

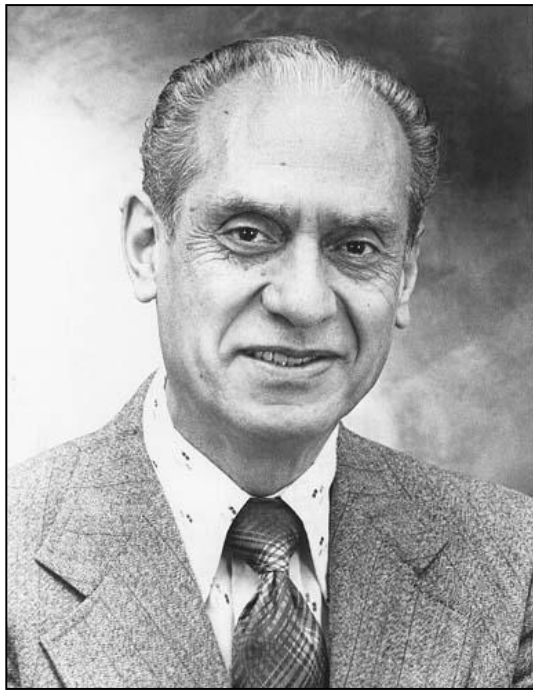
California Case Studies (1980s and 1990s)

Executive Summary: *Two case studies document the struggle of California Latinos to secure equal opportunities to elect their candidates of choice. The first explores the successful challenge by Latino voters to the 1981 redistricting plan used to elect members of the Los Angeles County Board of Supervisors. The second describes the court-drawn congressional redistricting plan that preserved Latino communities of interest in geographically compact districts following the 1990 Census.*

Successful Challenge to the Los Angeles County Supervisor Districts

Los Angeles County has had one of the fastest growing Latino populations in the nation. In 1950, Latinos comprised about 7.2 percent of the County's total population. Following the 1990 Census, Latinos were approximately 38 percent of the County's total population. [Click here to see color-shaded maps depicting the tremendous growth of the Latino population in Los Angeles County between 1940 and 2000.](#)

Except for one brief two-year period, since 1852 voters in Los Angeles County have elected five members to the County's governing Board of Supervisors. Beginning in 1913, the five Supervisors were elected from single-member districts. Nevertheless, despite what a federal judge found was "explosive and continuous growth of the Los Angeles County Latino community," Latino voters were consistently shut out of any representation on the Board of Supervisors through redistricting plans that deliberately fragmented the compact Latino community.



The intentional use of redistricting lines that "were drawn and maintained with a racially discriminatory design" began in earnest after Latino voters nearly elected their candidate of choice in 1958. That year, [Edward Roybal](#), an especially strong Latino candidate, ran for the Board of Supervisors. Roybal had served as the sole Latino member of the Los Angeles City Council from 1949 to 1962. From 1963 to 1993, he served as Representative in Congress. In 1976, Congressman Roybal founded the Congressional Latino Caucus and [was a co-founder of the National Association of Latino Elected and appointed Officials \(NALEO\), for which Roybal served as President and later Chairman.](#) After Roybal went to Congress, it would be 23 years before a Latino was elected to the Los Angeles City Council.

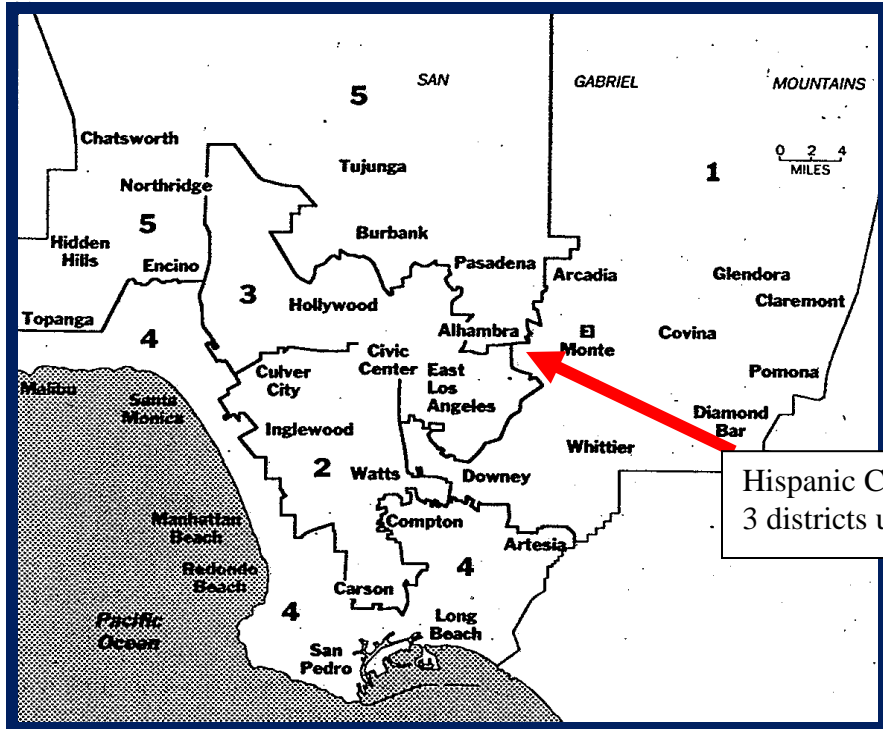
In the 1958 Board of Supervisors election, Ernest Debs, the non-Latino white incumbent, narrowly defeated Democrat Edward Roybal for the District 3 seat. Roybal actually held a slim lead when the polls closed, but lost by a margin of 52.2 percent to 47.8 percent after four recounts that fueled suspicion of vote fraud to defeat him.

In 1959, Debs and Burton Chace, the District 4 Supervisor, agreed to fragment the growing Latino community and move between 50,000 and 100,000 voters from District 4 into District 3 who lived in the predominately non-Latino communities of Beverly Hills, West Hollywood, and West Los Angeles. The two agreed to the changes in district lines even though Debs was a Democrat and Chace was a Republican and they had not been allies on other issues. As a federal judge later found, “Debs welcomed the change because the move west allowed him to make District 3 more easily winnable against Roybal or another candidate who might appeal to Latino voters in the next election.”

The all non-Latino white Board of Supervisors continued to fragment Latino communities in subsequent redistricting. As new Latino communities emerged, such as a growing concentration of Latinos in the San Gabriel Valley, the Supervisors redrew the district boundaries to ensure that Latino candidates of choice would be defeated. No Latinos were allowed to serve on the 1963, 1965, and 1971 Boundary Committees responsible for Board of Supervisors redistricting.

District 3, which historically had the highest concentration of Latino voters, was repeatedly redrawn to bring in more Anglo voters to offset the growing Latino population. For example, Ernest Debs’ representative on the Boundary Committee requested a predominately non-Latino area of the San Fernando Valley be added to District 3 because they were regarded as “our kind of people.” By 1980, there were more than two million Latinos in the County who comprised about 27.6 percent of the total population. Almost half of all Latinos lived in a compact community of interest in Los Angeles County that a federal judge would refer to as the “Hispanic Core”: nearly 900,000 Latinos living in a contiguous set of 229 census tracts stretching from the eastern part of Los Angeles to the San Gabriel Valley. Nearly all of the Hispanic Core had been in District 3 prior to 1959.

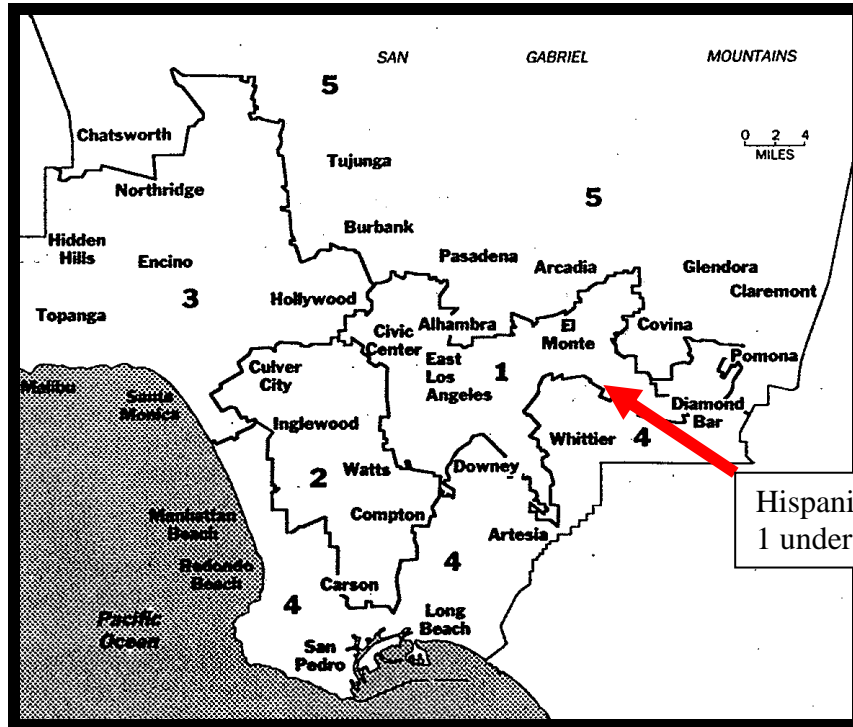
In the 1981 redistricting, the Board ignored three proposed plans that would have provided for a Latino majority in District 3. Instead, a federal judge would find that “the Supervisors’ primary objective was to protect their incumbencies and that of their allies. This objective, however, was inescapably linked to the continued fragmentation of the Hispanic population core.” One Supervisor later testified that he would not consider including a majority-Latino district because he believed it was “‘fundamentally un-American and unsound’ to fashion district lines with the intent of permitting ethnic groups to be represented.”



The intentional effort to crack the Latino community of interest in the Hispanic Core was compounded by a pattern of racially polarized voting – that is, non-Latino voters consistently voted against Latino candidates of choice to defeat them. Latinos in Los Angeles County also suffered from the effects of discrimination, including segregated schools that existed until a court ended the practice in 1947, English literacy requirements to vote, the intentional elimination of Spanish language assistance for voters in 1984, and the high cost of running a campaign in supervisor districts that were two and half times as populous as congressional districts. The result was predictable. Between 1959 and 1990, no Latino candidates ran for office in District 3.

In 1988, Latino voters, civil rights groups, and the U.S. Department of Justice filed a lawsuit in federal court challenging the supervisor districts in Los Angeles County. They alleged that the intentional fragmentation of the Hispanic Core violated Section 2 of the Voting Rights Act and the Fourteenth Amendment to the Constitution. [After a trial in 1990, a federal judge agreed with the plaintiffs in the landmark case of *Garza v. County of Los Angeles*.](#)

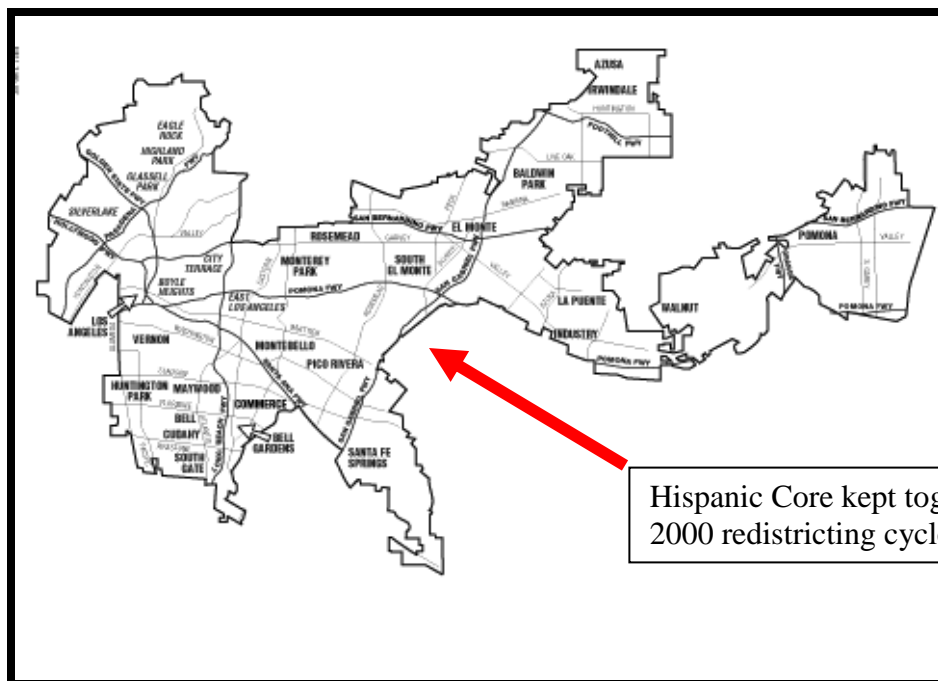
The federal court ordered Los Angeles County to implement a new redistricting plan that kept intact the Hispanic Core. The remedial plan is depicted below.



Hispanic Core united in District 1 under remedial plan

In February 1991, [Gloria Molina](#) was elected to District 1 under the court-ordered plan. She was the first Latina Supervisor, and the first Latina elected to the Los Angeles County Board of Supervisors in over 100 years. Latino voters have continued to reelect Supervisor Molina up to the present.

Following the 2000 Census, the Hispanic Core of Supervisor District 1 was kept intact, as shown in the map below.



Hispanic Core kept together in 2000 redistricting cycle

Preservation of Latino Communities of Interest in the 1992 Congressional Plan

In 1991, Governor Pete Wilson vetoed California's redistricting plan. The California Supreme Court recognized the legislative impasse and appointed a special masters committee of three retired state court judges to draw a congressional redistricting plan that would be in place in time for the 1992 elections. The three judges held public hearings and prepared a recommended plan that complied with the state's redistricting principles, equal population requirements, and the Voting Rights Act.

[The California Supreme Court adopted their recommendations in *Wilson v. Eu*.](#) Under the Court's plan, Latinos were a majority in seven out of California's 52 congressional districts. [Maps of the districts are available here.](#)

Even though Latinos comprised about 25.8 percent of California's total population following the 1990 Census and were a majority in just 13.5 percent of the court-drawn congressional districts, several voters challenged the plan as an unconstitutional racial gerrymander. The voters alleged that the plan "relied on race-conscious reapportionment and diluted white voter strength in violation of the Equal Protection Clause of the Fourteenth and Fifteenth Amendments" to the Constitution.

[In 1994, a three-judge federal court rejected the challenge in *DeWitt v. Wilson*.](#) The Court explained that the congressional redistricting plan did not "fit within the narrow holding" of a [United States Supreme Court decision](#) that prohibited drawing bizarrely shaped districts solely based on race. The federal court found that "no bizarre boundaries were created." Instead, the "effort to comply with the Voting Rights Act emphasized geographical compactness, which 'takes into account the presence or absence of a sense of community made possible by open lines of access and communication.'" Because the seven Latino districts were created "in a manner that was consistent with traditional redistricting principles, not based solely on race, and not involving extremely irregular district boundaries," they did not violate the Constitution. Consciousness of race or ethnicity was acceptable as long as it did not predominate over other factors.

The federal court determined that the judges' knowledge that Latinos were a majority in seven of the congressional districts was necessary to provide Latinos with equal opportunities to elect their candidates of choice. Moreover, each of the seven districts was geographically compact, as required by Section 2 of the Voting Rights Act. The court explained how the compact districts preserved the Latino communities of interest:

Compactness does not refer to geometric shapes but to the ability of citizens to relate to each other and their representatives and to the ability of representatives to relate effectively to their constituency. Further, it speaks to relationships that are facilitated by shared interests and by membership in a political community, including a county or city.

The court also noted that the judges had refused to adopt proposed plans that included irregularly shaped districts, including their “refusal to create a district which ran along the Sierra Nevadas where no road exists and where populated areas were separated by 130 miles and their refusal to ‘extend a long arm’” between two areas to bring them into the same district.

The *DeWitt* court concluded that the congressional redistricting plan was “not racial gerrymandering, but rather a thoughtful and fair example of applying traditional redistricting principles, while being conscious of race.” The court reasoned that some consideration of race and ethnicity was required under the Voting Rights Act, and such a consideration did not raise any constitutional concerns where traditional redistricting principles were followed. The court further observed that even if a closer examination of California’s 1992 congressional redistricting plan was required, it was narrowly tailored to the compelling interest of complying with the Voting Rights Act. Therefore, the federal court rejected the voters’ challenge to the congressional redistricting plan.

Ultimately, Latino voters were able to elect their candidates of choice to Congress in all seven California districts in which Latinos were a majority. [Click here for a list of Latino members of Congress.](#)

The two examples from California provide lessons for Latinos seeking to obtain fair representation in the redistricting process:

Compact Latino Populations should not be Fragmented or “Cracked”: Latino voters often live in geographically compact communities of interest that are capable of electing one or more officials if they are kept together. Prior to 1991, Los Angeles County’s Board of Supervisors could have included a compact district in which Latino voters were able to elect their candidate of choice, but instead the non-Latino white supervisors chose to divide the county’s Hispanic Core to protect incumbents and preserve the status quo. As the landmark case of *Garza v. County of Los Angeles* shows, the intentional fragmentation of compact Latino communities to suppress the Latino vote violates Section 2 of the Voting Rights Act and the Fourteenth Amendment.

Consciousness of Ethnicity is Permissible to Provide Latinos with Equal Voting Opportunities: Redistricting officials should take into consideration racial and ethnic demographics in drawing districts. Failure to do so may result in a redistricting plan that denies Latino voters an equal opportunity to elect their candidates of choice in violation of Section 2 of the Voting Rights Act. In states that are covered by Section 5 of the Voting Rights Act, racial and ethnic demographics must be considered to demonstrate that a proposed redistricting plan neither has the purpose nor the effect of discriminating against Latino voters.

Where Possible, Districts that Preserve Latino Communities of Interest should be Compact and Comply with other Redistricting Criteria: Districts that preserve Latino communities of interest are less susceptible to successful court challenges if they are compact and satisfy other traditional redistricting principles. Where that occurs, such as in California's 1992 congressional redistricting plan, those districts are more likely to be acceptable to reviewing courts such as the three-judge federal court in *DeWitt v. Wilson*.