Geography of Race

Photos: See captions in this section.
Money magazine ranked Pleasanton among the 100 best small cities in the U.S. in 2010. The article pegged the median home price there at $465,000, and the median family income at $134,282—more than double the California average. It touted Pleasanton’s strong school system and abundance of parks, trails, public art spaces, and jobs. This eastern Alameda County city of 70,000 has more than 2.3 jobs per household, the most lopsided ratio in the region. Pleasanton, it seems, has plenty of everything—except housing.

**Thou Shalt Not Build**

City ordinances, ballot measures, zoning decisions, and General Plan provisions put in place since the 1980s have created a severe shortage of housing, particularly affordable housing. Pleasanton’s Housing Cap, approved by city voters in 1996 and reaffirmed in 2008, barred it from ever building more than 29,000 units of housing.

The housing restrictions prevent many who work in Pleasanton from living there, forcing them to become commuters. Of the 47,000 people who work in the city, around 42,000—almost 90 percent—commute to their jobs. Only about 4,000 of them take Bay Area Rapid Transit (BART) trains; the rest drive, adding to the pollution and traffic congestion in the region.
A lawsuit brought by San Francisco-based Public Advocates on behalf of Urban Habitat and housing activist Sandra DeGregorio overturned Pleasanton’s most stringent housing restrictions. The settlement in *Urban Habitat, et al v. City of Pleasanton, et al* required the city to plan and rezone for more affordable housing and sparked a broader conversation about what makes a community sustainable.

“For decades, the standard definition of sustainability focused on environmental sustainability,” says Connie Galambos Malloy, senior program director at Urban Habitat. “Now we are learning how closely environmental sustainability and equity are linked.”

**Keeping it Green for the People Who’ve Got ‘Green’**

Ironically, when the slow-growth majority on Pleasanton’s City Council first put the Housing Cap on the ballot in 1996, they framed it as environmental protection.

“We put the Housing Cap on the ballot because we wanted to keep growth within bounds that our infrastructure—especially our sewer system—could handle,” says Becky Dennis, who served on the Council from 1993 to 2002.

The Council originally paired the Housing Cap with an urban growth boundary to rein in sprawl. The Growth Management Ordinance, in place since 1986, limited the total number of housing permits that could be issued annually to 750. The city’s refusal to zone for high-density residential uses effectively blocked construction of affordable housing.

Without zoning in place, each proposal to build apartments or other high-density projects had to be debated and approved separately. This led to many Planning Commission hearings, prickly negotiations with anti-growth neighbors, and usually a reduction in the number of affordable units getting built.

Most of the low-income housing that made it through this process served seniors rather than families. Only 20 of the very-low-income units built between 1999 and 2006 were open to families with children.

As Pleasanton was tightening its housing limits, it was becoming more racially diverse. It changed from 95 percent white in 1980 to 67 percent white in 2010 (in a county that is only 35 percent white). But the city’s power structure remained 99 percent white and upper middle class, and housing policy became “the electric third rail in Pleasanton politics,” says Dennis.

“Opposition to developers and residential growth presenting itself as environmental heroism is irresistible political candy,” she says.

While Dennis herself became an outspoken advocate for affordable housing, the growth limits became tools for exclusion—just as they did nationally after the federal Fair Housing Act passed in 1968. Because the Act barred overt discrimination, suburban communities turned to zoning to enforce de facto segregation.

“The power to zone entails the power to exclude,” said Richard Marcantonio, managing attorney at Public Advocates and lead counsel on the Pleasanton
suit, explaining that communities use zoning powers to block affordable and multifamily (apartment) housing.

The landmark court decisions outlawing exclusionary zoning asserted that land use and zoning policies must serve the regional welfare, holding that regions thrive environmentally and socially when all communities have a share of affordable housing. By 1980, housing activists in California had secured a state law that required periodic “Regional Housing Needs Assessments” (RHNA) to evenly distribute housing for all income levels. (See box.)

The 1999-2007 RHNA tasked Pleasanton with building 5,059 units of housing; 729 of them had to be affordable for very-low-income families and 455 for low-income families. By 2006, the city had not even rezoned sites for affordable housing, despite the best efforts of Citizens for a Caring Community (CCC)—a small interfaith group that has become Pleasanton’s most vocal and persistent housing advocate.

Thanks to CCC, Pleasanton’s 2003 Housing Element included a plan for accommodating its affordable housing need. Under Program 19.1, the city had one year after the adoption of the Housing Element to identify enough sites for high-density residential use to meet its regional housing needs goal. It then had until June 2004 to modify its general plan and rezone so the housing could be built.

For three years, CCC lobbied for enforcement of Program 19.1. Members wrote to the Planning Commission, the City Council, and the California Department of Housing and Community Development; they met with commissioners and council members and testified at zoning hearings.

“We kept speaking out at City Council about fair share, but it was like talking to a stone wall,” says CCC activist Pat Belding, who then sought legal help from Public Advocates.

By June 2006, the number of units that could be built under the Housing Cap was too small to meet the city’s RHNA. City staff reports disclosed that only 1,686 units could be built under the Cap, far fewer than the 2,889 units in the RHNA. Public Advocates sent Pleasanton an official “demand letter” detailing the city’s violations of state housing law, and a coalition made up of CCC, East Bay Housing Organizations (EBHO), the East Bay Community Foundation, and the Tri-Valley Interfaith Poverty Forum began meeting to discuss next steps.

**Regional Housing Needs Assessments (RHNA)**

To distribute housing needs evenly within each region of the state, California’s Housing Element law provides for “Regional Housing Needs Assessments” (RHNA), prepared periodically by regional councils of government (COG). Schedules vary by region, but the assessments typically cover an eight-year period.

The RHNA includes existing and projected needs for housing at all income levels: very low-income (50 percent or less of area median income); low-income (50-80 percent of median); moderate income (80-120 percent of median); and above-moderate (more than 120 percent of median).

COGs calculate housing needs by looking at population and employment growth, existing employment, and household and employment growth near transit in the entire region and in each city or town. A jurisdiction’s housing needs obligation reflects its share of regional growth.
When All Else Fails, Sue

“Because Pleasanton’s low- and moderate-wage workers could not afford to live there, they were effectively without a voice to impact the policies keeping them out,” Galambos Malloy says. “That’s why it became important for regional groups to take action.”

Public Advocates filed suit against the city of Pleasanton in October 2006. Urban Habitat, et al v. City of Pleasanton, et al charged the city with violating state laws that require communities to meet their fair share of regional housing needs and with discriminating against people of color, female-headed households, and families with children, all of whom suffered disproportionately from the lack of affordable housing.

Because the case included a discrimination claim, one plaintiff had to be an individual who had been harmed personally. Sandra DeGregorio, a Latina single mother and student teacher who had been active in the Tri-Valley Interfaith Poverty Forum for years, stepped forward. DeGregorio had been spending more than half her income to rent in Pleasanton. “Some places said they had affordable apartments, but they had a waiting list and it took more than two years for one to open up,” says DeGregorio. She and her two children ended up moving out of town to find housing that would not break their budget.

Because the case also claimed that Pleasanton’s actions impacted the entire Bay Area, Urban Habitat stepped in as a plaintiff to represent the regional welfare. The Alameda County Superior Court dismissed the case in May 2007. Public Advocates and its co-counsel, the California Affordable Housing Law Project, appealed and won reinstatement of the suit. The California Attorney General’s office joined the suit in 2009, concerned that the imbalance between jobs and housing would keep the region from meeting the greenhouse gas reduction targets set by AB32, the state’s climate change law.

Superior Court Judge Frank Roesch upheld the plaintiffs’ claim when the case came to trial. His March 2010 ruling overturned Pleasanton’s Housing Cap and ordered

Settlement Points Way for Climate Change Planning

By opening up this opportunity-rich community, the settlement in Urban Habitat, et al v. City of Pleasanton, et al could make Pleasanton a model for organizers trying to ensure that the regional planning required by SB 375 serves equity as well as the environment.

SB 375—one of the laws passed to implement California’s climate change legislation—seeks to reverse decades of suburban sprawl. It directs regions to develop a “Sustainable Communities Strategy” (SCS) that will reduce driving and greenhouse gas emissions by supporting transit service that links jobs and affordable housing.

“The same policies that drove segregation and disinvestment in communities of color have also generated the sprawl that SB 375 aims to curtail,” says Richard Marcantonio, managing attorney for Public Advocates and lead counsel on the Pleasanton suit. “SB 375 provides a powerful opening for redrawing the regional map of opportunity and exclusion—on top of its environmental goals.”

Though Pleasanton has one of the region’s sharpest imbalances between jobs and housing, many other Bay Area communities follow its pattern. Most Bay Area cities and towns of more than 25,000 people—41 out of 57 studied by the Association of Bay Area Governments—lack sufficient housing for their low-income workers.

Since SB 375 only sets goals and does not prescribe the planning strategies for regions to bring jobs, affordable housing, and transit closer together, Bay Area activists have formed a broad network called "6 Wins for Social Equity" to engage in the SCS planning process. They are advocating for a strategy to bring affordable housing to all the area’s job-rich transit-connected communities and expand existing local transit service. This will help spread the social benefits of communities like Pleasanton and reduce sprawl as well.

Cities that export their housing needs, as Pleasanton did, create a sprawling “commute-shed” of low-wage workers. Affordable housing near jobs will cut vehicle miles traveled to work and greenhouse gas emissions, benefiting low-income workers and the regional environment alike. ■
the city to zone for affordable housing. Pleasanton opted to settle rather than appeal.

Under the settlement agreement signed in August 2010, the city agreed to pass an ordinance prohibiting discrimination against families with children needing affordable housing; to prepare a new Housing Element for its General Plan by August 2011; and to rezone three sites in Hacienda Business Park for high-density housing, with a minimum of 15 percent or 130 units (whichever is greater) of affordable housing.

Settlement Helps Community Rethink “Green”

In implementing the settlement agreement, Pleasanton opened a new community conversation on sustainability. It set up a 20-member task force to review plans for the new development at Hacienda Business Park and held community meetings to get input on the new Housing Element, especially on potential locations for affordable housing.

CCC members began working with the Great Communities Collaborative to ensure that the settlement terms were fulfilled. The collaborative comprises seven organizations that are dedicated to equitable transit-oriented development. The Non-Profit Housing Association of Northern California and EBHO took the lead in Pleasanton, with support from Greenbelt Alliance and Urban Habitat.

“People were having conversations about density, about what Pleasanton means to them,” says Peter Cohen, former policy director of EBHO, which has been involved in Pleasanton housing issues for years. “They were changing their idea about protecting the community and seeing their community in relation to the region.”

If the Hacienda Plan discussions prompt a broader shift in thinking, Pleasanton could be a model for other communities trying to move toward a more inclusive, regional perspective—one that sees affordable housing near jobs and transit as a building block for sustainability, not an obstacle to it.

“Pleasanton has some real lessons to teach us about how to find common ground in a political moment of dramatic demographic change,” says Galambos Malloy. ■

Endnotes

2. abag.ca.gov/planning/interregional/pdf/projections/IRP_Projections.pdf
3. Data compiled by BART between July 2010 and May 2011 show an average of 3,666 people taking the train from Pleasanton during the evening commute.

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The Changing Landscape of Race and Class
In his landmark book about race and class in Oakland and the East Bay, Robert Self describes the suburbs surrounding Oakland as the “white noose.” 1 The line between predominantly black East Oakland and almost exclusively white San Leandro was well known in the country and helped to reinforce the common perception of “white” suburbs and “black” cities. But in the Bay Area, which has long been multiracial, with a complicated and spread out geography, this was never completely the case. Yet, it has been a fact of life for African Americans to be confined to a handful of cities at the core of the Bay—namely, Richmond, Oakland, San Francisco, and East Palo Alto.

Over the past generation, this geography has been changing. The Bay Area’s low-income and communities of color are no longer concentrated exclusively in inner core cities. They have been moving in large numbers to the outer suburbs—most notably, to the eastern Contra Costa County communities of Bay Point, Pittsburg, Antioch, Oakley, and Brentwood. Today, over half of East County’s 250,000 residents are African American, Latino, Filipino, or East Asian.

For new immigrants, as well as longtime residents, East County is a place of both opportunity and struggle. Many were able to become first-time homeowners by taking advantage of East County’s relatively affordable housing stock. But rampant predatory lending practices that targeted buyers of color led to skyrocketing mortgage payments and declining home values that put East County at the epicenter of the national foreclosure crisis. In Brentwood, nearly 2 percent of the homes faced foreclosure last August. 2

As the housing industry slump spread to other parts of the economy, increased unemployment put further pressure on East County families. Even with the recession “officially” over, East County continues to suffer from some of the highest unemployment rates in the Bay Area. Pittsburg’s unemployment rate was 17 percent last July and overall unemployment was nearly 14 percent for East County. 3 To make matters worse, the USS-POSCO steel plant in Pittsburg—one of the largest employers in the area—has announced a partial closing this winter, threatening the livelihood of over 700 workers. According to Oakley resident and local community organizer Nancy Marquez, the combined impact of foreclosure and unemployment has been particularly devastating for African American and Latino families.

Fight for Social Justice Goes Suburban
The streets of East County may not remind anyone of Cairo’s Tahrir Square, but activists and a small but vibrant social justice community have been diligently working in the suburban terrain not normally associated with social activism. What is truly notable about the current level of activism is that the organizers are not going it alone. They are forming different, often interlocking partnerships for different issues at the county, regional, state, and national levels and working with everyone, from local govern-
Groups, such as the Contra Costa Interfaith Supporting Community Organization (CCISCO) and the Alliance for Californians for Community Empowerment (ACCE), have been building coalitions and campaigns to target issues at the local and regional levels. ACCE is part of the East County Environmental Justice Collaborative—a partnership between La Clinica de la Raza and the Contra Costa Health Department—which has worked on everything from clean water to speed bumps, with a focus on the low-income unincorporated area of Bay Point. La Clinica has been a local partner of the regional Great Communities Collaborative (GCC), a Bay Area regional effort to link transportation with affordable housing and socially just land use planning around transit stations. And CCISCO has successfully partnered with GCC and La Clinica to bring a new low-income health clinic to the fast growing city of Oakley.

The idea for a health clinic came from organizer Marquez and some youth members of CCISCO’s Oakley Local Organizing Committee when they found out that 40 percent of their church members were uninsured. The county had been considering a school-based clinic to meet the growing demand for low-income health services. “But none of it was ever far east enough for people to benefit,” says Marquez. So, they took matters into their own hands—building relationships with local health providers, such as John Muir, Sutter Delta, Kaiser Permanente, and La Clinica. They also got critical support from the City of Oakley, which stepped in to guarantee the lease for the clinic in 2010, thus adding bricks and mortar to the plan. Remarkably, the campaign was conducted through the worst years of the foreclosure crisis when organizational resources were simultaneously needed for anti-foreclosure work at multiple levels.

**Forming Alliances for a New American Majority**

CCISCO and ACCE are partners with their parent organizations and groups—such as the National People’s Action, the Industrial Areas Foundation, the Right to the City Alliance—in the New Bottom Line coalition efforts to link the foreclosure crisis to a broader conversation about the economic structure of rising inequality in America. They are all part of what CCISCO Director Adam Kruggel calls, “Alliances for a whole new American majority.” They have been involved in protests in Oakland and San Francisco and local rallies that have garnered national attention and appearances in Antioch by Jesse Jackson. Last May, a prominent pastor and CCISCO leader from Antioch was arrested at a Wells Fargo shareholder meeting—part of a regional action involving more than a dozen local organizations.

Despite their successes, East County organizers are anything but sanguine about the roadblocks they face. The growing poverty, lack of local jobs, and poor transportation network make it physically hard to get everyone together. And while its diversity is one of East County’s great strengths, it also puts forth the challenges that are all too familiar to inner-city activists involved with organizing across race, class, and ethnicity.

Organizers frequently have to overcome what Kruggel calls “the Levittown mindset,” especially among homeowners who blame themselves for their personal housing crises. Trying to explain the structural issues behind bad mortgages, low property values, and lack of local jobs is difficult in a place without a deep tradition of community development.
institutions. So, CCISCO focuses instead on basic community-building among faith communities to help people connect their personal struggles to the conditions of society as a whole.

Regional Responsibility Through Sub-Regional Coalitions

There is one challenge, however, that local organizers do not feel they should have to endure—a lack of resources and support from the region’s core. “The biggest obstacle we face is finding resources—for CCISCO, for schools, for cities, for everything,” says Marquez. Foundation support and attention from regional social justice organizations like Urban Habitat and EBASE is primarily focused on the region’s core, especially on gentrifying neighborhoods and communities still struggling with the legacy of disinvestment, redlining, and redevelopment. Even the Great Communities Collaborative recently decided to curtail its involvement in East County following the completion of certain land use campaigns they have been working on.

Much like the debate about personal responsibility in the foreclosure crisis—rather than assign regional responsibility for a crisis with deep structural and historical roots—many point to the mistakes of East County cities and homeowners for the problems they face. In truth, the East County’s hardships were not entirely self-inflicted. At the local level, anti-growth policies and rising housing costs in the Bay Area’s inner core pushed many lower-income families to the outer regions in pursuit of affordable homeownership. At the

By the Numbers:
Urban Suburban Population Trends

By William Frey

Hispanics now outnumber blacks and represent the largest minority group in major American cities. The Hispanic share of population rose in all primary cities of the largest 100 metropolitan areas between 2000 and 2010. Across all cities in 2010, 41 percent of residents were white, 26 percent were Hispanic, and 22 percent were black.

Well over half of America’s cities are now majority non-white. Primary cities in 58 metropolitan areas were “majority minority” in 2010, up from 43 in 2000. Cities lost only about half as many whites in the 2000s as in the 1990s, but “black flight” from cities such as Atlanta, Chicago, Dallas, and Detroit accelerated in the 2000s.

Minorities represent 35 percent of suburban residents, similar to their share of overall U.S. population. Among the 100 largest metro areas, 36 feature “melting pot” suburbs where at least 35 percent of residents are non-white. The suburbs of Houston, Las Vegas, San Francisco, and Washington, DC became majority minority in the 2000s.

More than half of all minority groups in large metro areas, including blacks, now reside in the suburbs. The share of blacks in large metro areas living in suburbs rose from 37 percent in 1990, to 44 percent in 2000, to 51 percent in 2010. Higher shares of whites (78 percent), Asians (62 percent), and Hispanics (59 percent) in large metro areas live in suburbs.

Fast-growing exurban areas remain mostly white and depended overwhelmingly on whites for growth in the 2000s. Whites accounted for 73 percent of population growth in outlying exurban counties, well beyond their 8 percent contribution to national population growth over the same period. ■

Excerpted from Melting Pot Cities and Suburbs: Racial and Ethnic Change in Metro America in the 2000s, a Brookings Institute report.
regional level, transportation planning failed to keep up with the East County’s growing population, 80 percent of whom commute to work. The federal government, which heavily subsidized the earlier Bay Area suburban cities, turned its back on suburban development in the last 30 years. It also changed regulations to make it easier to sell subprime mortgages and other predatory finance structures to uninformed home buyers and owners. East County cities were pretty much left to deal with the sudden influx of primarily working class African American and Latino residents by themselves.

“No one ever thought that Antioch was going to be one of the largest cities in the county. Yet, we don’t have the same voice as Richmond and Concord,” says Councilmember Mary Rocha. “Everyone points the finger at us, but why can’t we get the same opportunities like the rest of them had?”

Bay Area Take Note, East County is Here to Stay

East County has an active and ambitious but under-resourced activist community that has to largely fend for itself. Moving beyond the current situation requires concrete steps at the East County and regional levels.

Regional foundations, think tanks, intermediaries, associations, coalitions, and social justice networks need to see East County as an integral part of the Bay Area that is fundamental to the question of social and spatial justice over the next decade. There needs to be a broader commitment to working diligently on this critical frontier of suburban struggle, as well as finding the necessary funds and resources for it.

Regional organizations that engage in advocacy in the East County must work to build the deep and lasting relationships needed to support local community leadership. They must move forward a serious social equity agenda, rather than taking a campaign-by-campaign approach. These lessons have been learned repeatedly in Oakland and Richmond and must not be forgotten in the East County.

Moving out of the foreclosure crisis and combating poverty, underfunded schools, and significant fiscal challenges requires a major investment in the economy and transportation network of the area that no single actor can manage on their own. Historical divisions between the East County and the rest of the region, and divisions between social justice activists and elected officials have to be overcome to create a new, broad-based coalition to push for regional, state, and national investment in the East County’s future.

History could have been written differently if critical thought and investment had gone into managing density, accessibility, and transportation in the region’s core. East County cities might not have had to cope with such rapid growth. But as things stand today, the East County is home to over a quarter million people of all incomes and ethnicities—many of them transplants from the urban core. It’s high time the Bay Area took regional responsibility.

Endnotes

2. Data from RealtyTrac.
3. Data from U.S. Bureau of Labor statistics. (Note: Unemployment rates are not seasonally adjusted.)
African Americans Moving South—and to the Suburbs

By John Sullivan

The U.S. Census Bureau released findings from the 2010 Census this month that reveal a dramatic migration underway within black America. Over the past decade, hundreds of thousands of black people have relocated to the South and around the country, have moved from the cities to the suburbs.

Nearly 60 percent of the black population now lives in just 10 states, six being in the South, with the black population in Florida, Georgia, Texas, and North Carolina growing by more than 20 percent in the past decade. Overall, between 2000 and 2010, the percentage of the nation’s black population living in the South grew (from 53.6 percent to 55 percent),* while the percentage living in the Northeast and Midwest shrank (to 17 percent and 18 percent, respectively). The number living in the West remained about the same (8.8 percent).

Much of this growth is due to black migration to the South from other regions of the country, according to the Brookings Institute. The numbers are clear: black people have been gradually migrating below the Mason-Dixon Line.

They are also moving from inner cities to suburbs. The proportion of the black population living in the biggest city of a given metropolitan area decreased in all 20 of the nation’s largest metro areas in the past decade.

For example, the percentage of the Detroit area’s black residents living in the city of Detroit itself dropped by 16 percent. Other major cities home to large black populations, including New York, Chicago, Los Angeles, Washington, DC, and Oakland, have all experienced large black population losses as well, as residents have left these places for suburbs or the South—or both. Notably, Southern metro areas top the list for national gains in suburban black residents.

The movers—like migrants worldwide—also tend to be strivers. A few studies have found that among them is a sizable cohort of first-time Southern dwellers who tend to be younger, wealthier, and more educated than the larger black population.

So what do these striking trends mean for black communities, both those that are growing and those that are shrinking? Patterns of residence and migration are shaped by many complicated factors. There are institutional forces, like housing and labor markets, government incentives, and neighborhood characteristics. And there are individual and interpersonal factors, like age, education, and family relationships. But there are also important consequences. Where one lives can affect access to housing, employment, social services—and to the basic structure of a community that so

Graphic:
Population count includes residents who identified themselves as black in combination with another race/ethnicity.

Black Belt Power: African Americans Come Back South, Change Political Landscape

By Chris Kromm

Much of the media buzz about the 2010 Census has focused on the role of Latinos and new immigrants in changing the face of the country.

It makes sense. According to the U.S. Census Bureau, about half of the nation’s growth over the last decade was driven by growth in the Latino community, much of it in Southern states.

But equally influential in the South’s rapidly-changing demographics is another story with a longer historical arc: The return of many African Americans to Southern states after a decades-long exodus during the Jim Crow era.

The Great Migration of some 6 million African Americans from the South between World War I and 1970 is one of the most significant demographic upheavals in U.S. history. According to author Isabel Wilkerson, at the turn of the last century, 90 percent of all African Americans were living in the South. By the end of the Great Migration, nearly half were living outside the South, mostly in the cities of the North and West.

The civil rights movement did not end racism, of course, but it did change the South enough to entice many African Americans to come back, igniting a reverse migration movement that continues to gain steam.

As a result, the South’s share of the black population—57 percent—is now the highest it has been since 1960.* That is still less than the 90 percent mark before the Great Migration, but as the New York Times reported earlier this year, it is a dramatic change.

During the turbulent 1960s, black population growth in the South, and Southern states was less than 10 percent of the national increase. Since then, the South has increasingly claimed a greater share of black population growth—about half the country’s total in the 1970s, two-thirds in the 1990s, and three-quarters in the decade that just ended.

The shift could significantly strengthen the political power of African Americans in the South, especially in the historic Black Belt stretching from the mid-Atlantic to East Texas. (See map on page 16 showing where the South’s African American communities are concentrated, according to the latest Census data.)

A glimpse of the political force this represents was seen in 2008, when record-breaking African American turnout helped push Florida, North Carolina, and Virginia into blue territory.

It’s also seen in Georgia, the epicenter of the Black Belt, where the African American community grew by more than 579,000 since 2000—the leading ingredient in making it the seventh fastest-growing state in the country.

The 2010 Census also offers a glimpse of how Southern African American communities are changing. Atlanta echoes a trend found across the South and the country, where suburban black neighborhoods are growing at the expense of the urban core. The New York Times notes that “just 2 percent of the black population growth in the last decade occurred in counties that have traditionally been black population centers.”

African Americans moving South also tend to be young: 40 percent were ages 21 to 40, meaning that the political force of the latest phase of African American reverse-migration to the South will be felt for years to come.

Chris Kromm is the executive director and publisher of Facing South and Southern Exposure.

many families depend upon to survive and combat hard times like the ones in which, we now live.

Southern Discomfort

For decades, major cities in the Northeast, Midwest, and West have suffered from de-industrialization and the associated job loss, residential segregation, infrastructure decay, and cost-of-living increases. The impact of these changes have been especially strong in black communities. Before the 2008 recession even began, the black populations of many big Midwestern cities had double-digit unemployment. “Folks are moving here for the lower cost of living,” says Sendole Diaminah, who recently moved from New York to North Carolina and founded the community organization, People’s Durham. “Some had family who were here. There are tons from New York. Some wanted to get their kids out of a situation of violence and drugs.”

But families fleeing the economic collapse in Rust Belt and Northeastern cities have likely found similar troubles in the South, which has suffered some of the hardest blows in the current downturn. The South used to outpace the nation in economic performance, due to in-migration and development. That trend has ceased. And while the South may have entered the recession with low unemployment rates, those rates have since risen dramatically, exceeding even some of struggling post-industrial cities in the Northeast and Midwest. Black unemployment in Atlanta hit nearly 16 percent in 2010—twice the rate of 2007.

* The U.S. Census definition of “the South” includes Alabama, Arkansas, Washington DC, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Varying differences in defining “southern states” result in different totals in these reports.
On top of the job loss, suburban metropolitan areas in the South, like Atlanta, Miami, and Houston have high rates of job sprawl, in which jobs are neither centrally located nor equally distributed throughout the metro area. That makes job opportunities harder to find and jobs more difficult to manage once found. In fact, suburban poverty rates find their peak in Southern metro areas. And once-enticing housing markets have been damaged by high rates of foreclosure, which disproportionately affects blacks in Georgia and Florida (though other Southern states with large black populations, including Texas and North Carolina, have not been as severely affected).

The same dynamic is playing out in many suburbs. Desires for better employment opportunities, affordable housing, safer neighborhoods, and better schools are surely drawing many black families to the suburbs. But the trend of relocating to the suburbs may not always be driven by choice. Gentrification is likely pricing black families out of their homes in places like San Francisco, Oakland, and Washington, DC, cities that have seen significant black population loss paired with an influx of whites. Meanwhile, poverty is rapidly expanding in suburban communities and black population rates have grown fastest in lower-income suburbs, according to the Brookings Institute.

Furthermore, blacks are less likely than whites to live in suburbs with high job availability and suburban social service organizations often lack the capacity and funds to address increasing need. Many suburban governments have also been unwilling to accommodate new lower-income residents, reluctant to build multi-unit housing, and opposed to the construction of shelters and social service centers. It is difficult to say that the suburban dream is being fulfilled for black America, especially when predatory lending and foreclosure rates continue to disproportionately impact black families and the nauseating wealth gap between blacks and whites further deepens.

The Cities Left Behind

Inner city neighborhoods that have lost black residents also face new challenges as a result of this migration. In cities across the country, community schools have been shuttered as the number of school-aged children has dropped. Inner cities, which still have high levels of need, can expect fewer federal funds as Census results inform the distribution of money for community development, utility assistance, Head Start programs, and senior housing.

The increased dispersal of black families across municipal boundaries may also impact the election of politicians most willing to address the unique concerns of black constituents. Black concentration in major cities allowed for the election of black mayors, city council members, and congressional representatives in the 1970s, 80s, and 90s. With the black population spreading beyond central city neighborhoods, will black voting power be weakened? This is of specific concern now as states are redistributing and redrawing political districts based on the Census.

Connections to family, friends, and organizations in old neighborhoods will likely change as well. Will congregations

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**By the Numbers:**

**Black Flight in the S.F. Bay Area**

*By Frank Lopez*

- There were 480,000 African Americans living in the Bay Area’s nine counties, accounting for 6.7 percent of the area residents.
- The three counties with the largest share of African Americans were, Alameda (190,000), Contra Costa (97,000), and Solano (60,000), which accounted for nearly three-quarters of all African Americans living in the Bay Area.
- The three counties with the smallest African American populations were, Napa (2,600), Marin (7,000), and Sonoma (7,600).

- Only two counties had African Americans making up more than 10 percent of their total population: Alameda (12.6 percent) and Solano (14.7 percent).

**Income Levels for African Americans**

- The median household income for African Americans in the nine counties was $48,000.
- The lowest median household income reported was in San Francisco County ($29,000), followed by Alameda County ($38,000).
- The highest median household income for African Americans was in Solano County ($60,000), followed by Sonoma County ($58,000).
- Counties with the lowest median household income had the largest percentage decrease in their African American population since the 2000 census.

**African American Transit Ridership**

- On average, 14 percent of the Bay Area’s African Americans used public transportation to get to and from their jobs.
- Transit ridership was the highest in San Francisco County (39.9 percent), followed by Alameda (15 percent) and Contra Costa (12 percent) counties.
- Transit ridership was the lowest in Santa Clara County (2 percent), followed by Solano (3.5 percent) and San Mateo (7 percent) counties.
- Counties with the largest percentage increase in their African American population also showed the lowest transit ridership.
shrink? How will personal relationships be maintained or strained?

N’Tanya Lee, a former director of Coleman Advocates for Children and Youth, a grassroots organizing and policy advocacy organization in San Francisco, reflects on how housing stability and relationships stretched from city to suburb are impacting San Francisco Bay Area families. “A black high school student goes to school in San Francisco, stays with an auntie, but their mom lives with her boyfriend in Richmond and grandma lives in Hayward. She kind of lives here; kind of doesn’t,” Lee says, painting a hypothetical picture of the instability. “What’s the anchor? Where’s the ‘home’ to organize around? Parents move to Sacramento and kids still go to school, crash with friends, or live with grandparents. Families are constantly traveling by BART and highways to visit core members of their families, who are spread out.”

As Lee suggests, with more black families spread across the metropolitan landscape, the strategies of progressive and grassroots organizers must adapt, too. How will organizing efforts arise from growing black communities themselves, as residents strive to add their voices to communities that may be experiencing racial diversity for the first time? Looking closely at the causes and consequences of black migration to the South and the suburbs, we can see there are new challenges to building power to make fundamental change.

Despite these challenges, it is important to remember that the growth of strong Southern black communities and the loosening of urban segregation are exciting events. Black America has responded to migrations that were both larger and more culturally significant than those we see today with adaptation and redefinition and renewed vitality.

The Applied Research Center is exploring black population shifts with an intent to serve organizing efforts and also reflect them. We are following and supporting a number of community organizations to learn more about movers and their communities and also to capture the trends and strategies they will use to organize in the midst of these population shifts. By looking up from Census reports and directly engaging community organizations, researchers can better compile, tailor, and disseminate clear and persuasive pictures of population change to support fights for powerful communities.

Black Flight Between 2000 and 2010

- Overall, African American populations in the nine Bay Area counties decreased by 30,000 or 5.8 percent since the 2000 census.
- Five out of the nine counties—Santa Clara, Marin, Alameda, San Mateo, and San Francisco—showed a decrease in their African American populations.
- Three counties showed the largest percentage decrease in African Americans even as they showed an overall increase in populations. They were San Francisco (-19.2 percent; +3.7 percent), San Mateo (-17.7 percent; +1.6 percent), and Alameda (-11.7 percent; +4.6 percent).
- Alameda County had the highest absolute drop in the numbers of African Americans (-25,000), followed by San Francisco (-11,000), and San Mateo (-4,000) counties.
- The four counties with the smallest percentage growth in population over the last 10 years—San Francisco, Marin, San Mateo, and Alameda—were also the counties with the largest decrease in their African American populations.

Black In-Flight Between 2000 and 2010

- Three of the four Bay Area counties with the largest percentage growth in overall population also had the largest percentage increase in their African American populations: Napa (+62 percent); Sonoma (+16.7 percent); and Contra Costa (+9.4 percent).
- The three counties showing the largest absolute growth in the numbers of African Americans were: Contra Costa (+8,300), Solano (+1,900), and Sonoma (+1,000).
- The four counties—Napa, Solano, Sonoma, and Contra Costa—showing an increase in their African American populations were primarily suburban or rural.
- The counties with the highest percentage growth in their African American populations also had the highest median household income and lowest transit ridership in the region. Conversely, counties with the largest percent decrease in African Americans had the lowest median household income and highest transit ridership.
Twenty Point Plan to Depopulate Black Atlanta

By Robert D. Bullard

Atlanta is often affectionately called the "Black Mecca" of the South but the city has undergone a dramatic demographic shift over the past four decades. Black Atlanta is shrinking and there are 20 major reasons—a "20-Point Plan"—that account for this depopulation. Many of them are detailed in a book I edited in 2007, entitled The Black Metropolis in the Twenty-First Century.

The 2010 census revealed a significant exodus of blacks (29,746) out of Atlanta city over the previous decade. At the same time, the number of blacks in the metro Atlanta area grew by 490,982—a 40 percent increase. The lion’s share of blacks who migrated to metro Atlanta settled in the suburbs—not the city—a trend unlike the one that gave the city a black majority and its first black mayor, Maynard Jackson, in 1973. Metro Atlanta now has the second largest black population of all U.S. metropolitan regions, surpassing Chicago and just behind New York.

Atlanta’s overall population grew from 467,455 in 1960 to 496,973 in 1970—with the share of blacks increasing from 39.9 percent to 51.3 percent. During the 1980s, the city’s overall population decreased from 425,022 to 394,017—but the share of blacks increased from 66.6 percent to 67.1 percent. In the first decade of the 21st century, the overall population grew from 416,474 to 420,003, but the share of blacks jumped downward from 61.4 percent to 54 percent.

Atlanta’s demographic transition is not an overnight phenomenon. It is important to note that the black exodus happened in an era of black mayors and majority black city councils. The impetus behind this demographic shift may be summarized in the following 20 points:

1. The 1996 Summer Olympics, which set in motion a surge of policies and practices that fueled the black depopulation trend.
2. Demolition of public housing in the city.
3. Overt hostility towards the poor and homeless populations.
4. Heightened class warfare between black elites and the black underclass.
5. The squandering of Atlanta Empowerment Zone funds designed to revitalize low-wealth minority neighborhoods.
6. Diversion of public funds into private ventures, away from the city’s core black neighborhoods.
7. Dismantling of the public health safety-net through privatization of Grady Hospital.
8. Failing public schools.
9. Defunding of the Metropolitan Atlanta Rapid Transit Authority (MARTA).
10. Racial redlining and disinvestment by banks, mortgage firms, insurance companies, and commercial enterprises.
11. Predatory mortgage lending.
12. Gentrification and displacement in urban core neighborhoods.
13. Shortage of affordable housing.
14. Discrimination in both, housing rental and sales.
15. Racial steering by real estate agents.
16. A spatial mismatch between black residential areas and job centers.
17. Movement of jobs from city centers into the suburbs.
18. Black suburbanization and re-segregation in low-jobs suburbs.
19. Closures of grocery stores and supermarkets in black areas, leading to expanding “food deserts.”
20. Breakdown of de facto power-sharing arrangement between white business elites and black political elites.

These 20 points are by no means exhaustive. Nor are they ranked by order of importance. But taken together, they explain the powerful forces behind the depopulation of Black Atlanta—a long-term trend that will likely continue into the future.

The 1996 Summer Olympics was Atlanta’s Hurricane Katrina—setting in motion a surge of policies and practices that fueled the black depopulation trend. Atlanta’s 20-point plan is strikingly similar to the “20-Point Plan to Destroy Black New Orleans,” which I wrote several months after Katrina and its floodwaters devastated that majority black port city in 2005.

2010 census data shows Black Atlanta moving towards a numerical minority in the near future—a population shift that has profound implications for local electoral politics. A smaller black footprint will most likely mean a loss of black political power in the city.

Current Mayor Kasim Reed won by a slim margin of 714 votes in 2009 and some pundits predict that Reed may well be the last black mayor of Atlanta for some time to come. But then again, the pundits had made similar predictions during the tenure of previous mayor, Shirley Franklin. Only time will tell.

Robert D. Bullard is a professor of Sociology and director of the Environmental Justice Resource Center at Clark Atlanta University.
Power Shift in Chicago

By Claudia Rowe

Chicago, one of the most populous, politically important cities in the country, has watched its African American population steadily ebb over the last decade, to a point where low-income residents say they no longer recognize the city as a stronghold of working families.

First, there was the demolition of public housing and ongoing gentrification efforts—both of which pushed blacks to the suburbs. Now census figures show that the city’s black population has plummeted 17 percent since 2000. Community activists charge the Census Bureau with undercounting blacks by the thousands and say it is partly to blame for the fact that blacks in the Windy City now stand to lose political representation at the federal, state, and local levels.

The Latino population, on the other hand, is surging—up 3 percent in Chicago and 32 percent statewide. Wary of being played against one another in a political game where poor people of all colors may be the true losers, blacks, Latinos, Asians, and Arabs are working to strengthen their ties.

“This is really tough,” said Jesus “Chuy” Garcia, a Cook County commissioner and 45-year resident of Chicago. “The relationship between Latinos and African Americans will be quite challenging because Latinos will gain—as their numbers indicate—but you definitely can see patterns of development that don’t bode well for poor or working people in general.”

Census officials have acknowledged a possible undercount in Chicago, which echoes the experience of community activists who encountered deep distrust when they went door-to-door in black neighborhoods to encourage participation in the census. Sokoni Karanja, executive director of Centers for New Horizons, recalled feeling bewildered when people in his own neighborhood turned him away even after he had explained the political and financial importance of filling out census forms.

“There’s just a lot of mistrust,” he said. “People did not want to be involved. They would… not open the door. Some were cooperative, but in general there was a great deal of resistance.”

Self-defeating as that may seem, Karanja believes distrust of government is deeply embedded in the black community. “Census workers are gathering information that could go back to authorities, and in this community we have a long-taught fear of authority,” he explained. “The government is not a friend. Many of us come from the South where anything could be used against you, even if you were ‘in the right.’ It happens in Chicago, too.”

Organizers urged the state legislature and the city council to keep communities of color together.

Public Housing Demolitions Spur Exodus

Other forces may have had an even greater impact on Chicago’s black population. Since 2000, the city has demolished 11,000 units of public housing in the Bronzeville area alone, promising to rebuild only a third of those units and giving many families vouchers for Section 8 housing outside city limits. Mean-

while, the price of real estate in the same neighborhood has more than doubled.

“Chicago is increasingly becoming a city that’s no longer affordable for working families,” said Jhatayn Travis, executive director of Kenwood Oakland Community Organization. “People talk about wanting mixed-income housing but they aren’t building it—not enough, at least—so it does give you an idea of how the mayor and the business community are viewing this city.”

What really galls Travis and others interviewed for this story is a federal law that allows state prisoners to be counted where they are incarcerated, instead of in their home communities. It gives sparsely populated rural areas—where most prisons are located—far greater political power than is warranted by their actual numbers. For Chicago, it means about 23,000 incarcerated residents were not included in the city’s count, which saw an overall decline of 180,000 blacks—a significant problem when you consider that census data determines how $440 billion is allocated to communities for education and other programs.

“For representation, this is a really big deal,” said Peter Wagner, executive director of the Prison Policy Initiative, a nationally focused think tank in Northampton, Massachusetts. “It’s not so much what Chicago loses, but what other districts downstate gain. There is a very clear upstate-downstate tension in Illinois and prison-based gerrymandering just exacerbates that.”

Of course, the 23,000 incarcerated Chicagoans would not create an entire voting district. (Illinois requires each district to hold 108,000 people). But they could have an impact on the three predominantly African American congressional districts facing elimination.

“I’m not hopeful that any candidate of color can win election now,” said Stephen Alexander, a senior research fellow at DePaul University’s Egan Urban Center, who has studied the city’s political power structure for decades. “I don’t see how a Latino can win without crossover votes, and obviously, the way the system is set up, an African American cannot win without crossover votes—at least not a candidate from within the community.”

Coalition Lobbies for Census Redress

Mike Rodriguez of Enlace and Josina Morita of United Congress of Community and Religious Organizations testified at a redistricting hearing in May, 2011. Their organizations are part of a multiracial coalition for lobbying legislators to redress the prisoner count rules and propose a new voting district map that preserves the political power of shrinking minority communities.

“I don’t want to say that white communities gained in this census report,” said Morita, “but communities of color lost.”

Last March, Governor Pat Quinn signed the Illinois Voting Rights Act (IVRA), which mandates that communities of color must be kept within a single district wherever possible. A trained demographer, Morita has created the maps and is now demanding for her coalition to have a say in the redistricting process. The IVRA—spearheaded by activists in Chinatown who saw their community of 50,000 splintered into four legislative districts—is a major weapon in Morita’s arsenal.

“Legislators say they don’t think that they can draw three black congressional districts but I’ve drawn them and I’m going to show them,” she said. “Under the Voting Rights Act, if you can prove that it can be done, it has to be. And considering the financial positions of states these days, the threat of suing them is very effective.”

As of November 2011, a Federal District Court was still reviewing the maps.
A Commissioner’s Perspective on California’s Redistricting

By Connie Galambos Malloy

When Californians voted to create the nation’s first independent Citizens Redistricting Commission charged with drawing Assembly, Senate, Board of Equalization, and Congressional districts, it was with the hope of ending the partisan gerrymandering of the past. Speaking as one of the 14 Commissioners, I believe we have delivered on that promise—against all odds.

We had less than eight months to bring 14 strangers from diverse backgrounds together, hire staff and consultants, develop and conduct an extensive public outreach process, draw 177 individual district maps that incorporated complex legal and technical analysis, compose an extensive narrative report, and certify the maps with a multipartisan vote. And it was done—on time and under budget. The maps were produced through a transparent process: deliberations were conducted and decisions about boundaries made in public, streamed live with transcripts, and archived online. And although the process was called redistricting, it really should have been called “districting” because the Commission consciously chose not to tweak existing districts with their flawed political baggage, but to start from scratch using its constitutionally approved criteria.

As the youngest Commissioner and one of only two with small children, the public service commitment was grueling beyond my wildest imagination. I can remember one Tuesday morning when I woke up, packed my one-year-old son in the car, and drove five hours to a public hearing that lasted until midnight. The next day, I woke up and drove three hours, and did it all over again. And then again. While most Commissioners spent their daily stipend on sightseeing, I spent it on childcare at the hands of strangers!

A Peek Into Hidden California

The Commission heard testimony from an incredibly diverse cross-section of the state that was important to how the maps were drawn. From Salinas to Culver City, from Hanford to San Bernardino, thousands of people attended 34 public hearings at which, over 2,700 individuals provided input. Tens of thousands of others put their thoughts in writing, maps, and even poetry.

As we traveled across the state, I was forced to confront the new socio-demographic reality of California. While Marysville claims significant Hmong and Latino populations in its Census, it was possible to spend 24 hours in the town’s prominent public places with minimal contact with either group. At a Latino community center in San Jose with deep roots in the Cesar Chavez legacy, aggressive Tea Party organizing chilled the air, cleared the room, and compelled us to call in extra security. In the Coachella Valley, speaker after speaker insisted the area was an exclusive resort community, but even a minor detour off the beaten path revealed migrant farm worker encampments. In the Antelope Valley, I remember the lone African American person at the Commission’s Input Hearing, who later explained to me that we had chosen a location on the side of the railroad tracks that many in his social circle knew to avoid.

Playing it Strictly by the Rules

When it came to drawing the districts, the Commission followed the criteria set forth in the Voters First Act—in ranked order: (1) We complied with the U.S. Constitution—one person, one vote; (2)
The districts were designed to comply with the Voting Rights Act, ensuring an equal opportunity for minorities to elect a candidate of their choice; (3) We made the districts geographically contiguous; (4) Wherever possible, we kept cities, counties, neighborhoods, and communities of interest whole; (5) Our districts are compact and do not bypass nearby communities for more distant ones; (6) Where practical, without violating other criteria, we nested or blended so that Senate districts were comprised of two whole Assembly districts and Board of Equalization districts comprised of 10 Senate districts; (7) The Commission never considered incumbents, political candidates, or political parties when drawing districts.

In fact, current analysis shows scores of candidates drawn out of their districts or more than one incumbent within a district. The 2012 elections—with the combined impact of redistricting and the new top two primary system—may bring significant changes across the state and in the long run, create opportunities for new leadership.

The new political maps are superior to their predecessors from a standpoint of both process and outcome, which is “fair and effective” political representation. The public has never had a seat at the redistricting table before, or a chance to weigh in on the process at so many stages—before and after the draft visualizations. Naturally, public expectations have been high and there is some disappointment that individual requests were not realized—an impossibility in a geographically and demographically diverse state like California. As an Oaklander, I had to constantly challenge myself to make decisions as a “Californian” entrusted with balancing the interests of the entire state—not just my part of the universe. The process involved intense negotiations across party lines and the result, understandably, is a compromise. The new map is not aggressive on behalf of any one constituent group, nor is it one that any of us personally would have created, but it represents an equitable balance to voters across the state.

Court Finds Maps in Compliance

In keeping with past redistricting tradition, there has been litigation. Two groups filed suit against the Commission’s maps. But on October 26, the California Supreme Court unanimously dismissed the suits affirming that the Commission had followed the Constitution, the Voting Rights Act, and the Voters First Act. After failing in state court, one of the same groups filed litigation in U.S. Federal Court over the state Senate maps. Signatures for a ballot measure to overturn the state Senate maps were also submitted to the state and the verification process is currently underway. It is unclear whether it will qualify for the November 2012 ballot.

As I continue to travel around the state, one thing is clear, the public has fully embraced this new redistricting process and now citizens are demanding the same level of transparency and public input at the county and city levels. I can only hope that California’s precedent-setting, citizen-led experiment in redistricting sets the standard for the nation in the decade ahead.

Connie Galambos Malloy is senior director of programs at Urban Habitat and the publisher of RP&E. She also serves as a Commissioner with the California Citizens Redistricting Commission.
California Redistricting Preserves Black Voice in State Politics

By Marqueece Harris-Dawson

For years, political pundits and sectors of the media have reported with barely contained glee on the supposed decline of California’s black population. There has been much speculation about how the demographic changes will lead to a decline in black political leadership. Proponents of this viewpoint saw this year’s redistricting process as a golden opportunity to spin the narrative into permanent changes in political boundaries that would lead to the disenfranchisement of black voters. If these black districts were eliminated, it would be nearly impossible to get them back.

The blows came from all directions. The media led with sensational predictions about African Americans ending up losers in the process. The Los Angeles Times quoted a member of the Redistricting Commission saying, “It’s very hard for people to accept changing demographics.” The message between the lines being, “Their time is over.”

Early in the process, a group of African Americans from Democratic Representative Maxine Waters’ district testified before the Commission. They were promptly accused of being Waters’ “political operatives” by one Republican commission member who, without offering any evidence to support this claim, urged the other commissioners to disregard their testimony. District residents of all backgrounds, races, and ethnicities had testified that day, but this was the only group singled out for discrimination.

Hawthorne-by-the Beach

Other shenanigans included a declaration by the Mayor of Hawthorne that his landlocked city should be grouped with its more affluent coastal neighbors to the West. Such a grouping would have disturbed the delicate balance of the black population in Southeast Los Angeles County and dealt a drastic blow to black representation. The move was a direct attack on Rep. Waters’ district and not surprisingly, conservative members of the Commission ran with the bizarre “Hawthorne is a beach city” mantra.

Fortunately, a coalition of black leaders and community organizations came together early in the process to form the African American Redistricting Collaborative (AARC), which was able to anticipate the attacks, mobilize communities, and engage attorneys to provide a legal basis for our position.

Ultimately, all of the current black districts in California were preserved. Additionally, new State Senate and Assembly districts were formed where an African American candidate can run competitively. The Redistricting Commission listened to our collective voices and approved a final map that preserves black political representation.

Redistricting by Committee Risky For Blacks

As we celebrate these accomplishments, it is important to step back and reflect on what this victory was all about. Blacks typically side with issues of equality and have reliably provided the bedrock of progressive coalitions. Redistricting is an inherently progressive activity—if done honestly. The concept revolves around shifting power to reflect population concentrations.

We must not forget, however, that a majority of California voters supported Props 11 and 20, which authorized the creation of the Commission and tasked it—instead of the legislature—with redrawing congressional boundaries because of concerns over political corruption and influence. This has not been the experience, historically, from the perspective of African Americans, who have trusted their elected officials to do right by them. So, although we won this round, redistricting via a randomly appointed citizen’s commission—which, by default draws an intellectual crowd with technology access and resources—is a risky game at best for the increasingly dispersed black community.
The rewards of engaging in the redistricting process can be plainly seen in what was achieved in California this year with the first truly open and public Commission drawing the state’s legislative and congressional lines. Social justice groups were able to shape the Commission, drive the discussion, and create outcomes that will have ramifications for the next decade. Their success can be measured in the number of majority minority districts created.

According to analysis by Paul Mitchell of Redistricting Partners, the old map provided for 19 majority minority Latino districts, whereas the new map provides for 29, and one that is over 50 percent Asian. In addition, the Commission preserved several districts that, while not majority minority black, are likely to continue electing representatives from that community. “These lines provide a 20-year correction—finally reflecting the true electoral strength of minority communities,” says Mitchell.

The primary tool used in statewide redistricting is the Federal Voting Rights Act (VRA) of 1964, which is concerned with matters, such as ballot languages, number and placement of polling locations, poll taxes, literacy tests, and discriminatory redistricting—to ensure that elections are conducted in a way that does not disenfranchise protected minorities. The courts have deemed illegal any electoral structures that deny minority groups their electoral choice, including the practice of creating districts by dividing up ethnic groups to preserve the status quo.

The VRA has resulted in greater numbers of minorities serving in the legislature and congress. Even where members of a protected class are not elected, it still provides for a stronger voice in their representation. Without access to congress and the state legislature we would not have achieved many of the civil rights gains of the past 50 years.

California Voting Rights Act Provides Strong Tools

The California Voting Rights Act (CVRA) was enacted in 2002 and focuses exclusively on the use of at-large election systems. As defined in the law, at-large systems include any election method other than the system where area voters select their representative in single member districts. If you find yourself voting in elections for more than one candidate, or voting for water board, school board, and council candidates in city-wide elections, you are in an at-large system, although most Californians probably are unaware of the system being used.

The at-large system is not an issue if there is no evidence that a sizeable ethnic group is losing their rights to representation. In the city of Santa Monica, for example, white voters are not voting significantly different from non-whites, so an at-large community college board election is unlikely to be subject to the CVRA. However, the system can pose a problem for the 131 Latino-majority, or the dozens of African American- or Asian-majority cities. A recent analysis of census data and elected boards by GrassrootsLab, a Sacramento consulting firm, shows that over a dozen of the state’s majority-Latino cities have all-white boards and 40 more have white-majority boards elected in at-large systems. Most, if not all of these cities will be forced to change to the single member district system to comply with the CVRA.

Moreover, a city, school board or other local elected board does not have to have a majority
minority population to face scrutiny. Recent lawsuits show that local governments with ethnic population concentrations as low as 25 percent could face serious scrutiny under CVRA if they show little history of electing members of that population. There are approximately 1,000 such cities, school boards and other locally elected boards.

To be successful, a CVRA claim has to meet three conditions: (i) an at-large election system, (ii) a history of racially polarized voting that can be shown using statistical methods, and (iii) the ability to remedy the situation by creating districts where the impacted group could influence the outcome of the elections.

The new “influence” standard is particularly important. Under federal law it requires the ability to create districts with a 50 percent concentration, but under state law, the population concentration can be as low as 25 percent, provided that it gives the ethnic group sufficient votes to “influence” the election of their representative.

Reason to Celebrate but Not Rest on Laurels

It took just one year for the social justice community to create 10 new majority minority legislative and congressional districts in 2011! But it would be a mistake for the leadership to rest on its laurels. In cities like San Jose and Stockton, counties like Los Angeles and San Diego, there are new opportunities to create advancements within the traditional redistricting; as also in hundreds of local governments that may have to convert under CVRA.

The social justice community has a major role to play in pushing their local governments to study the law and if applicable, to create new districts where disaffected minority populations can be in the majority, or influence voting outcomes. Many cities, school boards, water boards, and special districts are making changes voluntarily to avoid public criticism but others are requiring lawsuits. The county of San Mateo, the city of Compton, and the community colleges of Compton and Cerritos are among those being sued by the Lawyers’ Committee for Civil Rights. But that may prove to be just the tip of the iceberg as more groups work to enforce the law.

Ten years from now, the benefits of generating local electoral opportunities for Asians, Latinos, and African Americans under the CVRA should swamp the 10 new legislative and congressional seats created by the Citizen’s Commission. In fact, the 10 new seats will have limited meaning without a pipeline of qualified, experienced, and empowered locally elected officials that can rise to those offices.

Senator Gil Cedillo is author of the California Dream Act and is known for his commitment to passing legislation to allow undocumented immigrants to obtain driver’s licenses. He represents the 46th California State Assembly District.
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-

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*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.

Arturo Vargas serves as executive director of the NALEO Educational Fund, an affiliated national nonprofit organization that strengthens American democracy by promoting the full participation of Latinos in civic life.
GOP's Redistricting Plans Impede Latino Representation in Texas

By Khalil Abdullah

The surge in Latino population has made it possible for Texas, the state with the second largest Congressional block, to add four new seats to its current total of 32. Florida, too, gets two additional seats for the same reason. But it will not be easy for Latinos to turn this into political clout.

According to Luis Figueroa, legislative staff attorney for the Mexican American Legal Defense and Educational Fund (MALDEF), bad case law requires ethnic communities to demonstrate a critical mass of voting age population—a high hurdle to cross in Texas where a large percentage of the Latino community is under the age of 18. “We also have a significant non-citizen population,” Figueroa points out.

“We don’t talk about that enough in the media,” says Greg Wyeth, senior redistricting initiative consultant at Outreach Strategists. The public discourse on low Latino voter turnout usually turns into a blame game rather than a dispassionate analysis of the numbers.

In Nueces County, which has three Latino-dominant House districts, the legislature’s plan eliminated the smallest one, packing those voters into other districts. Such voter dilution tactics can violate Sections II and V of the Voting Rights Act (VRA), says Figueroa. States must seek permission from the Department of Justice (DOJ) before changing voting procedures or district maps—especially if the changes make voting conditions worse for groups covered by the statute. The DOJ has ruled that Texas can move forward with its senate and board of education maps, but has not granted permission to move on the congressional map. Texas is challenging the ruling, setting the stage for yet another acrimonious chapter in the state’s redistricting history.

Caroll Robinson, a law professor at Texas Southern University, says that the goal of the Texas Anglo-Republican dominated political system is to hold the status quo, which is consistent with the state’s Confederate-era history of obstructing minority rights. Even the DOJ-approved plans for the state senate and board of education, upon close examination, are weighted toward that objective. But, Robinson contends, minorities need to get out of their silos and find means to cooperate to achieve parity in political empowerment.

His vision is shared by Rogene G. Calvert, director of the Texas Asian American Redistricting Initiative. Although the Asian American community is still small, under the VRA, they are a “community of interest,” with shared languages and cultural affinities. And they have achieved electoral success at the city council level in Houston by working with other ethnic communities. “Coalition politics is going to be the wave of the future,” Calvert says, “where we minorities work together more, so that we can elect candidates of our choice.”

What makes coalition politics critical is that housing patterns are changing. As communities become more integrated and ethnic populations more diffuse, it will be difficult to achieve the 50 percent concentration required to create a district that reflects a group’s numerical dominance. But the goal, Robinson points out, is to provide communities with the opportunity to elect a candidate of their choice, not necessarily a candidate from their own ethnic group.

“Demographics [are] on our side,” says Robinson. “Somewhere between now and mid-decade, if we do the things we need to do in terms of voter participation, voter education, voter registration, we have the ability to win some of these districts outright—and redistricting will take care of itself.”

Khalil Abdullah is a staff writer/editor for New America Media where he also helps facilitate The Beat Within (thebeatwithin.org).
New Laws Target Right to Vote in 12 States

By John Celock

According to a new report, millions of voters may be denied the right to vote under new laws adopted in a dozen states. The study, released last August by the Brennan Center for Justice in New York, says that new voting laws regarding (1) photo identification requirements, (2) elimination of same day voter registrations, (3) proof of citizenship requirements to register to vote, (4) rule changes for voter registration drives, (5) reduction in early voting days, and (6) restoration of voting rights to convicted felons will make voting harder for over five million people in the 2012 election.

The Center points to a partisan divide on the laws, noting that they were mostly generated from Republican-controlled state legislatures and signed by Republican governors. The only exceptions are the Democratic-controlled legislatures of Rhode Island (which has an Independent governor) and West Virginia (which has a Democratic acting governor).

The report also projects that the new laws will have the greatest impact on minority voters because African Americans and Hispanics are more likely to register to vote during voter registration drives in Florida, and the new photo identification requirements in Alabama, Kansas, Tennessee, Texas, and Wisconsin would exclude up to 3.2 million citizens, mostly minorities, who do not have government-issued photo IDs. Alabama and Kansas require new voters to present proof of U.S. citizenship at the voting booth, while Tennessee requires new voters who have been identified in a database as potential non-citizens to submit proof of citizenship.

Kansas Secretary of State Kris Kobach (R) had made the proof of citizenship and photo ID proposals the key elements of his platform during his 2010 campaign. Last May, he told the Wichita Eagle that while he was pleased that the two proposals had passed, he wanted to see the state’s election laws made stricter by giving his office power to prosecute voter fraud. Kobach’s opponents argue that the laws will suppress voter participation in Kansas.

New laws regarding voter registration drives in Florida and Kansas have made it increasingly difficult to register to vote, the report states. The Florida law, signed last May by Governor Rick Scott (R), requires third parties conducting voter registration drives to turn in all forms within 48 hours of completion with the date and time of completion noted on the forms, along with a tracking code for the organization. It also calls for monthly reports on voter registration drives to be submitted to the state election authorities.

Also according to the report, Ohio has eliminated voter registration during the state’s week-long early voting period, while Maine passed a law eliminating voter registration on election day. (This law was struck down on November 8, 2011, by a referendum put on the ballot by grassroots groups.) The states of Florida, Georgia, Ohio, Tennessee, and West Virginia have also adopted laws reducing local early voting periods as well.

But the battle for the right to vote has just begun.

“The book isn’t closed for 2012,” says Wendy Weiser, co-author of the report. “We are seeing push back… and voter-led efforts in a variety of states. We do anticipate that even though there might be changes, this will have a significantly negative impact on voters in 2012.”

John Celock is state politics reporter and Patch liaison for The Huffington Post.

Photo: Alabama, Selma, 1965. Led by Martin Luther King Jr., a group of civil rights demonstrators march from Selma to Montgomery to fight for black suffrage. Magnum Photos, Courtesy Sony World Photography Awards.

© 1965 Bruce Davidson
Ohio's unions won big in the November 2011 election when they overturned Senate Bill 5 by a 61 to 39 margin, handing Republican Governor John Kasich a defeat and continuing labor's recent ascending trajectory. The unions' success in Ohio suggests that Kasich may be a one-term governor, that Republican control of the state legislature may be overturned next year, and that right-wing, anti-union governors like Kasich in Ohio and Scott Walker in Wisconsin are an endangered species—and one that voters plan to make extinct.

Senate Bill 5 was voted up soon after Kasich took office in January. Legislators passed it in March, despite demonstrations by thousands of public employees and private sector workers at the capitol in Columbus. SB5 affected about 400,000 public employees, limiting their ability to bargain collectively, collect dues, and strike. The law also established “pay for performance” and required workers to pay 15 percent of their health care. Workers were furious.

Ohio unions, working closely with the Democratic Party, acted quickly to take advantage of the state's referendum law, eventually collecting a record 1.29 million signatures. The state then certified 915,456 signatures—another record—putting the measure on the ballot.

The We Are Ohio coalition spent $30 million, including big investments from national unions, on a campaign that involved thousands of members from AFSCME, teachers' unions, firefighters, and many other public and private sector unions who canvassed neighborhoods and phoned voters. Teachers' unions in Ohio levied additional dues to help pay for the campaign.

Interestingly, the same Ohio voters who saved collective bargaining for state workers also overwhelmingly approved Issue 3, aimed at limiting President Barack Obama's health care program. Issue 3 states that no federal state or local law could compel any person or employer to participate in a health care system. This question is now before the courts.

Connect the Dots
The success in Ohio forms part of labor's recent ascending trajectory—the Wisconsin labor protests in February and March; the Occupy phenomenon that allied with unions and spread from Wall Street nationwide; and the Occupy Oakland march that shut down the port on November 2, 2011. Even if each struggle has not resulted in victory, the temperature is rising.

The union movement, rallying after 30 years on its heels, is testing its strength in the streets and in the political arena. The Democratic Party is anxious to channel the new energy, both in the institutional union form and in the new, more amorphous movement form, into the 2012 elections.

The split vote in Ohio on Issues 2 and 3, and the difference between the unions on the one hand and the Occupy movement on the other, suggests that getting voters to the polls in 2012, and getting them to follow the lead of the AFL-CIO/Democratic Party alliance will not be simple. In some parts of Ohio the unions kept Occupy at a distance, afraid that allying with radicals would cost them middle-ground votes on Issue 2. In other parts, like Cleveland, the occupiers backed the union position.

As we connect the dots from Madison to Oakland to Ohio, we wonder where the next dot will be. The interesting question is: how will the next uprising affect politics?

Dan La Botz is a teacher in Cincinnati and active in the Occupy movement. He is the author of A Troublemaker's Handbook.

Photo: Amalgamated Transit Union (ATU) workers celebrate Ohio Referendum win. ©2011 ATU International

By Dan La Botz
The good news is that Alabama and Arizona are still immigration policy outliers. While legislators in at least 24 states filed Arizona-like legislation this year, just five—Alabama, Utah, Georgia, South Carolina, and Indiana—passed watered-down versions of SB 1070. In many states—Georgia, Alabama, Oklahoma, South Carolina, Nebraska and, most triumphantly, Mississippi—the threat of a viral SB 1070 has engendered and strengthened coalitions between immigrant supporters and African American elected leaders who have played visible, pivotal roles in opposing, softening, and defeating Arizona copycats.

“It is a new kind of Southern strategy,” says James Evans, a five-term Mississippi state representative, AFL-CIO organizer, minister, and leading member of the legislative black caucus.

“This is a fight against a kind of venom that black people in Mississippi understand on that heart level,” Evans says, tapping his heart. “But this is hearts and minds working together. Walking together is how we all win, now and further down this long road.”

Richard Nixon pioneered the old Southern strategy through which Republicans pandered to racism and won over Southern white Democrats disaffected after desegregation and civil rights legislation. Now, though, Latinos’ growing presence and electoral clout in the South and other regions, coupled with the moral authority of civil rights, has yielded a new game plan. This one depends not on racial and cultural division but on unity. In Mississippi, a methodically constructed alliance of African Americans, immigrants, and their supporters has grown down-right formidable and, Evans suggests, “can help show the country a better way, a path to higher ground.”

It hardly happened overnight. But in the past few years, Mississippi activists’ formula of black and immigrant partnership within a “workers’ rights/civil rights” frame, abetted by dogged labor organizing, has added up to visible success.

In the 2011 legislative session, Mississippi law-
makers introduced 33 bills that sought to make it easier to deport immigrants, or else make life more difficult for them. They included bills that would have: denied undocumented people access to public benefits (which is already prohibited under federal law), restricted immigrants’ ability to rent apartments (federal courts have ruled similar bans unconstitutional), and mandated “English-only” in conducting government business. By April, all the bills were dead, including an Arizona copycat—SB 2179—which, after it passed both chambers, advocates had assumed was unstoppable. The bill would have made it a crime to fail to carry immigration papers and would have authorized state, county, and local police to determine the immigration status of a person during a “stop, detention, or arrest.” The bill went further than Arizona’s by allowing for immigration checks during traffic stops. The version that passed the Mississippi State Senate would even have allowed people to sue municipalities or law enforcement officials for failure to enforce immigration laws. Through legislative legerdemain, Democratic members in the House, led by black caucus member Edward Blackmon Jr. and Judiciary Committee Chair Willie Bailey, killed the bill.

Similar bills died similar deaths in 2010 and previous years as black lawmakers spent significant political capital fighting them. Black caucus members are regular speakers at immigrants’ rights rallies. They take to talk radio and attend community forums, urging constituents to oppose harsh immigration bills and to join pro-immigrant marches. In recent years, African American legislators have used the power of their committee chairmanships in the House to let anti-immigrant bills languish and expire—despite the fact that their own legislative heft has hardly come easily in Mississippi, the only state whose official flag incorporates the Confederate flag.

Hellbent on Unity

There are no Latino or immigrant members in the Mississippi Legislature. Compared with Georgia (where 9 percent of the population are immigrants) and North Carolina (7 percent), Mississippi has few foreign-born residents (only 2 percent, or about 60,000 people), according to the U.S. Census. Latino immigrants living just outside the capital, Jackson, complain of roadblocks where police and sheriff’s deputies ask for papers, jail people who can’t produce any, and hand them over to federal authorities for deportation. In February, local police in several towns around Jackson cooperated with federal agents in raids on immigrants’ homes. Mississippi, then, might not seem the most fertile ground for growing a pro-immigrant coalition. But in 2000, a white labor organizer named Bill Chandler founded the advocacy group Mississippi Immigrant Rights Alliance (MIRA), hellbent on unity.

Raised in a racially diverse neighborhood of Los Angeles, Chandler had worked with Cesar Chavez’s United Farmworkers across the South and later in Mississippi, organizing mostly African American workers in a variety of industries. He witnessed the migration of Latino workers who first came for jobs in the state’s burgeoning casino industry and chicken processing plants and later to clean up and rebuild after Hurricane Katrina. Chandler understood why the growing presence of exploitable labor worried the struggling African American workers he had helped organize over the years. (About 44 percent of African Americans in Mississippi live below the federal poverty line.) He also feared that white conservatives would exploit potential tensions to divide two disenfranchised groups. But he had long ago learned how to intercept that problem by organizing workplaces with significant shares of both Latino and African American workers, so that “everyone benefited.”

With MIRA, Chandler embarked on a parallel legislative strategy. He began by approaching African
American leaders in the state legislature to seek support for immigrants and by organizing an annual “Unity Conference” that cemented relationships between traditionally black civil rights organizations, labor, and immigrant activists. Meanwhile, MIRA staff members organized Latinos and African Americans in workplaces and through community forums in their neighborhoods. Chandler vowed never to ask white legislative allies to sponsor pro-immigrant legislation. He turned first to Representative Evans and to a former teacher and union leader, State Senator Alice Harden, to sponsor bills. Pro-immigrant proposals included efforts to provide undocumented immigrants access to driver’s licenses (a measure passed the Senate but failed in the House) and to offer undocumented students in-state rates at public colleges (the measure died this year). Several local black civil rights activists sit on MIRA’s board, as do union officials. In community forums and meetings with immigrants, most of whom come with no knowledge of the bloody protests and legal struggles that dismantled segregation, Chandler and others point out that if it were not for black civil rights leaders, the immigrants’ rights movement would have no foundation.

“And now? We would not be able to do anything for immigrants without the black caucus beside us. We’d be nowhere,” Chandler says. “This coalition would not benefit anyone if a Latino worker could not see African Americans as their allies.”

Local Government Responds

MIRA’s strategy has trickled down to local government. Right after SB 1070 passed in Arizona, the majority black City Council in majority black Jackson responded by implementing an anti-racial-profiling ordinance designed to protect immigrants. MIRA’s legal project director, Patricia Ice, who is African American and married to Chandler, first presented the idea to the prominent black civil rights lawyer and newly elected City Councilman, Chokwe Lumumba. Ice wrote the legislation, which prohibits police from asking people to prove their immigration status, and Lumumba introduced it.

“This was a message to immigrants that they are welcome here in Jackson,” says Lumumba. “A bigger Latino population would help us politically, sure. But it is right, morally. If we’ve learned anything in Mississippi, it’s how to stand together against oppression.”

In the coming months, Chandler and Ice hope to persuade other municipalities to adopt ordinances like Jackson’s. They think there may also be support for such a measure in Canton, a majority black town of about 12,000, just north of Jackson.

Just days before a pro-immigrant march on the state Capitol, MIRA staff members had driven out to a dusty trailer park in Canton and talked with dozens of Latino immigrants about the proposals before the legislature. Most of the immigrants who rent the dilapidated trailers here work in the chicken processing plants that have become a staple industry in Mississippi. Isela Gonzalez, who hangs and cleans chickens in a Peco plant next to the trailer park, went to MIRA’s meeting. On the day of the rally, Gonzalez, who was pregnant at the time, recalls waking up “tired and sad.” Her common-law husband, the father of her children, had recently been deported, she said, after a sheriff’s deputy stopped him while he was walking back from work and asked him for papers he did not have.

“I became happy when I got to the march,” she says, cradling her newborn son in her arms. “I saw
that we are not alone. There are people with us.” Gonzalez joined “a lot of Mexicans and Guatemalans and white people” that day, adding, “I saw many more black people who seemed like important people, the bosses, that day.”

Gonzalez’s correct perception upends the ubiquitous narrative that casts African Americans and Latinos as adversaries in a zero-sum game. As journalist David Bacon documents in his book *Illegal People*, African Americans in Mississippi have seen themselves displaced by employers who have hired more easily exploitable Latino workers. But as Bacon also points out, and as MIRA takes pains to bring to light, the true villains are the less visible forces undermining economic security for all low-wage workers. Research bears this out. After conducting a large statistical analysis, Yale University economist Gerald Jaynes testified to Congress in 2007 that he and colleagues found very modest effects upon African Americans’ wages resulting from immigration. Jaynes, like MIRA, stresses that African Americans’ economic stability is undermined far more by factors like the decline of manufacturing jobs, weakened unions, a computerized information economy, and educational inequalities.

“Look, everyone needs to put food on the table. Everyone wants to walk down the street without getting harassed,” Chandler says in MIRA’s scruffy Jackson office. Outside his door, immigrants sit waiting for the start of a workshop on the naturalization process. “We need to respect the different histories here between groups. But the folks in that waiting room and African Americans looking for a living wage? They are engaged in the same struggle, and it is not with each other.”

Black leaders on the national level, too, have spoken out in recent months against efforts to pit the two groups against each other. In March, Michigan Democratic Representative John Conyers and Maxine Waters, a Democratic representative from California, sharply questioned Republicans’ motives for holding a hearing on the effects of immigration on U.S. unemployment.

“The notion that is underneath the surface of pitting African American workers against Hispanic workers and immigrants is so abhorrent and repulsive to me that I want to get it on the table right now,” Conyers said.

Also in March, a few weeks before an immigration enforcement bill passed in Georgia, Congressman and civil rights icon John Lewis showed up unannounced and joined a rally against the measure. Outside the Capitol in Atlanta, Lewis stood with members of the state’s legislative black caucus. With microphone in hand, he strode straight toward the metal barricade cordoning off the mostly Latino crowd. His voice boomed over cheers and applause.

“I was involved… in the civil rights movement. I got arrested… I was beaten, left bloody. But I didn’t give up,” he said. “And you must not give up.” The crowd quieted and Lewis flowed into preacherlike cadence: “We are all brothers and sisters. It doesn’t matter if we are black, white, Latino, Asian American, or Native American. We all live in the same house. If any one of us is illegal, then we all are illegal.”

Before putting down the microphone, Lewis, a leader of the 1965 march from Selma to Montgomery, offered his fellow protesters a parting gift: “If any of you get arrested and go to jail, I am prepared to get arrested and go to jail with you.”

Susan Eaton, research director at the Charles Hamilton Houston Institute at Harvard Law School, is the author, most recently, of *The Children in Room E4: American Education on Trial*. This article was originally published in *The Nation*. 
Census Bureau Contributes to Prison-based Gerrymandering

By Leah Sakala

When Brooklyn native Ramon Velasquez was sentenced to prison, he was transported to the Attica Correctional Facility, about six hours and 350 miles from his home. Although acutely aware that he was far from where he lived, Velasquez did not realize that his transfer to Attica would also result in his community’s political clout being displaced. That’s because the U.S. Census Bureau—contrary to the provision of the New York State Constitution, which considers Velasquez a resident of Brooklyn even during his time in prison—counted him (and all other incarcerated persons in the United States) at the location of the prison rather than at his home.

Velasquez assumed that he would be counted in his home district during his prison sentence. After all, he had no connection to the local community in the district in which he was imprisoned. Incarcerated people are not allowed to use local services and do not participate in local community affairs in any meaningful way. If allowed to vote, they are required to cast absentee ballots in their home districts. As Velasquez wrote in the Huffington Post, “I always considered Brooklyn my home, which is where my family lives.” And that’s where he returned directly upon his release.

**Effect of Prison Populations on Democracy**

Following the 2000 Census, New York’s Redistricting Task Force drew new legislative districts based on the population data, which counted 71,466 incarcerated people at the wrong location, posing a serious problem for democracy in New York.

Using incarcerated populations to pad numbers in districts with prisons artificially inflates the number of “constituents” in those districts. It gives extra political clout to some people solely on the basis of their residential proximity to a prison, while reducing the political representation of others, especially urban residents and communities of color. “Prison-based gerrymandering” dilutes the political clout of voters in districts with disproportionately high incarceration rates, such as Velasquez’s home borough of Brooklyn.

Furthermore, the practice of counting incarcerated people as though they were residents of the county in which they are confined undermines the constitutional principle of “one person, one vote” and distorts our democracy on every level, from local school boards to state legislatures.

The New York legislature has since ended prison-based gerrymandering with a 2010 bill that reallocates incarcerated people to their home districts for redistricting purposes. But most states and many local governments have not put forth similar legislative solutions to ensure that incarcerated populations are counted in their home districts.

**Anamosa: A Case Study in Gerrymandering**

The city of Anamosa, Iowa provides one of the clearest and most dramatic examples of how prison-based census data can skew matters. In 2005, Anamosa resident Danny Young was voted onto the City Council as a write-in candidate with a total of two votes. The two people who cast ballots for Young—his wife and his neighbor—were among the few true residents of the city ward with a legal vote as the balance of the “constituents” were the 1,321 people incarcerated in the Anamosa State Penitentiary.

Since the city had included the prisoners in the general population count during a 2002 redistricting, the 58 true residents of Young’s ward ended up with
as much power in local government as the over 1,300 residents in each of the other wards. In other words, padding the ward with the prison population gave 1 percent of Anamosa's population a 25 percent stake in political representation. Asked whether he considered the prisoners his constituents, Young told the New York Times, “They don’t vote, so, I guess not.”

The Anamosa City Council was a stark, if likely unintentional, example of prison-based gerrymandering. When viewed through the lens of state rather than local districts, however, the effects on minority voting power become quite striking. The prison population is nearly a third African American or Latino, but Anamosa is a small, rural city where less than 2 percent of the residents are black or Latino.

When Iowa draws its state legislative districts, the district that contains the Anamosa prison gets credit for the prison population. All other districts will suffer as a result of padding this state district. The biggest victims of prison-based gerrymandering are the urban communities like Waterloo and Iowa City that send disproportionate numbers of people to prison and are denied their true population at redistricting time.

Hearkening Back to Slave Population Counts

Across the country, prison-based gerrymandering has the effect of siphoning off political clout from the communities where most incarcerated people come from, and transferring it to the districts where they are confined but cannot vote. This use of incarcerated “phantom populations” has a disconcerting resemblance to the pre-civil war practice of counting slaves as three-fifths of a person for the purposes of U.S. Congressional apportionment. It artificially boosted Southern representation under the 1787 Constitution’s infamous “three-fifths” clause.

Soaring incarceration rates are actually escalating the harmful effects of prison-based gerrymandering on minority political power. The prison population in the United States nearly tripled between 1987 and 2007, and the over 2 million people currently behind bars make up more than 1 percent of our total national adult population. Our nation’s unprecedented reliance on incarceration raises many social, economic, and cultural concerns, with some of the most disturbing statistics reflecting the racial disparities in our criminal justice system. In 2009, black men were incarcerated at a rate 6.4 times higher than white men, and Latino men were incarcerated at a rate 2.4 times higher than white men.

While a disproportionate number of the incarcerated are people of color from urban communities, the majority of new prisons are built in non-metropolitan, predominantly white communities with low incarceration rates. In fact, we found that in over 173 counties in the U.S., more than half the black population is incarcerated. This does not reflect heightened racism in these counties. It merely demonstrates that the people behind bars in those counties are not from the area. Despite this critical demographic difference, the Census Bureau counts incarcerated people—
who have been unwillingly transported far from home and who cannot vote or participate in the local community—exactly as if they were residents living freely in the community with a stake in local government.

Wisconsin Should Rethink its Districts

The issues that concern the residents of a district with a prison are generally substantively different from those of the incarcerated in that district. When incarcerated people need to access the legislature, they reach out to representatives from their home districts. As Henry Hamilton III of the Wisconsin NAACP explains, “Legislators from communities where prisoners are from, and [to which they] will likely return, are more inclined to sponsor and support legislation that will benefit the prisoners upon reentry, as well as their victims and their communities.”

In the current round of redistricting based on the 2010 Census, Wisconsin displays some of the more dramatic instances of prison-based gerrymandering. The 53rd Assembly District, for example, has the highest concentration of prisons in the state and 5,583 of its “constituents” are to be found behind bars. Without the prison population, District 53 would fall below the required population size for a district—beyond the allowable 10 percent deviation from ideal population size. Including the prison population in the census count gives every 90 residents of District 53 the same amount of political clout as 100 residents of any other district. Moreover, demographically, District 53 claims a sizable African American population. But a closer examination shows that only 590 of its 2,784 African American “constituents” actually reside outside prison walls.

Movement to End Prison-based Gerrymandering

While states like Wisconsin continue to use flawed census data in redistricting, there is a growing movement to end prison-based gerrymandering that has inspired changes at the national, state, and local levels. Maryland and New York have both passed legislation to count incarcerated people at their homes for the current redistricting cycle, while California and Delaware have passed laws to fix the problem during the 2020 cycle. At the local level, more than 100 county and municipal governments across the country already exclude incarcerated populations from redistricting plans.

Although the Census Bureau once again counted incarcerated people in the wrong location for the 2010 Census, it has agreed to publish detailed data on incarcerated populations much earlier than in the past. This gives state and local governments the information they need to avoid prison-based gerrymandering in time to use it in their redistricting processes.

As for Anamosa—as soon as citizens discovered that prison-based gerrymandering was compromising the fairness of their City Council, they wrote up a petition to switch to an at-large system that ensures equal weight for each vote cast. Council Member Danny Young was one of the first people to sign on. ■

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In July 2011, Representative Luis Gutierrez (D-IL) was arrested during a demonstration in Washington, DC, to protest President Obama’s refusal to use his executive powers to halt deportations of the undocumented. Gutierrez’ arrest came only two days after Obama had addressed a conference of the National Council of La Raza, reminding attendees that he was bound to “uphold the laws on the books,” conveniently forgetting the history of the civil rights struggle that had made his presidency possible.

With over 392,000 deportations in 2010, more than in any of the Bush years, many activists fear a repeat of the notorious “Repatriation” campaign of the 1930s and the infamous Operation Wetback of 1954, both of which resulted in the deportation of hundreds of thousands of Latinos. But a few things are different this time around.

One crucial distinction is that we are in the era of mass incarceration. Many of the undocumented are being sent to prison for years before being delivered across the border. While the writings of Michelle Alexander and others have highlighted the widespread targeting of young African American males by the criminal justice system, few have noted that in the last decade the complexion of the faces behind bars has been changing. Since the turn of the century, the number of blacks in prison has declined slightly, while the number of incarcerated Latinos has increased by nearly 50 percent, crossing the 300,000 mark in 2009.

A second distinction is the rise of private prison corporations. For prison industry leaders, such as Corrections Corporation of America (CCA) and the GEO Group, immigrant detention has been their lifeblood. Just over a decade ago, their bottomlines were sagging. Newly built prisons sat with empty beds while share values plummeted. For 1999, CCA reported losses of $53.4 million and laid off 40 percent of its workforce. Then came 9/11.

Steven Logan, then CEO of Cornell Industries, a private prison company that has since merged with GEO, spelled out exactly what this meant for his sector: “I think it’s clear that with the events of September 11, there’s a heightened focus on detention, both on the borders and within the U.S. [and] more people are gonna get caught… So that’s a positive for our business. The federal business is the best business for us. It’s the most consistent business for us, and the events of September 11 are increasing that level of business.”

Logan was right. The Patriot Act and other legislation led to a new wave of immigration detentions.
Aggressive round-ups supplied Latinos and other undocumented people to fill the empty private prison cells. Tougher immigration laws mandated felony convictions and prison time for cases that previously merited only deportation. Suddenly, the business of detaining immigrants was booming. PBS Commentator Maria Hinojosa went so far as to call it the new “Gold Rush” for private prisons.

The figures support Hinojosa’s assertion. While private prisons own or operate only 8 percent of general prison beds, they control 49 percent of the immigrant detention market. CCA alone operates 14 facilities providing 14,556 beds under contract with ICE and have laid the groundwork for more business with a vast lobbying and advocacy network. From 1999 to 2009, CCA spent more than $18 million on lobbying, mostly focusing on harsher sentencing, prison privatization, and immigration.

One significant result of their lobbying efforts was the passage of SB 1070 in Arizona, which nearly provides police with a license to profile Latinos for stops and searches. The roots of SB 1070 lie within the American Legislative Exchange Council (ALEC), a far right grouping that specializes in supplying template legislation to elected state officials. CCA and other private prison firms are key participants in ALEC and played a major role in the development of the template that ended up as SB 1070.

For its part, GEO Group has also been carving out its immigration market niche. Earlier this year, they broke ground on a new 600-bed detention center in Karnes County, Texas. At about the same time, the company bought a controlling interest in BI Corporation, the largest provider of electronic monitoring systems in the U.S. The primary motivation for this takeover was the five year, $372 million contract BI signed with ICE in 2009 to step up the Bush era Intense Supervision Appearance Program (ISAP 11). The Feds hired BI to provide ankle bracelets and a host of other surveillance for about 27,000 people awaiting deportation or asylum hearings.

Sadly, the Obama presidency has consistently provided encouragement for the likes of CCA and GEO to grow the market for detainees. While failing to pass immigration reform or the Dream Act, the current administration has kept the core of the previous administration’s immigration policy measures intact. These include Operation Endgame, a 2003 measure that promises to purge the nation of all “illegals” by 2012, and the more vibrant Secure Communities (S-Comm), which allows local authorities to share fingerprints of all detainees with ICE. Supposedly intended to capture only people with serious criminal backgrounds, S-Comm has led to the detention and deportation of thousands of people with no previous convictions.

At the La Raza conference, Obama tried to console the audience by saying he knows “the pain and heartbreak deportation has caused,” but his words failed to resonate. Instead, Rep. Gutiérrez and others took to the streets to demonstrate that “I feel your pain” statements and appeals to the audacity of hope carry little credibility these days.

It is time for a serious change of direction on immigration issues, or pretty soon the mass incarceration of Latinos may come to be called the “New Operation Wetback.”