



THE CALIFORNIA  
INSTITUTE  
FOR JOBS, ECONOMY AND EDUCATION

May 26, 2011

BY EMAIL: [REDACTED]

Honorable Commissioners  
California Redistricting Commission  
1130 K Street, Suite 200  
Sacramento, CA 95814

Dear Commissioners:

On behalf of the California Institute for Jobs, Economy and Education (“the Institute”), this is to respond to a concern from one the Commissioners at the May 24, 2011 hearing regarding the Commission authority to adopt different priorities than those set forth in Propositions 11/20, Article XXI, section 2 of the California Constitution for drawing lines for California’s Congressional, Legislative and Board of Equalization districts.

At the May 24, 2011 hearing, the Institute’s representative, Matt Rexroad, stated that the priority for the Commission in drawing district lines was (1) equal population for Congressional districts and reasonably equal population for legislative and Board of Equalization districts,<sup>1</sup> (2) compliance with the Federal Voting Rights Act,<sup>2</sup> (3) preservation of the contiguity of districts,<sup>3</sup> and (4) preservation of the geographic integrity of cities, counties and other political subdivisions and communities of interest.<sup>4</sup> The Institute’s extensive legal review of this issue resulted in the opinion that the priority listing is constitutionally mandated and does not allow the Commission the flexibility to adopt different priorities.

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<sup>1</sup> Art. XXI, sec. 2(d)(1): “Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.”

<sup>2</sup> Art. XXI, sec. 2(d)(2).

<sup>3</sup> Art. XXI, sec. 2 (d)(3).

<sup>4</sup> Art. XXI, sec. 2 (d)(4). Additional criteria, listed in order of priority after the foregoing, include “compact districts” (Art. XXI, sec. 2 (d)(5)) and “nesting of two Assembly districts in one Senate district and ten Senate districts in one Board of Equalization districts” (Art. XXI, sec. 2 (d)(6)), to the extent practicable.

BY EMAIL: [REDACTED]

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The Commissioner suggested that although the above-listed criteria were Mr. Rexroad's priorities, "the Commission might have other priorities." This statement is flatly inconsistent with the Constitutional priorities and we believe that it does not allow the Commissioners the flexibility to disregard the Constitutional criteria (or the federal Constitution or Federal Voting Rights Act).

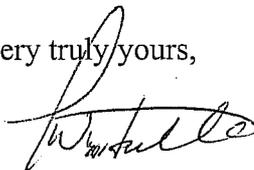
When the Commission directs its staff to draw lines for Congressional, legislative and Board of Equalization districts on May 27, 2011, the Commission must adhere to these requirements. While the Commission has some discretion with respect to prioritizing the Article XXI, section 2(d)(3) criteria (as between preserving the geographical integrity of cities, counties and other political subdivisions and communities of interest it identifies, it cannot, for example, give priority to communities of interest in derogation of equal population and Federal Voting Rights Act compliance.

Finally, the Institute's representative Mr. Rexroad also commented that compliance with section 5 of the Voting Rights Act's requirement to avoid "retrogression" (i.e., reduction in the percentage of voting age population and citizen voting age population) in drawing 2011 districts as compared with the 2001 districts, and compliance with section 2 of the Voting Rights Act's anti-dilution requirements mean, as a practical matter, that the Commission first must draw district lines affecting the four section 5 counties (Yuba, Monterey, Merced and Kings), and then seek to draw available "majority-minority" districts to comply with section 2 of the Voting Rights Act. As Mr. Rexroad noted, the Commission will find it necessary to take this path in order to comply with the Voting Rights Act and Article XXI, section 2 (d)(1) and (2) of Propositions 11/20.

Thank you for allowing the Institute to bring these critically important issues to your attention. We respectfully recommend that the Commission further consult with its Voting Rights Act counsel, Gibson, Dunn & Crutcher, before it directs staff to draw lines on May 27, 2011.

We look forward to your reply.

Very truly yours,



Thomas W. Hiltachk

cc: Daniel Kolkey, Esq., Gibson, Dunn & Crutcher, LLP  
Gordon Brown, Esq., Gibson, Dunn & Crutcher, LLP

**Subject:** Attn: California Redistricting Commission:

**From:** Jennifer Kirkland <[REDACTED]>

**Date:** Thu, 26 May 2011 20:58:51 -0700

**To:** [REDACTED]

Dear Commissioners:

I support fair and competitive districts that fully comply with Proposition 11 with district geography criteria of natural geographical boundaries such as mountain ranges, bodies of water, of equal population and that comply with the Federal Voting Rights Act. I want my district lines to maintain district contiguity, and compactness by keeping cities, communities and neighborhoods intact as much as possible.

- 1. I strongly oppose** the Sierra Club Bay Area plan that violates the Voting Rights Act **and** gerrymanders the TriValley.
- 2. I agree** with the Sierra Club plan ONLY on the one point, **not to cross the Bay and Golden Gate Bridges.**
- 3. I reject** the San Joaquin County Citizens for Constitutional Redistricting plan; they carve up the TriValley to create a San Joaquin district favorable to a tiny fraction of our Bay Area population.
- 4. I reject** the Latino Policy Forum maps; they create an absurd district that jumps over the water to connect Marin, half of San Francisco and West Oakland in violation of the Federal Voting Rights Act.
- 5. I strongly oppose** the California Institute for Jobs, Economy, and Education (CIJEE) plan and insist that districts not jump across the East Bay hills, because the communities from San Leandro to Milpitas have little in common with the Tri-Valley, and everything in common with each other. The commission got overwhelming testimony in the Oakland input hearings to this effect, both from Tri-Valley and from Oakland, San Leandro, Milpitas, Richmond, El Cerrito etc. to the effect, "Keep the Berkeley Oakland Hills as a natural geographic barrier between urban, ethnic, diverse communities west of the hills and suburban bedroom and office park communities east of the hills."
- 6. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) gerrymander of Union City, an overwhelmingly Asian and Latino city along the East Bay shoreline that CIJEE links with the Tri-Valley communities such as San Ramon and Livermore. Union City is linked to its neighbors in Fremont and Newark by ethnicity, job patterns, and I-880. It has no connection whatsoever to Danville! Additionally, there was very clear testimony at the Oakland input hearing from community groups centered around the auto industry who did NOT want to be connected to Tri-Valley.
- 7. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan forcing communities of Lamorinda and Pleasant Hill into a district with Berkeley, as was done in 1981, and is being resurrected by CIJEE. The Berkeley-Oakland area is different in every demographic respect from the suburban communities on the other side of the mountains.
- 8. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan gerrymandering that put the mid-Peninsula area around Palo Alto with the city of Santa Cruz - a city on the other side of a mountain range, in a different county, and on the ocean.
- 9. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan which splits the Latino community in San Jose into two Assembly districts, although it should be kept together in one district.
- 10. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan for Marin. Any AD based in Marin should expand north along Hwy 101, to reach people who work in Marin. It should not be gerrymandered far east to Benicia, which it has nothing in common with.
- 11. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan which merges North Bay districts with SF districts. We insist that the North Bay districts be kept separate from the SF districts.
- 12. I reject the** Coalition of Asian Pacific Americans for Fair Redistricting CAPAFR plan. Specifically but not limited to joining Fremont with The TriValley: the City of Pleasanton.
- 13. I reject** the Mexican American Legal Defense and Education Fund (MALDEF) plan for violations of the Voter Rights Act and abusive gerrymandering. So ridiculous that one commissioner spoke out during MALDEF's

presentation on 5/26 in Northridge stating "**Why so many Gerrymander Fingers?**"

Thank you,  
Jennifer

**Subject:** Submission of Clarifications on Assembly/Senate Plan 3A1 of the California Conservative Action Group

**From:** Chris Bowman <[REDACTED]>

**Date:** Thu, 26 May 2011 21:25:37 -0700

**To:** [REDACTED]

**CC:** [REDACTED]

**TO:** Rob Wilcox  
Communications Director  
CA Citizens Redistricting Commission

**RE:** Submission of Clarifications on Assembly/Senate Plan 3A1  
of the California Conservative Action Group

Dear Rob:

Thanks for taking the time to advise me on the proper procedures. Glad that the hearing went well.

David Salaverry, the Chair of our group, just sent the clarifications of our Plan 3A1 to the Commission's email address. He had converted the data that I had put together with Andrew Cain's assistance at Q2 today into a pdf file from an internet site at McDonald's near the Grapevine on his way back to SF after today's hearing.

I may be many things but I'm not a techie so he was the one who converted the original maps, stats, and block equivalency files that we submitted on Monday.

Once we submitted them, we discovered the next day that there were a couple of glitches.

1) The labels on the maps were missing in three districts and combined in another district.

2) We didn't have images on our jpg file of five of the 16 districts (the 5th, 6th, 12th, 13th, and 19th AD.)

3) The districts were not listed by numeric order on the P2 and P4 excel spread sheets,

4) two of the 38 maps in our file were from an earlier draft of our plan, and

5) we weren't certain whether the block equivalency file was from Plan 3A1 or from Plan 3A.

All of the information we have now sent you is identical (and more complete) than the material we included in the hard-copy packets to Commissioners and the staff. The only thing we didn't include were my nine pages of extended remarks, which I covered during the presentation.

Please make sure that the Commissioners, staff, and your line drawing consultant (Karin) have the clarified material David sent tonight, so that our plan can be considered with all of the other plans submitted when the Commission provides instructions for line drawing for Regions 7 & 8 tomorrow.

We apologize for any confusion we may have caused along the way.

Please feel free to call me at [REDACTED] if you have any questions

Thanks.

Sincerely,

Christopher L. Bowman  
Line Drawer, Assembly/Senate Plan 3A1 for the Greater Bay Area  
California Conservative Action Group.

**Subject:** redistricting

**From:** gunilla tebrock <[REDACTED]>

**Date:** Thu, 26 May 2011 22:53:21 -0700 (PDT)

**To:** [REDACTED]

The redistricting process is moving too fast for citizens to react. In accordance with the initiatives intent to prevent gerrymandering...delay so I as a citizen and concerned voter can be assured the districts are not corrupted. We have a legislature where both houses and the governor are of the same party. A similar situation existed in Egypt. I prefer we not follow the Egyptian mod of government!

Otto Tebrock

Vacaville

**Subject:** Redistricting

**From:** "Larry Mackie" <[REDACTED]>

**Date:** Thu, 26 May 2011 22:29:26 -0700

**To:** <[REDACTED]>

Dear Commissioners:

I support fair and competitive districts that fully comply with Proposition 11 with district geography criteria of natural geographical boundaries such as mountain ranges, bodies of water, of equal population and that comply with the Federal Voting Rights Act. I want my district lines to maintain district contiguity, and compactness by keeping cities, communities and neighborhoods intact as much as possible.

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- 2. I agree** with the Sierra Club plan ONLY on the one point, **not to cross the Bay and Golden Gate Bridges.**
- 3. I reject** the San Joaquin County Citizens for Constitutional Redistricting plan; they carve up the TriValley to create a San Joaquin district favorable to a tiny fraction of our Bay Area population.
- 4. I reject** the Latino Policy Forum maps; they create an absurd district that jumps over the water to connect Marin, half of San Francisco and West Oakland in violation of the Federal Voting Rights Act.
- 5. I strongly oppose** the California Institute for Jobs, Economy, and Education (CIJEE) plan and insist that districts not jump across the East Bay hills, because the communities from San Leandro to Milpitas have little in common with the Tri-Valley, and everything in common with each other. The commission got overwhelming testimony in the Oakland input hearings to this effect, both from Tri-Valley and from Oakland, San Leandro, Milpitas, Richmond, El Cerrito etc. to the effect, "Keep the Berkeley Oakland Hills as a natural geographic barrier between urban, ethnic, diverse communities west of the hills and suburban bedroom and office park communities east of the hills."
- 6. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) gerrymander of Union City, an overwhelmingly Asian and Latino city along the East Bay shoreline that CIJEE links with the Tri-Valley communities such as San Ramon and Livermore. Union City is linked to its neighbors in Fremont and Newark by ethnicity, job patterns, and I-880. It has no connection whatsoever to Danville! Additionally, there was very clear testimony at the Oakland input hearing from community groups centered around the auto industry who did NOT want to be connected to Tri-Valley.
- 7. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan forcing communities of Lamorinda and Pleasant Hill into a district with Berkeley, as was done in 1981, and is being resurrected by CIJEE. The Berkeley-Oakland area is different in every demographic respect from the suburban communities on the other side of the mountains.
- 8. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan gerrymandering that put the mid-Peninsula area around Palo Alto with the city of Santa Cruz - a city on the other side of a mountain range, in a different county, and on the ocean.
- 9. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan which splits the Latino community in San Jose into two Assembly districts, although it should be kept together in one district.

**10. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan for Marin. Any AD based in Marin should expand north along Hwy 101, to reach people who work in Marin. It should not be gerrymandered far east to Benicia, which it has nothing in common with.

**11. I strongly oppose** the Institute for Jobs, Economy, and Education (CIJEE) plan which merges North Bay districts with SF districts. We insist that the North Bay districts be kept separate from the SF districts.

**12. I reject the** Coalition of Asian Pacific Americans for Fair Redistricting CAPAFR plan. Specifically but not limited to joining Fremont with The TriValley: the City of Pleasanton.

**13. I reject** the Mexican American Legal Defense and Education Fund (MALDEF) plan for violations of the Voter Rights Act and abusive gerrymandering. So ridiculous that one commissioner spoke out during MALDEF's presentation on 5/26 in Northridge stating **"Why so many Gerrymander Fingers?"**

Thank you,

Larry Mackie



**Subject:** Redistricting in the Bay Area

**From:** "Mary Raub" <[REDACTED]>

**Date:** Thu, 26 May 2011 22:55:11 -0700

**To:** <[REDACTED]>

Citizens Redistricting Commission

[REDACTED]  
Sacramento, CA 95814

Dear Commissioners:

My name is Mary Raub. I support fair and competitive districts that fully comply with Proposition 11 with district geography criteria of natural geographical boundaries such as mountain ranges, bodies of water, of equal population and that comply with the Federal Voting Rights Act. I want my district lines to maintain district contiguity, and compactness by keeping cities, communities and neighborhoods intact as much as possible.

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be kept together in one district.

10. I strongly oppose the Institute for Jobs, Economy, and Education (CIJEE) plan for Marin. Any assembly district based in Marin should expand north along Hwy 101, to reach people who work in Marin. It should not be gerrymandered far east to Benicia, with which it has nothing in common.

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12. I reject the Coalition of Asian Pacific Americans for Fair Redistricting CAPAFR plan, specifically but not limited to joining Fremont with the TriValley, the city of Pleasanton.

13. I reject the Mexican American Legal Defense and Education Fund (MALDEF) plan for violations of the Voter Rights Act and abusive gerrymandering. This plan is so ridiculous that one commissioner spoke out during MALDEF's presentation on 5/26 in Northridge stating "Why so many Gerrymander fingers?"

Thank you,  
Mary Raub

  
Mill Valley, CA 94941

**Subject:** Miscellaneous Comments on the first round of map submissions

**From:** Chris Bowman <[REDACTED]>

**Date:** Thu, 26 May 2011 19:22:37 -0700

**To:** [REDACTED]

Dear Commission President Galambos Molloy, Commissioners, and Staff:

This is the first opportunity I've had since I presented the Assembly/Senate plan of the California Conservative Action Group to the Commission on Tuesday to comment on other plans and testimony of the past week.

As the maps from today weren't posted until after I left for Q2 this morning, I will be sending a second email to you later this evening after I get a chance to review the proposals.

1. Natural geographic boundaries. As you will recollect, both in my oral and written testimony, I proposed that specific geographic barriers not be crossed in the Bay Area when forming districts.

I mentioned the Golden Gate, the East Bay Hills from the Caldecott Tunnels to the Alameda/Santa Clara County border, and the Hamilton Range separating Silicon Valley from the San Joaquin Valley. Little did I ever anticipate that some enterprising group would propose that the Bay, itself, be crossed, to form an Assembly, State Senate, or Congressional district, but the Latino Policy Forum did so in their CD6 map, and didn't provide any demographic statistics with their maps.

They proposed combining all of Marin, northern and eastern San Francisco with the City of Alameda, and the African American neighborhoods of Oakland, Emeryville, and Berkeley. Perhaps the commonality of interest is Marin City, Bayview Hunters Point, and the East Bay, and if that is the rationale, shame on the proponent, because they've effectively diluted the voting power of African Americans in the East Bay.

So, for the record, I wish to extend and revise my remarks of the 24th, that in addition to the previous three geographic boundaries, that the San Francisco Bay, from the mouths of the Coyote and Guadalupe Creeks in the South to the mouth of the Petaluma River not be crossed, even via the Dumbarton, San Mateo, San Francisco/Oakland, or San Rafael/Richmond bridges!

2. Matt Rexroad's proposed districts for the Bay Area. I cannot attest to the line drawing by Matt Rexroad (who testified just before us at Laney College) on behalf of the California Institute for Jobs) outside the Bay Area, but he obviously didn't consult with anyone in the Bay Area when he created districts in the nine county area. He splits the East Bay black community into two Assembly districts, neither of which are over 20% African American. The district boundary appears to be along Broadway in downtown Oakland -- separating West from East Oakland. His maps aren't terribly detailed, but it also appears that he divided the Hispanic community in San Jose -- it's not clear where the divide is, but the 26th AD is 28.62% Hispanic and the 27th is 37.36%. And that's not to mention that he divides Contra Costa County, which has just over 1,000,000 people

into three congressional districts (which have 702,905 people). The suburban areas of Contra Costa County were completely partitioned -- much like Poland in the late 1700's! Another of his "contributions to modern art, included creating the 6th CD which combines Marin with southern Sonoma, the wetlands of Napa County, and the Cities of Vallejo and Benicia, and the 15th CD which runs the length of Hwy 1 from the northern city limits of Pacifica to the southern city limits of Santa Cruz, and includes East Palo Alto, Palo Alto, Stanford, Campbell, and Los Gatos in that district. I guess the community of interest are university students going to Stanford and UC Santa Cruz!

3. The Sierra Club's proposal for the Bay Area and Central Coast. I find it instructive that the Sierra Club, which doesn't see eye to eye with our group on some issues, proposed a plan in which its two Assembly districts in San Francisco, two districts on the peninsula, and one that connects Cupertino to the southern council districts of San Jose, are nearly identical to our five West Bay districts. It also appears that they engaged in extensive nesting in their proposal -- even more than we did in our Greater Bay Area plan.

Where we differ, however, is that they divide the Black community in the East Bay in the 14th and 16th ADs along Lake Merritt (east of downtown Oakland), and split the Hispanic community of Santa Clara County into the 23rd, 24th, and 27th ADs. The community is divided just south of downtown San Jose, and the City of Gilroy is combined with a district which includes Santa Cruz, not Salinas or San Jose (as was the case in our 24th AD).

4. Klamath River. At the Santa Rosa hearing, you heard from a lot of people who proposed that districts start at the Oregon border and proceed south on Hwy 101, ending up somewhere in Sonoma County. Beyond the fact that the district would be nearly 300 miles long is the fact that there are common interests in the rural and recreational areas of the interior of the State with the counties in the Northwest. Just as in our plan, we divided the Greater Bay Area in the north (the northern end of the 5th AD and 3rd SD) along the line separating the headwaters of the Eel and Russian Rivers, our friends in Humboldt and Del Norte counties need to realize that the Klamath River, which flows into the Pacific in Del Norte, originates as far east as Modoc County, and flows through Siskiyou and Trinity counties. Additionally, there are two state highways that connect Hwy 101 with the northern Sacramento Valley -- Hwy 299 and 36, Hwy 299 runs from Arcata, 149 miles, to Redding, and Hwy 36 runs from Fortuna to Red Bluff. Beyond water rights, many residents of the North Valley use these highways to vacation on the Coast to escape the triple digit temperatures of the valley in mid-summer, so there's nothing sacrosanct of keeping the two rural areas separate.

5. Inyo County. What is ludicrous, and I've seen this in several proposals is to link Inyo County with any area west of the high Sierras. Inyo is an extension of Southern California and the Mojave Desert along Hwy 395. There are no highways open year round across the Sierras south of Hwy 88 in northern Alpine County, and Hwy 178 which runs from Bakersfield via Lake Isabella to Hwy 395. In the summer, the only connection between Fresno or Tulare counties with Inyo is by pack train or by hiking for a week or two, or by private jets and planes to small airports at Bishop, Independence, Inyo Airport, and Lone Pine. Any district that doesn't connect Inyo with San Bernardino County or the Mojave Desert part of Kern County should be rejected by the

Commission on its face.

Sincerely,

Christopher L. Bowman  
Line Drawer for Assembly/Senate Plan 3A1  
California Conservative Action Group