

Redistricting 2011: Latinos Want Stronger Voice Based on Numbers

By Arturo Vargas

Latinos throughout the nation eagerly anticipated the 2011 redistricting cycle. Aware that their numbers had increased dramatically during the last decade, they hoped that redistricting would provide a crucial opportunity to ensure fairer representation for them and give them a stronger voice in the nation's democracy.



The release of 2010 Census data not only confirmed the increase in Latino population since 2000, it also revealed that Latinos had fueled overall population growth in many states. Gains in Congressional seats owing to reapportionment could be directly linked to gains in the Latino population. Even among states that did not gain seats, the Latino explosion either helped retain existing seats or prevented greater losses. (See Table 1).

Voter Rights Act Invoked to Ensure Fairness

The Latino community approached the 2011 redistricting fully aware that they may need to enforce compliance with one of the nation's most powerful protections against discriminatory electoral practices, i.e. the Voting Rights Act of 1965 (VRA), enacted by Congress during the civil rights era. Initially, the Act primarily protected African Americans

from discrimination in voting, forbidding such practices as literacy requirements and poll taxes. Section 2 of the VRA, however, protects underrepresented populations from discriminatory voting and election practices nationwide. And Section 5 mandates that states with a history of discrimination against underrepresented groups submit their redistricting plans to either the U.S. Department of Justice (DOJ) or a federal district court for "preclearance." The DOJ or the courts can block the redistricting if it diminishes electoral opportunities for underrepresented voters.

Busbee v. Smith, 549 F. Supp. 494 (1982), which is about the 1981 congressional redistricting plan adopted by Georgia's state legislature and the DOJ's refusal to grant it preclearance is a vivid example of how the VRA has protected African American voters during redistricting. The court upheld the DOJ's action, finding that the legislature's plan to split cohesive African American communities into separate districts diluted their voting power, while keeping white communities united throughout the state. The case served to highlight Georgia's history of discrimination against African Americans in previous redistricting efforts and the rampant racism within the House Committee responsible for it. Committee Chair, Representative Joe Mack Wilson, decried the DOJ's scrutiny with the remark: "[The] Justice Department is trying to make us draw nigger districts, and I don't want to draw nigger districts."

Using the VRA to Protect "Language" Minorities

In 1975, Congress amended the VRA to extend its

protections to “language minorities”—essentially Latinos, Native Americans, Asians, and Pacific Islanders. In 2003, advocates had to invoke the VRA to protect Latino voters in Texas when Republicans, having gained control of the legislature, decided to conduct a mid-decade redistricting for partisan advantage. In *LULAC v. Perry*, 549 U.S. 399, 435 (2006), the U.S. Supreme Court found that the Texas legislature’s plan divided the heavily Latino areas of Webb County and Laredo city to protect an incumbent and required the district lines to be redrawn to comply with the VRA.

The dynamics of redistricting vary depending upon the formal requirements of each state’s redistricting processes, its political environment, and the composition of its population. As the 2011 redistricting proceeds, line drawers in each state are charting very different courses for the Latino community, which has made VRA compliance a top priority in its 2011 redistricting advocacy.

Following is a state-by-state look at the 2011 redistricting—through a Latino lens:

Texas

Latinos hoped that the state’s gain of four new congressional districts (the largest increase in the nation) would lead to greater opportunities for representation. But their optimism was tempered by their historic experience of redistricting in Texas, where persistent discrimination against Latinos has resulted in several successful VRA lawsuits.

Last July, rather than submit its redistricting plan to the DOJ for preclearance, the Texas legislature decided to file it in federal court. The DOJ countered with its own filing in the court, claiming that the legislature’s congressional and House redistricting plans fail to comply with the VRA. Now Latino civil rights advocates have brought a lawsuit, which argues that the legislature should have created additional Latino majority congressional districts in the Dallas-

2010 Congressional Apportionment and Latino Population Growth for Selected States

State	Congressional Seat Gain/Loss	Total Population		Latino Population Increase 2000-2010	Latino Share of Population Growth 2000-2010
		2000	2010		
Texas	+4	20,851,820	25,145,561	2,791,255	65.0%
Florida	+2	15,982,378	18,801,310	1,541,091	54.7%
Arizona	+1	5,130,632	6,392,017	599,532	47.5%
Nevada	+1	1,998,257	2,700,551	322,531	45.9%
Georgia	+1	8,186,453	9,687,653	418,462	27.9%
Washington	+1	5,894,121	6,724,540	314,281	37.8%
Utah	+1	2,233,169	2,763,885	156,781	29.5%
South Carolina	+1	4,012,012	4,625,364	140,606	22.9%
California	0	33,871,648	37,253,956	3,047,163	90.1%
Colorado	0	4,301,261	5,029,196	303,086	41.6%
New Mexico	0	1,819,046	2,059,179	188,017	78.3%
Illinois	-1	12,419,293	12,830,632	497,316	120.9%*
New Jersey	-1	8,414,350	8,791,894	437,953	116.0%*
New York	-2	18,976,457	19,378,102	549,339	136.8%*

*In these states, Latino population growth exceeded total population growth, and there was a net decline in the non-Latino population. Essentially, Latinos helped ensure a total population increase during the decade.

Fort Worth area, Harris County, and the southern and western parts of the state. The lawsuit also challenges redistricting plans for the Texas House of Representatives on the grounds that it dilutes Latino voting strength. The Texas redistricting preclearance lawsuit will continue in the U.S. District Court in Washington, DC, where a three-judge panel will make the final decision on VRA compliance.

Nevada

In Nevada, where Latino growth helped the state gain an additional Congressional seat, fair representation for the Latino community is at the core of the redistricting impasse between Republican Governor Brian Sandoval and the Democratic legislature. Sandoval vetoed plans submitted by the legislature twice, on the grounds that they do not create a congressional district with a large enough Latino population to enable them to elect the candidate of their choice. But the Democratic legislature and some Latino advocates believe that the plans are more advantageous to Latinos because they will be able to choose representatives more effectively if they can influence the outcome of the election within a wider spread of Congressional districts. Other Latino advocates, however, believe that the Governor's congressional plan does a better job of uniting Latino voters.

As yet, no final redistricting plans are in place in Nevada but several lawsuits have been filed and the new districts will likely be determined by the courts.

Arizona

Latinos are at the center of a tug-of-war between Republicans and Democrats in Arizona, where Latino population growth helped the state gain an additional congressional district. The state's redistricting plan will undergo special scrutiny because it is subject to the requirements of Section 5 of the VRA. Although redistricting has just begun, there is already an intense public debate about the value of VRA compliance. Under Arizona state law, redistricting plans must promote competitive elections where both Republicans and Democrats have an equal opportunity to be elected in a single district. However, there is significant tension between creating competitive districts and complying with the VRA, which

requires districts to unify communities that share similar demographic characteristics and voting patterns. Since Arizona Latinos are more likely to register as Democrats (51 percent) than as Republicans (17 percent), districts that unite Latinos with shared voting patterns may not be competitive in general elections, although many districts have very competitive party primary races.

Some Arizona groups are critical of the VRA and are advocating for it to be a lower priority than partisan competitiveness in the state's redistricting. Late last August, Arizona Attorney General Tom Horne filed a lawsuit challenging the constitutionality of Section 5 of the VRA. In light of Arizona's recent history of enacting anti-Latino and anti-immigrant legislation, Latinos in the state will need to actively fight back to protect Latino voting rights during the redistricting process.

Florida

Following a gain of two congressional districts in the state owing to Latino population growth, Latino civil rights groups are advocating for a Central Florida congressional district where much of the state's population increase occurred. As it proceeds with redistricting, the Florida legislature must apply new redistricting criteria that voters added to the state Constitution through ballot measures in the November 2010 elections. The controversial new criteria prohibit the legislature from drawing districts with the intent to favor or disfavor a political party or incumbent. Although the purpose of this prohibition is to prevent unfair partisan gerrymandering and incumbent protection, some civil rights advocates are concerned that it might impair the legislature's ability to draw VRA-compliant districts.

California

Latinos were responsible for 90 percent of the state's population growth in the last decade, which prevented the state from losing a congressional seat. For the first time, a Citizens Redistricting Commission drew the lines for California's congressional and state districts. Latinos were actively engaged in community mobilization and advocacy efforts to ensure that the divisions would provide greater Latino elec-



toral opportunities. Though the Commission did draw two new strongly Latino congressional districts in the Northeast San Fernando Valley and the San Diego/Imperial County areas, advocates believe that the Commission's State Senate map will severely diminish fair opportunities for Latino representation and that an additional strong Latino congressional district should have been drawn in the state's Central Valley. Latino voting rights advocates are reviewing the map to determine whether a VRA suit is warranted.

New York

The state lost two congressional districts through reapportionment and must eliminate them during redistricting. However, Latino population growth helped prevent the state from incurring a greater loss. During the last decade, the Latino population grew by 19 percent, while the non-Latino population actually declined by 1 percent. Advocates are working to ensure that the Latino voice remains strong even with the elimination of two districts, particularly in New York City.

Latinos and the Future of American Democracy

Latinos throughout the nation have recognized the critical importance of the 2011 redistricting cycle and actively worked to shape the drawing process. Groups, such as the National Association of Latino

Elected and Appointed Officials (NALEO), the Mexican American Legal Defense and Educational Fund (MALDEF), and LatinoJustice PRLDEF have conducted extensive efforts to mobilize the community to testify at redistricting hearings. Community members have gone before state legislatures and commissions to talk about their neighborhood concerns and the common issues that unite them. Latino voting rights organizations have submitted maps and initiated legal challenges.

Ultimately, decisions yet to be made by state legislatures, redistricting commissions, or courts will determine whether Latinos fully gain opportunities for increased representation in the 2011 redistricting cycle. Latinos are America's second largest population group, and the nation's prosperity and well-being depend on the strength of this community. It is therefore critical that Latinos choose elected representatives who can fashion policy solutions that address their community's concerns.

Compliance with the VRA during redistricting will help the nation leave behind its legacy of discrimination against Latinos, ensure an accountable democracy, and provide all Americans with leadership that will help the nation surmount its social and economic challenges. If the lines drawn during the 2011 redistricting provide opportunities for fair Latino representation, they will also become a roadmap for a stronger and more vibrant American democracy. ■

Photo:

People hold signs and show support for a redistricting proposal. Hundreds of speakers gave emotional testimony on creating a Latino majority district.

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