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ARTICLE

THE CHICANO COMMUNITY AND THE REDISTRICTING OF THE LOS ANGELES CITY COUNCIL, 1971-1973

RICHARD SANTILLÁN*

INTRODUCTION

Latino participation in local governmental politics in the southwestern United States has grown at an unprecedented rate in the last decade.¹ This movement into local politics has often been overlooked by Latino political leaders. Nevertheless, the increase in locally elected Latino officials as well as city managers, city planners, commissioners and the like compels one to ask whether this localized political strength can be mustered to bolster Latino representation at the state and federal levels. I think that local political activities can perform this function. If so, the question to be addressed is what is the extent of current Latino involvement in local politics. Before discussing this issue, I will dispel a few popular misconceptions people may have as to the role local officials play in the overall political process.

First, we should dispel an assumption that local government officials lack the requisite political clout to achieve social, economic and educational change in the Spanish-speaking community. Political clout and efficacy must be established at all levels. To write off local politics as inconsequential ignores political fact. Many issues close to the heart of the Latino community are resolved locally. For instance, low-cost housing, youth and citizens programs, police matters, parks and recreation, cooperative job training programs with local businesses, affirmative action programs, public education issues, and zoning are matters which generally get resolved at the local level.

Second, critics have maintained that local government has become obsolete over the past 30 years. The current move by President Reagan, however, to shift responsibilities which were

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1. See Symposium, *Political Strategies* (Dr. Leobardo Estrada discussion), 6 CHICANO L. REV. 1, 9-16 (1983).

formerly federal matters (e.g., health care, welfare, legal services, among others) to local jurisdictions can hardly be ignored. As the transfer progresses, the actions of city councils, local school boards, local health departments and bar associations will take on even more importance than is presently the case. Further, the move will prompt Latinos in federal, state and local positions to develop cooperative relationships. Political and economic necessity will themselves encourage such cooperation among Latino representatives in order to assure that equitable shares of limited social resources and services reach the Latino community.

Third, the view has been held that state and federal positions are more glamorous and profitable than their local government counterparts. This may be currently the case, but one clear fact is that Latino state and federal legislators have often received their political baptism in local politics. Included among these individuals are U.S. Congressman Edward R. Roybal (the only Los Angeles City Councilman of this century), California State Senators Joseph Montoya (former Mayor of La Puente) and Ruben Ayala (former Chino School Board member and San Bernardino Board of Supervisors), and California Congressman Matthew Martinez (former Assemblyman and Mayor of Monterey Park). Clearly, local government positions can serve as political apprenticeships for those seeking higher offices.

It merits emphasis that it is not until the above mentioned fallacies about local politics are dispelled that a productive examination of the state and federal political participation question will be possible.

Once it is understood where Latinos stand in local politics, it becomes possible to clarify what roads remain to be traversed. This article chronicles the events which characterized the 1971 to 1973 Los Angeles City Council redistricting battle. The examination will show that despite the gains Latinos have made in local politics, two major obstacles continue to block full Latino political involvement. The first is the discriminatory practice of at-large district elections,² which dilute the influence of Latino votes. The second obstacle is racial gerrymandering,³ which can result in an election being won or lost before a single vote is ever cast. These barriers are substantial, with the result that, in a city like Los Angeles with a Latino population approaching 30 percent, there are no Latino representatives on the 15-member Los Angeles City Council or the 7-member City School Board.

The following examination begins with a background survey

2. See Symposium, *Reapportionment* (Moderator discussion), 6 CHICANO L. REV. 1, 34 (1983).

3. See *id.* at 36.

of the Los Angeles local political picture, including the role which the courts, elected officials, and community organizations have played in the political process leading up to 1972. Part II discusses the August 1972 redistricting negotiations, and Part III recounts the September 1972 approval of Councilman Edelman's plan to redistrict Los Angeles. Part IV examines the critical response of Latino leaders and other concerned groups to the Edelman plan. Part V presents recommendations for more equitable redistricting in the future, and Part VI is a postscript which updates the discussion.

I. BACKGROUND

Redistricting done in a political realm cannot be ideally perfect.
To expect otherwise is naive.

—Los Angeles Councilman Edmund D. Edelman, 1972⁴

Historically, the city of Los Angeles has had the distinction of having a larger population of Mexican Americans than any other city in the United States. Ironically, only one Mexican American—Edward R. Roybal—has served on the Los Angeles city council since 1881. Roybal, who now holds a seat in the U.S. Congress, ran for the city council in 1947 but lost by 370 votes. In 1949, the East Los Angeles-based Community Service Organization launched a massive registration drive among Mexican Americans and was able to register nearly 50,000 people within a 90-day period. With additional support from the Jewish and liberal Anglo leadership in the city, Roybal defeated Parley Christianson in 1949, 20,581 votes to 12,015.⁵ In an editorial concerning the election of Roybal to the city council, the *Los Angeles Daily News* commented that:

[T]he rising political consciousness of this Latin one-eighth promises the beginning of a valuable bridge-building job. During the modern years of Los Angeles' emergence as the third city of the nation, a gulf has separated most Mexican-American citizens from the rest of the community. This gulf has been caused by many things: by language, by custom, by educational and economic factors. It's a gulf that isn't going to be bridged overnight. But a start toward bridging it at its most strategic point can be made at the precinct polling place. For it is here where citizens begin to achieve social recognition and municipal attention on par with that accorded other segments of the population. It is here citizens start to become responsible co-participants in the life stream of the community and nation Roybal's election indicates democracy is stepping for-

4. Baker, *Council's Redistricting Plan Called a Mockery*, L.A. Times, Sept. 7, 1972, § II, at 1, col. 4.

5. Interview with U.S. Congressman Edward R. Roybal (Aug. 26, 1980).

ward on the homefront.⁶

In 1962, Roybal was elected to the U.S. House of Representatives, becoming the first Mexican American elected to the federal legislature from California since statehood in 1850. As a result of several Mexican Americans competing against one another for the vacant seat, Roybal's city council seat was won in 1962 by Gilbert Lindsay, a black. In 1968, because there was no Mexican American representative on the city council, Councilman Thomas Bradley spearheaded an attempt to enlarge the body from 15 members (its size since 1925, when the city's population was 500,000) to 17 members.⁷ This would have given the council an opportunity to shape new districts in the Mexican American area without threatening incumbents with a loss of office prior to the 1971 city council redistricting. However, Bradley's proposal to place the council-enlargement measure on the ballot as a possible amendment to the city charter, lost by a single vote in the city council. Instead, the Bradley plan was placed on the ballot as an initiative, and was defeated by the voters in 1969.

On March 2, 1971, the California Supreme Court ruled that Los Angeles councilmanic seats must be reapportioned on the basis of equal-population districts.⁸ The suit had been brought by the American Civil Liberties Union on behalf of Richard M. Calderon, a long-time political activist in Los Angeles. Calderon had charged that the old method of apportionment, based on the number of registered voters rather than total population, resulted in "overrepresentation" of some districts and "underrepresentation" of others—particularly those populated by ethnic and racial minorities. The state Supreme Court, in weighing the case, used 1968 figures and found that the largest city council district had about 70% more people than the smallest (see Appendix A). The Court declared:

Adherence to a population standard, rather than one based on registered voters, is more likely to guarantee that those who cannot or do not cast a ballot may still have some voice in government. . . . Furthermore much of a legislator's time is devoted to providing services to his constituents, both voters and non-voters. A district which, although large in population, has

6. Griffith, *Viva Roybal-Viva America*, COMMON GROUND (Aug. 1949).

7. CALIFORNIA STATE ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS: REPORT ON THE REAPPORTIONMENT OF LOS ANGELES' 15 CITY COUNCILMANIC DISTRICTS 4-5 (Sept. 7, 1972).

8. *Calderon v. City of Los Angeles*, 4 Cal. 3d 251, 93 Cal. Rptr. 361, 481 P.2d 489 (1971). See also Interview with Richard Calderon, L.A. County Administrator (Oct. 16, 1980). For Redistricting in L.A. see H. Flores, *Reapportionment of City Council Districts in Los Angeles, California: A Study of Systemic Discrimination* (Apr. 1980) (paper presented at the 1980 National Association of Chicano Studies held in Houston, Tex.).

a low percentage of registered voters would, under a voter-based apportionment, have fewer representatives to provide such assistance and to listen to concerned citizens.⁹

In the May 1971 city election, the voters of Los Angeles showed their approval of the Supreme Court's decision by approving a charter amendment which would apportion city districts on the basis of overall population rather than registered voters. (The new charter provision did allow for a 10% population variance between districts, however, whereas the state Supreme Court had said nothing about a percentage of variance.) Los Angeles City Councilman Edmund D. Edelman, who had been named chairman of the Charter and Administrative Code Committee (which would oversee the city redistricting) applauded the idea of redistricting on the basis of equal population:

The city council has been out of date in using registered voters as a basis of reapportionment. It has denied to more populous areas of the city equal representation with less populous areas. The court ruling provided only one example of how outdated the existing Charter is.¹⁰

On October 13, 1971, Councilman Edelman announced that a top priority for the city redistricting would be the election of a Mexican American to the city council. At that time, according to the 1970 census, almost one in five residents of the city of Los Angeles had a Spanish surname (specifically, 18.4% of the population, or 518,781 persons).¹¹ Large Mexican American populations were found in the 9th District (15.1%), the 13th (24.66%), and the 14th (66.8%)—in the eastern, northeastern, and central sections of Los Angeles. In addition, there were several other districts with large Chicano populations: the 1st (23.5%); 4th (29.8%); 10th (19.7%); and 15th (26.0%). (See Appendix B.)

When questioned by reporters about which incumbents might be targeted to lose their districts in order to elect a Mexican American, Edelman stated that he could not provide that information; but he added that the election of a Mexican American to the city council was more important than the protection of any incumbent.¹²

Starting in April 1972, a group calling itself Chicanos for Fair Representation (CFR) held a series of meetings with Councilman Edelman in order to make recommendations aimed at ensuring

9. Blake, *L.A. Council Districts out of Line, Court Says*, L.A. Times, March 3, 1971, § II, at 1, col. 5.

10. *Id.*

11. City of Los Angeles Planning Department, 1960, 1970 and 1980 Hispanic Populations by City Council Districts, Nov. 17, 1981.

12. Baker, *Redistricting of Council to give Representation to Latins Urged*, L.A. Times, Oct. 14, 1971, § II, at 1, col. 5.

Chicanos a fair share of districts which they might win or in which they might at least have substantial influence on the incumbent. Chicanos for Fair Representation was actually a coalition of Chicano, Jewish, and liberal Anglo groups that had previously worked as a pressure group in the California state legislative redistricting, and was now focusing its attention on the Los Angeles City Council redistricting.¹³

On May 22 and 23, 1972, the Charter and Administrative Code Committee held hearings in the council chambers for the purpose of (1) establishing those criteria which would be used in drawing the new district lines, and (2) drawing the districting plan which best respected those criteria. A number of representatives of Chicanos for Fair Representation testified, and made the following recommendations for the drawing of new district lines:

1. The creation of districts of equal *population*, with deviations of no more than one percent from the "ideal" population of 187,737.
2. In order to give all voters a chance to cast a ballot for their new representative, the holding of elections in all 15 councilmanic districts at the next general election (1973)—with odd-numbered districts electing for four-year terms and even-numbered districts electing for two-year terms.
3. The preservation and protection of communities of interest.
4. The ignoring of all "political" considerations, including use of voting precincts as district building blocks, the following of old district lines, the protection of the interests of incumbents, and the designing of a particular plan only because it would have enough support from council members to win majority approval.
5. The treatment of the Chicano community, in particular, in such a way as to protect and preserve the integrity of the community and the community of interest thereof; and consistent with the above factors, the creation of districts which would overcome the residual effect of past dilution of Chicano voting power.¹⁴

After making their recommendations, Chicanos for Fair Representation presented their own preliminary redistricting plan and the arguments for its approval. The preliminary plan was referred to as the MALDEF (Mexican American Legal Defense and Educational Fund) plan. The MALDEF plan had been prepared by an outside consultant, Clifford Lazar, a computer expert and

13. Interview with Clifford Lazar, MALDEF Consultant for L.A. City Council Redistricting Plan (May 6, 1981).

14. Mexican American Legal Defense and Educational Fund (MALDEF), Petition for Writ of Mandate and Declaratory Relief: Memorandum of Points and Authorities in Support Thereof 8-9 (1972) [hereinafter cited as MALDEF Petition for Writ].

political activist.¹⁵ The key feature of the MALDEF plan was the District 14 would be changed to an odd-numbered district so that the election there would be held in 1973 (MALDEF apparently had abandoned the hope of holding elections in all districts in 1973); also, the district's Hispanic population would increase from 66.8% to 74%. The MALDEF plan called for a higher percentage of Hispanics in District 14 for two reasons: (1) the district had a substantial population of undocumented and "green-card" residents, and (2) there was a high voter registration in the non-Chicano, middle-class areas of Eagle Rock and Highland Park.

The second major component of the MALDEF plan was that District 4 would be viewed as a growth district for Chicanos, with its Chicano population increasing from 29.8% to 43.5%. According to Lazar, the population needed in this district to elect a Chicano candidate was about 54%, and population growth would achieve that percentage over a period of time.

As the hearings of the Charter and Administrative Code Committee progressed, it soon became evident that if Chicanos were to obtain a district, it would be through changes in the lines of either the 4th, the 9th, or the 14th Districts. However, Councilmen Lindsay (the 9th) and Snyder (the 14th) indicated that they would not allow their districts to be taken away from them.¹⁶

II. THE AUGUST 1972 REDISTRICTING NEGOTIATIONS

On August 4, 1972, Los Angeles School Board member Julian Nava, CFR representative and attorney Percy Duran, and Stanley Levy of the Beverly Hills Bar Association Law Foundation, met with Councilman Edelman to discuss the progress of the city redistricting plan.¹⁷ Edelman informed the delegation that he was designing two possible districts for the Mexican American population: District 14, with a 70% Spanish-surname population, and District 4, with a 30% Spanish-surname population. The three-man group stated they disapproved of Edelman's plans for two major reasons: first, both of the districts in question were even-numbered and would not be contested until 1975; and second, there was no significant increase in the Hispanic population percentages of the two districts. (According to Edelman, District 14 would increase from 66.8% to 70% Hispanic, and District 4 from 29.8% to 30%). The visiting delegation then requested that District 14 be made odd-numbered so that there would be an elec-

15. See Lazar Interview, *supra* note 13.

16. Baker, *Council Battle on Redistricting Seen*, L.A. Times, May 21, 1972, § A, at B, col. 4.

17. See MALDEF, Petition for Writ, *supra* note 14, at 10. See also City of L.A., Community Development Department, Community Analysis and Planning Division, *An Ethnic Trend Analysis of Los Angeles County, 1950-1980* (Dec. 1977).

tion in 1973; and that the Hispanic population percentage in District 4 be increased from 30% to 40%. Edelman replied that it was politically impossible to satisfy these requests, and he added that such a plan could not obtain the required votes in the council to pass. At the conclusion of the meeting, the three individuals informed Councilman Edelman that his plan was unacceptable to the Chicano community because it protected the political interests of incumbents at the expense of that community. They added that the MALDEF plan was the only plan they had seen which was fair to the Spanish-speaking community of Los Angeles.

On August 10, Councilman Edelman unveiled his proposed redistricting plan before the Charter and Administrative Code Committee.¹⁸ In introducing his proposal, Edelman announced that his plan would do the following:

1. For the first time, the size of the districts would be based upon actual population rather than registered voters.
2. The districts would be approximately equal in population, with each district having about 188,000 persons.
3. Communities of interest would be preserved.
4. The Mexican American community would be provided with the opportunity to elect a councilman of its choice.
5. There would be one "Mexican American growth district," in which the growth pattern in the district over the coming ten years would increase the number of Chicanos in the district so as to afford them an opportunity in the future to elect a Chicano candidate.¹⁹

The new 14th District, which Edelman had chosen as his "Mexican American" district, would encompass the communities of El Sereno, Boyle Heights, Lincoln Heights, and Eagle Rock, giving the new district a 68% Spanish-surname population. The "Mexican American growth district," for its part, was the 4th District of Councilman John Ferraro, which included Elysian Park, Echo Park, and the Rampart-Temple areas—with a Hispanic population of about 30%.

Councilman Snyder, whose district was supposed to go to a Mexican American under the so-called "Edelman plan," called the entire Edelman proposal a "fraud" on the Mexican American community.²⁰ Snyder maintained that because of the large disparity between Chicano population and Chicano voter registration, the new Mexican American district would not necessarily elect a Mexican American councilman. Snyder said that the Anglo area of Eagle Rock, which was included under the Edelman

18. Jones, *Council to Study Remap Plan to Give Latins a Voice*, L.A. Times, Aug. 11, 1972, § II, at 1, col. 4.

19. *Id.*

20. *Id.*

plan in the 14th District, had 28,545 residents and 16,584 registered voters, while the Mexican American area of Boyle Heights—also included in the new 14th District—had 81,159 people but only 13,618 registered voters.²¹ Also, under the Edelman plan, Cypress Park and Elysian Valley, Mexican American communities with a strong sense of unity and community identification, were cut in half. Finally, there was debate over the actual percentage of Hispanics in the new 14th District. Edelman claimed the district was 68% Hispanic, but MALDEF figures indicated the Hispanic population was only 57%.²²

Councilman Snyder soon introduced his own plan for the northeastern part of the city, in which he maintained he could carve out a Mexican American district without destroying the economic, cultural, and social unity of his own district. At the same time, Snyder predicted that both Chicanos for Fair Representation and the residents of northeast Los Angeles (predominantly middle-class, non-Chicano voters) would file lawsuits against the city if the Edelman plan was implemented.²³

Despite the protests of Snyder, Chicano groups, and the residents of northeast Los Angeles, the Charter and Administrative Code Committee voted to send the Edelman plan before the full city council.²⁴ But before the council could act on the Edelman plan, Richard Martinez, coordinator of Chicanos for Fair Representation, put before the council an alternative MALDEF plan which would have created a district with 65% Chicano population, stretching from Boyle Heights and City Terrace on the east to downtown Los Angeles on the west. The new MALDEF plan also created another district which had a 45% Spanish-surname population, and which stretched from Lincoln Heights into parts of Hollywood. Finally, the MALDEF plan sought to maximize the political power of the Chicano community in the San Fernando Valley by packing Chicano voters into one district which, as a result, had a 30% Spanish-surname population.²⁵

On August 14, 1972, Councilman Edelman introduced two major redistricting plans before the full city council.²⁶ One plan was his own, while the other was developed by MALDEF. Forty-

21. CALIFORNIA STATE ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS, REAPPORTIONMENT OF L.A.'S 15 CITY COUNCILMANIC DISTRICTS 8 (March 1973) [hereinafter cited as REAPPORTIONMENT OF DISTRICTS].

22. MALDEF Petition for Writ, *supra* note 14, at 34 (Edelman's plan drawn on street map not on census tract map contributed to the controversy).

23. Quinn, *Northeast Up in Arms over Redistricting Plan*, L.A. Times, Aug. 17, 1972, § 7, at 1, col. 4.

24. *Id.*

25. See Jones, *supra*, note 18.

26. Sell, *Council Approves New Redistricting Ordinance*, L.A. Times, Aug. 14, 1972, § II, at 1, col. 1.

three witnesses attacked the Edelman plan before the council. Several Mexican American spokespersons pointed out that under the Edelman plan, the Mexican American community would have to wait nearly three years for an opportunity to elect a councilman, during which time incumbent councilman would have time to prepare themselves to defeat any Mexican American challenger. Mexican American representatives also pointed out that Edelman's so-called "Mexican American growth district" contained only a 30% Mexican American population, and this was a smaller percentage than existed in three other councilmanic districts that had never elected a Mexican American to the city council.

After hearing the witnesses, the city council voted 13-1 to direct the city attorney to make some minor boundary changes and changes of wording in the Edelman plan.²⁷ After the city attorney had drafted an ordinance, he would return it to the city council for a vote on the final draft.

The following day, August 15, U.S. Congressman Edward R. Roybal and Los Angeles School Board member Julian Nava announced that they would join with other Mexican American leaders in a lawsuit if the Edelman plan was approved.²⁸ At about the same time, U.S. Senator Alan Cranston (D-California) wrote a letter to Los Angeles Mayor Sam Yorty, urging him to veto the Edelman plan if the measure reached his desk. Cranston believed that Mayor Yorty's veto would force the city council to give more consideration to one of the MALDEF plans, or that a veto would allow the California Supreme Court to intervene and draw new boundaries. Cranston added in his letter to Yorty that:

The actions by the council can only be interpreted by the Chicano community as a design to keep them disenfranchised as long as possible. Since the City Council works to the detriment of the Chicano community, I have no choice but to support the impending legal action that will be brought by MALDEF.²⁹

On August 29, several representatives of Chicanos for Fair Representation met with Councilman Edelman to try to persuade him to reconsider the MALDEF plans; however, he informed the group that the council would support his plan when the plan came back from the city attorney's office.³⁰

27. *Id.*

28. L.A. Times, Aug. 16, 1972.

29. Shuit, *Cranston Asks Yorty to Veto Redistricting Plan*, L.A. Times, Aug. 22, 1972, § 1, at 12, col. 1.

30. MALDEF Petition for Writ, *supra*, note 14, at 14.

III. THE SEPTEMBER 1972 APPROVAL OF THE EDELMAN REDISTRICTING PLAN

On Friday, September 1, the city council on a 13-1 vote gave tentative approval to the Edelman plan. (Technically, the vote marked approval of the first reading of the proposed ordinance by which the city council would redistrict for the 1975 election.)³¹ The only dissenting vote came from Councilman Snyder, who prophetically stated that the Edelman plan had "foreclosed the possibility of a Mexican-American being elected to the city council for the next 10 years."³² Snyder also said that he would lend his support to MALDEF in any legal action, and on September 3, he wrote to the editors of the *Los Angeles Times* a letter which read in part:

There is no greater hypocrisy than to speak the lie that the new council district configurations are drawn for the purpose of creating a Mexican-American district. If the council does not intend to do so, then it should say that plainly, stating its reasons. If it intends to do so, then it should be done. But political expediency should not masquerade as virtue, and that portion of the Mexican-American community which, rightly or wrongly, feels that a district of concentrated Spanish-surname voters will bring them closer to the opportunity for full political expression should not be misled by the sham of the Edelman redistricting plan.³³

On September 6, U.S. Senator John Tunney (another California Democrat) requested that Mayor Yorty veto the Edelman plan; he also urged the Los Angeles City Council to review the MALDEF options.³⁴

The following day, the California State Advisory Committee to the United States Civil Rights Commission published its second report on the city council redistricting; the report recommended implementation of the MALDEF plan, and also requested that the U.S. Justice Department file a civil rights suit against the city if the Edelman plan was adopted. The Advisory Committee's 12-page report urged, furthermore, that the power to redistrict be removed from the city council and given to a special commission specifically chosen for that purpose. The committee's report concluded:

The Los Angeles City Council has given no indication that it understands the seriousness of its public obligation on this mat-

31. Sell, *Council Tentatively OKs City Redistricting Plan*, L.A. Times, Sept. 2, 1972, § II, at 1, col. 5.

32. *Id.*

33. *Snyders Critique of Redistricting Plan* (Letter to the editor), L.A. Times, Sept. 3, 1972, § D, at 2, col. 3.

34. MALDEF Petition for Writ, *supra*, note 14, at 15.

ter. With some fanfare, it invited Mexican-American representatives to speak at its public hearings on the issue. We must question whether it knew all along that a fair and just reapportionment was politically impractical. We must ask whether it merely wanted to put on a good show while attending to its own political comforts.

It created false hopes in a community which has already been victimized . . . too often by political sleight of hand. Adoption and implementation of the council's plan could have serious repercussions both in and beyond the Mexican-American community. The community has shown genuine patience, awaiting its turn to "join the club," to become recognized as a community deserving of rights which should be inherent.

But it is a community of human beings weary from the games we play on it. You cannot continually exclude large numbers of people from participation in their own government without making a mockery of the democratic process and inviting civil disturbance.³⁵

On September 8, 1972, the Los Angeles City Council, by a vote of 10-2, gave final approval to the Edelman plan and sent it to Mayor Yorty for his signature.³⁶ On September 15, various representatives of the Mexican American community met with the mayor to try to convince him to veto the plan.³⁷ On that very day, Mayor Yorty did indeed veto the plan, following this action with a suggestion that a court-appointed master might do a better job of redistricting than the city council could. Yorty declared that incumbent protection was the highest priority in the council's deliberations, and that the four public hearings held by the council were inadequate and "denied the public a fair and full opportunity to express their views" on redistricting.³⁸ There was probably another important consideration also for Yorty when he vetoed the plan. Yorty and Councilman Snyder were close political allies, and for years there had been speculation that Yorty would like to see Snyder succeed him as mayor. (This did not rule out the possibility of Yorty's seeking a third term in 1973, however.) Councilman Edelman and Councilman Tom Bradley—both liberals—had been hinting, though, that they might run for mayor. Yorty may have thought, then, that the Edelman plan had two purposes: (1) to appease the Mexican American community but to give them only one district; and (2) to defeat Snyder, a strong conservative contender against whichever liberal ran in the 1973

35. REAPPORTIONMENT OF DISTRICTS, *supra*, note 21, at 12.

36. Baker, *Council Approves Plan to Create Latin District*, L.A. Times, Sept. 9, 1972, § II, at 1, col. 5 & at 16, col. 1.

37. MALDEF, *Petition for Writ*, *supra*, note 14, at 15.

38. Kendall, *Yorty Kills Council Redistricting Plan*, L.A. Times, Sept. 21, 1972, Sept. 16, 1972, § II, at 1, col. 5.

mayoral election.³⁹

Edelman reacted to the mayor's veto by stating:

It appears on the whole that the basic reasons for the veto are the mayor's general dislike for the council and its processes and that he sees some political advantage with his election coming up next year. The mayor implies that the plan is not fair to the Mexican-American community. While it is not perfect, it does for the first time in the city's history create a district providing an excellent opportunity for increased Chicano representation on the council.⁴⁰

On the other side of the issue, Yorty's veto was hailed by Richard Martinez, spokesman for Chicanos for Fair Representation, who stated, "The Mayor has effectively told the city council what everyone else has been saying, that they did a bad job of redistricting."⁴¹ Naturally, Councilman Snyder was also happy with the veto. "I'm very pleased that the mayor [made] this decision," said Snyder. "The effect of this will probably be a decision in the courts. Now we have an opportunity through the courts to obtain a fair districting of the city."⁴²

There was now a legal complication confronting the city council. The city charter required that a plan to redistrict the city had to be approved by midnight, September 15—just a few hours after Yorty vetoed the Edelman plan. Thus, an override of the mayor's veto by the city council could be challenged in court because the override violated the time requirement of the city charter. However, on September 18, City Attorney Roger Arnebergh ruled that the failure of the council to meet the September 15 deadline did not relieve the council of the responsibility to redistrict, and he offered the legal opinion that the city council could still act on the redistricting of the city.⁴³

On September 19, 1972, the Los Angeles City Council voted 10-3 to override Mayor Yorty's veto; thus the council implemented the Edelman plan.⁴⁴ On the same day, the *Los Angeles Times* published the opposing views of Councilman Edelman and Herman Sillas, chairman of the California Advisory Committee to the U.S. Commission on Civil Rights, on the merits of the Edelman plan. Said Edelman:

39. Kendall, *Yorty's Redistricting Veto Overridden, 10-3*, L.A. Times, Sept. 19, 1972, § 1, at 3, col. 5.

40. Interview with Joe Ortega, MALDEF Staff Attorney, Los Angeles (Apr. 29, 1981).

41. *Id.*

42. *Id.*

43. Kendall, *Snyder Predicts Overriding of Reapportionment Veto*, L.A. Times, Sept. 19, 1972.

44. Kendall, *Council Overrides Redistricting Veto*, L.A. Times, Sept. 20, 1972, § 1, at 3, col. 4.

Some critics favor plans with two strong Mexican-American seats, generally with a 60% and 40% Spanish surname population, respectively. But some councilmen viewed such plans as "gerrymandered" solely to concentrate large numbers of Chicano residents at the expense of other required and legitimate reapportionment guidelines—such as keeping districts compact and following natural and street boundaries. Such plans adversely affect the integrity of the other 13 districts.

The council's redistricting plan is the best one the legislative process will yield. As long as the city charter says that the council must reapportion itself, we must face this political fact of life: any reapportionment must collect eight votes to survive, and ten now that the mayor has vetoed it. To propose a politically unreasonable plan doomed to defeat would have been a fraudulent and empty gesture. To propose a realistic plan that accomplishes much toward increased Mexican-American representation, but stands an excellent chance of finally being approved, was a far wiser, more responsible course of action.⁴⁵

Taking a different view of the Edelman plan, Sillas stated:

Councilman Edmund D. Edelman, author of the plan, says that he sympathizes with the Mexican-American community, but that it's the best he could do, accepting certain political realities. . . . If "political realities" preclude 18% of our population from sharing the decision of government, then our political system is due for an overhaul.

Fair reapportionment isn't something to be sought just to help the Mexican-American community. It's an essential element in democratic society. It is as important as free elections. The Chicano, left out of the political process for so long, has slowly been giving up on the system. After years of frustration and political wars, we have lost, not only elections, but our desire to participate, because there's no chance to win.⁴⁶

IV. COMMUNITY RESPONSE TO EDELMAN PLAN

As direct consequences of the adoption of the Edelman plan, the Chicano community took two actions. First, on October 3, 1972, the Mexican American Legal Defense and Educational Fund, the Model Cities Center for Law and Justice, and the Beverly Hills Bar Association Law Foundation filed a lawsuit against the Los Angeles city council claiming that the Edelman plan, in denying Chicanos a fair measure of representation, was in violation of the California Constitution.⁴⁷ The case was filed with the

45. Edelman, *The Council Remap Plan was Realistic*, L.A. Times, Sept. 19, 1972, § II, at 7, col. 1.

46. Sillas, *But Not to the City's Chicanos*, L.A. Times, Sept. 19, 1972, § II, at 7.

47. Press Release from MALDEF (Oct. 3, 1972). The press release stated, in part, "To continue with this policy of paternalism toward Chicanos leads us to believe

California Supreme Court, which in turn delegated the case to the California Court of Appeals. The MALDEF suit asked the courts to declare the following:

- (1) that no election could be conducted under the Edelman plan;
- (2) that no redistricting plan could be implemented which operated to dilute the voting strength of the city's Mexican American population;
- (3) that the protection of incumbents was not a proper goal of reapportionment;
- (4) that the MALDEF plan, or some other plan which was fair and equitable to the Mexican American community, must be implemented;
- (5) that the Edelman plan was void because it did not become effective until seven days after the deadline established by the city charter for enactment of a reapportionment plan.⁴⁸

The second action of the Chicano community was to begin a recall campaign against Councilman Snyder. Snyder and the Chicano community may have been "strange bedfellows" thus far in redistricting, but Chicanos were more than ready to give up their tenuous alliance with Snyder when they were confronted with the fact that District 14—the only district where they might elect a Chicano councilman—would not be contested for three years. Accordingly, in November 1973, a group of Mexican Americans led by Dr. David Lopez-Lee, a professor at the University of Southern California, was successful in gathering the required signatures to put a recall measure on the ballot.⁴⁹ (Lopez-Lee was required to collect 6,378 signatures prior to the December 5 deadline; by early November, he had acquired 7,000 names.) Lopez-Lee then announced that he would run against Snyder. Snyder charged that Lopez-Lee, who was part Chinese and part Mexican American, was practicing reverse racism by attacking him because he was not Mexican American.⁵⁰ Snyder also claimed that many of the names on the recall petitions were fraudulent; but Los Angeles City Clerk Rex E. Layton, after an in-depth investigation, found the signatures to be valid.⁵¹ Later, Snyder filed a court action to delay the recall election until a full investigation was carried out regarding the possibility of fraudulent petitions. Lopez-

that the city council is telling us that Chicanos are not capable of handling elective office and are therefore not ready to participate in governing the city of Los Angeles, which, by the way, was founded by Mexicans." See also Del Olmo, *Chicanos Press Own Council Redistricting*, L.A. Times, Oct. 16, 1972, § 11, at 1, col. 5.

48. MALDEF, Petition for Writ, *supra*, note 14, at 2-3.

49. Interview with Dr. David Lopez-Lee, USC Professor of Public Administration; Chicano Studies (July 12, 1977) (Dr. Lopez-Lee ran against Snyder in 1973).

50. *Id.*

51. *Id.*

Lee said that Snyder's move did not worry him, and that it would delay the recall election only for a few weeks. The Superior Court finally ruled against Councilman Snyder, paving the way for the election.

On January 7, 1974, the Los Angeles City Council voted 12-0 to hold the recall election on March 19, the first such election in the city since 1950.⁵² Lopez-Lee had hoped to run alone against Snyder, but several other Mexican American candidates also filed papers to run for the office.⁵³ Lopez-Lee and Richard Calderon, Los Angeles City Health Service Administrator, were considered the front runners to replace Snyder if the recall were successful. Throughout the campaign, Snyder referred to the recallers as "leftists" and members of La Raza Unida Party, a Chicano third-party.⁵⁴ By the last week of the campaign, contributions to Snyder to help fight the recall totaled more than the funds gathered by all his opponents put together, \$57,416 to \$31,475. On March 19, Snyder won an easy victory with nearly 62% of the vote against his recall.⁵⁵

The unsuccessful attempt to recall Snyder was the second major setback for the Chicano community; for on October 31, 1973, the California Court of Appeals upheld the Edelman plan for Los Angeles redistricting.⁵⁶ In its opinion, the court found nothing unconstitutional in the Edelman plan, which created one councilmanic district with a 67% Mexican American population and a second district that was 30% Mexican American. The court ruled that the validity or desirability of the MALDEF plan was not the issue before the court. Rather, the issue was the constitutionality of the Edelman plan. The court concluded:

We can find nothing in the case which would authorize a court to invalidate an otherwise constitutional redistricting plan, simply because another plan might have been enacted had the redistricting body been blind to its impact on incumbents. Again, we emphasize the difference between our position and that of the masters whose recommendation is presently before the California Supreme Court. The masters very properly concluded that their objective "should not be the political survival or comfort of those in office." It does not follow, however, that a court is authorized to invalidate an otherwise legal plan because such objective is shown to have been one of the factors which entered into its adoption. . . . To summarize: As far as this par-

52. *Id.*

53. *Id.*

54. R. Santillán, *The Politics of Cultural Nationalism: El Partido De la Raza Unida in Southern California, 1969-1978*, at 66 (1978) (Ph.D. dissertation, Claremont Graduate School).

55. Interview with Dr. Lopez-Lee, *supra*, note 49.

56. *Castorena v. City of Los Angeles*, 34 Cal. 3d 901, 110 Cal. Rptr. 569 (1973).

ticular case is concerned, the fact that consideration of incumbency prevented the city council from enacting a plan more acceptable to petitioners, is legally neutral.⁵⁷

On November 14, 1973, the Court of Appeals denied a MALDEF request for a rehearing of the case.

In late 1972, Councilman Edelman stated that "the reapportionment plan I proposed and the city council adopted increases the opportunity for Mexican American representation."⁵⁸

Despite Edelman's denials, there exists substantial evidence that incumbent self-interest, and not Mexican American representation, was the primary consideration behind the Edelman plan. For example, of the 15 city councilpersons who were in office in 1973, only one has since been defeated for re-election. The entrenchment of incumbents is further indicated by the fact that in elections since 1973, incumbents have not even had to face a run-off election 75% of the time, because they have won the primary with better than 50% of the vote (see Appendix C). Also, it might be pointed out that only 22 Spanish-surname candidates (out of a total of 187 candidates) have run for the city council since 1973, and no Mexican American has made it to a general election run-off (see Appendix D). Lastly, since 1973, no Mexican American has run for office in Districts 6, 7, 8, 9, 10, or 12, and only once has a Mexican American run in Districts 2, 3, and 4 (see Appendix E); in District 5, the only two Mexican American candidates have been write-in candidates. (Mexican American, incidentally, have also fared poorly in campaigns for the Los Angeles School Board, the mayor's office, and the office of city attorney; see Appendix F.)

V. RECOMMENDATIONS

The following are the author's suggestions for strengthening the position of the Chicano community in regard to the 1982 Los Angeles city council redistricting:

1. There must be a broad alliance of Hispanic groups from throughout the city to insure input from each geographical region.
2. Mexican Americans should put forth two or three alternative redistricting plans to insure Mexican American representation on the council and school board.
3. Mexican Americans should establish a good working relationship with the Charter and Administrative Code Committee, the mayor's office, and the office of the city attorney.
4. There must be a full-time staff to coordinate strategy and public relations efforts.

57. See *id.* at 917-18, 110 Cal. Rptr. at 579-80.

58. See Edelman, *supra*, note 45.

5. Mexican Americans should set up a speakers bureau to educate the Chicano community about the political, social, and economic benefits that may be derived from a fair redistricting plan.
6. Political alliances should be formed with other minority groups, including the Jewish, Black, and Asian communities.
7. Funds must be raised for research, publicity, and organizational activities aimed at securing greater Chicano representation.
8. All information related to redistricting should be printed in English and Spanish, and all hearings should be conducted in English and Spanish, in order to serve a large Los Angeles population whose primary language is Spanish.
9. The mass media must be utilized to the maximum as vehicles to articulate the views of Chicanos on the subject of redistricting.

The lack of political visibility of Chicanos in Los Angeles can be attributed partly to the lack of political maturity on the part of the Chicano political leadership. If we analyze the political campaigns of Chicanos for the city council and school board in the 1970s, it becomes apparent that most Chicano candidates lacked political professionalism. The 1980s will witness the emergence of a new "political technology" of computers and other sophisticated political tools.⁵⁹ The old "barrio politics" will no longer work (if it ever did) in the new political era. The election of Henry Cisneros as mayor of San Antonio, Texas, and Chicano participation in state redistricting efforts in California, Colorado, Texas, Michigan, and Illinois reflect the growing political maturity of Chicanos—their ability to use technological advances in political campaigns, and their growing skill at playing the game of coalition politics.

In Los Angeles, the following recommendations may help in the new political era to elect Chicano candidates to the city council, school board, county board of supervisors, and even the mayor's office.

1. Chicanos should establish a nominating convention to evaluate prospective candidates and their qualifications and resources. The convention delegates would be representatives of various Chicano groups in the city. Only those candidates endorsed by the convention should receive the technical and financial help of the Chicano groups. Only one Chicano candidate should run for each office, so as to avoid dividing the Chicano vote.⁶⁰

59. T. Hofeller, *Redistricting Technology: An Overview* (1980) (Claremont Calif.: Rose Institute of State and Local Government, Claremont McKenna College).

60. Reich, *Hispanics Seek to Remedy Their Political Weakness*, L.A. Times, Sept.

2. Chicanos should do an in-depth analysis of each political district regarding its voter registration history, voter turnout, and demographic and political profile.
3. Chicanos should begin *now* to prepare for elections in 1983, 1985, 1987, and 1989.
4. Chicanos should establish a "think tank" to help with candidate and campaign development.
5. There should be an ongoing program of Chicano voter registration and education.
6. Chicanos should work out a city-wide mechanism to insure maximum Mexican American turnout on election day.
7. Chicano groups should sponsor citizenship classes throughout the city.
8. There should be a medium for continual communication among Chicano groups in the city. This would insure the sharing of resources and prevent organizational duplication.
9. Chicanos throughout the city must learn to work together for their shared interests. The "gang mentality," which places territoriality above the interests of the community as a whole, must be combatted.
10. Chicanos should begin publication of a bilingual newsletter which discusses issues and grievances of concern to Chicanos, and also possible solutions.

A fair and equitable redistricting of the city council and school board should be a concern of all Latinos, regardless of political affiliation or philosophy. The fundamental issue before the Chicano community is the right to cast a meaningful and effective vote. This right can only be secured through a redistricting plan that allows Chicanos to be elected to office, or at least to have substantial influence on non-Chicano incumbents. The creation of political districts which will elect Chicanos to office is not, by any means, the solution to all the social problems that plague the barrios of Los Angeles; but certainly a louder political voice for Chicanos will be helpful in the gradual attainment of social, educational, and political equality.

VI. POSTSCRIPT

Latinos were actively involved in the 1981-82 redistricting of the Los Angeles City Council and School Board. Under the banner of Californios for Fair Representation, several Hispanic groups testified before the Charter and Elections Committee and

4, 1979, § I, at 1, col. 3. See also Herald Examiner, Jan. 9, 1983. In 1973, five Spanish-surnamed candidates ran for Councilman Snyder's seat during the recall campaign. Two years later, six Mexican-Americans ran for the same seat in the primary election. In the school board election of April 1981, three Spanish-surnamed candidates ran for the seat held by Richard Ferraro.

presented detailed redistricting plans which would likely enhance the election of Hispanics to the city council and school board. During the summer of 1982, the entire city council reviewed and discussed the proposed plans submitted by various groups, including Californios' proposal. The final city council plan did not incorporate any of the major recommendations submitted by Californios. However, the Los Angeles City Council did approve the Californios school board redistricting plan proposal.

The city council plan was an excellent example of racial gerrymandering aimed at protecting existing incumbents. An added incentive to maintain the political status quo of the council was Los Angeles Mayor Tom Bradley's 1982 campaign for California governor. Several council members had indicated they would seek the office of mayor if Bradley was elected governor. It was therefore in their self-interest to assure their presence on the council for political visibility. Furthermore, the shapes of the new districts were important to some of the mayoral hopefuls because the eventual city council losers for mayor would want a safe council seat to return to.

At the time of this publication, Californios had not taken legal action to remedy the fragmentation of the Latino community by the council. Finally, several Latino candidates have announced their candidacy to seek offices for the city council and school board for the April, 1983, city elections.

Appendix A

Los Angeles Population and Voter Registration,
1970-71

Population figures are from the City Planning Department, based on the 1970 census. Registration figures from January 1971, from the City Registrar of Voters.

<u>District Number</u>	<u>Population</u>	<u>Percent of City Population</u>	<u>Voter Registration</u>	<u>Percent of Total Pop. Registration</u>
1*	235,655	8.5	74,071	31.5
2	149,210	5.3	75,556	50.7
3	196,882	7.0	75,282	38.3
4	120,451	4.2	62,382	51.7
5	138,998	4.9	77,381	55.7
6*	165,880	5.9	69,189	41.7
7	189,060	6.7	71,748	38.0
8*	217,196	7.7	66,726	30.7
9*	274,116	9.7	54,168	19.7
10*	174,538	6.2	58,283	33.3
11	157,505	5.2	76,507	48.5
12	195,643	6.9	79,904	40.9
13	181,975	6.4	62,043	34.0
14	182,717	6.5	64,189	35.1
15*	223,454	7.9	61,646	27.5

* Districts with large concentrations of ethnic and racial minorities.

Appendix B
1960, 1970, and 1980 Hispanic Population and
Population Percentage
Los Angeles City Council Districts

District Number	Hispanic Populations			Hispanic Percentages		
	1960	1970	1980	1960	1970	1980
1	20,404	44,480	73,799	12.42%	23.49%	37.58%
2	5,912	16,595	20,363	3.73	9.24	10.84
3	6,000	16,143	21,600	4.40	8.47	11.22
4	18,459	5,487	98,494	11.02	29.83	41.66
5	4,411	12,408	13,170	2.54	6.62	7.36
6	11,773	24,170	27,747	6.55	12.74	15.71
7	6,290	21,622	51,675	3.89	11.91	25.25
8	15,821	13,422	23,595	8.78	6.88	13.24
9	25,000	27,502	78,776	12.06	15.01	37.56
10	13,674	37,931	79,599	7.39	19.65	38.47
11	6,351	16,581	15,823	4.30	8.73	8.33
12	3,748	13,651	18,506	3.41	7.30	8.98
13	15,738	46,902	79,636	9.38	24.57	36.87
14	82,060	126,768	148,295	44.95	66.82	74.26
15	24,735	46,263	64,911	15.63	26.01	34.76
Total Hispanic	260,376	519,309	815,989	10.50%	18.48%	27.50%
Total L.A. Population	2,477,558	2,815,237	2,966,763			

Source: Los Angeles City Planning Department, 1981.

Appendix C
Forced Run-Offs Against Incumbents (Regular
Elections)*

<u>Year</u>	<u>Number of Primary District Elections</u>	<u>Run-Offs</u>
1981	8	3
1979	7	1
1977	8	3
1975	7	1
1973	<u>8</u>	<u>2</u>
Total	38	10

* Does not include unexpired terms or recall or special elections.

Source: City of Los Angeles, Office of the City Clerk, Election Division.

Appendix D

Spanish-Surname Candidates in the Primary/General
Elections of Los Angeles Since 1973

<u>Primary Election</u>	<u>Total Candidates</u>	<u>Total S.S.</u>	<u>% S.S.</u>
1981	43	8*	18.6
1979	41	1**	2.3
1977	39	2	5.1
1975	31	8	25.8
1973	<u>33</u>	<u>3</u>	<u>9.0</u>
Total	187	22	11.7
<u>General Election</u>			
1981	7	1***	14.2
1979	2	0	0
1977	6	0	0
1975	4	0	0
1973	<u>4</u>	<u>0</u>	<u>0</u>
Total	23	1	4.3

* Two Write-in Candidates.

** One Write-in Candidate.

*** Joan Flores, the candidate, is an Anglo married to a Spanish-surname individual.

Source: City of Los Angeles, Office of the City Clerk, Election Division.