have somebody call
19 you before we do these next two projects - the press
20 conference and the hearing - and to say to you, "This is
21 what we're doing. Do you have any suggestions?"

22 **MS. HATA:** What I'm asking is that you not contact
23 me also directly, but that you contact the community groups
24 today and yesterday.

25 **MR. ROSIN:** Right; but I'm also asking you for
26 advice and suggestions as to how we're doing.

27 **MS. HATA:** Thank you.

28 **MS. HERNANDEZ:** We certainly don't want to keep

1 you too much longer. I just have two real simple questions
2 and, if you can answer them as expeditiously as possible,
3 I'm sure we'd appreciate it because it's Friday.

4 You stated earlier that the hearings -- once the plan
5 is presented, that the hearing would be held after it's
6 presented and it would be held only in Sacramento.

7 Could you tell this committee who makes the decision
8 that it -- it would -- the hearing would only be held in
9 Sacramento, or why would it not be held perhaps in other key
10 areas up and down the State?

11 **MR. ROSIN:** The decision on that would be made by
12 the political policy -- the Legislative leadership of the
13 Legislative chamber. And they will make it on the basis of
14 expediting the business of the chamber.

15 For example, we had a hearing -- our first hearing in
16 Los Angeles, which was on February 13th. One of the members
17 of the committee wanted very much to attend. He had not
18 notified the president pro tem that he was planning to
19 attend until about a week before. It was being held on a
20 day when the Legislature was in session.

21 The President pro tem of the Senate wanted to make
22 sure he had a quorum for that day's Legislative business.
23 And so, he refused to allow members of the Committee past a
24 certain number to attend the hearing in Los Angeles because
25 he wanted to be sure there were enough members present to
26 vote on and conduct legislation in the Senate that day. And
27 it's that kind of consideration of expediting the business
28 of the Senate that becomes a factor.

1 Yesterday, Senator Boatwright could not leave the
2 chamber because there was a call of the House on. And so, I
3 do not know, as we approach the end of the session, it is
4 very likely that the Legislature will be in session from
5 Monday through Friday.

6 **MS. HATA:** Don't you think --

7 **MR. ROSIN:** And it's not convenient, especially
8 given the air controllers' strike and the fact that a great
9 many members of the Legislature do not, as a matter of
10 political philosophy cross picket lines, are not able to fly
11 at this moment. And so, there are all kinds of logistic
12 reasons that know exist for the judgment that there is
13 probably not going to be time to travel to other parts of
14 the State.

15 How many parts -- and the other question it is: How
16 many parts do we travel to? We go to Orange County, San
17 Diego, three hearings in Los Angeles, one in Ventura,
18 Redding, San Francisco, Fresno, Bakersfield. Each of those
19 hearings requires a day.

20 **MS. HERNANDEZ:** I understand that.

21 But perhaps wouldn't it be feasible to hold hearings
22 after the plan is presented so that people can respond to
23 the plan that's being presented rather than holding hearings
24 prior to a plan being presented?

25 **MR. ROSIN:** Well, they both serve a different
26 purpose.

27 The hearings prior to the plan provide the opportunity
28 for input. I heard a lot of comments this was a sham. But,

1 if we hadn't conducted them, people would have said we
2 weren't interested.

3 You know, it's the old thing: No matter what we had
4 done, someone would have had the grounds to criticize us;
5 and there are people for purposes of their own, politically,
6 will criticize us. Of that, I am convinced. And they know
7 it and I know it. There is no game-playing about that.

8 **MS. HERNANDEZ:** As is anything, Mr. Rosin.

9 **MR. ROSIN:** Yes.

10 But we will -- I don't think the Legislature is going
11 to be willing to travel the State and conduct hearings after
12 the reapportionment plan is introduced. I think they will
13 probably be only willing to hold a hearing in Sacramento or
14 in someplace in easy driving distance like perhaps San
15 Francisco; and even that's doubtful.

16 **MS. HERNANDEZ:** But wouldn't that cause a hardship
17 on special interest groups, say, for instance, minority groups
18 that would want to be present to respond to the plan?

19 **MR. ROSIN:** Why?

20 It only takes one person from that group to testify
21 with their testimony. That's one ticket. For us, it's
22 transmitting anywhere from eight to ten Legislators and
23 Sergeant at Arms and court reporters and staff; all that
24 logistic support has to be transported to a city. And it
25 has to be housed. If the hearing starts at 9 o'clock in the
26 morning or 9:30, they have to be housed overnight. So,
27 rather than transmitting all of that logistic support at
28 substantial expense of the taxpayers in the State of

1 California, it is just as logical to assume that an
2 organization can send one member, it seems to me.

3 **MS. HERNANDEZ:** Well, it seems that either way,
4 it's going to be a substantial expense to the taxpayers, one
5 way or the other.

6 **MR. ROSIN:** You've held a hearing here. You've
7 had lots of people come who were from Los Angeles. You've
8 had two or three representatives from some groups here. And
9 I think they can probably afford to send one member to our
10 hearing in Sacramento.

11 Now, they may not be able to send -- and I recognize
12 this so that they understand that I understand -- they may
13 not be able to send a hundred people to testify with -- you
14 know, with their invoices in the audience; and that I
15 regret as much as they do. But that is not the basis on
16 which we set Legislative hearings.

17 **MS. HATA:** Go ahead, Ms. Siddall.

18 **MS. SIDDALL:** How many Senators are involved in
19 your committee?

20 **MR. ROSIN:** I'm embarrassed to try to remember how
21 many. I think it's maybe in the transcript. That -- you have
22 finally embarrassed me in this process. I cannot honestly
23 remember how many are on the Committee. I'd have to have a
24 piece of letterhead stationery to count them, and I don't.

25 **MS. SIDDALL:** When is your plan going to be ready?

26 **MR. ROSIN:** That's hard to tell because we
27 have not finished the final -- the final plan yet.

28 **MS. SIDDALL:** But, do you have a target date?

1 **MR. ROSIN:** We'd like it sometime in the latter
2 part of this month, the last week of August, if we can.

3 **MS. SIDDALL:** And then what is the procedure as
4 far as the plan being available to other Senators, to the
5 rest of the Senators?

6 **MR. ROSIN:** Well, now, hopefully, they'll have had
7 a chance, the Committee will have a chance, to interact
8 because there is sort of a policy, when you're drafting
9 legislation, even on a Committee any kind of legislation,
10 you have an interaction between the Legislators.

11 I just don't know and that's not under my control.
12 The date is not under my control and who interacts at what
13 point. They may introduce a plan very soon and then there
14 will be a lot of testimony because -- from Legislators
15 because one of the things -- it's not just testimony from
16 the public that becomes involved in these hearings.

17 If any of you read the transcripts of ten years ago,
18 you had Legislators coming up and testifying for the
19 Committee and saying, "It's a terrible plan. I don't have a
20 district," or, "I don't like what you've done to this area."

21 **MS. SIDDALL:** How much time is there going to be
22 between the time you have a plan until the time of the
23 actual voting on the plan?

24 What I'm getting at: Is there going to be sufficient
25 time for the Senators to take it back to the district where
26 the different groups can go into his office or her office
27 and examine it?

28 **MR. ROSIN:** It's a good point. I just don't know

1 They wouldn't have to go into the districts' offices
2 to examine it because our approach will be to get such
3 statewide media coverage that the details of the plan will
4 be available in any newspaper in the State, and they can
5 just read the newspaper rather than going to a district
6 office, whose location they really may not be familiar
7 with.

8 And so, we will hope to have in the L.A. Times --
9 we'll have very detailed coverage over the Orange County
10 papers and the San Diego papers and hopefully many rural
11 papers, all of the papers in San Francisco, Fresno,
12 Bakersfield, Sacramento. They will get enough detail -- and
13 we will supply enough detail -- that people, by reading
14 their local newspaper, should know about the plan.

15 That goes back to the Chairman's comment before. At
16 the time we release the plan at a press conference, I would
17 hope to also have solidified a date for a hearing so that,
18 in the story that appears in the newspapers, there will also
19 be an indication where the hearing will take place; and that
20 removes some of the concern over sending out a lot of
21 notices, which we'll do anyway, where the people have an
22 alternative method.

23 So, I think that is all part of a package.

24 **MR. ROSIN:** I'm sorry. I can't answer your
25 questions better, but I -- I am not the one who sets all of
26 these policies.

27 **MS. HATA:** Ms. Thomas?

28 **MS. THOMAS:** Yes; one quick question, Mr. Rosin,

1 to clarify the record here, the question with regard to
2 press releases.

3 On these press releases that you sent out prior to the
4 open hearings that you held this year, could you tell me
5 what time element before the hearings were they sent out,
6 and did you have a release date on them for the newspapers;
7 in other words -- well, first answer my first question?

8 Did you have a time limit?

9 **MR. ROSIN:** Well, two to three weeks sometimes. I
10 mean, I can't -- I just don't honestly know. As much time
11 as we had in each case.

12 As we proceeded on the hearings, we didn't always have
13 a room available in some cases, or we didn't always know;
14 but, we tried to send out a blanket notice and then, before
15 the hearing, we tried to have released an agenda of the
16 people who were going to testify, et cetera. In fact, in
17 some cases, when the witness list was so low, we spent the
18 days before phoning around trying to get people to send
19 people from different groups like MALDEF, or whatever.

20 **MS. THOMAS:** Did you have a press release date at
21 all?

22 In other words, did -- was there ample notice of these
23 meetings? That's what I'm trying to get to -- the press?
24 You're not sure?

25 **MR. ROSIN:** There's never ample notice, but I know
26 we tried to send them out a few weeks in advance.

27 And we had -- later, they were, in the time schedule,
28 were made better because, by then, we had a statewide list of

1 hearings that we would have circulated.

2 But part of the hearing problem is also that you have
3 to get a hearing, get your permission to hold a hearing from
4 the Senate Committee on Rules, you have to be sure about how
5 many members they're going to allow. You have to get the
6 members' agreement to come. That means checking with their
7 schedule in advance because you can't hold a hearing if
8 there's no committee members present. And so, all of this
9 stuff took a lot of time, and it impacts on this whole
10 process of holding hearings. It's not a clean, clear-cut,
11 easily, do-able process; and, for that, I'm sorry. I wish --

12 **MS. THOMAS:** That could be the reason for a low
13 turn-out perhaps.

14 **MR. ROSIN:** If I had it to do over again, I would
15 probably do all kinds of things in much more detail and
16 meticulously; but, the hearings which were going on while we
17 were also trying to build a reapportionment data base and
18 hiring people, and I was just --

19 **MS. THOMAS:** Do I understand also on your initial
20 press release that you just announced a date rather than a
21 place?

22 You said --

23 **MR. ROSIN:** I think in some cases we had only a
24 date, and we didn't have a place yet. In some cases, yes;
25 like in San Francisco, for example. We could not get a good
26 room and we were constantly searching around. We ended up in
27 the Department of Health Building. It was a terrible location
28 because we had to go up a strange elevator that never ran, and

1 there were no telephones in the building that worked.

2 **MS. HATA:** That almost sounds incredible for such
3 an important project, you couldn't get a room.

4 **MR. ROSIN:** You see, we cannot shove aside other
5 uses of the room. The Legislature can't just say to another
6 group, "I'm sorry, we're taking over your use of the room."
7 So, if they don't reserve, it's first come first serve in many
8 cases.

9 **MS. THOMAS:** Mr. Rosin, do you have any records of
10 this? Any daily journals or records of when press releases
11 were sent?

12 **MR. ROSIN:** I honestly don't know.

13 This is such a chaotic process, really, that it is
14 almost impossible to keep good records; not because we don't
15 want to. I tried this time to keep better records. But it
16 just -- it's a process of chaos.

17 **MS. THOMAS:** Okay. Was the person in charge of
18 press releases, did she have any kind of record when she
19 sent them out?

20 **MR. ROSIN:** I'll have to ask her. She's also the
21 person in charge of our entire office.

22 **MS. HATA:** Mr. Rosin, let me ask you a question.
23 Why is it almost impossible to keep good records?

24 **MR. ROSIN:** Because this is the thing where you
25 start with a staff out of nowhere. This isn't a committee
26 staff that existed for years. You hire people. If you're
27 fortunate, as we have been, you get some very, very good
28 people. And you start and you're working under tremendous

1 pressure of all kinds of people interested, all kinds of media
2 inquiries, you're building all kind data bases. You're
3 building up an office filing system. You're trying to set up
4 a system for keeping records. You're trying to set up
5 hearings. You're trying to catalog. I mean, there are so
6 many tasks that I couldn't even begin to catalog them. And
7 you do it with a small number of people in a short period of
8 time and it's just difficult. There's no way I could describe
9 it to you except by having you do it sometime.

10 **MS. HATA:** Well, I think you've given us a pretty
11 interesting glimpse of what goes on behind closed doors and
12 hallowed halls.

13 **MR. ROSIN:** No. The doors are not closed.

14 This is not some process where we're deliberately trying
15 to be secretive. I have always responded whenever I can to
16 invitations to speak. There has never be a press inquiry that
17 I have not personally answered for a reporter, any community
18 newspaper, or anyone. And, at the early part of the process,
19 people off the street who phoned and wanted to know about
20 reapportionment, I would talk to them. I no longer have the
21 time to engage in that luxury. But --

22 **MS. HATA:** And your presence here this afternoon
23 shows your openness and willingness to respond; and we thank
24 you from the entire committee.

25 **MR. ROSIN:** Thank you for letting me appear on such
26 short notice and I apologize for my touchy personality.

27 **MS. SIDDALL:** Mr. Rosin, I have just one question.
28 The Senators that are in your committee, what do they do

1 as far as helping you out in your problems? What's their
2 input in this process?

3 **MR. ROSIN:** It varies. Some are very interested and
4 want to know what's going on in every detail. And some wait
5 until they get some kind of a proposed draft of a plan from
6 us. And it depends on the individual, the area he represents,
7 his own personal interest, the kind of pressures on him, what
8 his constituents want to know; and so, it really is unique to
9 each; it's idiosyncratic to each Senator.

10 **MS. SIDDALL:** So, basically, as far as preparing
11 this, it's really in your hand and your staff's hands?

12 **MR. ROSIN:** No, it isn't.

13 We get a lot of input because we know what people have
14 told us; and so some have told us a lot. Some have told us
15 nothing. The ones who have told us nothing, we have to go out
16 and find out what they want, because the same way we try to
17 get feelings from groups. We would like to have known
18 everything everybody had to tell us about reapportionment
19 before we started drawing the lines rather than having people
20 come up after we introduced a plan. Somebody said this is
21 terrible because of such and such.

22 And we say, "My God, that's an interesting point. Why
23 didn't you tell us that when the hearing was held in such
24 and such a place?"

25 And they said, "Well, we didn't know about the
26 hearing."

27 And I say, "Well, why didn't you know?"

28 "Well, I don't read the newspapers," or --

1 **MS. SIDDALL:** As far as your guidelines for drawing
2 arriving at a plan, you sort of sit as a professional with
3 your staff. It's not something the Senators are there helping
4 you out, deciding what to do?

5 **MR. ROSIN:** They are not there day-to-day, but we
6 have guidelines.

7 **MS. SIDDALL:** Who set up guidelines?

8 **MR. ROSIN:** Well, some of them have been set by the
9 Senate and some of them have been set by the people of the
10 State of California.

11 Proposition 6, now Article 21 of the State
12 Constitution, sets out very clear guidelines which is
13 surprising to some people, I'm sure, we are attempting to
14 follow.

15 **MS. HATA:** We'll have staff get in touch with you
16 for copies of your guidelines and we'll also have that as a
17 part of our official record.

18 **MR. ROSIN:** The guidelines? You have a copy of
19 Prop 6, Article 21 of the State Constitution already.

20 **MS. HATA:** Those are your guidelines?

21 **MR. ROSIN:** Those are the initial guidelines.
22 That's the people's guidelines, Madam Chairman.

23 **MS. HATA:** Thank you.

24 **MR. ROSIN:** Thank you.

25 **MS. HATA:** The impact of the Legislature's
26 reapportionment in California on the political participation
27 of State citizens has been the focus of this meeting. The
28 Advisory Committee has heard from those individuals and

1 organizations who have been active in reapportionment
2 issues. We have collected this information as part of our
3 responsibility to advise the United States Commission on
4 Civil Rights about State and local concerns relating to
5 equal protection of the laws. We will report our findings
6 and our recommendations about reapportionment to the
7 Commission.

8 The Advisory Committee would now like to thank all
9 those who have participated in our efforts. Thank you all
10 for coming, and this meeting is now adjourned.

11 (Whereupon the proceedings
12 were adjourned.)

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1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF SACRAMENTO)
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 5

6 I certify that the foregoing transcript of the hearing
 7 of the California Advisory Committee on Civil Rights was
 8 reported by me, that the hearing was taken at the time and
 9 place therein named; that the testimony of the witnesses was
 10 reported by me, a duly Certified Shorthand Reporter and a
 11 disinterested person, and was thereafter transcribed into
 12 typewriting.

13 I further certify that I am not of counsel or attorney
 14 for either or any of the parties to said action, nor in any
 15 way interested in the outcome of the cause named in said
 16 caption.

17 In witness whereof, I have hereunto set my hand and
 18 affixed my seal of office this 31st day of August 1981.

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Karen R. Silva

 KAREN R. SILVA, CSR 5503
 Notary Public, Sacramento Co.

