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REDISTRICTING IN A NUTSHELL**

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Public Policy Project
Asian American Studies Center
University of California, Los Angeles
May, 1991

Reprinted by:
LEAP Asian Pacific American Public Policy Institute

The Asian American Studies Center's Public Policy Project is directed by Professor Paul Ong. The project's goal is to conduct research on major issues facing the Asian Pacific community. This Project is partially funded by grants from the UCLA Institute of American Cultures, the Asian Foundation for Community Development, the Japanese American Community Services, and Anheuser-Busch Companies, Inc. For information on the Project, please call (213) 825-2974, or write Public Policy Project, Asian American Studies Center, 3232 Campbell Hall, University of California, Los Angeles, California, 90024-1546.

REAPPORTIONMENT AND REDISTRICTING IN A NUTSHELL

Tania Azores and Paul M. Ong*

Introduction

Over the next few months, the political fortunes of California's Asian Pacific Americans in the 1990s will be cast in the form of newly-drawn boundaries for electoral districts for congress, the state assembly and senate seats, County Boards of Supervisors, Boards of Equalization, City Councils, and School Districts. The process of reapportionment and redistricting guides this redrawing of political boundaries.

One danger in redefining districts is that racial gerrymandering can dilute the importance of Asian Pacific voters and, in the process, alienate them from politics. On the other hand, if the integrity of Asian Pacific communities is preserved, then Asian Pacific Americans will have a basis to strengthen their political voice and to elect officials who will be responsive to their needs. This booklet examines the redistricting process and its implications for Asian Pacific Americans.

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Reapportionment

From its beginning as a nation, the population of the United States has been growing and migrating from one part of the country to another. To reflect that change and ensure a representative government, the framers of the United States Constitution required that a count of the total population of the country be made every ten years, and that the seats in the lower house of Congress be reapportioned (i.e., redistributed among the states) according to population.

Since there is a fixed number of seats in the House of Representatives and, following the principle of one-man, one-vote, congressional districts must be of "equal" population size, states with declining or slowly growing populations lose congressional seats to those which experience high population growth. Thus, California, with over six million more people in 1990 than in 1980 (26% growth rate), will gain seven more congressional seats this time around.

Taking the cue from the U.S. Constitution, the U.S. Supreme Court, in 1962, required the same population equality in the reapportionment of state and local legislative districts. Thus, during the two years immediately following a decennial census, the political machinery in California divides up the seats for the U.S. Congress, the state legislature, the County Boards of Supervisors, the Boards of Equalization and City Councils.

Redistricting

The redrawing of district boundaries necessitated by reapportionment is called redistricting. While reapportionment, i.e., determining the population size for each district and where districts will be added or lost, is a mechanical process, redistricting, i.e., determining precisely where district boundaries will be located, is a highly political process greatly influenced by parties and personalities in power, as well as by a variety of other interest groups.

Because district boundaries have a great influence on the outcome of elections, much attention is given to them and many resources are applied to control the redistricting process. Control of this process has traditionally been accomplished by manipulating either geography or population, or both. Nevertheless, there are basic principles that have traditionally guided the redistricting process: **equality, convenience, compactness, and contiguity**. In California, the law further requires that districts be numbered consecutively from north to south, and that lines preserve the geographic integrity of cities, counties, or other geographic regions as much as possible.

There are other important political considerations, as well. Current redistricting regulations mandate the protection of minority voting rights. In addition, demographic integrity (the integrity of other communities of interest, i.e., religious sects, language groups, rural (vs. urban) interests, etc.) needs to be protected. Preservation of demographic integrity as it relates to dilution of minority representation, or votes, takes precedence over convenience or compactness.

Gerrymandering

Gerrymandering occurs when the generally accepted standards of redistricting are violated without justifiable cause. With gerrymandering, election districts are formed to accomplish a specific purpose, more often than not, to preserve the seat of an incumbent or to carve out a seat for the party in power.

Historical evidence abounds showing incumbents' attempts to control the redistricting process to their benefit. Almost from the beginning, election districts were created with odd shapes and sizes to accommodate particular groups or parties. The most famous example is the Massachusetts case in 1812 when senatorial districts in Essex County were drawn to ensure the election of then Governor Gerry's candidate. The resulting map resembled that of a salamander and one of Gerry's critics called it a **gerrymander**,

thereby coining the now popular political terminology.¹ Current practice takes on a more active approach, often taking the form of deliberate concentration or dispersion of Asian Pacific Americans and other minorities.²

In **concentration gerrymanders**, identifiable population groups are consolidated in one or a few "safe" districts so that seats are won with huge majorities. Because more than the required majority to win the election is concentrated in these districts, this type of gerrymander is sometimes referred to as "excess vote" gerrymandering, or **packing**. Incumbents have used this form of gerrymandering to minimize representation of the opposition. "Packing" has also been used to create minority districts to ensure that minorities will win electoral seats. However, this practice also minimizes the number of districts controlled by minority voters while leaving room for the creation of more majority-controlled districts.

As the name implies, **dispersal gerrymanders** divide identifiable population groups into two or more districts so that they do not form a majority in any of them. This is a "wasted vote" gerrymander, also called **cracking**, because it nullifies any potential significant impact the population group may have on the election. This form of gerrymander has been used often to fragment areas of heavy minority concentration, dispersing them among several districts, and minimizing or canceling out their voting strength.

¹Districts that are gerrymandered are often odd-shaped to attain a political advantage for an incumbent or a political party. However, not all odd-shaped districts are gerrymandered. For example, boundary lines which follow natural geographical features can lead to districts with strange shapes.

²For details on gerrymandering and its impact on minorities, see Hardy (1990) and O'Hare (1989).

As noted earlier, gerrymandering has traditionally been used to preserve the seat of an incumbent or to carve out seats for the party in power. However, the playing field has been altered considerably for incumbent legislators since the passage of Proposition 140 in November 1990. This voter initiative placed constraints on the number of times elected officials can continue to hold office in the same capacity, forcing legislators to run for other positions after a number of years if they wish to continue in public office. Under the new rules, redistricting is less a way of protecting the seats of incumbents as it is an opportunity for them to try to ensure their political future in some other capacity.

Implications for Asian Pacific Americans

Redistricting for Asian Pacific Americans is different from that for African Americans and Latinos. Asian Pacific Americans do not have large concentrations comparable to that which exist for African Americans in South Central Los Angeles or for Latinos in East Los Angeles. Nonetheless, Asian Pacific Americans have a vested interest in overturning past practices that have weakened their political influence. Many Asian Pacific American neighborhoods and communities are currently fragmented into two or more electoral districts. A good example is Koreatown in Los Angeles. The 1981-82 redistricting resulted in Koreatown being divided up between three congressional, four senatorial, three assembly, and two city-council districts. Except for Little Tokyo, which remained in one congressional, senatorial and assembly district, all the other Asian Pacific American communities were fragmented at one level or another. The same was true for contiguous incorporated cities in Los Angeles County with significant Asian Pacific Islander populations. (see Table 1).

The situation in northern California is different from that in Los Angeles County. San Francisco, for example, has identical city and county boundaries. It is divided up into two congressional, two senatorial and three assembly districts (see Table 2). Asian Pacific Americans comprise 29% of San Francisco's population. If assembly district boundaries were drawn from east to west instead of from north to south as they are now, the Richmond area,

Tenderloin, Chinatown and Sunset could comprise a district with close to 40% Asian Pacific Americans. If this were to happen, who is to say that an Asian or Pacific American candidate will not emerge from the district?

Asian Pacific Americans may have just such an opportunity because legal developments during the eighties³ have expanded opportunities for minority voters and others to challenge redistricting plans and to gain increased representation. These developments, along with the continued high volume of immigration from Asia and the Pacific region, provide Asian Pacific Americans with the first opportunity in California history to challenge redistricting plans and offer their own.

The courts have ruled that racial gerrymandering⁴ is illegal. Recent test cases of the Voting Rights Act demonstrate that intent of racial discrimination need not be proven if it is shown that redistricting has a discriminatory effect on a racial minority. Additionally, the Supreme Court in Gingles has stated that the results test is satisfied if minority voters can prove two things: that a majority black, hispanic, or other minority single-member district can be created, and that past racial bloc voting has prevented minority voters from electing candidates of their choice. The ruling in the most recent case, Garza v. County of Los Angeles, indicates that the court has broadened its protection of the voting rights of racial minorities. In particular, "intentional discrimination may be shown if a legislative body chooses fragmentation of a minority population as an avenue to preserve incumbencies, and ... there is some injury to the protected group."⁵ The new rule

³Most notably Thornburg v. Gingles (1986) in the U.S. Supreme Court, and Garza v. County of Los Angeles, (9th Cir. 1990).

⁴Racial gerrymandering is one that is done to advance the political agenda of particular persons or parties at the expense of protected minority groups.

⁵For more on the implications of the Voting Rights Act on Asian Pacific Americans in California, see Toma, *et.al.* (1991).

provides a potential legal basis for creating Asian Pacific American-dominated districts during the 1991-92 redistricting period.

Asian Pacific American Involvement in Redistricting

To date, Asian Pacific Americans in California have had very limited involvement in the redistricting process⁶. However, the tremendous growth of this population during the eighties has made it the second largest minority group in the state, outnumbering African Americans.

The current population size, as well as the projected growth, of California's Asian Pacific Americans calls attention to the need for this group to have (1) greater participation in the electoral process, and (2) increased representation in high-level elected offices.

For the first time in history, city council districts can be created in California with Asian Pacific Americans comprising a majority of its constituent population (see Table 3).⁷ Assembly and congressional district boundaries can also be drawn such that the districts will cover areas that are expected to have majority Asian Pacific American populations within the decade. These, however, are mere possibilities. It is up to the Asian Pacific American community to make them a reality.

⁶See Azores and Okamoto (1991).

⁷See Ong, Espiritu, and Azores (1991) for similar arguments regarding other electoral districts.

REFERENCES

Azores, Tania and Philip Okamoto. "Asian Pacific American Awareness and Involvement in Redistricting." Public Policy Project Paper, Asian American Studies Center, UCLA, 1991.

Davidson, Chandler (ed.), *Minority Vote Dilution*. Washington, D.C.: Howard University Press, 1984.

Grofman, Bernard, "Criteria for Districting: A Social Science Perspective," in *UCLA Law Review*, Vol. 33, No. 11 (Oct. 1988).

Hardy, Leroy, *The Gerrymander: Origin, Concept and Re-emergence*. Claremont, CA.: The Rose Institute of State and Local Government, 1990.

MacManus, Susan A. "City Council Election Procedures and Minority Representation: Are They Related?" in *Social Science Quarterly*, Vol, 59, No. 1, June 1978.

O'Hare, William (ed.) *Redistricting in the 1990's: A Guide for Minority Groups*. Washington, D.C.: Population Reference Bureau, 1989.

O'Loughlin, John. "Racial Gerrymandering: Its Potential Impact on Black Politics in the 1980s," in M. Preston, L. Henderson, Jr. and P. Puryear (eds.) *The New Black Politics: The Search for Political Power*. New York: Longman, 1982.

O'Loughlin, John. "The Identification and Measurement of Gerrymanders." Paper presented at the 77th annual meeting of the Association of America, 1981.

Ong, Paul M. "Asian Pacific Islanders in California, 1990." Public Policy Project Paper, Asian American Studies Center, UCLA, 1991.

Ong, Paul, Yen Espiritu, and Tania Azores. "Redistricting and Political Empowerment of Asian Pacific Americans in Los Angeles: A Position Paper." Public Policy Project Paper, Asian American Studies Center, UCLA, 1991.

Toma, Robin S., Stewart Kwoh, and William R. Tamayo. "Testimony of the Coalition of Asian Pacific Americans for Fair Reapportionment before the California Assembly, Committee on Elections, Reapportionment and Constitutional Amendments." Sacramento, CA. April 23, 1991.

Table 1. Dispersion of Asian Pacific Islander Population among Los Angeles County Legislative Districts: 1990*

A R E A	DISTRICT NUMBERS		
	U.S. Congress	State Senate	State Assembly
1. West San Gabriel Valley (Chinese majority)			
Alhambra (38%)	30	26	59
Monterey Park (58%)	30	26	59
Rosemead (34%)	30	26	60
San Gabriel (32%)	30	26	42
So. San Gabriel (33%)	30	26	59
2. East San Gabriel Valley (Filipino majority)			
Baldwin Park (12%)	34	26	60
Covina (8%)	33	25,31	62
West Covina (17%)	34	31	60,62
Walnut (38%)	33	31	52
3. Central Los Angeles			
Chinatown	25	24	56
Filipino Town	22,24,25	23,24	46
Koreatown	24,28,29	24,27	46,47
Little Tokyo	25	24	56
4. South Bay1 (Japanese majority)			
Gardena (33%)	31	30	53
Hawthorne(11%)	31	28	53
Torrance (22%)	27,42	29	51
Rancho Palos Verdes (21%)	42	29	51
5. South Bay2 (Filipino majority)			
Carson (25%)	31	30	53
Long Beach (14%)	32,42	20,30	57,58
6. South Bay3 (Filipino majority)			
Artesia (16%)	34	33	63
Cerritos (45%)	38	33	63
Norwalk (12%)	34	33	63

*Percent Asian Pacific Islander (in parentheses) in each city are taken from the 1990 census; legislative districts are from the 1981-82 redistricting.

Table 2. Dispersion of Asian Pacific Islander Populations in Greater Bay Area Legislative Districts: 1990*

County	DISTRICT NUMBERS		
	U.S. Congress	State Senate	State Assembly
Alameda (15%)	8,10	9,10	12,13,14,18
Contra Costa (10%)	7	7	10,11,15
Marin (4%)	6	5	9
San Francisco (29%)	5,6	5,8	16,17,19
San Mateo (17%)	11	8,11	19,20,21
Santa Clara (18%)	10,12,13	10,11,12,13	21,22,23,24,25
Sonoma (3%)	6,1	2,4	2,9

*Percent Asian Pacific Islander (in parentheses) in each county are taken from the 1990 census; legislative districts are from the 1981-82 redistricting.

Table 3. Ten Highest Asian Pacific Islander Population Concentrations in California in 1990.*

A. California cities by size of API population.

<u>Rank</u>	<u>County</u>	<u>API</u>	<u>% API</u>
1	Los Angeles	341,807	9.8
2	San Francisco	210,876	29.1
3	San Jose	152,815	19.5
4	San Diego	130,945	11.8
5	Long Beach	58,266	13.6
6	Sacramento	55,426	15.0
7	Oakland	54,931	14.8
8	Stockton	48,087	22.8
9	Fresno	44,358	12.5
10	Daly City	40,466	43.8

B. California cities by API as % of Total Population.

<u>Rank</u>	<u>City</u>	<u>API</u>	<u>% API</u>
1	Monterey Park	34,898	57.5
2	Cerritos	24,057	45.2
3	Daly City	40,466	43.8
4	Alhambra	31,313	38.1
5	Walnut	10,909	37.5
6	Milpitas	17,572	34.7
7	Rosemead	17,725	34.3
8	Union City	17,978	33.4
9	Gardena	16,566	33.2
10	San Gabriel	12,044	32.4

*For a more complete listing of Asian Pacific Americans in California in 1990 by city and county, see Ong (1991).