

## **Dear Redistricting Commissioners, Staff, and Counsel**

**Let me see if I got the Legal Analysis correct? Quoting:**

*“I have not participated in either drawing the proposed maps or the public hearing process leading up to them. Thus, I have no first-hand knowledge of the Commission’s application of the Charter’s factors and limitations to this point.” (Memorandum FROM: Craig A. Steele ,DATE: November 12, 2021, SUBJECT: Preliminary Analysis of Draft Council District Maps, Page | 2)*

*“Next, the Commission is required to apply the substantive factors for districts, and the limitations imposed, in the City Charter. Section 5.1 of the City Charter provides, as relevant here:*

*“Each redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and federal statutes. To the extent it is practical to do so, districts shall: preserve identifiable communities of interest; be geographically compact - populous contiguous territory shall not be bypassed to reach distant populous areas; be composed of whole census units as developed by the United States Bureau of the Census; be composed of contiguous territory with reasonable access between population centers in the district; and not be drawn for the purpose of advantaging or protecting incumbents.”*

*“I have not participated in either drawing the proposed maps or the public hearing process leading up to them. Thus, I have no first-hand knowledge of the Commission’s application of the Charter’s factors and limitations to this point.” (Memorandum FROM: Craig A. Steele ,DATE:*

November 12, 2021, SUBJECT: Preliminary Analysis of Draft Council District Maps, Page | 2)

*'The work that has been done, I am informed, to better align district boundaries with significant geographic or public infrastructure features is a helpful step in better protecting communities of interest.'* (Memorandum FROM: Craig A. Steele ,DATE: November 12, 2021, SUBJECT: Preliminary Analysis of Draft Council District Maps, Page | 2)

*"I am not aware of any evidence-based allegation that any proposed map was drawn **for the purpose of** advantaging or protecting incumbents. .'* (Memorandum FROM: Craig A. Steele ,DATE: November 12, 2021, SUBJECT: Preliminary Analysis of Draft Council District Maps, Page | 2)

*"In particular, I respectfully direct Commissioners' attention to addressing areas where it appears that minority voters' opportunity to elect the candidates of their choice may be reduced somewhat because of population shifts. The example of where this may be occurring in the draft maps is the reduction of Latino CVAP in proposed District 9 as compared to the existing District condition, on all three maps. During your public hearing process and deliberation, it will be important to fine tune the map you choose as much as possible to protect such voters' rights."* (Memorandum FROM: Craig A. Steele ,DATE: November 12, 2021, SUBJECT: Preliminary Analysis of Draft Council District Maps, Page | 4)

*"During your public hearing process and deliberation, it will be important to fine tune the map you choose as much as possible to protect such voters' rights. Those adjustments **do not** have to be made at your meeting on Saturday, but may be made during the public hearing process before adoption of a final*

map. (Memorandum FROM: Craig A. Steele ,DATE: November 12, 2021, SUBJECT: Preliminary Analysis of Draft Council District Maps, Page | 4)

**My Summing up the Attorney's carefully and professionally written Memorandum is by way of generous paraphrasing**

**It looks like you got size of districts about right**

**The Maps might or might not violate the "natural boundaries" principal of geographical and infrastructure features because my knowledge is only on what someone has told me**

**I have not heard directly any legally sound evidence of the purposeful attempts to influence the process**

**I have not listened to the testimony or received any adverse evidence; so I cannot give an opinion as to your compliance with your basic duties under the City Charter, the Constitution or the law Quoted Below:**

*"Each redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and federal statutes."*

**BECAUSE, to date the Commission has provided any evidence that it has done the above analysis to ... provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and federal statutes."**

**There is an example of where reduction in Latino minority voters' opportunity to elect candidates may be occurring - District 9**

**But go ahead listen to folks make your maps and we will see what happens**

**RECOMMENDATIONS based on Outside Legal Counsel's attached letter**

**Immediately , do professional analysis of language minorities – Particularly in 2011 D9 and D6 Where limited English Speakers' voting participation may be diluted by the “72525 (“Chair’s map”), and 74956 (“Clairemont United”)”<sup>1</sup>**

**Immediately, do the other analysis required by the City Charter to ensure:** *“Each redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and federal statutes.”*

**Carefully consider whether any Cracking and Packing has occurred in any Map under consideration, as noted in the subject MEMORANDUM:** *“This standard led to the “cracking and packing” analogy I know Commissioners have heard about. <sup>4</sup>Thornburg v. Gingles, 1986) 478 U.S. 30, 47 <sup>5</sup>Id. at 46, n. 11” (Memorandum FROM: Craig A. Steele ,DATE: November 12, 2021, SUBJECT: Preliminary Analysis of Draft Council District Maps, Page |3).*

**Immediately analyze whether multiple geographical and infrastructure boundaries are being crossed to accomplish impermissible Cracking and Packing**

**Immediately inform Counsel of any attempts by office holders, their surrogates, or registered Lobbyists to influence the process. Include in this information any failures of Commission members and staff to follow the full Disclose provisions of the BYLAWS Article III Section 3 and Article V Section 5 and Section 6.**

All the best,  
John Stump  
2411 Shamrock Street  
City Heights, California 92105

Telephone: 619 281-4663

**From:** Fleming, Lora <LJFleming@sandiego.gov> **On Behalf Of** Redistricting Commission Staff  
**Sent:** Friday, November 12, 2021 12:15 PM  
**To:** Redistricting Commission Staff <Redistricting2020@sandiego.gov>  
**Subject:** Memo from Outside Legal Counsel

Thank you for your interest in the City of San Diego Redistricting Commission. In addition to the agenda and supporting materials sent out yesterday, I am providing the [Preliminary Legal Analysis Prepared by Outside Legal Counsel](#) (also attached) for the special meeting of Saturday, November 13 at 10 a.m.

Please submit public comments using the [Webform](#). The agenda and supporting documents are also available on the Redistricting Commission [website](#) under the [Meetings](#) tab. Thank you and have a good afternoon.

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**From:** Fleming, Lora on behalf of Redistricting Commission Staff <[Redistricting2020@sandiego.gov](mailto:Redistricting2020@sandiego.gov)>  
**Sent:** Thursday, November 11, 2021 12:53 PM  
**To:** Redistricting Commission Staff <[Redistricting2020@sandiego.gov](mailto:Redistricting2020@sandiego.gov)>  
**Subject:** Redistricting Commission Agenda for 11/13 Special Meeting

Thank you for your interest in the City of San Diego Redistricting Commission. Below is the agenda (also attached) and most of the supporting documents for the special meeting of Saturday, November 13 at 10 a.m.

Pursuant to the Brown Act, notice of Saturday's special meeting and the agenda must be posted at least 24 hours prior to the start of the special meeting. (Noticing requirements are different for special meetings which do not require the 72 hours notification for a regular meeting.) However, City staff, HaystaqDNA and the Commission's outside legal counsel have worked hard since receiving the Commission's direction on Tuesday night to post the agenda and backup materials sooner than the required 24 hours. In addition to the following materials, I will also provide the Commission's outside legal counsel analysis on the three maps once those are finalized.

Agenda:

[Redistricting Commission Special Meeting Agenda 11-13-2021](#)

Supporting Documents:

HaystaqDNA Reports on:

- [Map approved by the Commission on 10/29: Map #72525](#)
- [Communities Collaboration Map: Map #72602/#70727 \(both numbers have identical maps\)](#)
- [Map submitted by residents on 11/3 titled, "Keeping a community together makes sense" and "Clairemont United Update 11/3/21". Both submissions link to Map #74956](#)
- [Consolidated report on the 3 proposed maps and current \(2011\) City Council districts](#)

Preliminary Plans for:

- [Map approved by the Commission on 10/29: Map #72525](#)
- [Communities Collaboration Map: Map #72602/#70727 \(both numbers have identical maps\)](#)
- [Map submitted by residents on 11/3 titled, "Keeping a community together makes sense" and "Clairemont United Update 11/3/21". Both submissions link to Map #74956](#)

Please submit public comments using the [Webform](#). The agenda and supporting documents are also available on the Redistricting Commission [website](#) under the [Meetings](#) tab. Thank you and have a good afternoon.

**From:** [john stump](#)

**Sent:** Thursday, November 11, 2021 5:34 AM

**To:** [david.garrick@sduniontribune.com](mailto:david.garrick@sduniontribune.com); [Redistricting Commission Staff](#)

**Cc:** [Derryl Williams](#); [Ellen Nash](#); [Eryn Wilson](#); [Trinh Le](#); [francine](#)

[maxwell](#); [Andrea Hetheru](#); [Samantha Jenkins](#); [Alyce Pipkin-allen](#); [Pastor John Warren](#); [Dr. John Warren](#); [francinemaxwell@gmail.com](mailto:francinemaxwell@gmail.com); [Samantha Jenkins](#); [Brian Pollard](#); [Laila Aziz](#); 'Darin Noyes'

**Subject:** All the focus is North of Adams Avenue Compromises but the Hispanic, Black and LGBTQ vote gets diluted

Dear Mr. Garrick and Redistricting Commissioners

Thank you for your reporting

[http://enewspaper.sandiegouniontribune.com/infinity/article\\_share.aspx?guid=ecae2b67-359d-45ba-9899-d1cb09454439](http://enewspaper.sandiegouniontribune.com/infinity/article_share.aspx?guid=ecae2b67-359d-45ba-9899-d1cb09454439)

Your article misses the main Voting Rights point of this whole effort. Redistricting is not about keeping one subdivision or commercial business district together or even where elite colleges are placed. It is about preventing political manipulation to gerrymander away the voting rights of racial minorities.

The Chairman's Map and the mislabeled Compromise map only deal with peripheral non voting rights questions. Both of these maps dilute the Hispanic, Black, and LGBTQ voting rights. These Middle Class subdivision maps are focused on housing development subdivisions rather than fair political participation.

The very biased and frankly conflicted commission leadership [two commissioners the Chair and Kosmos are holdover Republican appointees on the SD Ethics Commission] have waited until this last Saturday meeting to even consider the Voting Rights race changes from the current 2010 Council Districts to the new Chairman's / Compromise maps. If those maps continue then it would be better to not have the Commission get the 6 votes on a final map, [Population increases only require Council District changes North of Adams Avenue because of Coastal growth in District One] Four [4] Voting Rights committed Redistricting Commissioners need to state clearly that they are not going to vote for any map that dilutes the number of Hispanic districts and otherwise dilutes the Black and LGBTQ vote.

Both these subdivision shopping district maps are traditional white class power maps that return San Diego to the 1970's Mayor Wilson era control of the City. Both subdivision maps foster more developer growth and stifle

neighborhood control. My City Heights community again becomes dominated by the North of Adams Avenue rich and our politics become, again, dominated by political contributions rather than the elected representative's progressive performance.

This commission took no time to apply equal student residency analysis for the other 3 colleges -SDSU, USD, & POINT LOMA but focused on only on La Jolla and the coast. Analysis of other colleges might have shown heavy attendance areas for Hispanic and Black students in the south.

The Chairman ran the clock out on this redistricting game because he had his own Map and Plan. He has had the other commissioners brain storming about dream houses in the sky without ever consulting an architect about the rules of construction. The Commission has yet to consult with their Voting Rights Attorney about gerrymandering rules!

It is obvious, to anyone that understands the principals of redistricting , concerning the use of natural boundaries to prevent artificial gerrymandering, that the two Chairman's maps are gerrymandering to dilute. Both these maps cross into the San Diego River Mission Valley areas and cross major streets and freeways to get the diluting populations the schemers want. Nobody in the Mid City thinks Mission Valley has ever been part of their neighborhoods!

On Saturday, after all the public shouting from coastal, ucsd alumni, and the wealthy is over; four commissioners need to make clear and unequivocal statements that they are not going to vote for the dilution of the voting rights progress already achieved with the current 2010 council districts. Without those 4 votes a new map cannot be adopted.

Voting Rights is the NO JUSTICE NO PEACE issue

Sent from [Mail](#) for Windows