

Subject: Be Fair

From: [REDACTED]

Date: Sun, 14 Aug 2011 15:17:29 -0400 (EDT)

To: [REDACTED]

We demand the right of a fair decision in this vote. We are stakeholders and a very important factor of the placement of the community.

Give Us a Fair Count

Deborah Bell-Holt

Ltr to CRC re Not Adopt Senate Plan.pdf

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ATT00002.htm





August 14, 2011

BY EMAIL: [REDACTED]
& Commissioner Public Email Addresses

California Redistricting Commissioners
Citizens Redistricting Commission
901 P Street, Suite 154-A
Sacramento, CA 95814

Dear Commissioners:

The California Republican Party joins the National Association of Latino Elected Officials (NALEO) in asking the Commission to reject the State Senate preliminary final redistricting plan on August 15, 2011.

The substantive and procedural grounds for this request are set forth below and in previous letters to the Commission. Propositions 11 and 20 provide a procedure for Commissioners to employ if they conclude that a final redistricting plan is not fair and impartial, namely that a majority of Democrat, Republican or unaffiliated Commissioners can vote against a plan. This method requires a candid look at the plan, and when partisan, non-partisan and regional groups together agree that a plan has substantial defects, voting not to adopt is the proper course.

Substantive Problems With the State Senate Plan

1. The unnecessary splitting of Sacramento and San Bernardino Counties violates California Constitution, Article XXI, sec. 2(a)(4), by splitting each county among six Senate districts. While some county splits are necessary, these two counties that have enough to draw one full State Senate districts with some overage (Sacramento = 1.4 million – 900,000 for one Senate district; San Bernardino = 2.0 million – enough for more than 2 full districts.) The splits unduly divide the counties, reducing substantially their political power and adversely affecting members of the public.

2. The plan dilutes covered minority and ethnic voting rights in violation of Section 2 of the Voting Rights Act. MALDEF, NALEO, CIJEE and others either drew or requested the Commission to analyze and draw additional compact majority-minority districts in Los Angeles, San Diego, Fresno, Santa Clara, Monterey and Riverside counties. The Commission failed to analyze population data as requested. The Commission also declined to draw section 2 districts for Latinos in Los Angeles County (both in southwest Los

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Angeles County and in the San Fernando Valley). With respect to southwest Los Angeles County, instead of drawing a the Commission drew several influence districts that are likely to elect African Americans; in the San Fernando Valley, the CRC took Latino population away from the Padilla Senate seat and put that population in the EVENT (SD 27) district that is combined with Ventura County territory. The Commission failed to draw a potential section 2 district that would include southern portions of Santa Clara County (San Jose) and northern portions of Monterey County (Salinas area), comprising the current AD 23 (Campos) and AD 28 (Alejo) districts.

3. The Commission “retrogressed” Latino voting strength in violation of Section 5 of the Voting Rights Act. The Commission drew districts based on the 2001 bi-partisan gerrymander that marginally increased Latino VAP in section 5 districts, but in some instances failed to aggregate Latino population that would create stronger Latino influence if not majority-minority districts that would meet section 2 standards, as discussed in item 2 above.

4. The Commission’s plan for SD 27 combines populations that lack a community of interest in violation of Article XXI, sec. 2(a)(4), drawing together the communities of Malibu and the western San Fernando Valley in Los Angeles County and portions of eastern Ventura county.

5. The Senate plan fails to maintain contiguity and compactness of districts in violation of Article XXI, sec. 2(a)(3) and (5). Some examples of this include SD 17 (from the Big Basin Redwoods in north Santa Cruz County to Morgan Hill in Santa Clara County to Guadalupe in northern Santa Barbara County), SD 8 (from Sacramento County to the outskirts of Las Vegas, Nevada).

SD 1 (MTCAP): This district runs from the Oregon border through lightly population mountain areas to take in Placer County except Roseville and the northeastern suburbs of Sacramento County. The district bypasses hundreds of thousands of people to unite these far distant areas.

SD 4 (YUBA): This district begins at Red Bluff, includes Roseville in Placer County and then extends to numerous suburban areas in Sacramento County. Red Bluff belongs with Redding to its north and the Sacramento suburbs in this district should be with the ones in SD 1.

SD 3 (WINE): This district contains Rohnert Park in Sonoma County, Martinez and Pleasant Hill in Contra Costa County and the Sacramento River Delta. These are small appendages that don’t belong in the same district. This district is forced into these diverse

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areas by the Commission's refusal to cross the Golden Gate Bridge. The territory north of the bridge simply does not fit into a single Senate district. So instead of the logical cross of the Golden Gate Bridge, the Commission crosses the Carquinez and Antioch bridges and brings the working class communities in northern Contra Costa County into a district that extends all the way to Calistoga in Napa County and the Sonoma County wine country.

SD 8 (FTHLL): This odd districts begins in the Sacramento suburbs, moves south through the mountains to pick up parts of Stanislaus County, much of Fresno County, and then wanders further south until it ends just a few miles from Las Vegas. It is based on a theory that the foothills are a community of interest, but in fact the Sacramento suburbs and urban Fresno County – well away from any foothills – have nothing in common with Death Valley.

SD 17 (WMONT): This district replicates the 2001 gerrymander by uniting southern Santa Clara County, including Morgan Hill and Gilroy, with San Luis Obispo County and northern Santa Barbara County hundreds of miles to the south. It bypasses hundreds of thousands of people in the Bay Area for San Luis Obispo County. The district includes southern Monterey County with San Luis Obispo County even though they are separated by an area of 100 miles of no population (Big Sur).

SD 26 (LAPVD), which joins West Hollywood with Rancho Palos Verdes in Los Angeles County through a narrow corridor of beach cities which substantial testimony before the Commission rejected that these areas represent a community of interests.

6. The Senate plan also fails to nest any Assembly districts within Senate districts, a non-mandatory criterion of Article XXI, sec. 2(a)(6) that would nonetheless give identified communities of interest more political power.

Procedural Problems With the State Senate Plan

1. Conflicts of Interest

A. Dr. Gabino T. Aguirre

As set forth in the letter of CRP Chairman Thomas Del Beccaro to the Commission dated July 20, 2011, Dr. Gabino T. Aguirre's participation in the advocacy of, and drawing of the Senate plan, especially as it affected SD 17 and SD 27, constituted a conflict of interest that infected the Senate plan.

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Commissioner Dr. Gabino T. Aguirre (a) failed to disclose political contributions to candidates for State Legislative office and (b) failed to disclose his current (as of July 14, 2011) advisory board membership in Central Coast Alliance United for a Sustainable Economy (CAUSE) in his application, supplemental application and oral interview in 2011 and then, actively participated in the Commission's preliminary decisions as part of a two – member task group to draw lines for Region 5 (the Ventura, Santa Barbara, San Luis Obispo Counties), the region for which CAUSE has been an active advocate before the Commission. Moreover, Commissioner Aguirre was an aggressive advocate for CAUSE's maps.

Dr. Aguirre's total failure to disclose his CAUSE advisory board position, shielded his potential bias from close scrutiny during the Commissioner selection process in 2010. Moreover, his aggressive advocacy of the districts proposed by CAUSE reflects a bias in violation of the Commissioners' duties to act "with integrity and fairness" under Proposition 11, California Constitution, Article XXI, section 2(c) and impartiality under Government Code section 8253, subdivs. (d) and (g).

These disclosure failures also constitute either "substantial neglect of duty" or "gross misconduct in office" as provided in Government Code section 8252.5, which warrants removal by the Governor. When potential vendors' disclosure of campaign contributions below the \$2,000 threshold for disqualification came before the Commission, Dr. Aguirre was silent about his own, undisclosed political contributions. Dr. Aguirre's silence and non-disclosures both at the time of his application to the Commission and during the period when vendors' campaign contributions were being discussed as potentially disqualifying or constituting potential bias, was deafening.

B. Professor Matt Barreto

The Commission's retention of Professor Matt Barreto of the University of Washington, to evaluate "racially polarized voting claims" placed Professor Barreto in a disqualifying common law conflict of interest under California law. (California Attorney General's *Noble v. City of Palo Alto* (1928) 89 Cal.App. 47, 51 (citations omitted).) He was disqualified from presenting or commenting upon "racially polarized voting" issues on behalf of the Commission. (92 Ops.Cal.Atty.Gen. 19 (2009).) Professor Barreto had prepared statistical and factual analysis to support the advocacy position of an interest group that submitted proposed redistricting plans to the Commission, and then was hired to evaluate whether "racially polarized voting" evidence exists or does not exist with respect to districts drawn by the Commission in violation of conflict of interest doctrine.

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2. Persistent Violations of Bagley-Keene Open Meeting Act

The Commission persistently violated the Bagley-Keene Open Meeting Act by using documents, memoranda and other communications for decision-making purposes at critical meetings during May, June and July 2011 without having made such documents available for public inspection as part of its meeting agendas for those meetings in advance, as required by Government Code section 11125.1. These violations of law fundamentally taint the actions, since effective public comment opportunities were frustrated.

Other notable violations of open meeting laws include: (1) the process of interviewing and hiring staff and (2) the process of establishing standards for RFPs and RFIs for line drawing consultants and counsel.

The Commission, despite its promise and its own boast, failed to comply with the law and failed to achieve full transparency in its actions. These failures, combined with the products of conflicts of interest as noted above, cast a procedural taint over the substantive legal problems contained in the proposed Senate redistricting plan. Thus, the California Republican Party joins NALEO and others in urging the Commissioners to reject the Senate preliminary final redistricting maps.

Very truly yours,



Thomas G. Del Beccaro
Chairman

Subject: Please keep it clean for a change

From: "William Chapman" <[REDACTED]>

Date: Sun, 14 Aug 2011 18:48:03 -0700

To: <[REDACTED]>

Nothing can be gained with a faulty redistricting. For once, do the right thing now that you have the chance!!

Subject: Public Comment: General Comment

From: Cyndi Hower <[REDACTED]>

Date: Mon, 15 Aug 2011 04:14:29 +0000

To: [REDACTED]

From: Cyndi Hower <[REDACTED]>

Subject: Re districting

Message Body:

Please dont redistrict anyone. Thank-you. Cyndi Hower

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This mail is sent via contact form on Citizens Redistricting Commission