

REPORT ON INFORMATION COLLECTED CONCERNING APPLICANT

Under section 60835 of title 2 of the California Code of Regulations, the Bureau of State Audits is responsible for collecting information concerning applicants for the Citizens Redistricting Commission that is needed by the Applicant Review Panel to perform its responsibilities. This is a report by Bureau staff in compliance with that responsibility.

Name of Applicant: Angelo N. Ancheta

Information: Research conducted by Bureau staff revealed that Applicant has written many published works on voting rights and the impact of civil rights laws on the Asian-American community. Here are short synopses of just a few of his published works:

In *Language Accommodation and the Voting Rights Act* (a 2007 paper), Applicant took the position that since 1975, the language assistance provisions of the federal Voting Rights Act have provided important safeguards of the voting rights of racial and ethnic minority citizens. Yet despite the renewal of key provisions of the Voting Rights Act in 2006 for an additional twenty-five years, Congress has not articulated a comprehensive theory of language rights in the voting arena, nor has it provided language assistance mechanisms that provide adequate assistance to all limited-English-proficient voters. This paper articulates a theory of language accommodation within federal antidiscrimination jurisprudence and suggests revisions to key sections of the Voting Rights Act to expand coverage of the law.

In *Race, Rights and the Asian American Experience* (a 2006 book), Applicant demonstrates his contention that United States civil rights laws have been framed by a black-white model of race that typically ignores the experiences of other groups, including Asian Americans. Applicant opines that when racial discourse is limited to antagonisms between black and white, Asian Americans often find themselves in a racial limbo, marginalized or unrecognized as full participants. Applicant examines legal and social theories of racial discrimination, ethnic differences in the Asian American population, nativism, citizenship, language, school desegregation, and affirmative action. In the second edition of this book, Applicant also covers what he sees as post-9/11 anti-Asian sentiment and racial profiling. He analyzes recent legal cases involving political empowerment, language rights, human trafficking, immigrant rights, and affirmative action in higher education--many of which he contends are moving the country farther away from the ideals of racial justice. On a more positive note, however, he reports on progress Asian Americans have made in the corporate sector, politics, the military, entertainment, and academia.

In *Scientific Evidence and Equal Protection of the Law* (a 2006 book), Applicant provides insights into the judicial process and scientific inquiry by examining

major decisions of the United States Supreme Court, civil rights advocacy, and the nature of science itself. Applicant discusses leading equal protection cases such as *Brown v. Board of Education* and recent litigation involving race-related affirmative action, gender inequality, and discrimination based on sexual orientation. He also examines less prominent cases, including *McCleskey v. Kemp*, which involved statistical evidence that a state's death penalty was disproportionately used when victims were white and defendants were black, and *Castaneda v. Partida*, which established key standards of evidence in addressing the exclusion of Latinos from grand jury service. For each case, Applicant explores the tensions between scientific findings and constitutional values.

In *A Constitutional Analysis of Parents Involved in Community Schools v. Seattle School District No. 1 and Voluntary School Integration Policies* (a 2008 paper), Applicant addresses the United States Supreme Court's invalidation of race-conscious student assignment plans in Seattle, Washington and Louisville, Kentucky in *Parents Involved in Community Schools v. Seattle School District No. 1*. The paper examines the Seattle and Louisville cases and discusses their impact on K-12 education and constitutional doctrine. The analysis is divided into three parts. Part I examines the Justices' opinions in *Parents Involved in Community Schools* and discusses the constitutional boundaries for voluntary race-conscious integration policies established by the Court. Part II discusses the implications of the cases in creating and implementing K-12 policies designed to avoid racial isolation and to promote educational diversity. Part III assesses the impact of the cases on equal protection doctrine and race-conscious policy making more generally.

In a 2004 opinion piece appearing in *USA Today*, Applicant wrote (with two coauthors): "Instead of being a national priority, desegregation has taken a back seat to high-stakes testing, school choice, and vouchers, even though there's little to show that minority students are learning more under the new policies. Many of today's schools are as racially segregated as the schools of earlier decades, and districts that have abandoned court-monitored plans are quickly resegregating. At the same time, voluntary desegregation plans are being attacked as unconstitutional, achievement gaps are widening, and increasing numbers of Asian-American and Latino students — among the most segregated students in the country — have made the picture even more complex."

Staff contacted Professor Cynthia Mertens, the author of one of the Applicant's letters of recommendation, to confirm the information provided in the letter and receive any additional information that may be relevant. Professor Mertens confirmed the information in the letter and added that Applicant is very good at bringing about consensus even in situations where he is constantly pulled by different groups such as at the law clinic at Santa Clara University where he must deal with the advisory panel, clinicians, and the public. Additionally, because of his background running the Civil Rights Project at Harvard, Mertens feels that Applicant is very astute at maneuvering around politically-charged issues. She feels that he works well with many groups, and that even though much of his work focuses on the Asian-American community, she

has seen him work well with the largely Hispanic population that utilizes the law clinic. Mertens also stated that Applicant is low-key yet very thoughtful and reflective in making decisions.

Recommendation: None.

Name and Title of Person Submitting Report: Steven Benito Russo, Chief of Investigations

Report Date: September 19, 2010

Applicant's Clarification of the Report on Information Collected Concerning Applicant

After reviewing the respective Report on Information Collected Concerning Applicant, the Applicant wanted to make the following correction:

- Applicant stated that he was the only author of the 2004 opinion piece in USA Today.