

FROM THE 1991 SPECIAL MASTERS REPORT:

IV. THE PROCESS USED IN DRAWING PLANS

Our first step, for both congressional and state legislative districts, was to divide the state into three major geographic regions. The first division was between Northern and Southern California. Our second division was between a coastal and an interior region in Northern California. For both congressional and legislative districts the precise division chosen was designed to produce a whole number of congressional or senate districts. The division between Northern and Southern California for Congress was possible using whole counties. By including Kern County in Northern California [FN31] and Inyo and San Luis Obispo counties in Southern California, [FN32] it was possible to assign precisely 21 congressional districts to Northern California and 31 to Southern California. The division for legislative districts was similar. However, because the population required for 16 Senate districts was slightly less than that required for 21 congressional districts, Kern County was divided by a line through the Tehachapi Mountains. [FN33] With the exception of Solano County the division of the coastal and interior regions of Northern California was done along county lines, which follow the coastal mountain ranges. Without part of Solano County, the other coastal counties do not have quite enough population to form 12 congressional districts or 9 senate districts. Thus, Solano County, which geographically is partly in the coastal region and partly in the interior, was divided to obtain the requisite population. [FN34]

FN31. Kern County is split by the Tehachapis and part of the county is in the Mojave Desert. However, over 80 percent of the population of the county is in the San Joaquin Valley.

FN32. The transportation links of sparsely populated Inyo County are almost entirely to the south, and it is part of the desert regions east of the Sierra Nevada. San Luis Obispo County is midway between Los Angeles and San Francisco and could be classified either as a Northern or Southern California county. However, the bulk of its population is in the south part of the county, and a wide area of the northern part of the county and the adjacent part of southern Monterey County is very lightly populated. (San Luis Obispo is also part of the Los Angeles-based Second District of the Court of Appeal.) Since inclusion of the county in Southern California allowed a precise division of population for districting purposes, we believe this classification is justified.

FN33. Although a county was divided, a major geographical region--the Mojave Desert area--was left intact. Thus, this division complies equally well with the requirements of Article XXI.

FN34. Solano County is adjacent to the Sacramento River where the river breaks through the Coastal Range and empties into San Francisco Bay. The division of Solano County was somewhat different for congressional and legislative districts because of differing population balance requirements. For legislative districts, the division was to include only the Vallejo area in the coastal region, which is the most natural division of the county. Because somewhat more population was required in the coastal region for congressional purposes, it was necessary to include Fairfield and part of Vacaville in this region.

Once the major geographic regions were determined, further division of each region into actual districts proceeded generally in the following manner. First, districts in areas containing sufficient numbers of geographically compact minority populations were drawn to maximize their "ability to elect representatives of their choice." (*Thornburg, supra*, 478 U.S. 30 at p. 42, 106 S.Ct. 2752 at p. 2761). [FN35] Then, the remaining areas were drawn, starting from the borders of each region so as to respect the geographical integrity of counties and cities [FN36] and in a manner which provided "functional" contiguity. [FN37]

Generally speaking, we found that proceeding in this order presented no difficulties. Perhaps the major exception occurred in the urban part of Los Angeles County. Having first constructed Latino and African-American congressional and state legislative districts, [\[FN38\]](#) which occupied a considerable part of the middle of the south-central and eastern parts of the county, the remainder of the districts allocated to Los Angeles County had to be constructed around the periphery; in some instances they became rather elongated. [\[FN39\]](#)

[FN35.](#) This included the special steps we took with respect to counties covered by section 5 of the Voting Rights Act which we describe shortly.

[FN36.](#) As discussed elsewhere, we preserved cities, to the degree feasible, by use of census tracts that constituted the core of each city. But in a number of instances this meant a small deviation from the city lines, at least as they existed in 1988. In Los Angeles County, in addition to following city boundaries to the degree feasible, we used the boundaries of the statistical areas prepared by the Los Angeles County Regional Planning Commission as a guide to divisions within the City of Los Angeles and for groupings of smaller cities into districts.

[FN37.](#) See our previous discussion of this requirement of Article XXI. In Southern California, we also tried to protect the integrity of the desert regions east of the Sierra Nevada.

[FN38.](#) A total of seven congressional seats and eleven assembly seats was constructed in this minority area.

[FN39.](#) Our proposed Assembly District 60, part of which is squeezed between Latino Assembly District 58 and the Orange County border, is an example where we could not avoid this effect.

A particular problem exists with Kings, Merced and Monterey Counties because of the requirement of preclearance by the United States Attorney General under section 5 of the Voting Rights Act. [\[FN40\]](#) As we recited in our procedural history, we are acutely aware that very little time will occur between the consideration by the Supreme Court of our recommendations and the 1992 Primary Elections; any delay in implementation of plans for districts would not only be very costly but would also be disruptive of the representative process in the state. In order to make it more likely that these districts would not be challenged by the United States Attorney General, we constructed districts in these areas that require preclearance on the basis of a more expansive interpretation of the Act, which required more subordination of California law than would otherwise have been the case. [\[FN41\]](#)

[FN40.](#) A fourth county subject to preclearance is Yuba County located in the Sacramento Valley and the foothills of the Sierra. Yuba is the smallest of the counties subject to preclearance and, like the other counties, is the site of a large military installation--Beale Air Force Base. Yuba County has very few protected minorities, far fewer than the state average. The same is true of the counties that surround it. Therefore, we could do nothing with respect to Yuba County so as to better comply with the Act.

[FN41.](#) These districts will be more particularly described in a subsequent section.