

Subject: Public comment

From: "Shupe, Christina" <[REDACTED]>

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To: Communications Office <votersfirstact@crc.ca.gov>

From: Ralph Shaffer [REDACTED]

Greetings, Ms Dai:

I read your op-ed in this morning's L A Times. My position was made very clear in an op-ed several weeks ago in the other L A paper, the Daily News. Our views are poles apart.

In your piece this morning you indicated the commission's guidelines:

"at the top of the list, the U.S. Constitution's requirement of equal population among like legislative districts"

The problem, and it is a serious one, is that you started with a false premise, a "constitutional" mandate that is *not* in the U S constitution. I made that point in my op-ed, but apparently the commission chose to ignore it.

The only U S constitutional requirement regarding allocating legislative seats is the one that requires that seats in the House be allocated to the various states on the basis of population. Nothing is said about how a state will then distribute the seats within a state. Nothing is contained in the constitution about allocating seats in state legislatures, boards of equalization or city councils.

IF you are going to argue that the "courts" have ruled that the constitution intended that state legislative seats be allocated on the basis of population, you are on dangerous ground. The binding case in California is a Ninth Circuit case, *Garza v County of Los Angeles*. In the basic decision, at the trial court level, Judge Kenyon repeatedly said districts had to be equal, not in population, but in "voting age citizens."

The commission flaunted Kenyon's ruling by counting non-citizens, including up to two million illegal aliens, in creating districts of equal population. In so doing, you have given a much smaller number of "voting age citizens" a seat in the assembly while in other assembly districts the number of "voting age citizens" is far greater. In essence, in protecting the "one man, one vote" ruling of the court you have actually negated that ruling.

I don't expect anything will be done about your mistake. There are lawyers for ethnic groups that will find court precedents to validate your action. But it is wrong.

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