

## **Redistricting in California**

### **Inventory of the Collection of the California Special Masters on Reapportionment, 1991**

In September 1991, following the inability of the California governor and legislature to agree on a reapportionment plan, the California Supreme Court appointed three special masters to propose a plan. The masters presented their plan to the Supreme Court in early November, and the Supreme Court adopted the plan on January 27, 1992. Two last hurdles, a federal court challenge and passing muster with the U.S. Department of Justice on Voting Rights Act grounds, were quickly met, and the plan was implemented in time for the June 1992 elections.

The masters agreed to a request by the Institute of Governmental Studies (IGS) to deposit the background materials used in their deliberations with the IGS Library. These materials are described in this inventory, which is divided into five parts corresponding to the five boxes in which the materials are housed.

## Box 1

- I. Governor's Independent Panel
    - A. Governor's Independent Panel Report on Redistricting (9/20/91)
    - B. Governor's Independent Panel Proposed Plans - legal descriptions of Assembly, Senate, Congressional districts (10/11/91)
    - C. Map kit [of proposed districts, 15 col. maps] (10/11/91)
    - D. Pete Wilson ... v. March Fong Eu ... submission of the Independent Panel on Redistricting, S022835
    - E. Assembly/Senate Redistricting Proposal of the Bay Area Ad Hoc Committee on Fair Redistricting (8/16/91)
    - F. Letter from DeWitt A. Higgs, Chair, Independent Panel on Redistricting, to George A. Brown, Special Masters on Reapportionment (10/11/91)
  - II. Governor Wilson's Recommendations for Redistricting, S022835
    - A. Recommended Senate Districts (10/21/91)
    - B. Recommended Congressional Districts (10/21/91)
    - C. Recommended Assembly Districts (10/21/91)
  - III. Governor Wilson's Memoranda
    - A. Governor Pete Wilson's Memorandum of law regarding the Voting Rights Act and other redistricting criteria pursuant to section IV(B), of the Special Masters Rule of Hearing, S022835 (10/25/91)
    - B. Governor Pete Wilson's Memorandum in opposition to adoption of the vetoed redistricting bills for the Assembly (Plans A, B and C), Senate and Congress (Plans A, B and C), S022835 (11/4/91)
    - C. Governor Pete Wilson's reply, Memorandum in support of the Independent Panel Plan, as amended, and response to inquiries of Special Masters, S022835 (11/8/91)
  - IV. Assembly Plans, S022835
    - A. Legislature's Assembly Plan A (Vol. II, Vol. I lacking) , (10/18/91)
    - B. Legislature's Assembly Plan B (Vol. I), (10/18/91)
    - C. Legislature's Assembly Plan B (Vol. II), (10/18/91)
    - D. Legislature's Assembly Plan C (Vol. I), (10/18/91)
    - E. Legislature's Assembly Plan C (Vol. II), (10/18/91)
    - F. Declaration of Bruce E. Cain (10/18/91)
    - G. Supplemental Declaration of Bruce E.Cain (10/25/91)
    - H. Assembly's Memorandum of Law re: redistricting criteria (10/25/91)
      - I. Assembly's statewide maps for Plans A, B and C (11/5/91)
  - V. Assembly Response to Governor's Plans
    - A. Assembly's Preliminary Response to Governor's Plan, S022835, (10/25/91)
    - B. Supplement to Assembly's Preliminary Response to Governor's Plan: population deviations, city splits, and 1990 gubernatorial results (11/1/91)
  - VI. Assembly's Closing Brief, S022835
    - A. Closing Brief
    - B. Appendix to Closing Brief
  - VII. Assembly's Nesting Plans
    - A. Assembly's proposed nesting plan for Senate districts, 2 copies (11/22/91)
    - B. Senate nested plan and Governor's critique of Assembly plans (11/20/91)
    - C. 5 letters to Judge Brown, Special Master, from Remcho, Johanson & Purcell, Attorneys at Law, re: Wilson v. Eu, S022835, (10/21-11/8/91)
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## Box 2

- I. The Minority Caucus of the Assembly of California, S022835
    - A. Memorandum in support of Reapportionment Plans for California State Assembly, Senate and State Board of Equalization (10/25/91)
    - B. Appendix I: Reapportionment Plan for the California State Assembly (n.d., received by the Masters, 10/26/91)
    - C. Memorandum in support of Reapportionment Plan for the California Congressional delegation (n.d., received by the Masters, 10/27/91)
    - D. Reply memorandum in support of the Assembly Minority Reapportionment plans (11/8/91)
    - E. Appendix I-A: Census unit data for California State Assembly (run date 10/21/91)
    - F. Appendix II-A: Census unit data for California State Senate (run date 10/24/91)
    - G. Appendix III-A: Census unit data for the California Congressional delegation (run date 10/24/91)
  - II. California State Senate, S022835
    - A. Senate districting plan submitted by the Senate of the state of California (10/18/91)
    - B. Supplemental pages to Senate redistricting plan submitted by the Senate of the state of California (10/25/91)
    - C. Supplemental declaration of Timothy A. Hodson (10/28/91)
    - D. Proof of service re: declarations of Senators David A. Roberti and Kenneth L. Maddy in support of Senate redistricting plan (10/28/91)
    - E. Maps of Senate districts (n.d.)
    - F. [Collected information re: positions of Bay Area counties regarding Senate redistricting] (3/16/91-12/20/91)
    - G. Nested version of Senate redistricting plan submitted by the Senate of the state of California (11/5/91)
    - H. Memorandum of Law submitted by the Senate of the state of California regarding the obligation to create minority-majority districts by combining two or more minority groups (11/8/91)
    - I. Memorandum of Real Party in Interest, the Senate of the state of California critiquing Senate Redistricting Plans submitted by Governor Pete Wilson, the Governor's Independent Panel on Redistricting, and the Assembly Republican Caucus (11/8/91)
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## Box 3

- I. State Board of Equalization, S022835
  - A. Notice of Appearance (10/15/91)
  - B. [Request leave to file a proposed Board redistricting plan] (10/24/91)
  - C. Memorandum concerning Section 2 of the Voting Rights Act (10/28/91)
  - D. State Board of Equalization's Presentation of Recommended Redistricting Plan (10/29/91)
  - E. Appendix to State Board of Equalization's Presentation of Recommended Redistricting Plan (n.d., received 10/29/91)
  - F. Critique of proposed Board of Equalization Redistricting Plans, Declaration of Brad Sherman, second declaration of Dr. Alan Heslop (11/28/91)
- II. California Common Cause, S022835
  - A. Submission of California Common Cause (10/28/91)
- III. Coalition of Asian Pacific Americans for Fair Reapportionment, S022835
  - A. The CAPAFR preliminary redistricting plans and appendices (10/28/91)
  - B. CAPAFR critique and comments on other submitted reapportionment plans to the Special Masters (11/8/91)
- IV. Mexican American Legal Defense and Educational Fund (MALDEF), S022835
  - A. Introduction and submission of redistricting proposals by MALDEF as Amicus Curiae (10/3/91)
  - B. Supplemental memorandum summarizing historical voting discrimination currently affecting the Latino's community right to vote in California (10/29/91)
  - C. Opposition of MALDEF as Amicus Curiae to redistricting proposals before the Special Masters (11/8/91)
  - D. Amended Attachments F through H correcting errors in previously submitted adjusted Latino Coalition plan - Assembly .. amended Volume II (unadjusted Assembly Plan), (n.d., received by Special Masters 11/19/91)
  - E. Amended Attachments I-K correcting errors in previously submitted unadjusted Latino Coalition plan - Senate ... amended Volume III (unadjusted Senate Plan), (n.d., received by Special Masters 11/19/91)
  - F. Amended Attachments O-Q correcting errors in previously submitted adjusted Latino Coalition plan - Assembly ... amended Volume IV (adjusted Assembly Plan), (n.d., received by Special Masters 11/19/91)
  - G. Amended Attachments R-AA correcting errors in previously submitted adjusted Latino Coalition plan - Senate ... amended Volume V (adjusted Senate plan & district imprison tables), (n.d., received by Special Masters 11/19/91)
- V. NAACP, S022835
  - A. Presentation of Los Angeles NAACP President Joseph H. Dugg, re: 1990 reapportionment (10/31/91)
  - B. Declaration of Adrian Dove in support of presentation of Los Angeles NAACP President Joseph H. Duff re: 1990 reapportionment (10/31/91)
- VI. California Democratic Congressional Delegation
  - A. Post-Hearing memorandum of members of the California Democratic Congressional Delegation concerning proposed legislatively-adopted Congressional plans and alternate proposals, S022835, (11/8/91)
  - B. [Letter from Jonathan Steinberg of the law firm, Irell & Manella, to Supreme Court notifying Court of objections to Masters recommendations] (12/19/91)
  - C. Notice of Motion and motion by plaintiffs, for injunction, case no. C 91 3383 FMS, United States District Court, Northern District of California (1/21/92)
  - D. [Plaintiffs' proposed injunction], case no. C 91 3383 FMS (1/21/92)
  - E. Memorandum of Points and Authorities in Support of Preliminary Injunction, case no. C 91 3383 FMS (1/21/92)
  - F. Plaintiffs' request for judicial notice re: preliminary injunction, case no. C91 3383 FMS (1/21/91)
  - G. Plaintiffs' Appendix of Declarations re: preliminary injunction, case no. C91 3383 FMS (1/21/92)
  - H. Proof of service, case no. C 91 3383 FMS (1/21/92)
  - I. Proof of service, case no. S022835 (1/21/92)

- J. Proof of service, case no. C 91 3383 FMS (1/21/92)
  - K. Proof of service of order setting briefing schedule, C 91 3383 FMS (1/21/92)
  - L. Legislature's Congressional Plan C (revised), C 91 3383 FMS (1/21/92)
  - M. Delegation's proposed remedial plan as filed in *Wilson v. Eu* Vol. I, C 91 3383 FMS (1/21/92)
  - N. Delegation's proposed remedial plan as filed in *Wilson v. Eu* Vol. II, C 91 3383 FMS (1/21/92)
  - O. Delegation's proposed remedial plan as filed in *Wilson v. Eu*, supplemental submission (1/21/92)
  - P. Master's Proposed Plan as presented in *Wilson v. Eu*, C 91 3383 FMS (1/21/92)
  - Q. [Letter from Jonathan Steinberg to Prof. Paul McKaskle requesting that Special Masters staff preserve all materials concerning redistricting plans in case materials be sought by the Delegation] (12/9/91)
  - R. [Letter to Jonathan Steinberg from Paul McKaskle accepting request] (12/11/91)
  - S. [Civil cover sheet and complaint of the California Democratic Congressional delegation re: the invalidity of the present United States Congressional districts under the United States Constitution and under federal statutory laws] [9/30/91]
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## Box 4

- I. U.S. Assistant Attorney General, Civil Rights Division, Preclearance
  - A. [Letter from Paul McKaskle, Director and Chief Counsel, Special Masters, to Assistant Attorney General, Civil Rights Division, John R. Dunne, re: redistricting preclearance - California] (10/18/91)
  - B. [Letter from Assistant Attorney General, John R. Dunne, to Louisiana state senators concerning redistricting preclearance in Louisiana] [6/28/91]
  - C. [Letter from Assistant Attorney General, John R. Dunne, to Hainon A. Miller, chair, Mississippi Senate Elections Committee, concerning redistricting of the Mississippi Legislature] [7/2/91]
  - D. Letter from Assistant Attorney General John R. Dunne to Virginia Deputy Attorney General, K. Marshall Cook, concerning redistricting of the Virginia House of Delegates [7/10/91]
  - E. [Letter from Assistant Attorney General, John R. Dunne, to New York City Districting Commission concerning 1991 districting plan for the New York City Council in Bronx, Kings and Yew York counties, NY] [7/19/91]
- II. Secretary of State March Fong Eu Presentation, S022835
  - A. Written presentation of defendant March Fong Eu regarding the critical nature of the timing and substance of proceeding (10/18/91)
- III. Amicus Curiae Briefs, S022835
  - A. ... United Chambers of Commerce of the San Fernando Valley, et al., three copies and one fax copy (10/21/91)
  - B. Brief of Quentin L. Kopp, request for judicial notice and declaration of amicus curiae (10/28-29/91)
  - C. Brief of the [California] Attorney General as amicus curiae, three copies (11/1/91)
- IV. Public Hearings
  - A. Public hearing, Sacramento (10/24/91)
  - B. Public hearing, San Francisco (10/25/91)
  - C. Public hearing, San Francisco (10/26/91)
  - D. Public hearing, San Diego (10/30/91)
  - E. Public hearing, Los Angeles (10/31/91)
  - F. Public hearing, Los Angeles (11/1/91)
- V. Requests to appear at public hearings and public comments submitted to Special Masters
- VI. Rose Institute submissions
  - A. *UCLA Law Review*, v.33, no.1, Symposium, "Gerrymandering and the Courts" (10/85)
  - B. Presentation before the Special Masters on Reapportionment by Alan Heslop and Leroy Hardy (10/30/91)
  - C. National Conference of State Legislatures 1991-92 *Publications Catalogue*
  - D. Information packet on Senate Bill 287, 1991, *Redistricting in 1991: Time to Draw the Line* [9/30/91]
  - E. Publication: *The Gerrymander: Origin, Conception and Re-emergence*, by Leroy Hardy (1990)
  - F. Publication: *Redistricting Reform: an Action Program* [by Leroy Hardy and Alan Heslop] (1990)
  - G. *Gerrymandering in California, 1981-82, Illustrations*, [1982?]; *The Gerrymander Explained* (n.d.)
  - H. Publication: Reapportionment Law: the 1990's, by the National Conference of State Legislatures (Oct. 1989)
  - I. *Annual Report, 1990-91* of the Rose Institute (4/15/91)
- VII. News Releases from the California Administrative Office of the Courts (9/26/91-12/2/91)
- VIII. Collected newspaper articles concerning the 1990 Masters' reapportionment (12/3/91-12/18/91)
- IX. Submissions to Director and Chief Counsel Paul L. McKaskle re: Report and Recommendations of Special Masters on Reapportionment, in the Supreme Court of the state of California, no. S0228355, [1992?] by Michael J. Halliwell.
  - A. Submission regarding *Report and Recommendations of Special Masters on Reapportionment*
  - B. Legal analysis supporting changes in Masters' districts proposed in "Submission to Director and Chief Counsel Paul L. McKaskle re: Report and Recommendations of Special Masters on Reapportionment in the Supreme Court of the state of California. S022835 by Prof. Michael J. Halliwell, [1992?] [Incomplete copy, pp. 1-21 only]"

- C. Petition to enlarge mandate of Special Masters on Reapportionment, by Prof. Michael J. Halliwell, S022835 (Jan. 14, 1992)
  - X. Cases and materials on reapportionment
    - A. California Constitution, Art. XXI, Sec.1
    - B. Opinion of the Attorney General, 80-1109 (7/21/81)
    - C. Notice of hearing before the Special Masters on Reapportionment and Rules of Hearings; and related materials (1973)
    - D. Silver v. Brown (1965) 63 Cal.2d 270
    - E. Legislature v. Reinecke (1972) 6 Cal. 3d 595
    - F. Legislature v. Reinecke (1973) 9 Cal. 3d 166
    - G. Legislature v. Reinecke (1973) 10 Cal. 3d 396
    - H. Appendix B to 10 Cal. 3d 396
    - I. Assembly v. Deukmejian (1981) 30 Cal. 3d 638
    - J. Voting Rights Act of 1965, As amended, 42 U.S.C. § 1973(a)-(ff)
    - K. 28 CFR ch. 1, parts 51-51.67
    - L. Thornburg v. Gingles, (1986) 478 U.S. 30
    - M. Garza v. City of Los Angeles, (1990) 918 F.2d 763
    - N. McNeil v. Springfield Park District, (7 Cir. 1988) 851 F.2d 937
    - O. East Jefferson Coalition v. Jefferson, (E.D. La. 1988) 691 F.Supp. 991
    - P. Reynolds v. Sims, (1964) 377 U.S. 533
    - Q. Kirkpatrick v. Priesler, (1969) 394 U.S. 526
    - R. Calderon v. City of Los Angeles, (1971) 4 Cal.3d 251
  - XI. Maps
    - A. Master's plan maps
    - B. Delegation's plan maps
    - C. Miscellaneous districting maps
    - D. Senate plan maps
  - XII. Miscellaneous File
    - A. Voting Rights Act, Congressional district breakdowns comparing Panel, MALDEF and Plan A plans (filed 10/26/91)
    - B. Copies of Supreme Court Calendar (5 copies), (1/13/92)
    - C. Memorandum : [correction to Report and Recommendations of Special Masters on Reapportionment] (1/10/92)
    - D. Governor's Fine Tuning Tract Splits (n.d.)
    - E. [District reports for Masters Plan, Assembly, Senate and Congressional districts, by voter registration and ethnicity] (12/2-3/91)
    - F. Special Masters on Reapportionment Recommendations, list of tract districts by county] (11/29/91)
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## Box 5

- A. Report and recommendations of Special Masters on Reapportionment Memorandum S022835, (11/29/91)
  - B. Memorandum: Corrections to above (12/09/91)
  - C. Corrections to Appendix 3
  - D. Appendix One (Map of recommended districts)
  - E. Appendix Two: Population statistics by districts
  - F. Special Masters recommendations, list of tract districts by county (11/29/91)
  - G. Folder: Misc[ellaneous] documents
    - 1. Special Masters Docket: filings, diskettes and documents received
    - 2. Petition for writs of prohibition restraining respondents from conducting elections according to districts (based on 1980 census) (09/06/91)
    - 3. Notice of Hearings before the Special Masters and Rules of Hearings S022835, (10/08/91)
    - 4. Memorandum order: Procedure for the "timely implementation of reapportionment plans consistent with the time table outline in original report." S022835, (10/23/91)
  - H. Minority Maps
    - 1. Plan A, Section 5: Minority Maps
    - 2. Plan B, Section 5: Minority Maps
    - 3. Plan C, Section 5: Minority Maps
  - I. Appendix II: Reapportionment plan for the California State Senate S022835, (10/24/91)
  - J. Appendix III: Reapportionment plan for the California Board of Equalization S022835, (10/25/91)
  - K. Appendix IV: Reapportionment plan for the California Congressional delegation (10/25/91)
  - L. Plan Maps
    - 1. Plan A: Southern California
    - 2. Plan A: Central California, Northern California
    - 3. Plan B: Southern California
    - 4. Plan B: Central California, Northern California
    - 5. Plan C: Southern California
    - 6. Plan C: Central California, Northern California
    - 7. 1980 Assembly Districts Maps
  - M. Post Hearing Memorandum of Members of the California Democratic Congressional Delegation Concerning Proposed Legislatively Adopted Congressional Plans and Alternate Proposals (11/08/91)
    - 1. Legislature's Congressional Plan  
Volumes I & II S022835, (10/24/91)
    - 2. Legislature's Congressional Plan B  
Volumes I & II S022835, (10/24/91)
    - 3. Legislature's Congressional Plan C  
Volumes I & II S022835, (10/24/91)
  - N. Introduction and Submission of Redistricting Proposals by the Mexican American Legal Defense Educational Fund and Amicus Curiae 8022835, Vol.1-5 (10/30/91)
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