

From: **Tony Quinn** [REDACTED]

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Subject: First Week of Hearings

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My Dear Commissioners and Staff:

I watched with some concern your "wrap up" session in Merced and I can assure you that if you do not instruct your staff to provide you with more precise information on the state's population and geography you will waste hours in endless confusion.

As a start, your staff should be telling you what options you don't have, so you could take them off the table. The language in SEC 2 (d) (5) that "nearby areas of population are not bypassed for more distant population" means you may not cross large mountain ranges or string together distant populations, save perhaps for VRA purposes. Thus you may not run a district from Redding to Eureka, or from San Luis Obispo to Bakersfield, or from Modesto to Salinas.

Given this constitutional restraint, your staff should have divided northern California into its logical parts: the north coast, Bay Area, central coast, Sacramento Valley, Central Valley. Your staff should have told you how many districts are allowed in each region, and where population overlap may require crossing regional lines. They should include regional maps overlaid with transportation corridors, and you would see how the districts must be built. Then you could have had a useful discussion about how to draw districts within these regions. You would not be wasting your time with such things as divided San Luis Obispo County at the Cuesta Grade.

If you would like to see how this should be done, you need look no further than the

1991 Supreme Court Masters report in *Wilson v. Eu*, which explains the regions. It is the 1991 Masters lines that transformed California from the largely all-white (and male) legislature for whom I drew district lines to the diverse legislature we have today.

Further, I am just astounded that you went to three of the four Section 5 counties without any of your Voting Rights Act attorneys and prior to your VRA training. You wasted an incredible amount of your time. Section 5 requires that counties such as Merced and Kings be included in districts with certain levels of minority population. Apparently no one on your staff supplied you with the minority population numbers that are required for these counties. I was interested in Bakersfield that the farm worker representative said she was satisfied with the current divisions of Latino neighborhoods. That is because they were so organized in 1991 to meet the requirements of the Voting Rights Act. Unless you are going to short change the farm workers, you will be required to maintain minority voting populations as they are now and your range of options are greatly limited. Your staff should have explained this to you before you went there.

The same is true along the Central Coast, which is actually a fairly simple division. Your staff should have told you that Monterey County, a Section 5 county with 55 percent Latino population, cannot be combined with San Luis Obispo County because that would dilute the Latino population. I assume no one on this commission wishes to defy the Justice Department and that you actually want to comply with the Voting Rights Act. Well then, your staff better tell you what the numbers are.

Secondly, you cannot run that county out to Bakersfield because the state criteria will not allow it. In fact, you cannot divide San Luis Obispo County at the Cuesta Grade or anywhere else; it must combine south with Santa Barbara County.

Your staff should begin each hearing with an overview of the geography of the area, and if they had you would have learned that northern Santa Barbara County actually has a geographic affinity to San Luis Obispo County, making it much easier for you to instruct your staff on how to do this particular set of districts.

If you had properly regionalized the state, you could have told the people who testified the options you will have in drawing districts for their communities. You can ask for their input but at this point you should also be able to discuss with them the population restraints you will be under. You left the impression that everyone could cut their slice of the pie right out of the middle.

Finally, I thought it was most telling that when a commissioner asked in Bakersfield where the growth had occurred your staff could not tell you. The final census figures have been out for weeks, how can it be that your staff is coming to these hearings without information on where the growth has taken place? Your job is to draw district lines based in that growth; how can you do that if you don't know.

And now you are heading into Los Angeles where the complexities will increase one hundred fold. I certainly hope your briefings will include a detailed discussion of the demographics of Los Angeles, with color coded census tract maps so you can see the different areas of ethnic population. Here you will for the first time confront Section 2 issues. As an example, almost all the current Section 2 districts in Los Angeles are underpopulated. I hope your staff is prepared to discuss with you the difficult decisions you will face in retaining all these districts.

Frankly, from your first week of hearings you look like you are trying to build an airplane without considering the engine.

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