

Region 4: Los Angeles

6-2-11

June 2, 2011

Via Electronic Mail

California Citizens Redistricting Commission
901 P St., Suite 154-A
Sacramento, CA 95814

Dear Commissioners,

Thank you for your consideration. My name is Wilma J. Pinder. I am a retired attorney living in Los Angeles (LA) CD 33. I have been part of the LA African American community, since 1945. My education K – 12th was under the LA public school system; during that time, teachers-taught and students-learned. Upon graduation from high school my peers went directly to college, if they so desired. I earned degrees from USC and UCLA School of Law; then, education was *not* a dream come true; it was the natural order of a blessed life and a by-product of living in California. At one time, California was the most progressive state. For me, the political welfare of the residents of LA residents remains a major concern. Like you, I know that Redistricting in California demands critical thinking and fairness.

Today, I write out of concern for the directions you appear to have given your line drawers regarding seats in Southern California and particularly in Los Angeles. Your instructions were that where it is possible to draw Assembly, Senate, and Congressional districts in which African Americans constitute 50% of the citizen voting age population (CVAP), the line drawers should do so. Based on your discussions and the advice of your counsel, that decision appears to be based on the belief that federal law requires you to draw such districts if you can. I respectfully disagree. Your reply would be appreciated.

Under *Thornburg v. Gingles*, 478 U.S. 30 (1986), a claim under Section 2 of the Voting Rights Act requires a three part test to be met. The third prong is that, “the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . to defeat the minority’s preferred candidate.” In the Los Angeles area, it is clear that any such claim by blacks would not meet this standard.

Currently there are no Assembly, Senate or Congressional districts in Los Angeles where Blacks constitute more than 50% of the population, voting age population (VAP) or CVAP. Yet, as shown in the chart below, there are four African-American Assemblymembers, two Senators, and three Congresswomen elected from this county.

District	Black CVAP
AD47	33.16%
AD48	46.38%
AD51	38.43%
AD52	42.46%
SD25	39.07%
SD26	33.61%
CD33	35.52%
CD35	43.34%
CD37	30.65%

Dear Members of the Citizens Redistricting Commission,

My name is Mateo Cammerillo and I was a Commissioner on the City of San Diego redistricting commission ten years ago, so I know the importance of good legal advice. Thus, I would like to point out two critical preliminary conclusions your counsel reached on June 1st regarding the application of Section 2 of the Voting Rights Act in San Diego County:

1. That the Latinos in San Diego County appear to form a sufficiently large, geographically compact, cohesive voting block to form a Section 2 Assembly District.
2. That the Latino communities in the San Diego metropolitan area and Imperial County are not geographically compact, due to the physical distance and non-Latino populations between them, and thus could not form a Section 2 Assembly District even if Latinos make up 50% or more of the CVAP.

As the Commission is well aware, the California Constitution places compliance with the Voting Rights Act second only to compliance with the equal population requirements of the federal Constitution. Federal law does not allow a Section 2 district to be replaced by a non-Section 2 district. In *League of United Latin American Citizens v. Perry*, 548 U.S. 399, 430-431 (2006) the court stated, "[T]he State's creation of an opportunity district for those without a § 2 right offers no excuse for its failure to provide an opportunity district for those with a § 2 right." Thus, even if the "border district" previously directed by the Commission exceeds 50% Latino CVAP, it cannot substitute for the creation of a geographically compact Latino district wholly in San Diego County.

Your technical staff has already concluded these options are mutually exclusive. The creation of the border district would prevent the creation of a Section 2 district entirely in San Diego County. Indeed such a border district would divide the previously identified compact, cohesive Latino population in San Diego County.

Thus I urge the Commission to include the likely Section 2 district wholly in San Diego County in your draft and final maps and include Imperial County in another district.

Thank you for your time and attention.