

Pushback Network
Residential Training School
on
Political Redistricting

August 20-22, 2010
Jackson, MS



**Building Strength thru Unity,
and Unity thru Organization**



**Community Organizing Around Political Redistricting
to Empower Grassroots Communities of Color and of Low-Wealth
to Become the Architects of Policy Rather than the Objects of Policy**



All. Together. Now.

**These materials and the training
prepared and presented by:**

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What is Pushback Network?

Pushback Network (PBN) began in 2005 as a dialogue among experienced, independent community-based groups. PBN's founders were leaders of organizations that had built long-term, on-the-ground operations within the most challenging social environments in the country. They formed PBN to "push back" against what they considered to be shortsighted, tactical approaches to community organizing and electoral work.

PBN connects the infrastructures of well-established, high-performance community organizing groups from across the country to achieve a breakthrough in civic participation. Each state in the Network is lead by anchor organizations which guide strategic planning and coordinate the development of broad-based alliances of on-the-ground, grassroots workers, activists and ordinary residents committed to change.

Pushback is committed to revitalizing our democracy through the use of well-considered, state-based, grassroots driven strategies that are tested for accountability and freely shared and tailored to suit their environment. We build on decades of community organizing where networks and organizations are grown from local organizing, to regional campaigns, to emerging state formations.

PBN truly represents a bottom up approach to building power. It is a unique experiment in achieving both new levels of scale and strategic coherency in expanding local, state, and national arenas. Where the core ingredients of our model – indigenous anchor organizations taking the lead, centering civic engagement work in underrepresented communities, integrating that work with ongoing community organizing, and focusing on building state alliances from the bottom up – meet sufficient resources, dynamic and unique contributions are made to our goal of changing the composition and participation of the electorate and adding powerful voices of influence from the grassroots.

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Southern Echo is a leadership development, education, and training organization working to develop new, grassroots leaders and community organizers in the African-American communities in Mississippi and the surrounding region through a comprehensive training, technical and legal assistance program. This work has carried Echo staff into 65 of Mississippi's 82 counties and has provided training for community organizations in 11 other states in the southern United States. The underlying goal is to empower local communities through the development of *effective leadership* and *community organization*, and to create a process through which community people can obtain the *information* and build the accountable leadership and organization needed to hold the *political, economic, educational, and environmental systems* accountable to the needs and interests of the African-American community. Echo's model of community organization is "*inter-generational*," with a special emphasis on the active inclusion of *young people* in this process on the same basis as adults.

Southern Echo's goal is to create and sustain a cadre of black-based black-led grassroots organizations across the State of Mississippi that can build unusual alliances across traditional barriers of race, class, geography and status to impact the formation and implementation of public policy at the local, county, state and federal levels. In addition Southern Echo is working to build these kinds of alliances within the southern region and to build common ground in the work among grassroots Latino organizations in the southwest and white working class organizations in Appalachia to impact policy concerning civic engagement, public education, environmental racism and classism in these three regions.

AGENDA
Pushback Network
Community Organizing Around Political Redistricting

FRIDAY, AUGUST 20, 2010

9:00 am **Welcome from Pushback Network and
Pushback Network's goals and objectives in putting on this training**

9:10 am **Introduction of Participants by Pushback Network**

9:40 am **Brief Introduction of Organizations** (in alphabetical order, with principal office location)

3 Questions: Where are you located? What is your mission? Why is redistricting important to your organization?

- * Advancement Project (District of Columbia)
- * CAAAV (New York)
- * Community Voices Heard (New York)
- * Concerned Citizens for a Better Greenville (Mississippi)
- * Concerned Citizens for a Better Tunica County (Mississippi)
- * Families United for Racial and Economic Equality (New York)
- * Greater Birmingham Ministries (Alabama)
- * Miami Workers Center (Florida)
- * Malcolm X Grassroots Movement (Mississippi Chapter)
- * MS Delta Catalyst Roundtable (Mississippi)
- * MS Immigrant Rights Alliance (Mississippi)
- * National Coalition on Black Civic Participation (National – District of Columbia)
- * People's Durham (North Carolina)
- * Progressive Leadership Alliance of Nevada (Nevada)
- * Pushback Network (National – New York)
- * Southern Coalition for Social Justice (North Carolina)
- * Southern Echo (Mississippi)
- * SouthWest Organizing Project (New Mexico)
- * Southwest Workers Union (Texas)
- * South x Southwest Experiment (NM, TX and MS)
- * Sunflower County Parents & Students Organization (Mississippi)
- * TRENDZ (Nevada)
- * United Congress of Community and Religious Organizations (Illinois)
- * Virginia New Majority (Virginia)

FRIDAY, AUGUST 20, 2010, continued

- 10:10 am** **Brief Overview of the Convening: *What we will do and why we are doing it ...***
- * Understanding the work by clarifying the nature of the struggle:
Many histories, multiple perspectives, many peoples, one struggle
 - * So – a, Where have we been?
 - b. Where are we now?
 - c. Where do we need to go from here?
 - d. How best to get where we need to go?
 - * Using the census and redistricting to empower the community to fight racism (i.e. domination and control) by building strength through unity and unity through organization
- 10:20 am** **Understanding our struggle through the lenses of the individual states**
4 Questions for participants to address and synthesize in SMALL GROUP work:
- * In your state what have been the *policies* that imposed on communities of color systemic low-wealth, under-education, substandard housing and limited access to effective health care?
 - * Who adopted and imposed these *policies* and what were their goals?
 - * What is needed to change these conditions?
 - * What are the primary strategies of low-wealth grassroots organizations to make the changes that are needed?
- 11:00 am** **BREAK, with *snackies* 15 minutes**
- 11:15 am** **Reports back from the small groups**
- 12:15 pm** **LUNCH**

FRIDAY, AUGUST 20, 2010, continued

1:15 pm **Understanding the context of Redistricting: the capacity, tools and skills to maintain control of power ...
Or, to re-distribute it ...**

- A. What redistricting is about and why it matters
 - B. The 3 stages of domination and control -- slavery, segregation and colonialism – and how national census policy, apportionment of congressional districts and presidential electors, and voting rights policies were and are used to maintain domination and control
 - C. The emergence of the “Movement” transforms the struggle into a national battle for 1st class citizenship
 - D. One person, one vote and the 1965 Voting Rights Act further alter the voting rights battle field
 - E. The Empire Strikes Back: The use of minority vote dilution redistricting strategies to deny representation to people of color through packing, cracking, stacking, stovepiping, phantom districts and swing districts
- Presentation and Large Group Discussion*

2:45 pm **Break**

3:00 pm **How applying the tools and skills of Community Organizing to redistricting transformed the process into a fight to enable community to become *architects* rather than *objects* of public policy: a 20-year Mississippi experience**

- A. How the community educated the community organizers
- B. Why and how redistricting became a focal point, but not the ultimate objective, of the community organizing work
- C. The values, benchmarks and standards established for evaluating the effectiveness of the organizing work
- D. Why it was critical for community to become involved in the redistricting process
- E. The training process used to build consciousness, overcome fear and share tools and skills
 - * The importance of connecting redistricting to the history of oppression to enable community to visualize redistricting as a critical part of the tool box used to remedy the impact of past discrimination
 - * The importance of enabling community to envision themselves as having the capacity to do redistricting

FRIDAY, AUGUST 20, 2010, continued

- F. How community people built strength through unity and unity through organization to impact the redistricting process at the state, county and municipal levels
 - * Building relationships toward partnerships, allies and collaborations
 - * The development of a common language of struggle to understand racism, power, accountability, gatekeeping and related issues
 - * The theory and use of “parallel” organizations to broaden the base of support and participation
 - * The creation of “umbrella” organizations to address issues of turf, personality and historic tensions
- G. How community built an effective collaboration with attorneys and demographers in the redistricting work when this work had always been the exclusive province of attorneys and demographers
- H. The outcome of the redistricting work over 20 years and the successes and limitations of this process
- I. How this evolutionary process created the basis for the transferability of the organizational work to the substantive policy issues of effective access to the political process, public education, juvenile justice, environmental racism, healthy communities, etc.

Presentation and Large Group Discussion

4:00 pm

Building together a community organizing framework for the redistricting process

- A. What are the goals and objectives we seek to achieve through involvement in the redistricting work?
- B. What are the values, benchmarks and standards for evaluating the effectiveness of the organizing work?
- C. What are the things we need to know and understand?
- D. How , where and from whom can we find what we need to know?
- E. With whom should we build relationships toward involvement in the work and how should this be done?
- F. Which individuals or organizations are willing to provide leadership within the process?
- G. With whom should we share the information we know and understand?
- H. What is the best way to share this information?
- I. What is the work that needs to be done and by when does it need to be done?
- J. What challenges have you experienced or foresee in connection with redistricting work?

Small Group work for 45 minutes; Large Group Discussion for 45 minutes

5:30 pm

Brief review of the day and overview of the work for Saturday

5:40 pm

Adjourn for dinner

SATURDAY, AUGUST 21, 2010

9:00 am Break some ice to get the blood flowing and the mind in gear

9:10 am A very brief review of what we did on Friday

9:15 am **Opening the Redistricting Tool Box: Constitutional principles and Federal and state laws and regulations**

- A. 1962: In *Baker v. Carr* US Supreme Court created the principle of **One Person, One Vote**
- B. 1965: US Congress passed the **1965 Voting Rights Act**
- C. 1980: In *Mobile v. Bolden* US Supreme Court limited Voting Rights Act to “intentional” discrimination
- D. 1982: US Congress amends Voting Rights Act to include “effects” of discrimination
- E. 1986: In *Thornburg v. Gingles* US Supreme Court sets out 3-part test to determine vote dilution
- F. 1991: In *Jeffers v. Gov. William Jefferson Clinton* US Supreme Court affirms lower court decision in Arkansas which used principle of “creating electable black districts wherever possible...”
- G. 1992: Community succeeded in negotiating with state legislature to create electable black legislative districts wherever possible (total of 50) and in special election the Legislative Black Caucus doubled from 21 to 42, giving Caucus balance of power on appropriations votes; Mississippi Federal Court denounced settlement agreement, but accepted the plan in *Hollis Watkins vs. Gov. Kirk Fordice*
- H. 1993: In *Shaw v. Reno* US Supreme Court used North Carolina case to create *standing* for white persons to sue under 14th Amendment equal protection clause for 1st time in history and held that race cannot be the *predominant* factor in creating political districts
- I. 2001: In *Hunt v. Cromartie* US Supreme Court used North Carolina case to set out 8 factors that can guide redistricting plans, including race as a factor, provided that race is not the predominant factor; Court held that voting patterns, not registration proper evidence to determine whether district based predominantly on race or political party affiliations
- J. 2009: In *Bartlett v. Strickland* US Supreme Court ruled that creating a new legislative district is not required under Sec. 2 of the Voting Rights as a remedy for vote dilution when the minority in a single-member district cannot form a majority of the total population of the district
- K. Using history of race discrimination, voter registration and voter turnout to justify enhanced majorities to create *electable* majority-minority districts – **the 65% Rule** (which will vary based on location)
- L. Negotiating with state authorities to **set state benchmarks and guidelines** for redistricting

Presentation and Large Group Discussion

SATURDAY, AUGUST 21, 2010. continued

- 10:15 am Rummaging around in the Redistricting Tool Box: a closer look at some of the tools**
- A. What is the Census data and how is it used for redistricting
 - B. Understanding Census Blocks, Census Block Groups, Census Tracts, and Precincts
 - C. Working with One Person, One Vote
 - D. Working with “Deviation” to comply with One Person, One Vote requirements
 - * The standard for Congressional districts and the standard for state offices
 - * How to calculate “deviation”
 - E. Making sure districts are “contiguous” (but there are a few exceptions to keep in mind)
 - F. Understanding the “8 factors” so that *race is a factor*, but *not the predominant factor*:
 - 1. Compliance with One Person, One Vote
 - 2. Compliance with the Voting Right Act: no dilution of minority voting strength; minorities must be sufficiently compact and cohesive as to be able to form a majority-minority single-member district
 - 3. No retrogression (i.e. no retreat from minority gains already made)
 - 4. Compactness of the districts
 - 5. Protection of incumbents
 - 6. Cohesiveness of the communities
 - 7. Communities of Interest
 - 8. Partisan Political Party affiliation or voting behavior
 - G. The dilemma of negotiating competing valid interests
 - * Why remedying the history of systematic exclusion should take priority over other factors
 - * The emerging need to create “Minority Coalition Districts”: Can we organize to accomplish this?

Presentation and Large Group Discussion

11:15 am BREAK

- 11:30 am Two cutting edge issues with which we ought to engage**
- A. The “Prison Population” issue comes to the fore in both census and redistricting: Should prisoners be counted where they are incarcerated or where they reside when not incarcerated?
 - B. Back to the Future: The emerging issue regarding whether total population or only citizenship-based population should be used for the census, political apportionment and redistricting

SATURDAY, AUGUST 21, 2010, continued

Noon

LUNCH

1:00 pm

How to build effective working redistricting teams of community organizations, attorneys, cartographers and social scientists ... Or, how to overcome generations of cultural and class divide
A fish bowl exchange and Large Group Discussion

2:00 pm

Getting our feet wet and hands dirty: Let's draw some redistricting plans while working in "teams" ... These are exercise in tools and skills development ...
Using the maps, data, calculators, magic markers and "role profiles", please draw 5 separate plans in the sequence set out below. The members of each team should select one of the role profiles to play during the mapping process in order to simulate the necessity of negotiating competing valid interests.

1. Without regard to any other factors, please draw a plan which has the **lowest possible "deviation"** (i.e. as close to 0.00 as possible) that you are able to create;
2. Without regard to any other factors, including deviation or electability, please draw a plan with the **largest number of majority-minority districts** that you are able to create;
3. Without regard to any other factors, including deviation or electability, please draw a plan which focuses on keeping together as many **communities of interest** as possible;
4. Without regard to any other factors, please draw a plan that maximizes the number of districts that have a history of **supporting one political party** or the other;
5. Take a deep breath or two ... and taking into consideration all of the factors, please draw a plan which creates the **maximum number of majority-minority districts**, which plan may **use race as a factor**, but which plan can be explained so that it is understood that **race is not the sole or predominant factor**.

5:00 pm

Brief review of the day and overview of the work for Sunday

SUNDAY, AUGUST 22, 2010

9:30 am **Some more ice shall be broken**

9:40 am **Brief review of Saturday's work**

9:45 am **Reports back from each team on their redistricting plans**

5 questions:

- * What were the negotiations like regarding the final plan?
- * What was most difficult to do in the process?
- * What was easiest to do?
- * What did you do on each plan?
- * What do you take away from these exercises?

11:00 **BREAK**

11:15 **Where do we go from here?**

4 questions for Large Group discussion:

- * Check In: Are you still interested in doing redistricting back home?
- * Will redistricting integrate into your overall community organizing program of work?
- * What, if anything, would be helpful to you to support your efforts back home?
- * How can Pushback Network be helpful in support of your efforts?

12:15 pm **Debrief and Evaluation of this program**

12:30 pm **Benediction and Adjournment**

12:35 pm **LUNCH**

SECTION ONE:
**Setting the historical context in which
to understand political redistricting**

The Use of History to Understand and Shape Struggle

History is the record of our:

- A. Peoples
- B. Cultures
- C. Struggles.

- History is the foundation of our understanding of our present and the basis for our analysis of the possibilities of our future.

- If we don't understand *where we have been* we cannot understand *where we are* and *why*. If we cannot understand *where we are* and *why*, then we will be unable to understand how best to struggle effectively to get *where we need to go* and *how best to get there*.

- The **vision** of an organization and how it conducts its struggles are rooted in an understanding of history. It is the explanation of the forces at work in our history that underlies the strategic thinking as to how best to move to make fundamental changes.

- Therefore, if the understanding of our history and our struggles is incomplete, or unclear, or inaccurate, then our capacity to create clear, effective strategies is limited by the lack of understanding.

In our work we can't wait until we have the fullest possible understanding of history before moving our agenda forward. So we have to do the best we can with what we know. However, at the same time, we have a duty to learn as much as we can, as fast as we can, by sharing the process of serious study, learning from our experience, and talking with older heads and students of history.

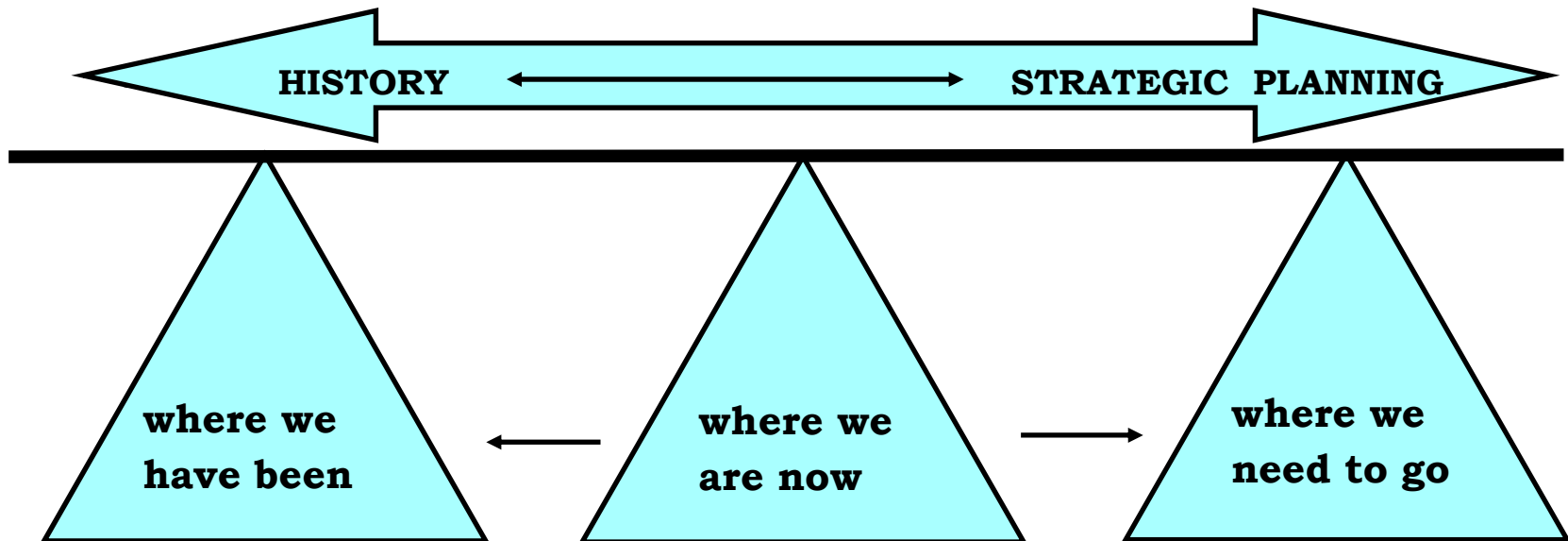


In struggle the *discussion of history* is similar to the way that we use discussion in the *debrief and evaluation* process:

1. We need to know the facts as clearly and accurately as possible;
2. We need to determine why things happened the way they did;
3. We need to determine who were the players and what stake each player had in the potential outcomes from the various situations we are learning about;
4. We need to assess why the various stakeholders and players did what they did. That is, what were their motivations?
5. We need to look for patterns in the way people respond to situations in light of their stakes in the outcome;
6. We need to assess what lessons we can learn about individuals, organizations, and the way they relate to each other; and
7. We need to assess whom to trust and respect, whom not to trust or respect, whom to respect but not trust, and whom to trust, even if you cannot respect them.
8. We need to assess what works and does not work and make the necessary and appropriate adjustments in the strategies, program of work and the relationship building process that, hopefully, will enable the organization to realize its goals.



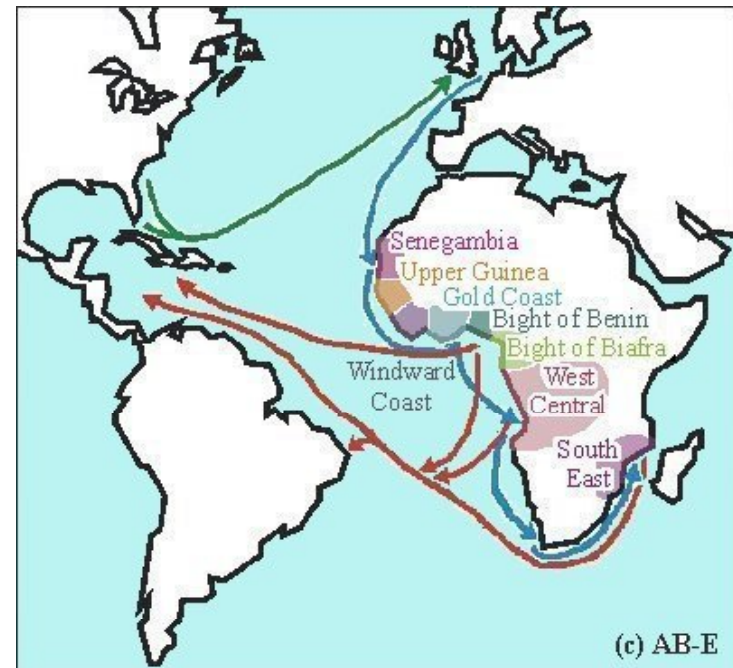
**Stated another way:
History is to strategic planning what hindsight is to foresight!**



What is poverty?

Poverty is the intended consequence of conscious policies!

- As part of the slave trade that began in the early 1600s Africans were transported to North, Central and South America and the West Indies in order to exploit and exhaust their labor from birth to death, where they were abused by the dominant communities, governments and churches on the absurd self-serving premise that Africans were sub-human, ought to be bought and sold as personal property, and forced to breed and reproduce more chattel slaves, all for the material profit of the traders, bankers and financiers, shippers and entrepreneurs, plantation owners and families of European descent.
- The transatlantic slave trade was crucial to the growth and success of the agricultural, industrial, banking and international trade components of the growing American economy, both North and South.
- The slave trade was an integral part of the early stages of *globalization*. European and American ships brought manufactured goods to the coasts of east and west Africa, brought kidnapped Africans from Africa to the colonies in North, Central and South America and the West Indies, and brought sugar, molasses, cotton, rice, tea, coffee and indigo from these western colonies back north to the American colonies and east to European countries, to complete the triangular trade network.



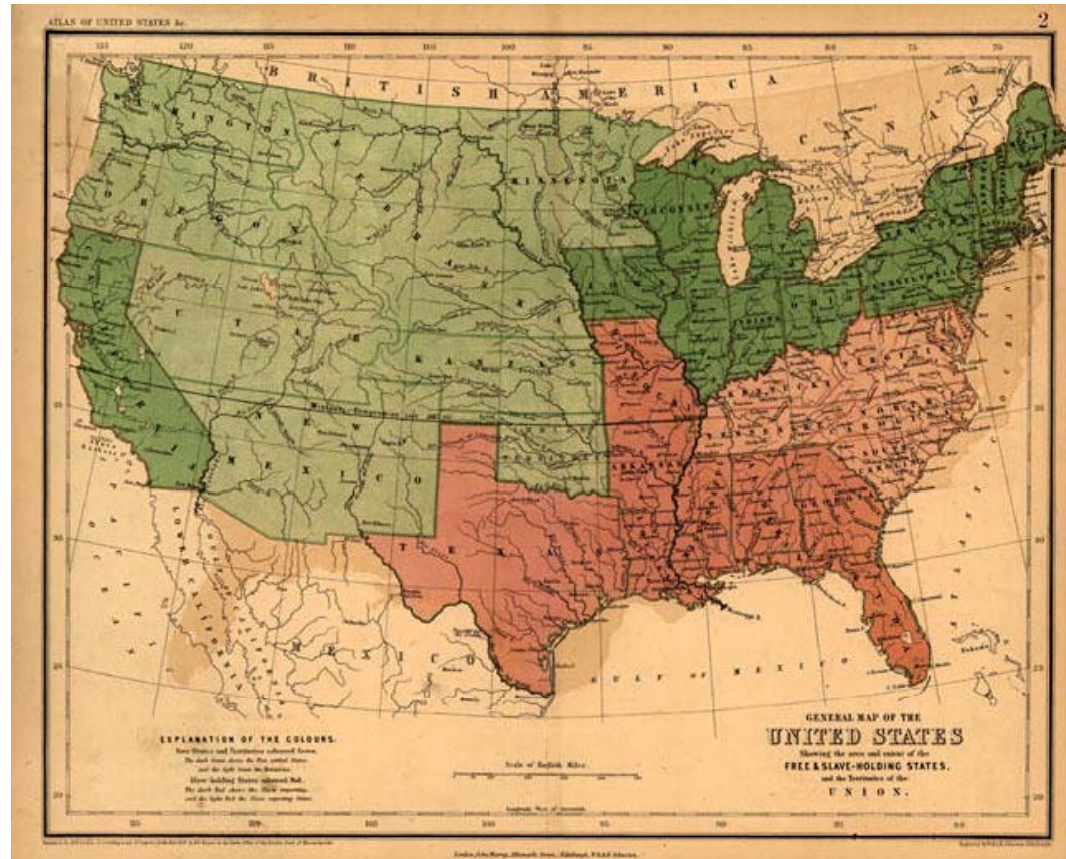
- The economic, political and social fabric that required and supported slavery and the slave trade was knitted together with constitutional provisions, laws and regulations, customs and practices, and force and violence, to dominate and control those held in bondage against their will.

- Persons of African descent held in bondage had no rights of any kind, could not vote and were treated as personal property assets in the census data on wealth. But in a remarkable twist of logic, in the population census they were counted as 3/5ths of a person to determine total population for purposes of allocating seats in the US Congress and for allocating electoral votes to each state for the election of the US President. As a result, after the invention of the cotton gin, as the “slave” states acquired more slaves to work the plantations, the “slave states” increased their representation in Congress and obtained more electoral votes in Presidential elections.

Table giving the numbers of slaves exported from various regions in Africa

Trans-Atlantic Slave exports, 1650-1900						
Region	<u>1650</u> <u>to</u> <u>1700</u>	<u>1700</u> <u>to</u> <u>1750</u>	<u>1750</u> <u>to</u> <u>1800</u>	<u>1800</u> <u>to</u> <u>1850</u>	<u>1850</u> <u>to</u> <u>1900</u>	Total
Senegambia	51,100	109,800	205,100	113,900	-	479,900
Upper Guinea	4,100	20,000	210,900	160,100	16,100	411,200
Windward Coast	800	18,500	124,700	38,600	600	183,200
Gold Coast	85,800	374,100	507,100	68,600	-	1,035,600
Bight of Benin	246,800	708,200	515,000	520,300	25,900	2,016,200
Bight of Biafra	108,900	205,200	695,900	446,400	7,300	1,463,700
West Central	?	806,400	1,525,400	1,458,200	155,000	3,945,000
<u>South East</u>	<u>?</u>	<u>19,400</u>	<u>44,000</u>	<u>380,700</u>	<u>26,800</u>	<u>470,900</u>
Total	497,500	2,261,600	3,828,100	3,186,800	231,700	10,005,700

Source: *Transformations in Slavery* by Paul E. Lovejoy
Cambridge University Press, 2000, ISBN 0-521-78430-1
Derived from tables: 4.1, 3.4, and 7.4



This is an original 1857 Map of the United States Showing the Free and Slave States. The **Dark green states** are the free states. The **light green** are the free "Territories", which were not yet states. The **Red States** were Slave Importing States, and the **Pink States** Were Slave States that Exported Slaves. But note: all states originally had permitted the ownership of slaves. Part of the dispute which helped trigger the Civil War was how to dispose of the territories . . . would they join the union as Slave or Free? The answer to this would tip the balance of power in the Congress, which is what made it such a difficult issue. In 1857 the US Supreme Court decided the case of Dred Scott v. Sandford, in which the Court stated as a matter of national policy that "blacks have no rights that white people are bound to respect." [This map and some of the text were obtained from an internet web site. Some text was added.]

- **The US Civil War (1860-1865) in large part grew out of the battle between northern and southern states over whether new US states would be “slave” or “free” states. Prior to the Civil War some of the new states that were “battlegrounds” were Texas, Oklahoma, Missouri, Kansas and Nebraska.**
- **In January 1863, in the middle of the Civil War, President Lincoln issued the Emancipation Proclamation Act to “free” the slaves in some of the states that had seceded from the US in the hope that this would undermine the war effort of the Confederate states. The Act did not emancipate the slaves anywhere else in the US.**
- **In 1865, after the Civil War ended, the states loyal to the Union adopted the 13th Amendment to the US Constitution abolishing slavery and involuntary servitude (except for imprisonment for the punishment of a crime).**

BUT – “EMANCIPATION” IS NOT THE SAME THING AS “FREEDOM”!

- **Before and after the Civil War persons of African descent, those both “free” and “held in bondage”, held meetings across the southern and northern states to outline the elements essential to “freedom” and a fair opportunity to create the quality of life to which they were entitled as human beings and first-class citizens of the US:**
 - A. The right to own and control their own labor, including the right to work for themselves, to withhold their labor at their own discretion, and the right to fair wages and decent working conditions when they were employed by others;**
 - B. The right to own their own land anywhere, to use their own land as they desired, to enter into contracts to buy and sell and otherwise participate in commerce on the same basis as others, and to use the court system on the same basis as others to sue, to be a witness and present evidence, and to serve on grand juries and trial juries, all to protect and enforce their rights;**
 - C. The right to freedom of unrestricted mobility and freedom of movement without having to account to anyone else and without having to have to justify their presence anywhere;**
 - D. The right to obtain an education, especially a public education, as the foundation for the development of the political, economic and social tools and skills to be an effective, independent, critically-thinking citizen and competitor in the economic marketplace; and**

E. The right to register to vote, to vote, to hold public office, and to come together in an organized manner to participate fully in every aspect of the political process through which public policy is formed and implemented.

After the Civil War resistance to “freedom” for African Americans was fierce....

- **Both many white abolitionists and supporters of slavery contended that “emancipation” did not confer citizenship, political or economic rights or social access. The constitutions, laws and regulations of the northern states before and after the Civil War clearly demonstrated this distinction between “emancipation” and “freedom”.**
- **In response to black demands for citizenship and equal rights, in both the North and South states, counties and cities enacted constitutional provisions, state and local laws and regulations known as “Black Codes” to constrict, restrain, hinder, thwart, limit and undermine the push for “freedom” by those formerly held in bondage. The “Black Codes” re-enacted every limitation of the slave condition except for the formal legal status of slavery itself.**
- **Families that had been held in bondage came out of the slave condition destitute and without economic resources. The goal of the Codes was to keep persons of African descent dependent on whites so that they would have to accept the conditions for survival as defined by the white community.**
- **Without a steady supply of white workers, plantation owners were having a difficult time farming their lands. In some states the Codes made it a crime for a black person to appear on the streets without being employed by a white person. The Codes also greatly restricted the ability of blacks to move about, travel, cross county lines, and so on, without great risk. The sheriff could arrest such a person and hold him in jail until he agreed to a contract to work for a white farmer or business person for a minimum of a year.**
- **In some states when black families worked together to farm their land and market their products, whites launched newspaper campaigns to denounce black persons as “lazy” because they refused to work for whites. The Codes also denied blacks effective access to the court system. Without effective access to the protection of the legal system, black families were cheated out of or forced off their land without recourse. Without their own land, black families often had to go back to work for white farmers in order to survive.**

- **In short, the white community took the position that “emancipation” may have abolished slavery, but it did not confer “citizenship” on those who had been held in bondage, or the rights, privileges and immunities of citizenship, such as the right to vote, hold public office, or the use and protection of the legal system.**
- **As a consequence, the second-class political status, substantial economic dependence and total physical and legal vulnerability of African Americans and their communities, were re-created as an integral part of the transition from slavery to emancipation. “Freedom” was still clearly beyond the horizon.**

The creation of dual citizenship and equal rights for black families, the subversion of these rights by the white terrorist insurgency, and the eventual capitulation to white supremacy by the United States government

- **In response to the Black Codes, the radical faction of the Republican Party that supported the abolition of slavery led the US Congress and the states loyal to the Union to ratify the 14th Amendment to the US Constitution in 1868. The 14th Amendment granted US citizenship (national citizenship) to every person born in the US, regardless of race or color, and additional citizenship in the state in which the person resides (state citizenship). A person born in the US may change residence from state to state and thereby change state citizenship, but that person always retains national citizenship regardless of where that person lives.**
- **In addition, the 14th Amendment guaranteed to each citizen due process of law, equal protection of the law, and all of the rights, privileges and immunities of citizenship. The goal was to put persons of African descent on the same basis in every respect as persons of European descent.**
- **Nevertheless, whites across the country took the position that the US Constitution could declare a person a citizen, but that did not automatically confer the right to vote and that the states could decide for themselves whether to permit black citizens to vote. In the 1860s and 1870s, for example, Mississippi was a substantially majority black state and whites feared that the right to vote would contribute to an attitude of independence and self-reliance on the part of black citizens.**
- **In 1870 the US Congress and the loyal states ratified the 15th Amendment to the US Constitution to guarantee the right to vote to all citizens, regardless of race or color.**

- Across the South black citizens organized political clubs, debated public policy, selected and elected persons of color to public office for the first time. They voted to use public funds to create schools that blacks could attend. This angered plantation owners who felt that education spoiled field workers by filling their minds with ideas about and tools for independence.
- But throughout this process the presence of US Troops, or federally-appointed public officials who had the support of US troops or state militias, was necessary to withstand the tide of organized violent terror campaigns by armed white committees dedicated to the overthrow of local and state governments run by black and white Republicans and to the elimination of black participation in the political process. Some of these groups were called the Ku Klux Klan and other were called such names as the White League or the White Line.
- By 1874 white organizations were engaging in armed insurrections to overthrow elected state and local governments. Whites across the country who had supported emancipation, stopped supporting the use of federal troops to protect the right to vote, to prevent the massacre of black communities to terrorize voters, or to return duly elected public officials to office, black or white, who had been ousted by insurrections.



Harper's Weekly cartoon by Thomas Nast depicting the plight of African Americans in the Reconstruction South c. 1866-68

Editor's Note: Notice that the pocket of the man on the left states "White League" and the chest of the hooded man on the right states "K.K.", for Ku Kluxers, as they were called. Note the banner at the top states, "THE UNION AS IT WAS ... THIS IS A WHITE MAN'S GOVERNMENT ... THE LOST CAUSE". Note that at the top of the shield it states, "WORSE THAN SLAVERY". This cartoon was obtained from the internet.

- **In 1874 Democrats, who demanded the end to federal supervision of the rebellious states, swept the Congressional elections across the nation. In the 1876 Presidential election the outcome of the election in 3 southern states was disputed. Under the US Constitution the resolution of the issue had to be decided in the US House of Representatives. The Democrats, dedicated to putting an end to black participation in the political process, struck an historic compromise with the Republicans called the Hayes-Tilden Compromise of 1877.**
- **In the Compromise of 1877 Democrats agreed to award the Presidency to the Republican candidate, Rutherford B. Hayes. In exchange, Republicans agreed to withdraw federal troops from the South to let southern states resolve the dispute over participation by blacks in the political process. This Compromise gave the green light for armed white insurrectionists to use organized violence to drive black and white Republicans from office, and to pass laws that re-imposed on persons of color all of the conditions of bondage, without calling it slavery.**
- **With the assistance of US Supreme Court decisions that systematically undermined enforcement of the 13th, 14th and 15th Amendments, it didn't take long to drive black citizens from the political playing field and to re-impose a crushing framework of race discrimination against persons of color everywhere in the nation. The effective denial of the fundamental rights set forth in these Amendments crushed the efforts to create 1st class citizenship for persons of color.**
- ***Exploitation* was the intended outcome in this process, and the systematic enforcement of *segregation* was the symbol of this regime. The goal was to drive persons of color back into economic and political dependency on whites, force them to work for whites on terms set only by whites, and enable whites to minimize costs and maximize profits.**
- **As a consequence of these policies under whites-only politics, workers of color were reduced to the lowest possible earnings and the most deplorable living conditions. These policies minimized educational opportunity, undermined the health of families, marginalized economic opportunity, tore at the very fabric of family life, generated community-wide fear about opposing these policies and conditions, and herded persons of color into the receding shadows as the light of new economic opportunities emerged over the national horizon.**

- Without effective access to the political process persons of color could not seek help from public officials to enforce their rights, or turn to the courts to enforce their rights when cheated out of their wages, their homes or their land.
- In 1890 Mississippi held a constitutional convention to adopt a new constitution whose core value was to systematically disenfranchise blacks and complete their removal from the voting process. The strategies of literacy tests and poll taxes became known as the “Mississippi Plan”, which by 1905 was adopted, in one form or another, in all of the southern states, and some of the northern ones, as well.

SUMMARY

- Our history has been rooted in a system of *domination and control* by whites over people of color. Systemic poverty is one of the enduring outcomes of the system of domination and control. Poverty has been a key within the system because the constituent elements of poverty generated and sustained dependency and minimized the capacity of people to resist the exploitation and the policies that maintained domination and control and the resultant conditions of poverty.
- Systemic poverty, therefore, was the *intended consequence of conscious policies*. It was created and enforced through laws and regulations, force and violence. Poverty was an integral outcome *before* and *after* the abolition of slavery.
- This framework enabled those in control to exploit low-wealth white working class families, too. Often white families and families of color were pitted against each other by major employers to generate mutual suspicion and fear in order to keep people of color and whites from joining forces, from working together, to end their exploitation.
- White people feared two things the most that could undermine their domination and control:
 1. The development of *independent black political organization* that could not be run and controlled by whites; and
 2. An *effective public education system* accessible to all children and adults of color where they could develop critical thinking, master mathematics and the humanities, understand the political process and develop the working tools and skills needed to sustain the kind of personal, political and economic independence that is at the core of genuine freedom.

**SECTION TWO:
Community Organizing Strategies
to empower grassroots communities
to impact the formation of public policies,
including Political Redistricting**

Pathways Out of Poverty

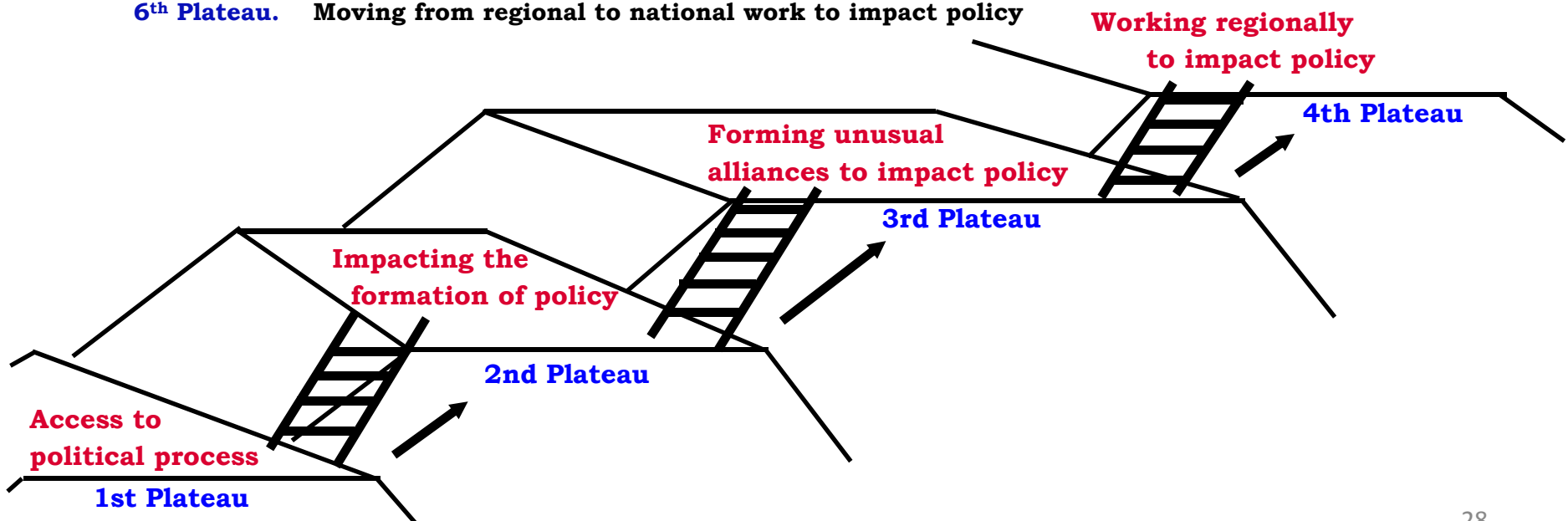
If poverty is the intended consequence of conscious policies, then how can we work effectively to change these policies?

- **If poverty is the intended consequence of conscious policies, then we have to change the offending “conscious policies” at every level of government and in the private sector. This requires several elements:**
 - 1. To change the “intent” of “conscious” policies it is essential to change the “mind-set” with which policies are created. That means that the “mindset” has to change from “exploitation of grassroots communities” to “accountability to the needs and interests of grassroots communities”.**
 - 2. To change the mindset that underlies policy formation and implementation, grassroots communities have to have the means to hold “accountable” the public officials that make and enforce policy. “Accountability”, in this context, means putting community interest over self-interest.**
 - 3. To hold public officials accountable grassroots communities have to be able to elect accountable officials and be able to “retire” those officials who fail or refuse to be accountable.**
 - 4. To be able to elect and retire public officials grassroots communities need their own accountable organizations through which people can work together to empower their communities to have the understanding, tools and skills needed to impact the formation and implementation of public policy.**
 - 5. To build effective organizations that can empower community it is essential to focus, among other things, on *strategic planning, issue development and organizational development.***

The 6 Plateaus of Struggle

At present, we are working with the concept of six (6) plateaus of struggle:

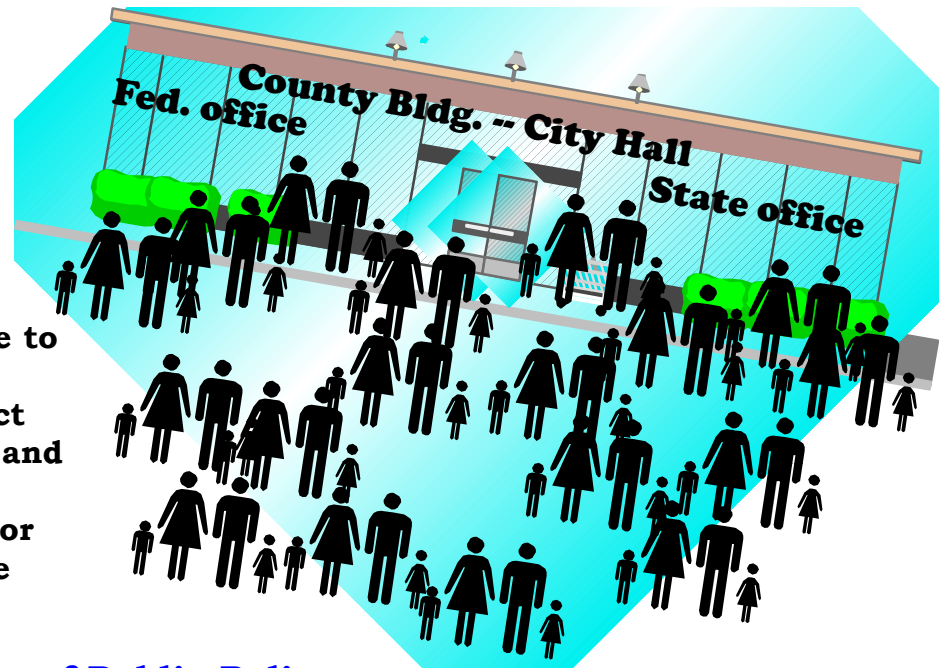
- 1st Plateau.** Getting access to the political process at the local, county and state levels
- 2nd Plateau.** Impacting the formation of public policy at the local, county and state levels
- 3rd Plateau.** Forming unusual alliances to impact public policy
- 4th Plateau.** Moving from state work to regional work to impact the formation of public policy
- 5th Plateau.** Building bridges across traditional barriers of race, ethnicity, class, language, culture, geography and status
- 6th Plateau.** Moving from regional to national work to impact policy



1st Plateau: Access to Political Process

The first plateau is focused on building leadership and organization to work to gain access to the political process.

In many communities people of color or of low wealth are still on the outside of the building, knocking on the window and trying to get in the door. They are only able to look at the people at the table making the decisions that control the policies that affect their lives. Unless they can get in the door and sit at the table community will have little capacity to impact the formation of policy, or hold their public officials accountable to the needs and interests of the community.



2nd Plateau: Impacting the Formation of Public Policy

Access to the table is not enough. To change the quality of life or to hold public officials accountable to needs and interests of the community, requires that the community be able to impact the formation of public policy. To impact the formation of policy at any level of government requires:

1. A clear understanding of what the problem has been and continues to be;
2. A clear prescription or remedy for resolving the problem;
3. Strong organization with which to build a broad base of support for change among the constituents of the public officials making the decisions ;
4. Effective, accountable leadership to focus the work to impact policy; and
5. An appropriately worded framing of the proposed policy changes that address the legal and policy issues public officials will have to consider.



Work on the **2nd plateau** does NOT mean that work on the 1st plateau has been completed. Work on the 1st plateau must continue to bring more and more individuals into the process who have not participated and who have not

that they could become involved. This is a major way to broaden the base of support for the work. Therefore, work on the 1st and 2nd plateaus need to go at the same time.

To be effective in the organizing work requires that people have an effective opportunity to learn new tools and skills at each plateau that will enable them to develop the capacity to understand the work and to implement the strategies.

There are some major differences between the work on the 1st plateau and the work on the 2nd plateau. Among the hallmarks of the **2nd plateau** are:

1. **Community leadership works to build "working relationships" with public officials. For ex: community works to shift public officials from open hostility to the community to an attitude of grudging respect and a willingness to consider community policy demands;**
2. **Community leadership get elected to public office at the town, county, parish or state levels;**
3. **The realization by community that it has become a player -- a fundamental transformation from the culture of systematic exclusion....;**
4. **The opportunity for community to utilize some of its energy and insight to formulate new, creative, redemptive policies;**
5. **The opportunity to negotiate within the community and with adversaries and public officials for the adoption of new, progressive policies.**

3rd Plateau: Forming Unusual Alliances to Impact Policy

The 3rd plateau builds on the work accomplished on the 1st and 2nd plateaus. It deepens and broadens the basis for the community to impact the formation of public policy. The work of the 1st and 2nd plateaus continues to go on at the same time.

What are "unusual alliances"? This refers to working with individuals and groups with whom the community in the past has been, for the most part, in conflict, or who have seen each other as adversaries. This can refer to alliances with people or groups in the white community, or within the minority community, whether African American or Latino.

The third plateau is really an extension of the policy formation work at the 2nd plateau. Usually, this work becomes possible when the community has demonstrated that it has become a player in the policy formation process.

On the 3rd plateau it is important to be very careful not to confuse cooperation "of the moment" with adversaries concerning specific issues with genuine agreement about vision and goals. It is important to be clear about where you agree and disagree, and therefore, where the alliance begins and ends. Confusion about this can lead to grave miscalculation and can mislead community people about who are their friends and who are not. This is a learning process as you go.

This is where *debrief and evaluation*, perhaps on a daily basis, is very important to make sure that your strategies continue to serve your goals. This is where the turnaround of converting hindsight into foresight needs to be quick and steady.

By the way: for the purpose of this discussion "adversaries" does NOT necessarily mean "enemies". It can refer to anyone with whom you have fundamental differences about which policies best serve the community.

4th Plateau: Moving from state specific work to regional work to impact the formation of public policy

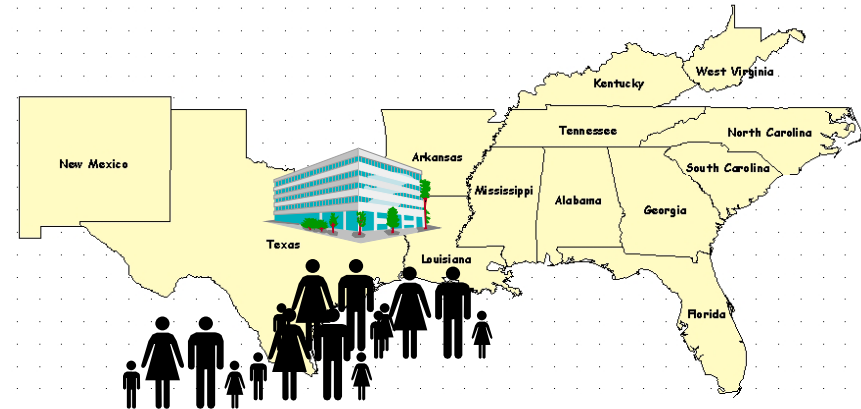
The 4th plateau involves moving from work in the separate states to work in the region to impact the formation of public policy. For example, there are groups with common values doing good work across the Southern and Southwest regions.

The questions are:

- A. If the groups pool their strengths and resources across traditional geographic and political barriers, can they impact public policies in ways that can benefit communities in their respective states?**
- B. Can regional work create opportunities to impact policies that cannot be achieved by working separately among the states?**

Examples of policy areas:

- **public education,**
- **schoolhouse to jailhouse and juvenile justice,**
- **environmental racism,**
- **political redistricting,**
- **public health,**
- **living wage,**
- **immigration,**
- **felony disenfranchisement,**
- **the right to effective representation in school discipline and criminal matters, and**
- **globalization, etc.**



Moving from the “Protest Model” to the “Policy Model”

- The “**protest model**” was the primary method of national and local struggle by grassroots community during the human rights movement of the 1950s and 1960s -- sit-ins, freedom rides, marches, pray-ins, demonstrations, efforts to register to vote, and angry demands for change at public meetings when the citizens had no vote with which to hold public officials accountable.
- The “**protest model**” had an enormous impact on the consciousness of the nation and brought to the public stage the reality of racism, systemic intentional suppression, exclusion, segregation, and disparities rooted in core values and policies in both the public and private sectors, created and maintained through constitutional provisions, laws and regulations, customs and practices, and ultimately violence by law enforcement and private individuals. It led to extraordinary changes in policies in both the public and private sectors. But it was not, in itself, a model for effective governance that community could sustain or upon which it could rely.
- The “**protest model**” reached its limits in the middle and late 1960s when its effectiveness was diminished by two major stresses. On the one hand, public officials and business leaders began to figure out how to “roll” with the protests. Instead of responding to protests with anger, retaliation and open violence, public and private institutions learned to appear to listen, accepted and absorbed verbal punishment, and then would appoint community leaders to “study committees” to chill the community, stretch out the process, confuse the issues and then offer token rather than fundamental and substantive changes in policies and practices. On the other hand, some angry and frustrated communities, often encouraged by federal and local government “agent provocateurs”, moved the model from protest to violence and rioting. The “violence” was used by the federal and local government to ignore the underlying issues, disparage “protests” and in the name of restoration of “law and order” focus on the suppression of community groups demanding fundamental changes in policies in the public and private sectors.
- The “**policy model**” is an emerging *governance* model that focuses on impacting policy formation and implementation through the election of accountable public officials at all levels of government and building the capacity of community organizations, through training and technical assistance, to hold officials accountable to community. This process also involves building alliances across traditional barriers of race, class, gender, geographic location, and status to generate sufficient capacity to sustain meaningful impact on the policy process.

Using “parallel organizations” to Broaden the Base of Support

The theory and use of parallel organizations --

There are organizations with different strategies, but that work toward similar goals aimed at different constituencies. Since they work for similar goals they support each other. Each accomplishes things the others cannot.

1. A smaller organization can be more aggressive in support of a specific vision, while a larger, democratically-run group tends to be more diverse in its base and, as a result, more conservative, or less aggressive, in order to accommodate the broader base of involved members;
2. Organizations can have overlapping constituencies or bases of support;
3. Organizations can have different strategies to achieve common goals;
4. Organizations can have different programs of work to implement common strategies;
5. Organizations with similar goals play different roles in their communities;
6. Organizations can cooperate on specific goals and work while disagreeing about others;
7. Sometimes people and organizations will work to achieve a common goal if they do not have to submit to the authority of the other organizations or individuals;
8. All people do not have to work within a single organization for effective work to be done to achieve a common goal;
9. Therefore, several organizations can work in the same direction (i.e., in a **parallel** way), to broaden the support, without having to come under the control of a single organization.
10. Using **parallel organizations** takes advantage of all of the available community resources.

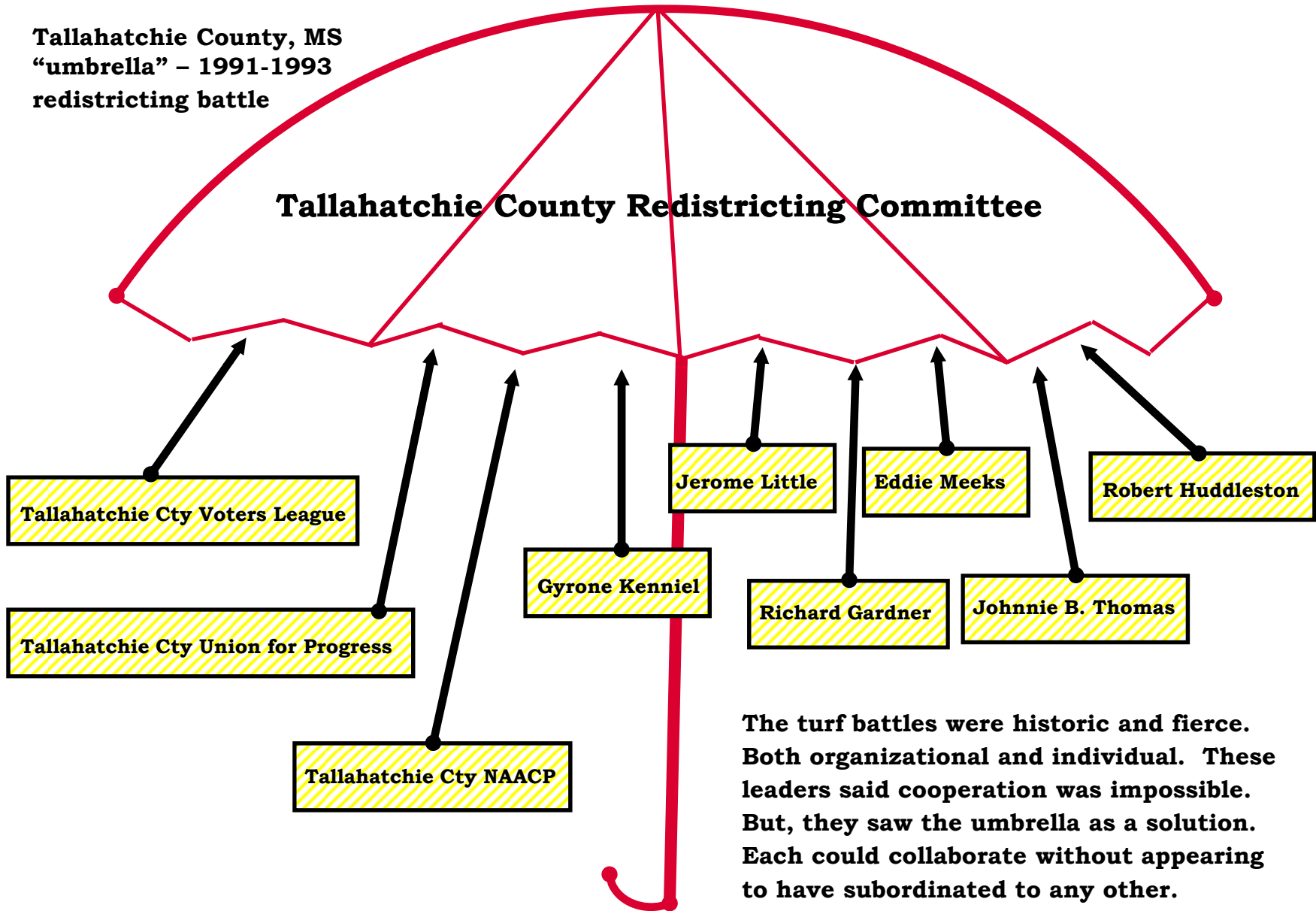
Using “umbrella organizations” to broaden the base of support

The theory and use of umbrella organizations:

1. In most communities there have some organizations around for a long time, including churches, concerned citizens groups, or voters leagues, etc.
2. Often organizational turf and jealousies, and personal turf and jealousies, can make it difficult to bring people together to cooperate on work that would actually benefit all of them. Often each of the organizations is worried about which organizations and so-called leaders will get the credit for whatever is accomplished.
3. This is especially serious when no one of the organizations is strong enough on its own, but if they pooled their strengths and resources they could accomplish a great deal more collectively. The umbrella can be a safe place to work without having to challenge an existing organization that does not want to be associated with such work.
4. One approach is to create an umbrella organization under which everyone can work.
5. Under the umbrella each organization can be recognized as participating and contributing to the work of the whole, without any one being dominant or controlling.
6. The work is done under the name of the umbrella organization and the credit goes to the umbrella organization and also can go to each of the supporting organizations.
7. Decision-making should be done by those actually actively engaged in the work: this is important so that the gatekeepers within don't prevent work from being done.

Tallahatchie County, MS
“umbrella” – 1991-1993
redistricting battle

Tallahatchie County Redistricting Committee



The turf battles were historic and fierce. Both organizational and individual. These leaders said cooperation was impossible. But, they saw the umbrella as a solution. Each could collaborate without appearing to have subordinated to any other.

Example: Redistricting organizing in Tallahatchie County, MS – 1991-1993

The goal was to elect accountable black candidates to the powerful Tallahatchie County Board of Supervisors. But -- there was a *dilemma*: the leaders of the several black community organizations were very competitive, did not trust each other and were reluctant to work together. If they did not work together, a divided community would lose all the elections.

Why would competing factions and leaders agree to support and work with each other under an **umbrella organization** in light of their long history of seemingly endless factional tensions? The key was to enable people to "understand" the importance of working together. Understanding is the pre-condition to commitment and commitment is the pre-condition to doing the work that needs to be done. So -- what was the key to "understanding"?

The key was to get everyone to understand and embrace the concept of *accountability*, where *accountability* means "**putting community interest over self-interest**". The organizational leaders agreed that if they did not work together the white community would continue to control redistricting and no blacks would ever be elected to office. Only by working together could they change that. The umbrella organization, as a *temporary organization* that focused on redistricting, enabled the existing organizations and leaders to avoid submission to one another, and thereby, to appear to save face.

So -- what was the outcome of this strategy? After a 2 year fight, a federal court adopted a "fair" redistricting plan that enabled the black community to win their "first" opportunities to win county-wide elections. The grassroots organizing work, under the "**umbrella**" raised the consciousness of community, which helped black candidates to numerous "first time" wins.

For example: **Robert Huddleston** was elected the first black *state representative* in history to represent Tallahatchie County. **David Jordan** was elected the first black *state senator* in history to represent Tallahatchie County. **Jerome Little** and **Bobby Banks** were elected the first black *county supervisors* in history to represent districts in Tallahatchie County. **Eddie Meeks** was elected the first black *Justice Court judge* and the first African American to preside in a judicial court in county history. **Black candidates** won a majority of seats on the *county board of election commissioners* for the first time in county history.

Example: Voting rights battle in Mississippi 1961-1968

In the early 1960s the Student Nonviolent Coordinating Committee (SNCC) was a new organization of young people, primarily African Americans from the south in their teens and early twenties, whose primary tools of struggle were community education and direct action or demonstrations to highlight oppression and violation of the constitutional rights of African Americans throughout the south. The experiment, the risk-taking, of moving the struggle away from sit-ins around public accommodations to the exercise of the franchise through voter registration, running grassroots candidates for high and low public offices, building a “democratic” political party and turning out the vote on election day, was transformational for the entire nation.

The Student Nonviolent Coordinating Committee (SNCC) identified two fundamental needs that it could not meet itself:

- 1. The need for a broad-based community effort to fight for and win the right to vote. But at the time SNCC was considered the most militant or aggressive organization doing this work in Mississippi and many were fearful of being associated openly with SNCC. Turf issues and jealousies among existing organizations were very strong.**
- 2. The need for a broad-based political party, open to all regardless of race. The black community needed a vehicle through which it could work to develop a meaningful platform for change (a vision) that could obtain broad-based popular support, and from which candidates could launch traditional-style political campaigns, be nominated, run for and be elected to office. This process would enable the community to demonstrate to the nation that blacks in Mississippi were systematically excluded from the right to vote, to seek election to office, or to participate in the Democratic Party. The Mississippi Democratic Party was the only viable party in the state at the time. Mississippi was a one-party state. There were very few Republicans. In context, the new entity had to *appear* and *act like* a traditional broad-based political party.**

What strategic options did SNCC and the community have under the circumstances?

SNCC, under the leadership of its Mississippi Project, based in Jackson, MS, developed strategies to address each of these needs:

STRATEGY #1: To build a broad-based community effort. SNCC reached out to the **Congress of Racial Equality (CORE)**, the **Southern Christian Leadership Conference (SCLC)**, and the **NAACP** to establish a new organization devoted to the goal of enforcing the right to vote, through which any and all organizations could work, without any one of the member organizations of this coalition being identified as the dominant organization or the "boss". Each of these organizations agreed. The new "umbrella organization" created in 1962 was called the **Council of Federated Organizations (COFO)**. Each of the member organizations remained separate and independent, but **COFO** became the entity through which the strategic planning and voting rights field work was coordinated.

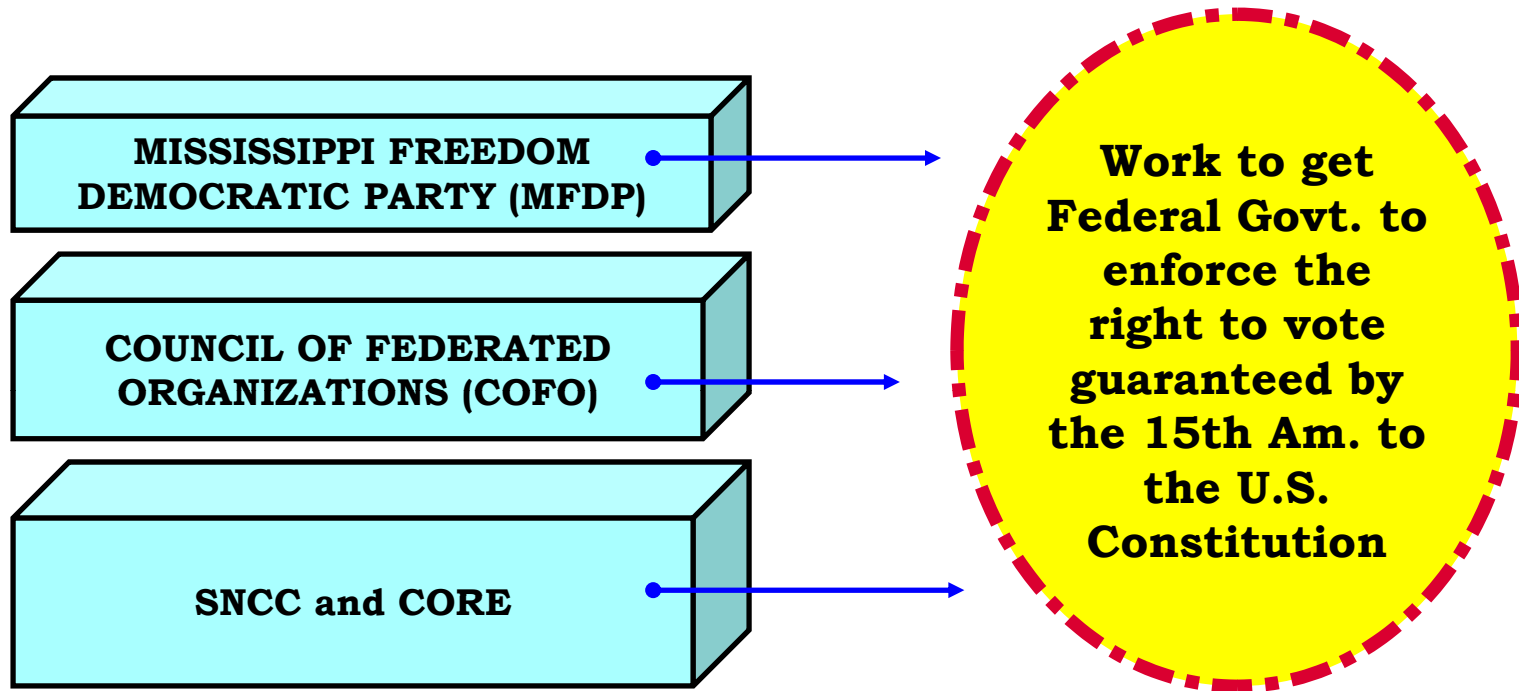
It was intended that **COFO**, as an umbrella coalition, would have a higher visibility and broader base in the community and as a result could not be as aggressive as the smaller, more radical catalyst organizations, **SNCC** and **CORE**.

At the same time, the fundamental working premise was that those who were doing the actual work in the field, and risking their lives and the lives of their families to do it, should make the decisions about how to go about doing the work. This placed the "power" within **COFO** in the hands of those who were actually doing the work and taking the risks.

STRATEGY #2: The need for a broad-based political party open to all. SNCC built upon the relationships it had developed across Mississippi through **COFO** to launch the **Mississippi Freedom Democratic Party (MFDP)** in 1964. The **MFDP** was intended to be open to and to attract people from all segments of the community:

- a. low, moderate and high income and wealth;
- b. low, moderate and high educational background
- c. all regions of the state;
- d. black and white
- e. all political viewpoints, so long as they were committed to the enforcement of the rights, privileges and immunities of citizenship for African Americans, and
- f. all religious denominations.

Visualizing “parallel organizations” in Mississippi voting rights battle -- 1961-1968



Although the **MS Freedom Democratic Party** was “extremely radical” by Mississippi standards in 1964, it was intended that it would be “conservative” when compared to **COFO**, **SNCC** and **CORE**. **COFO** itself was a coalition of organizations intended to be less aggressive than **SNCC** and **CORE**. It was intended that the **MFDP**, as a political party, have a broader base than **COFO** and that it would have to be less aggressive as a result. Although different, each of these “parallel” organizations had an important role to play in the fight for voting rights. **SNCC** and **CORE** were the strategic catalysts. **COFO**, staffed by **SNCC** and **CORE**, coordinated the field work. **MFDP**, in its role as a party “open” to blacks and whites, challenged the unconstitutionality of the “closed” regular Mississippi Democratic Party to enable the world to understand the oppressive denial of black voting rights in a more “traditional” political context.

Example: The Public Education Battle in Mississippi 1990 - 2008

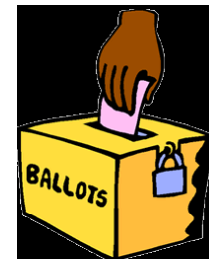
The work in Mississippi from 1990-2008 to create a quality public education accessible to all children and families, regardless of race, class, status or geographic location, brings together all of the principles presented as part of the strategic planning and organizational capacity building process:

- **Critical thinking and strategic planning on multiple levels**
- **4 “plateaus of struggle”**
- **Networking**
- **“Unusual alliances”**
- **“Umbrella organizations” and**
- **“Parallel organizations”**
- -----
- **1990-1992 -- The first phase of work was to gain effective access to the political process through the redistricting work at the town, county, state and congressional levels (1st Plateau):**
 - a. **In 1990 Southern Echo was new, unknown and untested. Southern Echo created and worked through an umbrella organization called the MS Empowerment Project (MEP) that consisted of Southern Echo, MS Action for Community Education (MACE) and the Rural Organizing and Cultural Center (ROCC). MACE and ROCC were long-established, well-known, and respected and MEP became an effective umbrella. MEP created parallel organizations to enlarge the capacity to do the work. MEP helped local activists create 10 temporary county redistricting committees in Delta counties, which MEP networked together into another umbrella called the Delta Redistricting Working Group (DRWG), to focus on county and city redistricting. MEP also created a statewide alliance of organizations, leaders, activists and redistricting attorneys called the Mississippi Redistricting Coalition to focus on legislative and congressional redistricting. This was the first time in Mississippi that grassroots people, rather than attorneys, controlled redistricting strategies at either the state or local levels.**

b. **Through the MEP Southern Echo conducted workshops to train community leaders, public officials and community activists to understand the redistricting process, how to impact the formation of redistricting plans by public officials at the state and local levels, and actively engaged community in the creation and presentation of redistricting plans at the state and local levels.**

c. **In order to achieve success at the 1st plateau – to gain effective access to the political process -- it was necessary *at the same time* to impact the formation of public policy at the 2nd plateau. In Mississippi the adoption of a redistricting plan must be done by a public body, such as the state legislature, or the county board of supervisors. Therefore, the work of the 1st plateau and the 2nd plateau had to go on simultaneously. Furthermore, for community to overcome fear and take the risks involved in participating in the redistricting process, community had to envision and anticipate its capacity to impact substantive policy areas, such as public education, that were vital to the future of their children, in particular, and the community, generally.**

c. **As a result of the raised consciousness that resulted from meaningful involvement in the redistricting work, there was a huge community turnout in the 1991 and 1992 elections. African Americans were elected to more than 30 % of all county supervisor seats in the state and the size of the Legislative Black Caucus increased from 21 to 42 in a single election. In the 2007 election the Legislative Black Caucus increased to 50 out of 174 total legislators, the largest percentage (28.7 %) of black state legislators in the nation.**



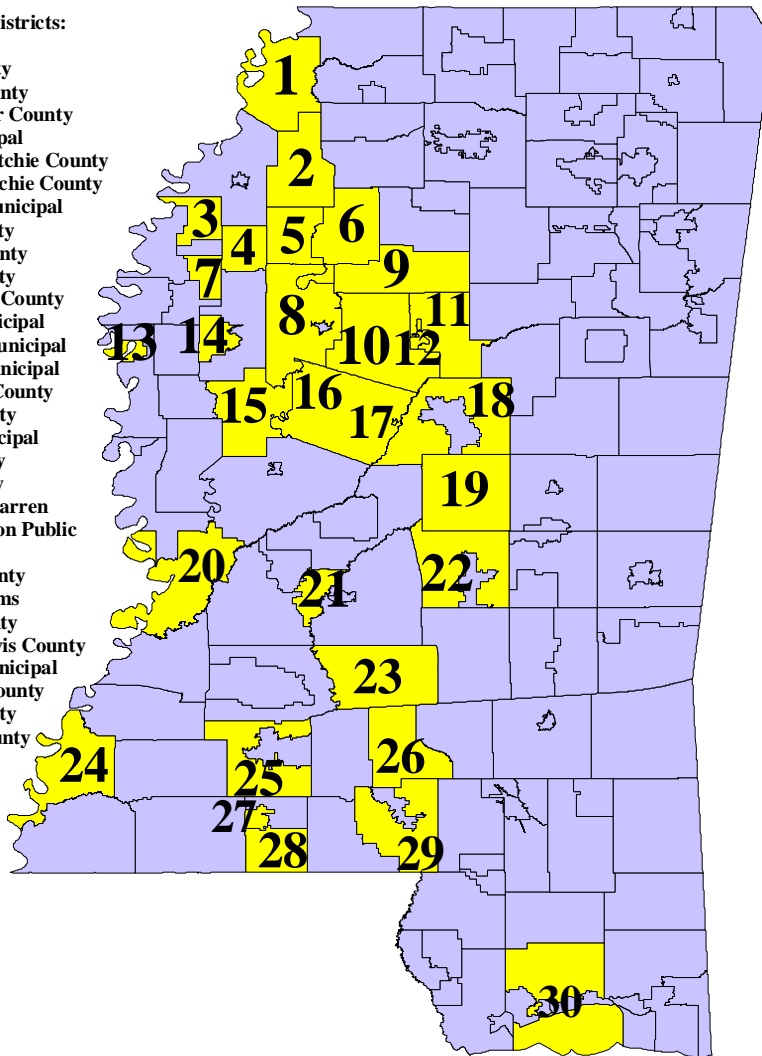
- **1992 – 2003 – In this second stage of the work Southern Echo shifted its primary focus to work on the substantive issue of public education. The premise was that the purpose for the work to elect accountable officials was to impact the formation of public policy to change the quality of life for the African American community. Public education, like redistricting, was the issue that affected everyone in the community, grand-parent, parent or child, younger or older, business owner or worker, and had a deeper long-term impact on the economic, political and social life in, and fabric of, the community than any other.**
- **Public education was and is the ultimate gatekeeper. Mississippi had the worst education system in the nation by virtually every indicator used by national education institutions to assess school districts. The state provided the least funds to support local school districts, students performed lowest in the nation on standardized tests, the dropout rate was among the highest in the nation and the graduation rate among the lowest. Fewer high school students graduated high school college-ready than almost anywhere in the nation and fewer college students finished 4 years of college with a degree than almost anywhere in the nation. The state had such a severe critical teacher shortage that many school districts were desperate to hire personnel just to monitor classrooms and many school districts violated state and federal law by placing many teachers in classes they were neither certified nor qualified to teach. The worst school districts were in the Mississippi Delta where the schools had the highest percentage of black students and the least resources with which to attempt to deliver the education to which the students were entitled.**
- **At the same time neither the state legislature nor the MS State Department of Education had been either interested in or supportive of efforts to improve public education in majority-black districts, especially in the Delta where most white children attended private white-only academies to avoid the impact of federal court school desegregation orders.**
- **Southern Echo took the position that the grassroots black community had a new opportunity in the enlarged Legislative Black Caucus to win support for public education at the legislative level, but that this support alone would not be enough to turn state policy around in the legislature or at the MS State Department of Education.**

- **“Hindsight becomes foresight.” “Learn from our experience.” “What has worked and why?”** These were the kinds of questions Southern Echo staff discussed in their debrief and evaluation and strategic planning sessions. The staff walked its way back through the redistricting struggles to understand the basis for all the successes. The staff concluded that the key to impacting education policy, *as with redistricting*, would be to bring the organizations of low-wealth grassroots communities onto the education policy playing field in a knowledgeable, strategic manner at both the local school district levels and at the state levels.
- Between 1992 and 1996 Southern Echo provided training, technical and legal assistance to grassroots community groups in three geographic areas of the state where the African American community was either the majority or a substantial minority of the county and school district populations. Southern Echo provided assistance directly to the local community organizations and leaders and also brought these separate communities together in training sessions and in new forms of work. The focus of the support and the work was on both the 1st and 2nd plateaus: on the 1st plateau to assist communities to obtain effective access to the political process; and on the 2nd plateau to build their knowledge and understanding, tools and skills, to impact the formation and implementation of education policy at the local school district levels and at the state level.
- This assistance focused on enabling parents, student, educators and public officials to understand how state policy and funding dominated local school districts, and how authority, duties, responsibilities and rights were distributed within each school district among school boards, administrators, teachers, parents and students under state laws, local regulations, and under-the-radar customs and practices.
- In 1996 Southern Echo and 13 local low-wealth grassroots community organizations joined in a new organizational experiment called the **Mississippi Education Working Group (MEWG)**. **MEWG**, modeled on the *Delta Redistricting Working Group*, was designed to enable local groups to pool strengths and resources to impact state education policy in support of the work to impact education policy at the local school district level. **MEWG** was an **“umbrella”** organization under which the organizations worked collectively on education policy as peers. **MEWG** was also an organization **“parallel”** to Southern Echo and each of the individual member organizations. While each individual organization could take its own position on given issues, within MEWG policy positions had to be negotiated among all of the constituent organizations.

Mississippi School Districts where parents and students participated in the work of the Mississippi Education Working Group (MEWG) between 1996 and 2003.

Index of School Districts:

1. Tunica County
2. Quitman County
3. North Bolivar County
4. Drew Municipal
5. West Tallahatchie County
6. East Tallahatchie County
7. Cleveland Municipal
8. Leflore County
9. Grenada County
10. Carroll County
11. Montgomery County
12. Winona Municipal
13. Greenville Municipal
14. Indianola Municipal
15. Humphreys County
16. Holmes County
17. Durant Municipal
18. Attala County
19. Leake County
20. Vicksburg-Warren
21. City of Jackson Public
22. Scott County
23. Simpson County
24. Natchez-Adams
25. Lincoln County
26. Jefferson Davis County
27. McComb Municipal
28. South Pike County
29. Marion County
30. Harrison County



So -- How did MEWG measure success?

- **1995-1997 – MEWG worked with the Legislative Black Caucus to defeat every effort to undo the 1991-1993 redistricting successes at the state and county levels;**
- **1995 – The Legislative Black Caucus forced the state legislature to ratify, finally, the 13th Amendment to the US Constitution abolishing slavery on threat of blocking all state appropriations bills;**
- **1997-1998 – MEWG worked with the Legislative Black Caucus to get the legislature to adopt the MS Adequate Education Program and appropriate \$1.2 billion dollars to support public education, the largest support for education in the state’s history.**
- **2000 – MEWG worked with the MS Dept. of Education and the Legislative Black Caucus to adopt education standards to hold school boards, administrators and teachers accountable to deliver the education to which students are entitled. The Dept. of Education and the legislature adopted provisions drafted by MEWG to include parents and students in the process for evaluation of low-performing school districts and the process for the creation of local school district improvement plans.**

- **2004-2008** – In November 2003 Mississippi elected Gov. Haley Barbour, who openly opposed increased funding for public education, attacked efforts by the MS Dept. of Education to impose tough standards for local school districts or to enforce them, and at the beginning of 2004 introduced an education reform act to provide public funding for private schools, vouchers and charter schools as alternatives to public schools, to privatize the administration of local school districts and the state education framework, and to slash the funding under the 1997 MS Adequate Education Program, which provided the primary funds needed by local public school districts to educate students. This proposed legislation severely undercut the delivery of public education in all 152 Mississippi public school districts and would have destroyed the capacity of the MS Dept. of Education to hold local school districts accountable to new, tough standards.
- In 2004 Southern Echo and 9 low-wealth black-based, black-led grassroots community organizations from the Delta region worked together on the 3rd plateau to reach across the traditional barriers of race, class and geography to create an “unusual alliance” called the **Education Stakeholders Alliance**. It consisted of more than 30 organizations, including every major professional education association, low-wealth grassroots organizations, the MS Dept. of Education, the MS Economic Council, white-based, white-led parent organizations, statewide public interest law firms, and others. This was the first time in Mississippi history that white-based, white-led statewide and local organizations, and statewide professional organizations accepted leadership and strategic analysis from black-based, black-led grassroots organizations.
- As part of the grassroots community organizing work Southern Echo and the 9 Delta-region organizations formed themselves into a new “umbrella” and “parallel” organization called the **MS Delta Catalyst Roundtable**. The Roundtable groups, beginning in 2004, created a partnership with the *MS Dept. of Education* and *MS Valley State University* to hold an annual Conference of Education Stakeholders on Dismantling the Student Achievement Gap. The conference had three primary purposes. First, to bring stakeholders together to address fundamental education issues, which would help solidify the “unusual alliance” of education stakeholders. Second, to provide substantive policy content in anticipation of the legislative session in the following year. Third, to provide an opportunity in the two months prior to the Conference for the Roundtable groups to do organized outreach in 20 Delta counties to build local organizational capacity and to bring parents, students, educators and public officials to the Conference.

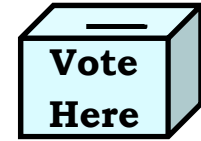
So – How does the MS Delta Catalyst Roundtable measure its “success” and “limitations”?

- **2004** – Created a unified analysis and cohesive alliance among education stakeholders across race and class lines in opposition to the Governor’s anti-public education strategy and together convinced legislators to restore more than \$111 million to education that the Governor sought to cut from the education budget. Created 1st Dismantling the Achievement Gap Conference which was attended by more than 350 parents, students, educators and public officials, and hundreds more participated in the community workshops leading up to the conference.
- **2005** -- Formalized the creation of the MS Delta Catalyst Roundtable, solidified the alliance of education stakeholders, again saved tens of million of dollars from education budget cuts, and held the 2nd Dismantling the Achievement Gap Conference, attended by more than 400 parents, students, educators and public officials, and hundreds more participated in the community workshops leading up to the conference.
- **2006** – Increased the conscious cooperation of members of the education stakeholders alliance and sustained the role of the alliance and again saved tens of millions of dollars from cuts from the education budget sought by the Governor. More than 450 parents, students, educators and public officials attended the 3rd Dismantling the Achievement Gap Conference, and hundreds more participated in the community workshops leading up to the conference.
- **2007** – Legislature *fully* funded the MS Adequate Education Program for the first time since law passed in 1997; the MS Dept. of Education consulted with Roundtable organizations in the development of the state’s first Dropout Prevention Plan guidelines which built parents, students and community organizations into the process; MS Dept. of Education and legislative leaders agreed that goal now must be “quality” education, not just “adequate” education and that state funding must be substantially increased; acknowledgement by the MS Dept. of Education and legislative leaders that the needs of children at-risk and early childhood learning are not being met under current policies; and more than 500 parents, students, educators and public officials participated in the 4th Dismantling the Achievement Gap Conference.
- **2008** – Legislature again fully funded the MS Adequate Education Program; legislative leaders still fail to provide sufficient funding for low-performing schools, children at-risk and pre-school children; and there is a need for an even broader base of support across race and class lines to impact education policy.

SECTION THREE:
**Understanding how the census data is used
to create political district boundaries**



Redistricting: the struggle to create fair districts in order to re-distribute power to end disparities

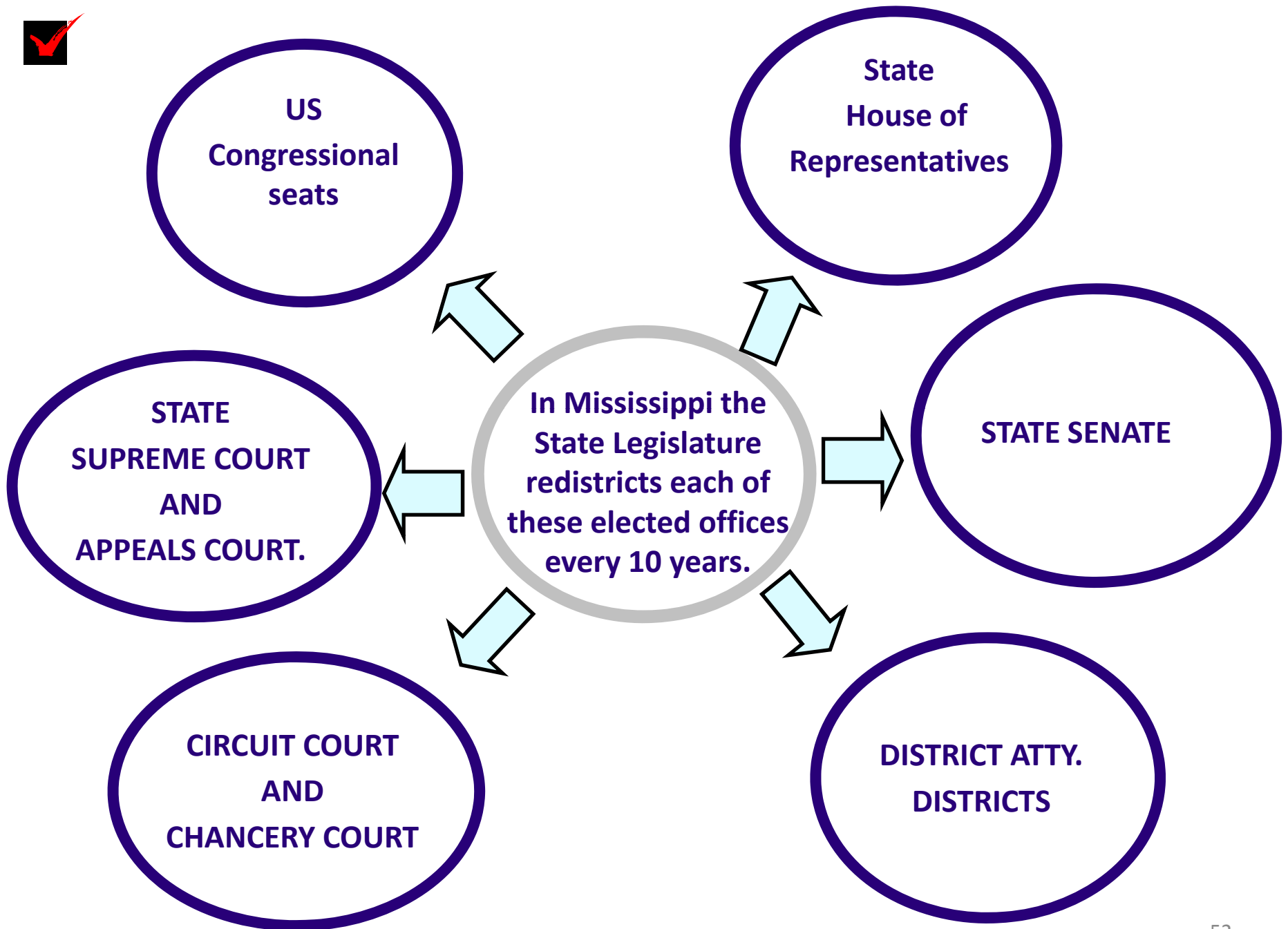


-
- Redistricting is the process for re-distributing power every ten years through the adjustment of political boundary lines for every elected office at the state, county and municipal level for which candidates run for office from districts or wards.**
 - For the establishment political redistricting has been a strategic set of tools and skills through which to maintain domination and control of minority communities.**
 - For grassroots communities of color and of low wealth political redistricting is an opportunity to advance the struggle to end systematic exclusion of minorities from decision-making on public policy.**
 - Redistricting is generally done every 10 years after the new census data is released by the federal Bureau of Census in Washington, DC. The census has been taken in 2010 and the data will be released in early 2011, but no later than April 1, 2001.**
 - The census data is the only data authorized to be used for redistricting. However, in certain circumstances other demographic data can be used, such as when there have been substantial population shifts within existing districts between the decennial censuses and a new redistricting is undertaken to equalize the size of the districts.**

Some of the things we need to know in each state and jurisdiction within each state:

- A. When is the census data going to be available to use for creating redistricting plans?**
- B. When it is available how can we get access to it to use for creating redistricting plans?**
- C. Which public offices are elected by districts or wards so that they will have to be redistricted again once the census data is released?**
- D. What is the timeline required under state law for redistricting for each of the different political offices?**
- E. What is the custom and practice or the current political circumstances that may affect when the redistricting for each political office is *actually* undertaken?**
- F. Who has the legal authority to draw political districts for which political bodies?**
- G. What are the values, standards and benchmarks (both federal and state) that will be used for the redistricting of each political office?**
- H. Who are all of the redistricting stakeholders within the state, county and municipalities?**
- I. Who are the redistricting stakeholders with whom we have *common ground* as a basis for working together to create fair plans that advance the goal of empowering our communities?**
- J. What skills and tools do we need to include on our “team” to create redistricting plans that are fair to our communities because they take into account our needs and interests?**
- K. Who has the tools and skills we need and how do we reach out to them to become part of our process?**
- L. What are the key points of access to the process that will enable community people to become an active and effective part of the redistricting process and how best to proceed?**

An Example: The State of Mississippi



**COUNTY
BOARD OF
SUPERVISORS**

**Note: In Mississippi since
2002 local school boards
redistrict the education
districts, instead of it being
done by the County Board
of Supervisors**

**In Mississippi every
10 years the County
Board of Supervisors
redistricts each of
these elected offices**

CONSTABLES

**JUSTICE
COURTS**

**ELECTION
COMMISSIONERS**



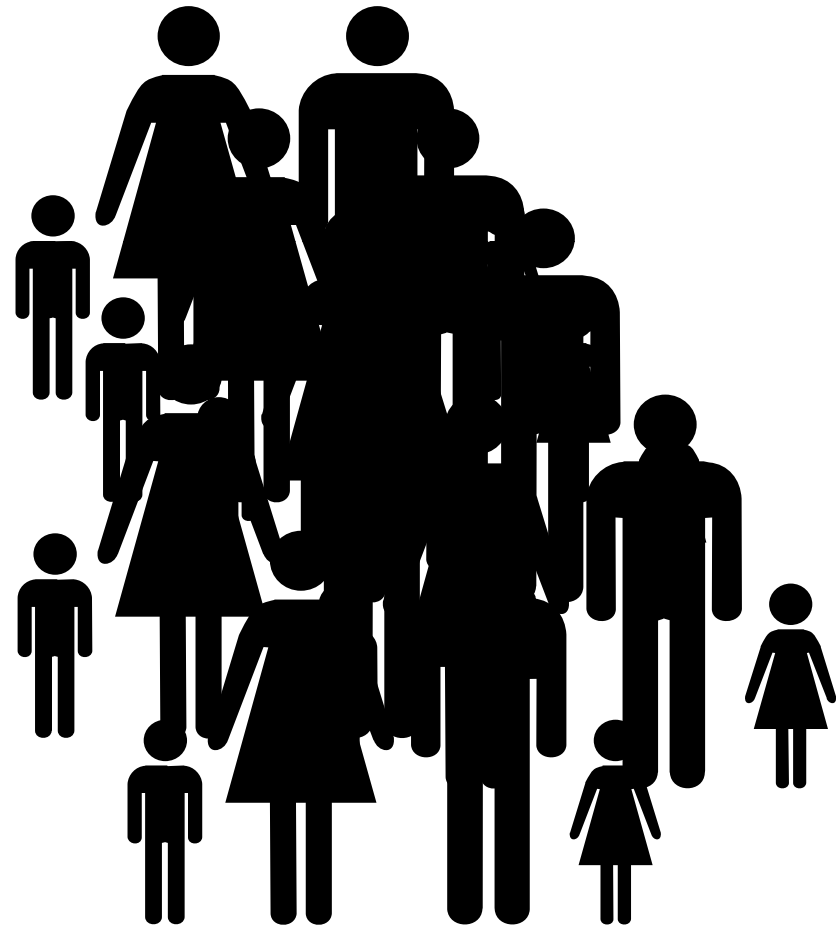


How Mississippi lost a Congressional seat

In the 2000 Census Mississippi gained more than 300,000 people. Officially, Mississippi had 2,844,658 people.

Mississippi had 5 seats in the US House of Representatives.

But, Mississippi *lost a seat* because the population of other states grew faster than Mississippi.





- To reapportion the 435 US Congress seats in 2001, the US population of 281,421,906 was divided by 435 Congressional seats.*
- As a result, each Congressional seat or district required 646,947 persons.*





- ❑ *To determine how many seats Mississippi was entitled to have, we divided the total Mississippi population of 2,844,658 by 646,947 (the ideal size of each district).*
- ❑ *The result was 4.4, which is less than 5.*
- ❑ *Therefore, in the 2001 **Reapportionment** of Congressional seats Mississippi got only 4 seats, instead of 5.*



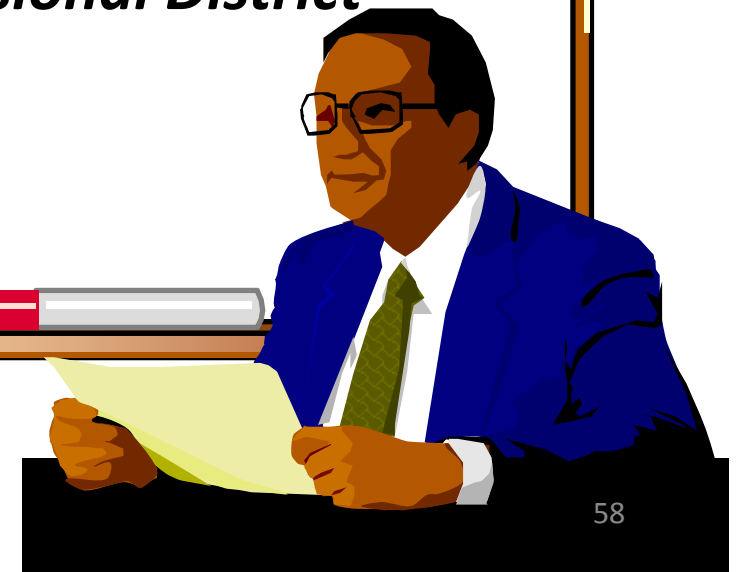


*Each state then determined the **ideal size** of its own Congressional districts by dividing its **total population** by the **number** of Congressional districts.*





- ❑ *When you divided the 2000 Mississippi population of 2,844,658 by 4 Congressional districts the result was 711,165.*
- ❑ *Therefore, the ideal size or norm in Mississippi for each Congressional District was 711,165 persons.*





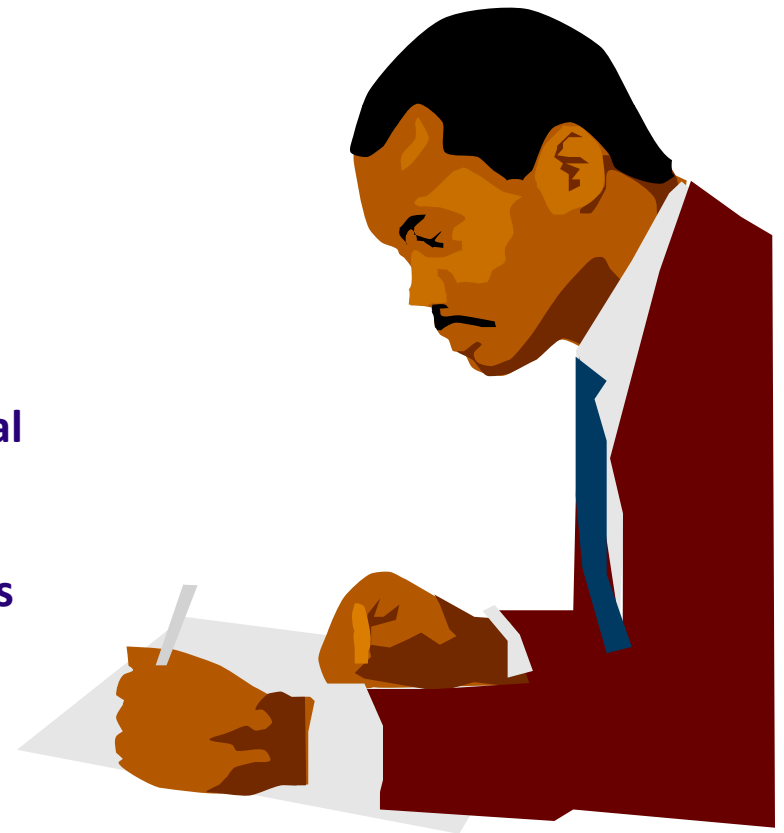
Political district maps are drawn for municipalities, counties and the state.

There are several building tools used to create maps:
Census blocks (smallest census spatial unit),
Census block groups (a cluster of census blocks),
Census tracts (a cluster of census block groups, and
Precincts.

Census Blocks are the *smallest* spatial unit and census tracts are the *largest* spatial unit.

Each spatial unit contains population and other demographic data that can be used to create political redistricting maps.

Census blocks, census block groups and census tracts are created by the Census Bureau. Precincts are created by state, county or municipal authorities within each state.





In Mississippi Precinct lines are drawn by the County Board of Supervisors in each county. Precinct lines do not cross county lines.

The US Census Bureau collects a lot of data about people: where they live, race, income, housing and educational backgrounds. They report this information in huge databases by census block, block group, census tracts, precincts and counties. Some data is based on the census count for the entire US population, and other data is based on surveys of only a portion of the total population.

Other organizations use this information to create additional databases to be used to analyze the circumstances of Americans all over the country. This data or information can then be used to draw maps to show the similarities or differences that exist among people in relation to where they live.





Mississippi has:

126,462 census **blocks**,

2,392 census **block groups**,

2,089 **precincts**, and

82 **counties**.

This is a state map showing all
126,462 census **blocks**.

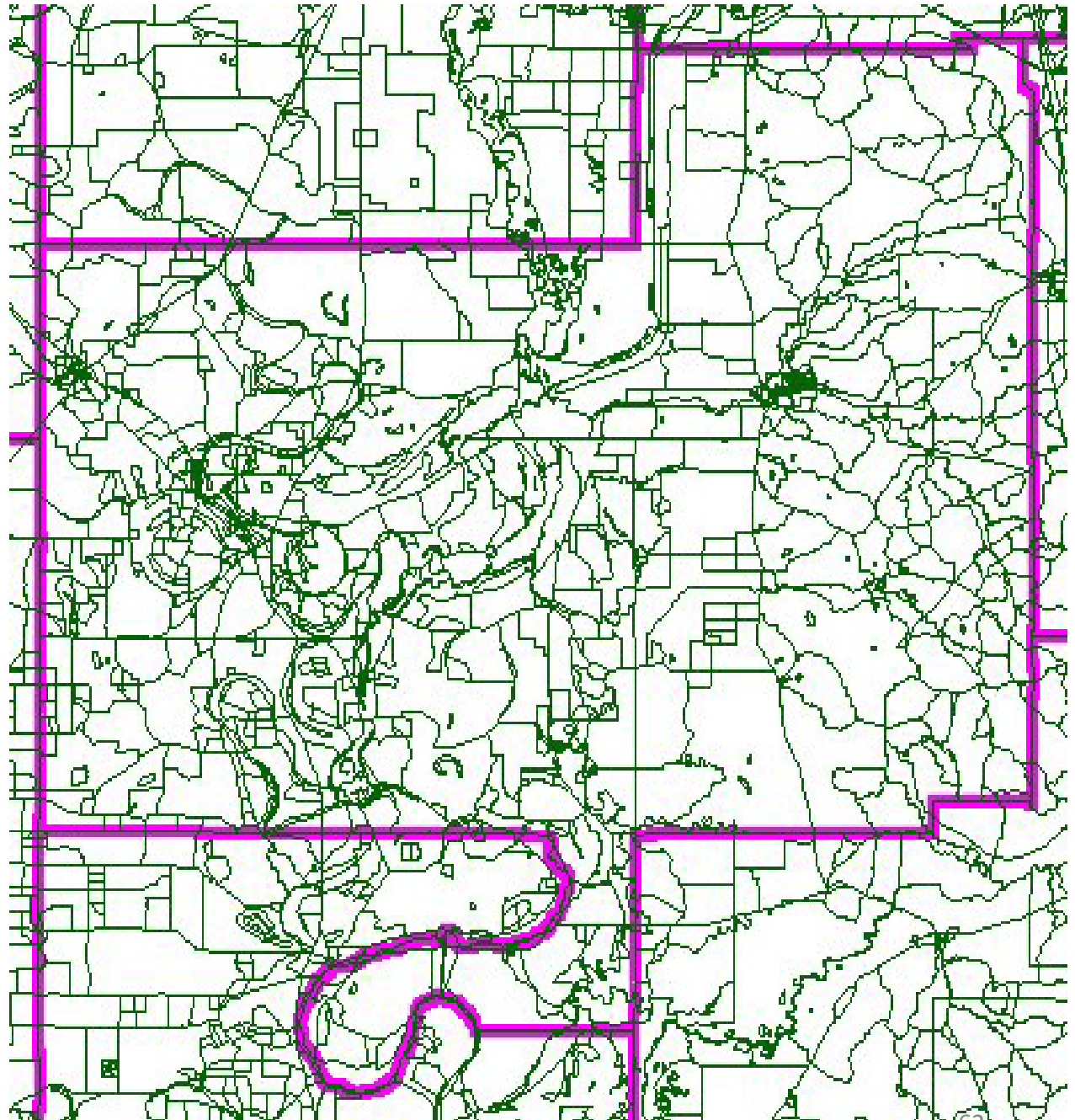


That's very dense!



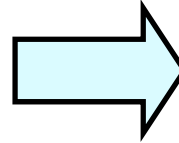


**This is Tallahatchie
County, MS with the
census blocks
shown in green.**

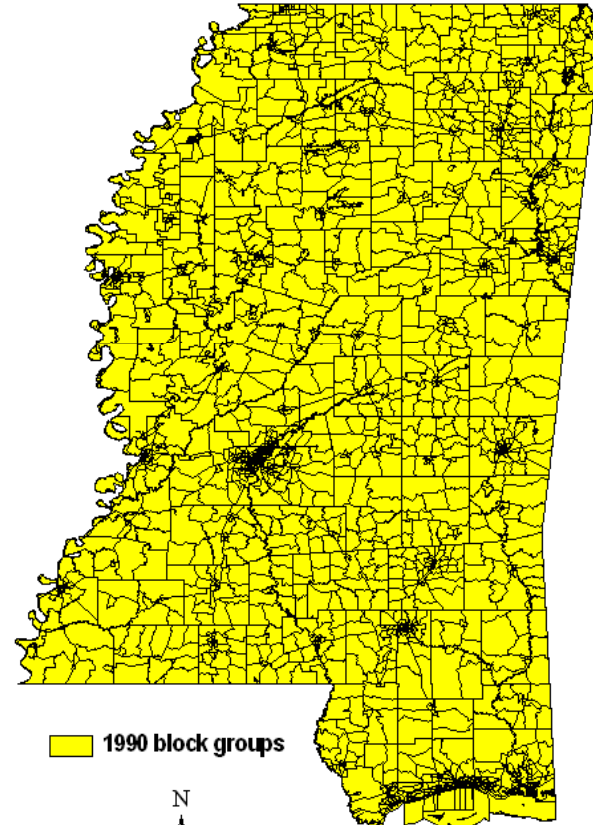
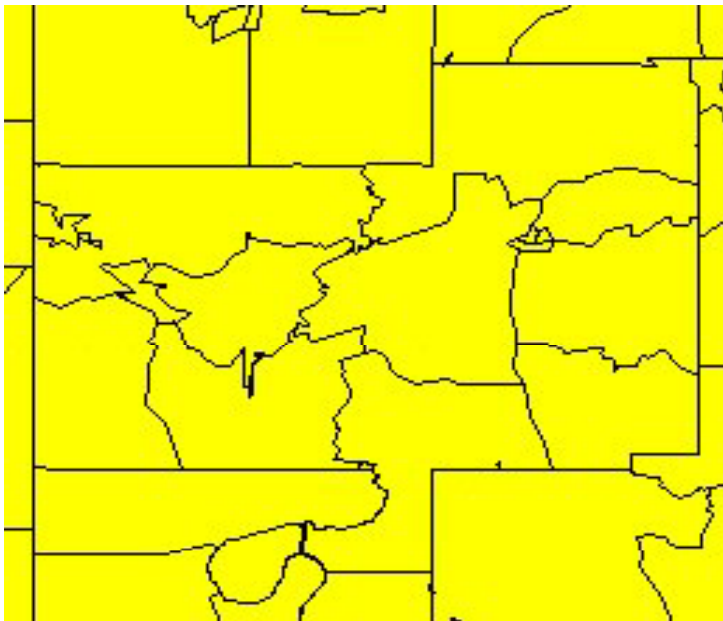


State of Mississippi – 1990 Block Groups

This is the State of Mississippi divided up into block groups:



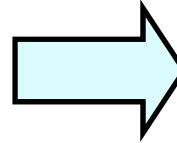
Below is Tallahatchie County enlarged to show the block groups.



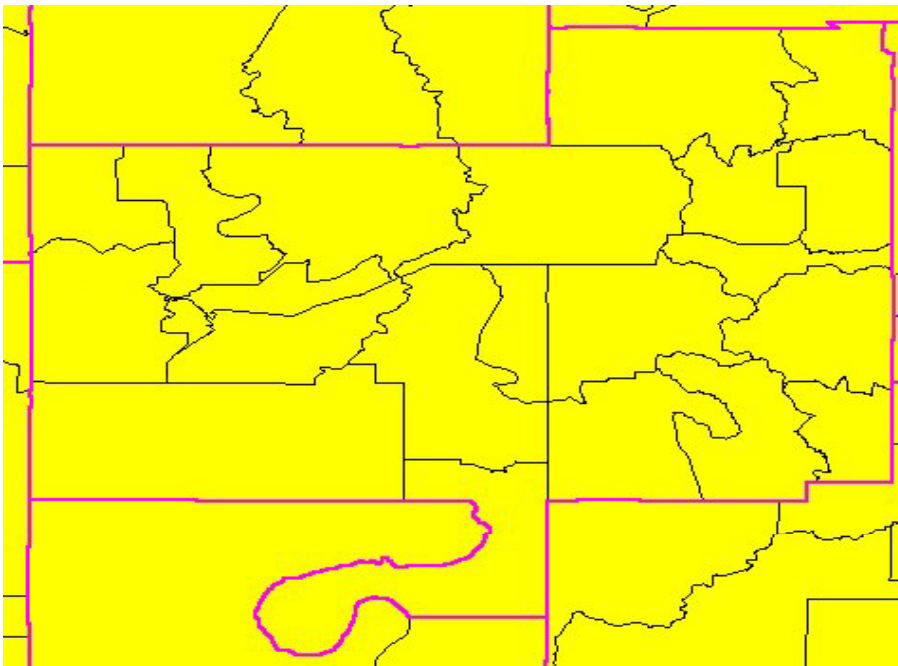
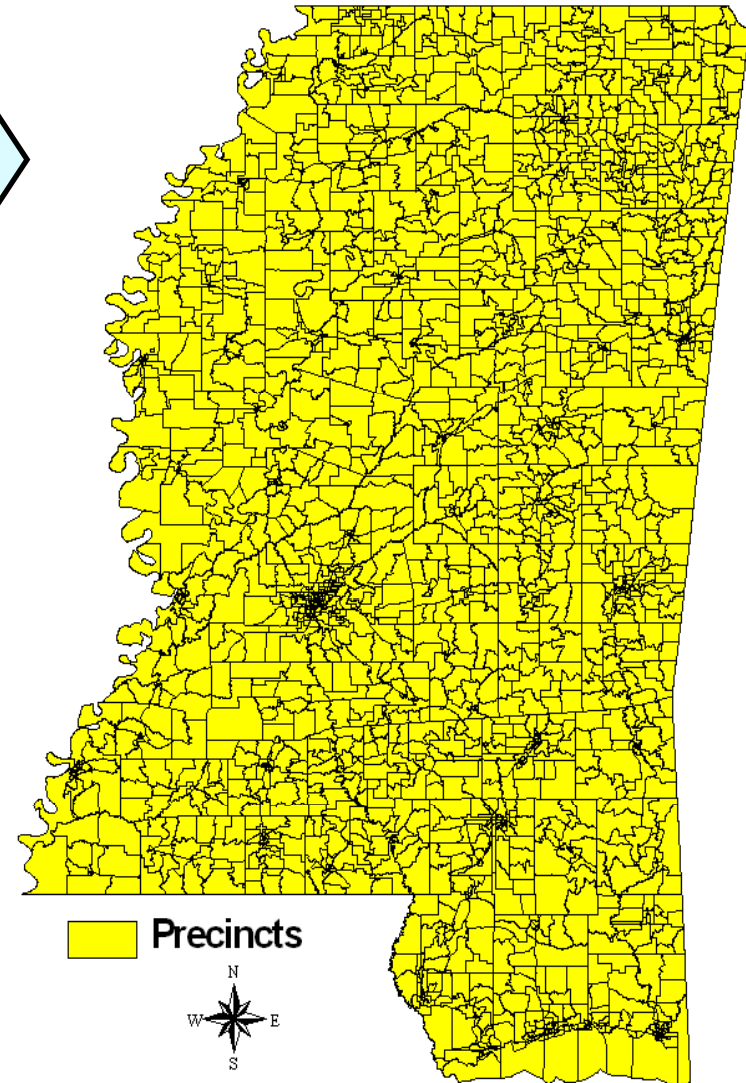


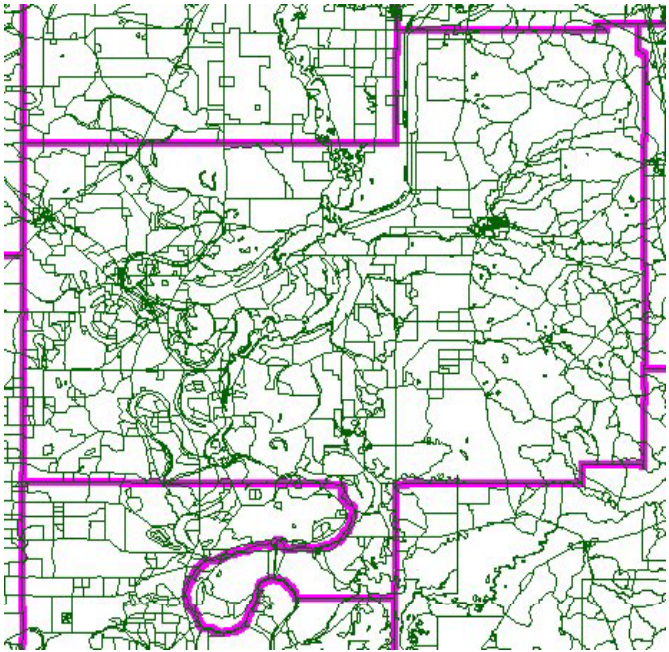
State of Mississippi -- Precincts -- 2000

**This is the State of Mississippi
divided up into precincts.**

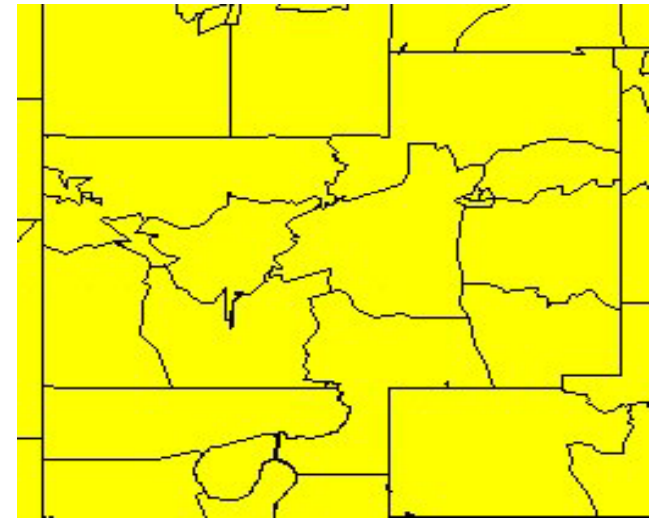


**Below is Tallahatchie County
enlarged to show the precincts.**

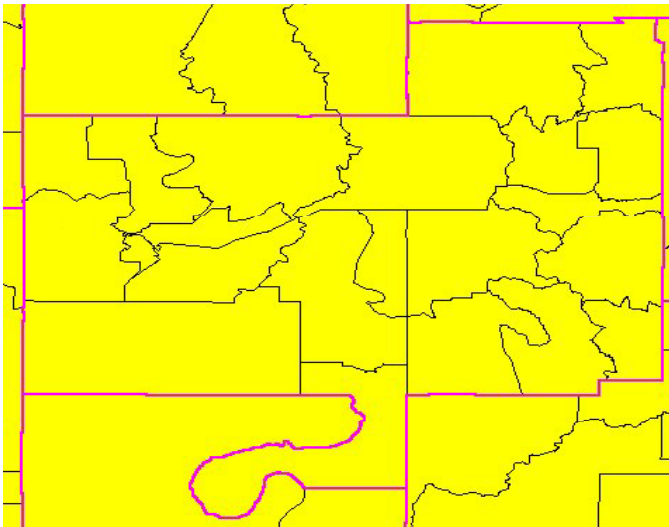




**Blocks
Tallahatchie County**



**Block Groups
Tallahatchie County**

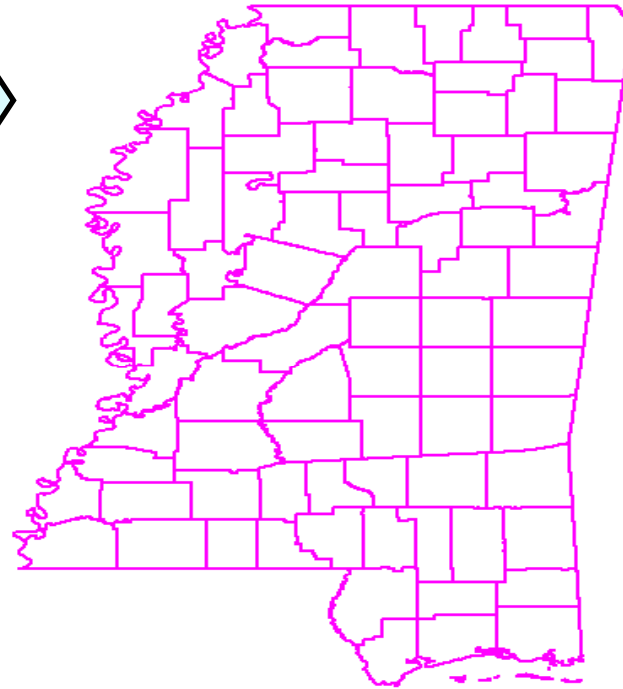
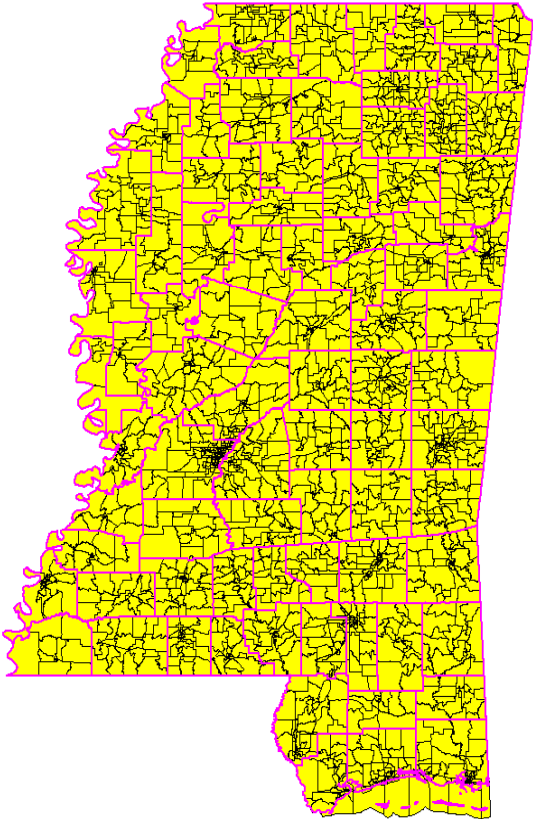
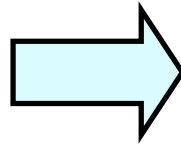


**Precincts
Tallahatchie County**

As you can see, the block lines, block groups lines, and precinct lines are each a different size building block with which to work. Each, therefore, will have a different number of persons.



This is a map of Mississippi with the counties outlined. Below is a state map with the counties and precincts outlined.



Precincts are especially important because polling places, or "the boxes", are located in each precinct.

**SECTION FOUR:
Redistricting Tools and Skills**



Political Redistricting must comply with the law

There are two fundamental principles, embodied in law, with which all redistricting efforts must comply:

1. One person - one vote, under the 14th Amendment Equal Protection Clause, and
2. The 1965 Voting Rights Act, as amended by Congress and interpreted by the US Supreme Court.

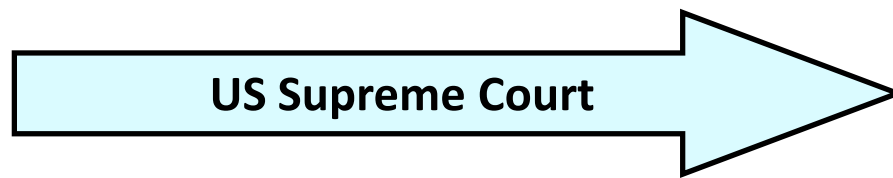
In addition, community people and community organizations have an absolute right to participate in every phase of the redistricting process.



Community people have an absolute right to participate in every phase of the redistricting process.

Community people have the right to:

- 1. Negotiate with the political bodies authorized to adopt redistricting plan which values, standards and benchmarks they will use to guide the redistricting process;**
- 2. Submit their own redistricting plans to the decision-making body;**
- 3. Testify at public hearings held to review redistricting plans;**
- 4. Negotiate with their public officials about what constitutes a "fair plan" and how such redistricting plan should look;**
- 5. Make sure that the decision-making body sends the community's redistricting plans to the Justice Dept. for review along with the redistricting plan submitted by the decision-making body;**
- 6. Comment in writing and by phone with the Justice Dept. during the pre-clearance process;**
- 7. Review the Justice Dept. determination and negotiate with Justice Dept. officials;**
- 8. Bring a lawsuit under the 1965 Voting Rights Act.**



**14th Amendment
Equal Protection Clause**

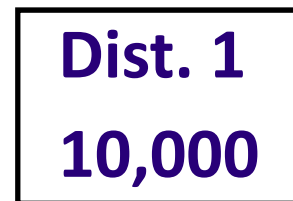
One Person - One Vote was mandated by the US Supreme Court in 1962. It means that the population in each district must be of relatively equal size. The purpose is to ensure that the vote of each person carries about the same weight or value.

Example: In a county supervisor race:

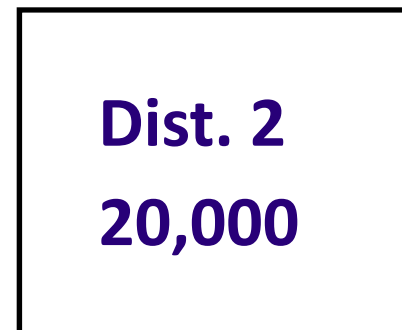
District 1 has 10,000 persons

District 2 has 20,000 persons

Each district has 1 supervisor. But the value of a vote in Dist. 2 is only ½ that of a vote in Dist. 1 because the representative in Dist. 2 has to be accountable to twice as many people as there are in Dist. 1.



1 supvr.



1 supvr.



The 1965 Voting Rights Act was passed to protect the right to vote guaranteed by the 15th Amendment to the US Constitution.

Section 2 of the Voting Rights Act prohibits any law, rule, regulation or scheme which dilutes minority voting strength.

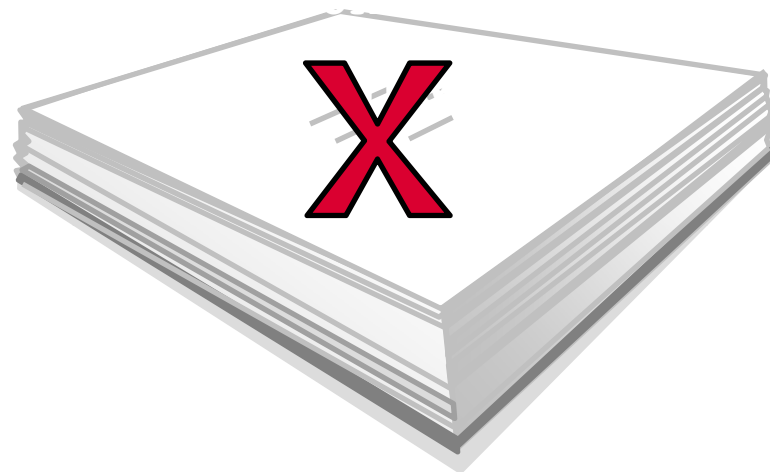
Sect. 2 applies to all 50 states.

Section 5 of the Voting Rights Act applies to specific states, primarily in the South, with a history of systematic exclusion of minorities from the right to vote. Sect. 5 requires that any change in voting laws, redistricting plans, and polling places must be pre-cleared by the US Justice Dept. before becoming effective.

Preclearance means that all changes adopted by a governing body must be submitted to the US Dept. of Justice Voting Rights Division, which reviews the adopted plans for compliance with the requirements of the Voting Rights Act. Any person can submit alternative plans, which must be sent to the Justice Dept. for assessment along with the plan adopted by the governing body.

The Justice Dept. can *approve* the adopted plan, *reject* the adopted plan, or *request further information* from the body which adopted the plan. While the Justice Dept. cannot approve alternative plans, it can take such plans into account in its assessment of the adopted plan.

The Justice Dept. can also receive confidential communications from citizens about the adopted or alternative plans and consider these comments in its assessment process.



PLEASE NOTE: In 2006 Section 5 of the 1965 Voting Rights Act was re-authorized for another 25 years. But the power of Congress to re-authorize Section 5 is under serious attack in cases that are working their way through the federal courts.



**States in which the entire state
is subject to Section 5:**

**Alabama, Alaska, Arizona, Georgia, Louisiana,
Mississippi, South Carolina, Texas and Virginia.**

**States in which only specific parts of
the state are subject to Section 5:**

**California, Florida, Michigan, New Hampshire,
New York, North Carolina, and South Dakota**

More about **Section 2** of the 1965 Voting Rights Act:

Section 2 of the Voting Rights Act of 1965, 42 U.S.C. § 1973, as amended, prohibits any practice that has the intent or the result of denying a citizen of the United States the right to vote on account of race, color or status as a language minority. Section 2 states in pertinent part:

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Source: NAACP Legal Defense and Education Fund, Asian American Justice Center, and Mexican American Legal Defense and Education Fund, *The Impact of Redistricting in YOUR Community, A Guide to Redistricting, 2010*, at p. 14.

There are 5 kinds of political districts which we need to understand:

Single-member districts or wards: A district in which only one member or representative of the political body is elected.

Example: A county board or commission has 5 members. Each member is elected from a different district. There is only one member per district.

Multi-member districts: A district in which more than one member or representative of the political body is elected.

Example: A state Senate has 50 members, but the state legislature created only 25 separate districts with the intention that two members or Senators be elected within each district.

Majority-minority districts: A district where a racial or language minority constitutes a majority of the population of the district.

Minority-Coalition districts: A district where two or more racial or language minorities when combined form a majority of the population of the county.

Example: A district with 30% African American, 15% Latino, and 10% Asian can comprise a minority-coalition district.

Cross-over districts: A district where minorities do not comprise a majority, but where non-minority voters reliably **cross over** to support minority candidates to vote with minority communities to enable minority candidates a reasonable opportunity to elect representatives of their own choice.

Example: A minority community comprises 40% of the district. 15% of the non-minority communities regularly **cross over** to vote for the candidates preferred by the minority community, creating a 55% majority voter base.

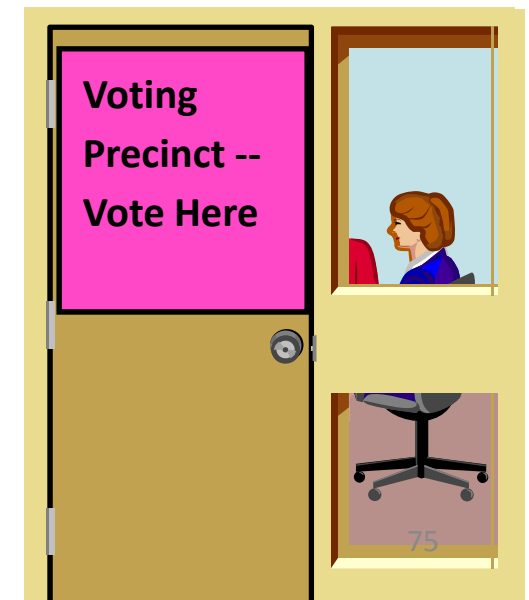
Influence districts: A district where the minority group or groups when voting as a bloc do not have enough votes to control the outcome of an election. Whether the minority voters in a particular district can actually impact or influence the outcome of elections can be determined by research on past elections. Often the notion of influence is an illusion where there is a strong pattern of racial bloc voting.

Example 1: Minority voters are 40% of the district and they regularly hold the balance of power as to which candidates are elected.

Example 2: Minority voters are 35% of the district population, but no candidate supported by the minority community has ever been elected.



When the Voting Rights Act passed in 1965 the white leadership in Mississippi realized that they could no longer prevent black citizens from registering to vote and from voting. Not that they didn't continue to try. Violence and intimidation remained a serious problem! But, they turned to all kinds of voting schemes to dilute black voting strength. In particular, in areas of substantial black populations, officials used redistricting as a means of cracking, packing and stacking black voters to try to prevent black citizens from becoming public officials.





Vote Dilution Strategy #1: Packing

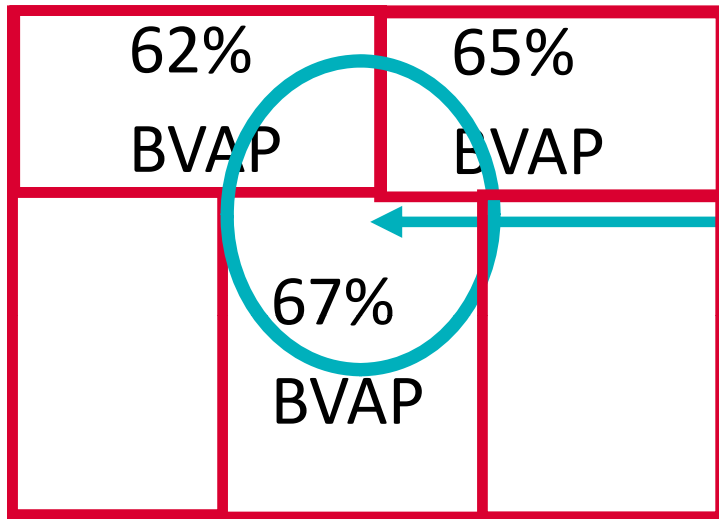
Packing is a redistricting device to concentrate more Black or Hispanic voters than are necessary to have an *electable Black or Latino district*, in a single or small number of districts, to prevent the community of color from winning enough seats to gain a majority of votes on a municipal or county board, or to win enough seats at the state level, to impact the formation of public policy.





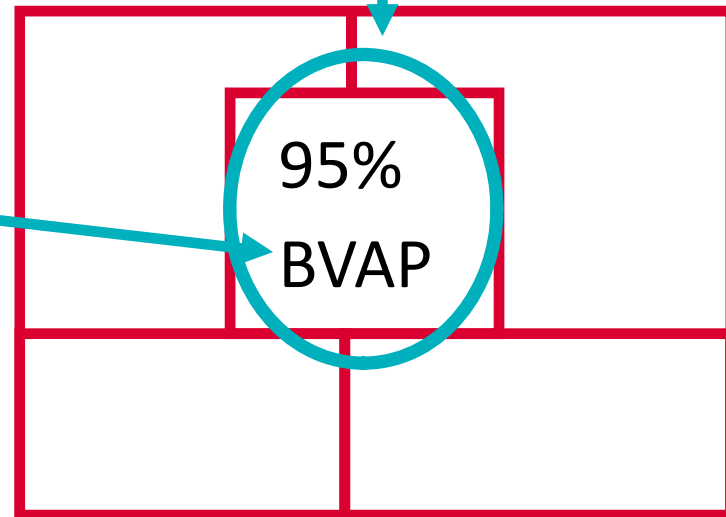
Example of Packing:

The County Board of Supervisors *could* create this plan:



Concentration of Black or Latino voting age population

Instead, the Supervisors create this **packing** plan with only *one* district with a majority black voting age population.





Vote Dilution Strategy #2: Cracking

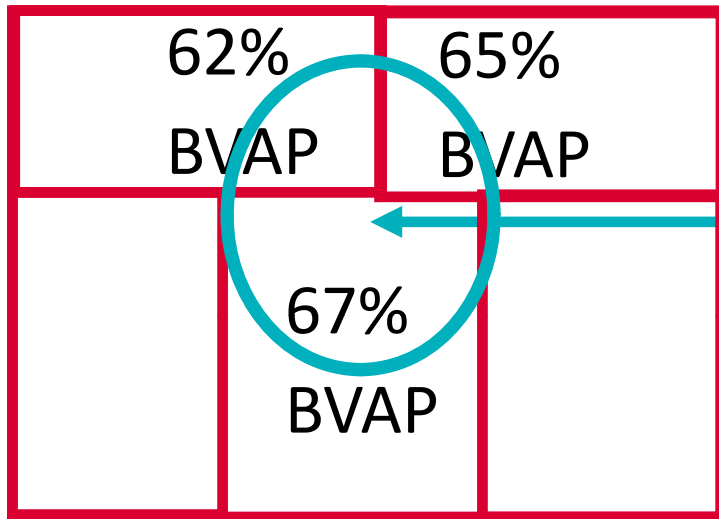
Cracking is a redistricting device by which concentrations of Black or Latino voters are *divided up* or *fragmented* among several districts or wards, to prevent the community of color from winning enough seats to gain a majority of votes on a municipal or county board, or to win enough seats at the state level, to impact the formation of public policy.





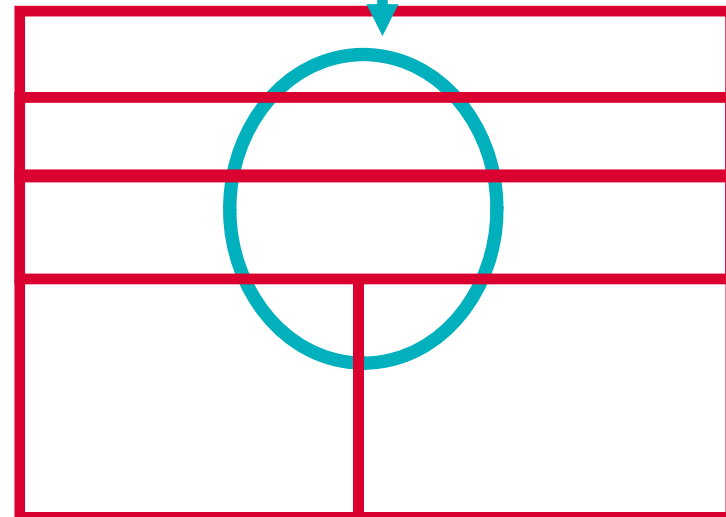
Example of Cracking:

The County Board of Supervisors could create this plan:



Concentration of Black or Latino voting age population

Instead, the Supervisors create this **cracking** plan with **no** districts with a majority Black or Latino voting age population.





Vote Dilution Strategy #3: Stacking

Stacking is a redistricting tactic to concentrate very low income Black or Latino citizens, with less education, in the same district with whites with high income and more education to create the illusion of a majority Black or Latino district. *Voter turnout* is affected by the level of income and education. People with less income and education tend not to vote to the same extent as those with more income and education. The white candidate will have the best chance to win because of lower minority voter turnout and racial bloc voting.





Racial bloc voting refers to the situation where there is a Black or Latino candidate running against a white candidate and virtually all white voters cast their ballots for the white candidate regardless of the fact that the Black or Latino candidate is or may be more qualified for the position than the white candidate.

Studies show that white voters engage in racial bloc voting to a far greater extent than do minority voters.

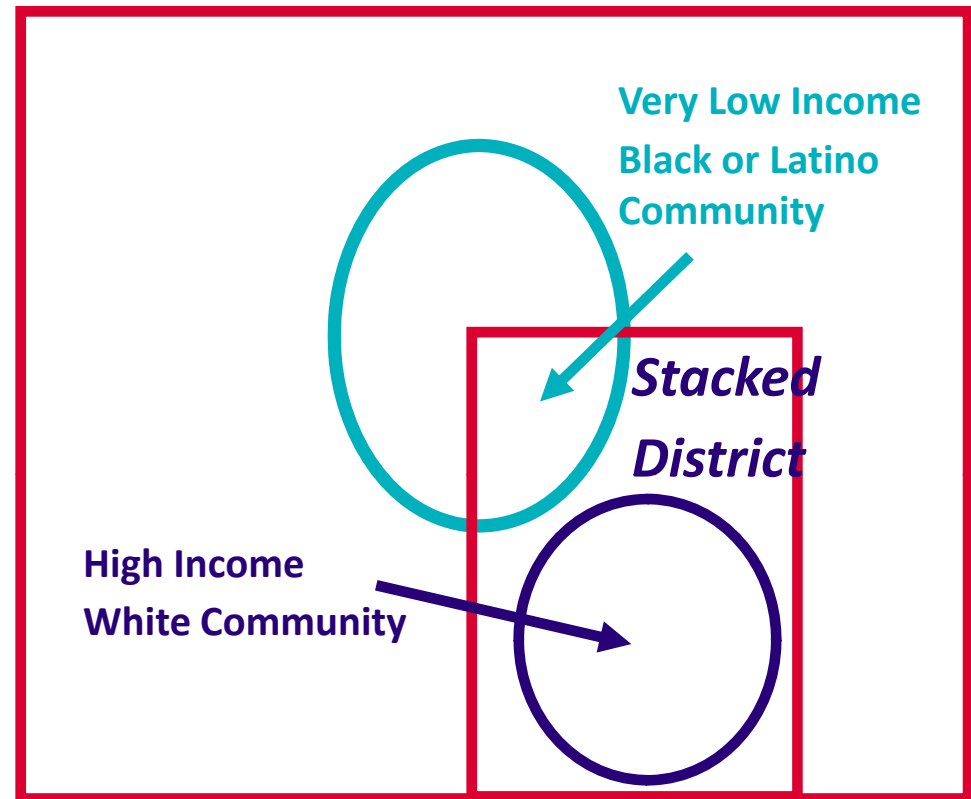
Remember, racism is about domination and control. Decisions by public officials impact control! Elections can determine who controls!





Example of *Stacking*:

The County Board of Supervisors in a majority Black county try to sell the idea of two electable black districts, two electable white districts and a so-called swing district. But the swing district is stacked:



In the *stacked* district the

BVAP is 53%. The WVAP is 47%. The *Black community* is very low income, with very low high school graduation rates. The *white community* is upper income, with high college graduation rates. At election time there is likely to be a higher percentage rate of white voter turnout.



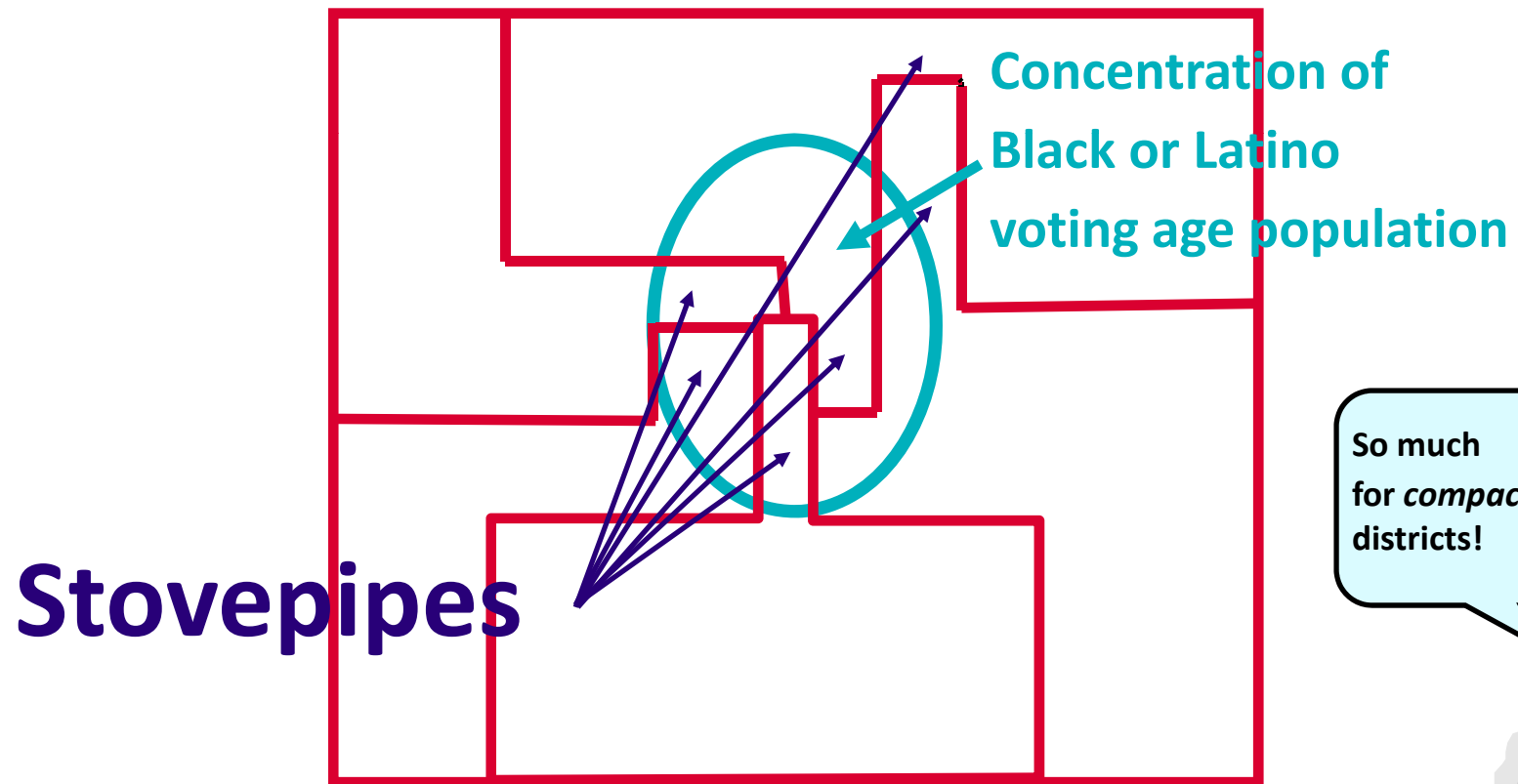
Vote Dilution Strategy #4: Stovepiping

Stovepiping is a redistricting tactic used to connect two parts of a district that are geographically separated. This has been used to create majority white districts, to **pack** Black or Latino majority districts, to **crack** concentrations of Black or Latino voters, to **stack** low income Black or Latino areas with high income white areas, and to **gerrymander** bizarre-looking districts to ensure either a Democratic party or Republican party majority in the district.





Example of *stovepiping* to *crack* the concentration of a Black or Latino majority population and divide it among the five districts so that no district will have a majority BVAP or HVAP:



So much for *compact* districts!





Vote Dilution Strategy #5: Phantom majority districts

Phantom majority districts refers to the creation of districts that are, according to the general population statistics (*total population data*), *technically* majority Black or Latino, but that are *not* districts in which Black or Latino candidates can get elected.

In these districts, the *total* Black or Latino population is in the majority -- above 50 percent. But, in Mississippi, for example, the Black community has more young people under the age of 18 than the white community. Therefore, the *black voting age* population averages about 5% lower than the *total black* population. For example, if the total Black population % is 53%, the total Black voting age % will be about 48%.

Racial bloc voting and lower Black voter turnout will make it more difficult for a Black candidate to win.





Vote Dilution Strategy #6: Aberration elections

In Mississippi there are some situations in which Black candidates have won elections in districts where the BVAP has been less than 50%. This does not mean that such a situation can readily be duplicated elsewhere. Here are circumstances that explain an aberration or unusual election:

1. A single Black candidate ran against 2 white candidates who split the white vote.
2. A Black person was appointed to fill a vacancy and ran in the election as the incumbent.
3. The white candidate in the race did something to anger the white community and white voters didn't turn out.
4. The white community has identified a Black candidate who will be more loyal to white interests than Black interests and the white community will support that Black candidate against any other Black candidates.

The argument is made that such minority victories demonstrate that vote dilution is no longer a problem. *Not so!*





How vote dilution strategies were used to deny black representation in Mississippi:

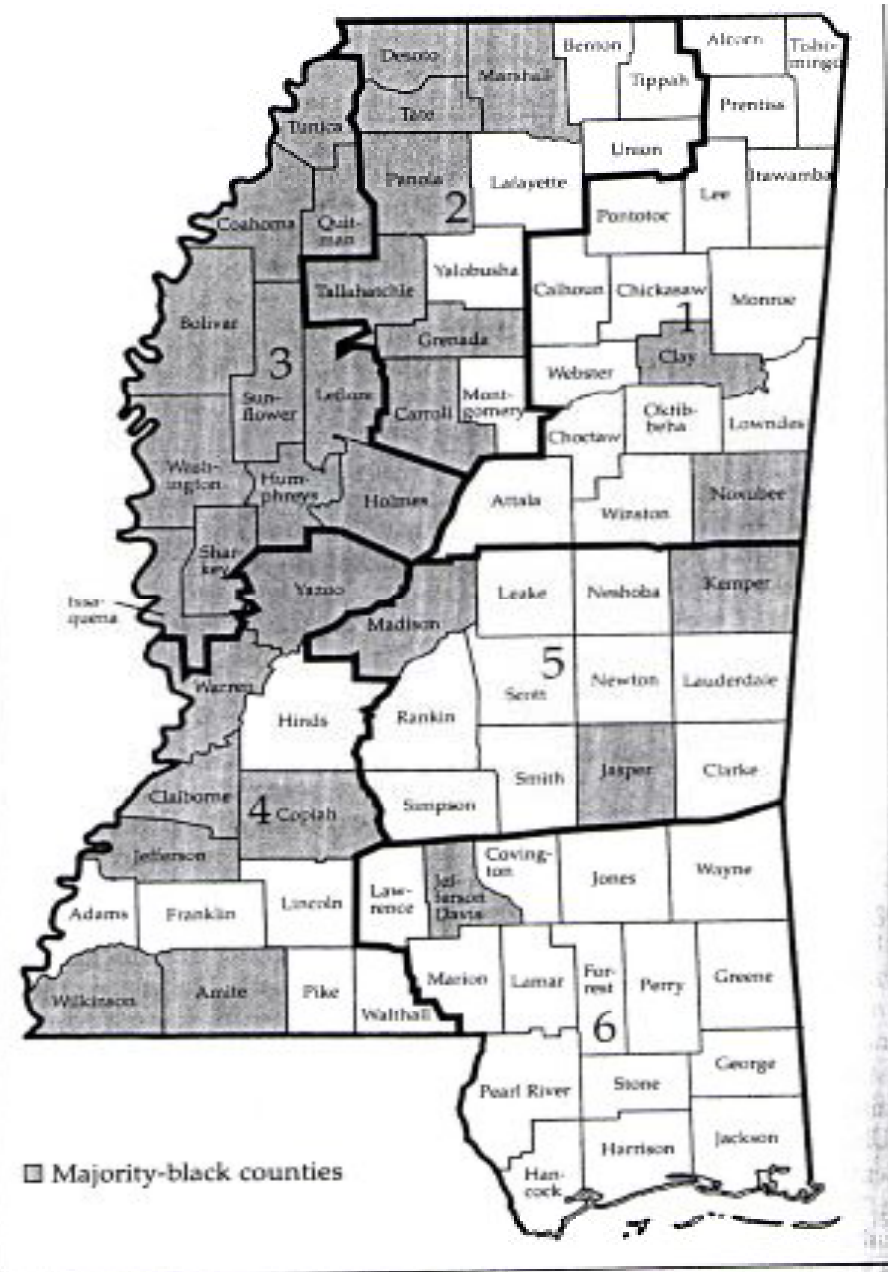
The 1965 Voting Rights Act was the first voting rights act with enforcement teeth.

In 1966 the MS state legislature was required to redistrict the US Congressional seats in order to come into compliance with the 1965 Voting Rights Act.

This is what the Congressional districts looked like in 1956 before black citizens were able to register to vote in huge numbers. This Delta district had been intact from 1882 to 1956.

Note: There are 6 districts.

Note the majority black counties of Desoto, Tate, Panola, Grenada, Carroll, Madison and Amite, which are no longer majority black.

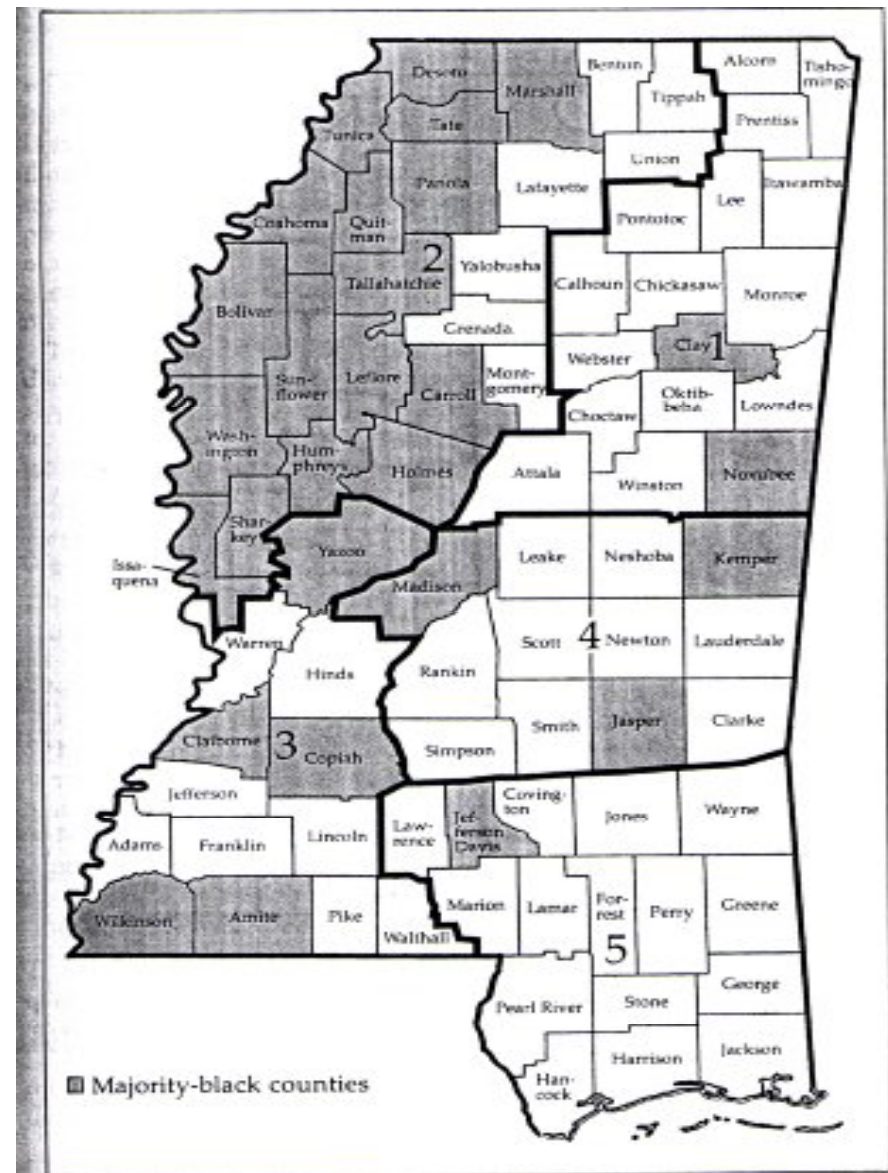


Map 2.2. Mississippi's Congressional Districts in 1956. From 1882 to 1956, the Delta area was preserved intact in a single district (in 1956, the Third Congressional District).



This is the 1962 Congressional redistricting plan based on the 1960 census. Note that the state lost one congressional district. The Delta District became the 2nd District after the legislature combined what had been the 3rd and 2nd districts.

Note the majority black counties of Desoto, Tate, Panola, Carroll, Madison and Amite, which are no longer majority black.



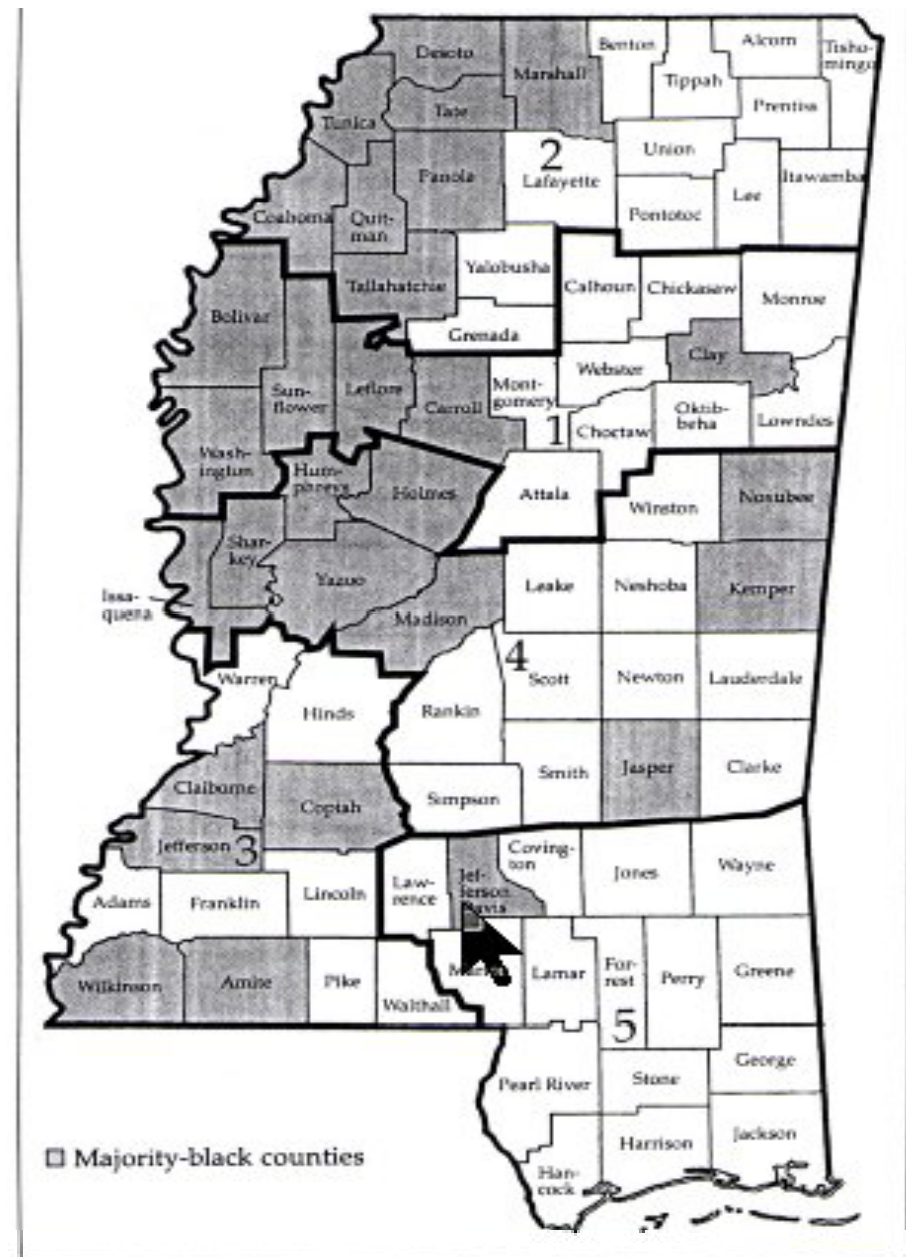
Map 2.3. Congressional Districts Adopted by the State Legislature in 1962. After the 1960 census, as a result of the reapportionment of congressional seats, Mississippi lost a seat in the U.S. House of Representatives. The Second and Third Congressional Districts were simply combined to form a new Second District, which included the Delta area and was almost 60 percent black in population.



This is the 1966 Congressional redistricting plan drawn by the state legislature immediately after the passage of the 1965 Voting Rights Act.

Note that the formerly unified Delta region in a single district comprised of majority black counties was *cracked* among 4 of the state's 5 districts: districts 1, 2, 3, and 4. This created a *phantom majority district* with a black total population majority of less than 52 percent. The black voting age percentage was approximately 46 percent.

Since black voter registration and turnout was much lower than white registration and turnout, and racial bloc voting was in the extreme, there was no way a black Congressional candidate could win given the way this district was drawn.



Map 2.6. "Compromise" Congressional Redistricting Plan Adopted by Both Houses of the State Legislature in 1966. The plan divided the Delta area among three of the state's five districts, depriving blacks of a voting majority in any of the districts.

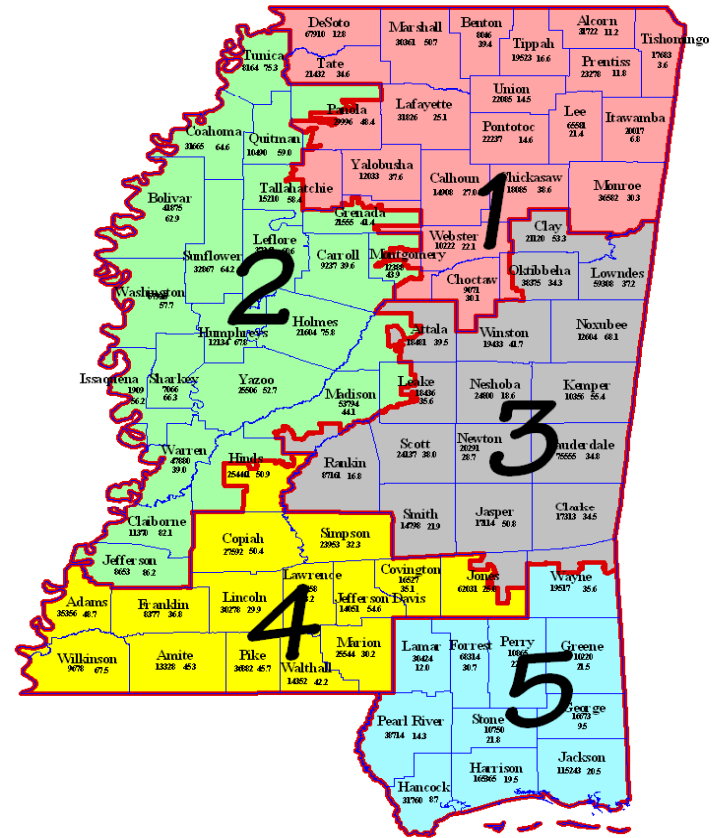


This is the 1992 Congressional redistricting plan drawn by the MS legislature, with the direct and active participation of the African American community through their several accountable organizations: *Mississippi Redistricting Coalition, Delta Redistricting Working Group, Southern Echo, 10 county redistricting groups, the Legislative Black Caucus,* and many other groups and individuals too numerous to detail here.

In this plan adopted by the Legislature the *total black population* in the 2nd congressional district in the Delta region was **63%**, and the *black voting age population* was **58%**. This was sufficient to enable a black candidate to win and retain this seat since.

Given the concentration of black population in the Delta region, it was *not* possible to draw a 2nd viable black majority district.

1992 MS Congressional Districts
1990 Census Data
County Total Population
County Total Black Population



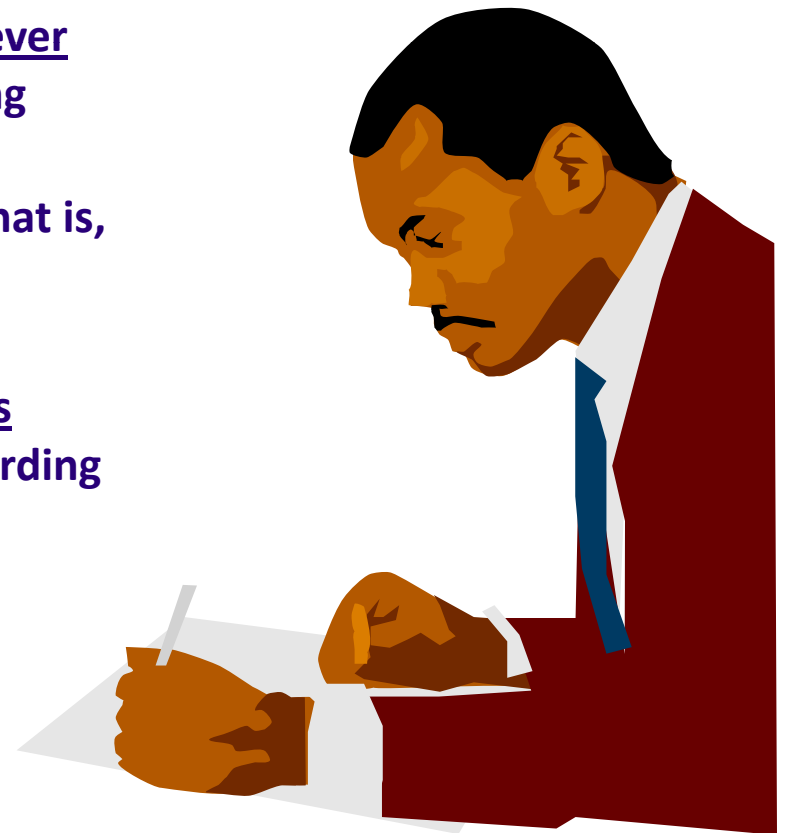


The Principles of Redistricting

In 1990 the principles on which redistricting was based were relatively simple:

1. Meet the deviation requirements under “one person one vote”.
2. Create electable Black or Latino districts wherever possible to implement the goals of the 1965 Voting Rights Act.
3. All parts of the district must be contiguous -- that is, they must connect together at some point.

In 2011 the deviation and contiguity requirements should remain the same. However, the rules regarding “race” have changed dramatically, as we will see.





Understanding deviation to comply with 1 person 1 vote

Step One: Determine ideal district size -- aka "the norm"

Whenever redistricting is done, there are two elements that are key:

1. the total population of the state, OR the county, OR the municipality, in which the districts are being re-drawn.
2. the number of districts or wards to be drawn.

Since the population of each district must be relatively equal under 1 person 1 vote, it is essential to determine the ideal size or norm for each district.

The ideal or norm is determined by dividing the total population by the number of districts or wards to be drawn.

Example:

Total Population = 15,000

Number of Districts = 5

15,000 divided by 5 = 3,000

Ideal number of

persons per district = 3,000



"Deviation" is about how much the population of a district or ward is larger or smaller than the ideal size of, or norm for, the district.

Example: The ideal size of a district is 3,000 persons. The population of district #1 is 3,150 persons. Therefore, district #1 deviates from (exceeds) the norm (ideal) by +150 persons.

$$\begin{array}{r} 3,150 \\ - \underline{3,000} \\ + 150 \end{array}$$

Example: The ideal size of a district is 3,000 persons. The population of district #2 is 2,925 persons. Therefore, district #2 deviates from (is less than) the norm by -75 persons.

$$\begin{array}{r} 2,925 \\ - \underline{3,000} \\ - 75 \end{array}$$



In our examples, the percentage of deviation for each district can be determined by dividing the number of persons by which each district deviates from the norm by the ideal number for the district. Then multiply the result by 100.

Example: +150 divided by 3,000 = +0.05

(persons above norm) (ideal size)

+0.05 X 100 = +5.0 %

Example: -75 divided by 3,000 = -0.025

(persons below norm) (ideal size)

-0.025 X 100 = -2.5%

It gets easier
with practice!





For 1 person 1 vote purposes, the *total deviation* of all of the districts or wards is critical.

There are 2 standards of concern:

1. **Congressional** redistricting:

The total deviation must be as close to zero as practicable, but not to exceed 1 percent.

Congress:
Goal is 0%;
latitude up to 1%

2. **State, county, municipal** redistricting:

The total deviation should be as low as possible, but not to exceed 10 percent.

State, county, municipal:
Goal is 0% up to 10%;
When near 10%
justification required



Example:

Total County Population = 15,000 Norm = 3,000

Dist. #1: 3,150	Deviation = +150	<u>Dev. % = +5.00 %</u>
Dist. #2: 2,925	Deviation = - 75	<u>Dev. % = -2.50 %</u>
Dist. #3: 3,450	Deviation = +450	<u>Dev. % = +15.00 %</u>
Dist. #4: 2,575	Deviation = -425	<u>Dev. % = -14.17 %</u>
Dist. #5: 2,900	Deviation = -100	<u>Dev. % = -3.33 %</u>

For redistricting, round percentages to two decimal places.

To get the total deviation for the County add together the *deviations* of the districts with the *largest population* and the *smallest population*: i.e. Districts 3 and 4 (ignore the + and - signs for this purpose).

District #3 has a deviation of 15 %.

District #4 has a deviation of 14.17 %.

Add Dist. #3 and Dist. #4 together.

The *total* deviation = 29.17 %

The deviation exceeds the 10% deviation limit.



How to calculate a Deviation Percentage -- the summary

Take the total county population and divide by the number of districts to get the *norm*.

Example

County Population = 15,000 persons

of Supervisor districts = 5

The norm: 15,000 persons divided by 5 districts = 3,000 persons per district as the *norm*.

1. Take the *largest district* and subtract it from the *norm*.

$$3,450 - 3,000 = +450$$

2. Divide the remainder (450) by the norm (3,000) to get a percent

$$+450 \text{ divided by } 3,000 = +0.15 \text{ Multiply } +.15 \times 100 \text{ to get a \%}. \quad +.15 \times 100 = +15\%.$$

3. Take the *smallest district* and subtract it from the norm.

$$2,575 - 3,000 = -425$$

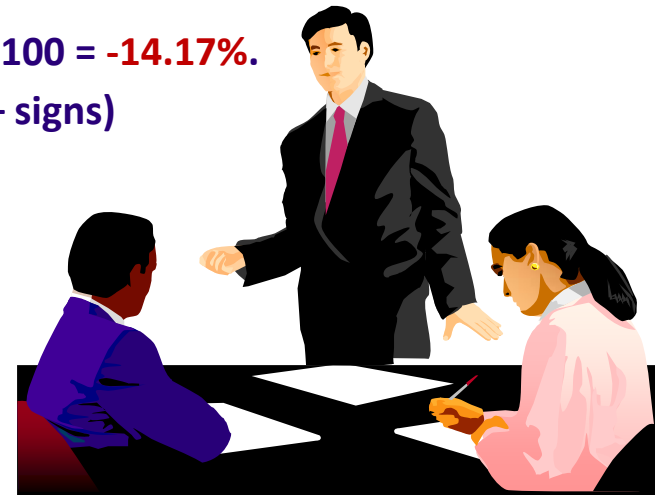
4. Divide the remainder by the norm to get a percent

$$-425 \text{ divided by } 3,000 = -0.1417 \text{ Multiply } -.1417 \times 100. \quad -.1417 \times 100 = -14.17\%.$$

5. Add both percentages of deviation together (ignore the + and – signs)

$$15\% + 14.17\% = 29.17\% \text{ TOTAL DEVIATION}$$

29.17% EXCEEDS THE ALLOWABLE DEVIATION OF 10%.





How to calculate Black, Latino, Asian or other Minority **Population Percentage**

Divide the *Minority Population of 8,575*
by the *Total County Population of 15,000*

Example: **8,575** divided by **15,000** = **0.571666**

Multiply by **100** and round to **2 decimal places:**

i.e. **0.57166** x **100** = **57.17** percent.

The Minority Population Percentage is 57.17 %.

How to calculate the Minority **Voting Age Percentage**

Divide the *Total Minority Voting Age Population of 2,850*
by the *Total Voting Age Population of 5,410*

Example: **2,850** divided by **5,410** = **0.526802**

Multiply by **100** and round to **2 decimal places:**

i.e. **0.526802** x **100** = **52.68** percent.

The Minority Voting Age Population is 52.68 %.

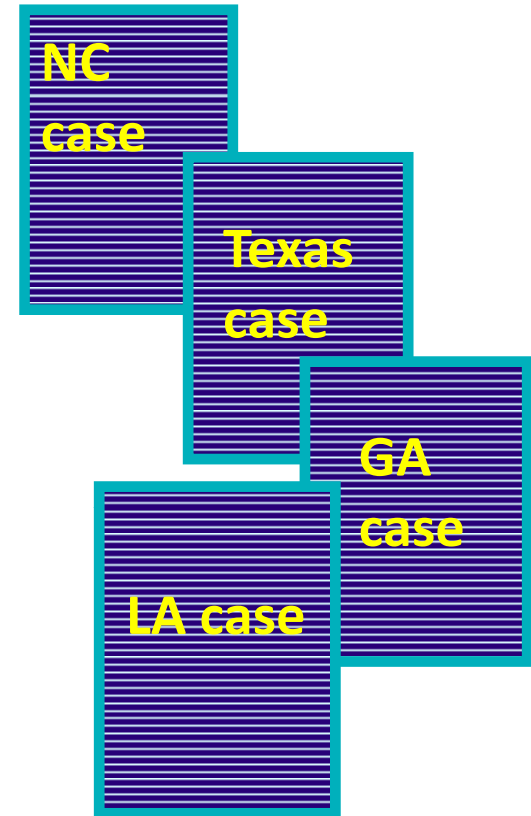


The "rules of the game" have changed!

In 1991 the principles to guide the redistricting work were fairly simple:

1. Satisfy the deviation requirements of one person, one vote;
2. Create contiguous districts;
3. Comply with the 1965 Voting Rights Act requirements to create electable minority districts.

Between 1993 and 2001 the principles for redistricting under the Voting Rights Act changed dramatically because of US Supreme Court decisions. In 2009 the US Supreme Court changed the rules again!



Where is Justice Thurgood Marshall when we need him?





The US Supreme Court has ruled that it is *unconstitutional* to draw districts based predominantly on race. But -- race can be a factor if race is one among many factors used to draw a redistricting plan.



To keep it simple --
It is extremely important to understand how to explain the factors used to draw the plan to protect the plan from attack on constitutional grounds.





How to apply the new rules in 2011 to draw *fair* political districts in compliance with the 1965 Voting Rights Act and the standards set by the US Supreme Court --

Consider these 8 factors when drawing a plan:

- 1. Keep deviation within “1 person 1 vote” rule**
- 2. Compactness of the districts**
- 3. No retrogression**
- 4. No dilution of Black or Latino voting strength**
- 5. Protection of incumbents**
- 6. Political party affiliation and voting behavior**
- 7. Cohesion of communities**
- 8. Communities of interest**





FACTOR #1: Keep deviation within “1 person 1 vote” rule

A. For congressional districts the deviation must be as close to zero (0) as is practicable, but should not exceed one (1) percent.

B. For state, county and municipal offices in Mississippi, the deviation should not exceed ten (10) percent. The closer the deviation is to 10 percent, the more risk that a court will require a justification as to why the deviation is so high.

Deviation summary:

Congressional districts: 0 to 1%

State, county, municipal districts: up to 10%



FACTOR #2: Compactness of the districts

Compact districts should have a visible, solid core, center or base.

Districts do not have to be perfect squares, rectangles or circles.

"Compact" is a relative term.

Note: When districts are majority people of color the federal courts have held some districts to be unconstitutional that have "bizarre" shapes that look like spaghetti, octopus, star bursts, stovepipes or long stretches no wider than the width of a street or highway. In these cases the courts concluded that the districts were created and shaped with race as the *predominant* factor.

In some cases the courts have approved unusual district shapes where the unusual shape could be explained as much by efforts to favor a political party as by efforts to favor a particular race. In other words, the courts could not determine that race was the predominant factor.

When we explain why a plan is fair we should note that the districts are reasonably and relatively compact!





FACTOR #3: No retrogression

Black, Latino, Asian or other minority voting strength should not be reduced (that is -- no retrogression) unless major population shifts prevent maintaining the gains.

In Mississippi, during the redistricting work in 1991-1992, the Black community made extraordinary gains in voting strength in the Congressional, state, county and municipal redistricting. These gains resulted in enormous electoral victories that greatly increased the number of Black elected officials and judges. As a result, these gains created new benchmarks or thresholds to assess retrogression and vote dilution. These gains were maintained in the 2001-2002 redistricting in Mississippi.

People of color have the right to maintain the gains made in the creation of fair districts. We should not go backwards. No retrogression!

It is permissible to explain that a plan is fair by noting that it does not involve retrogression of minority voting strength!





FACTOR #4: No dilution of Black or Latino voting strength

It is a violation of the 1965 Voting Rights Act to draw a plan which has the intent or purpose of diluting or limiting minority voting strength.

In the 1986 *Thornburg v. Gingles* case, the US Supreme Court created **3 criteria** to assess *vote dilution*. The Supreme Court identified three factors or “pre-conditions” that a minority group must prove in order to establish that a redistricting plan violates **Section 2 of the 1965 Voting Rights Act**, as amended:

1. that the *minority group* is **sufficiently large** and **geographically concentrated** to make up a **majority** in a **single-member district**;
2. that the *minority group* is **politically cohesive** — that is, it usually votes for the same candidates; and,
3. that, in the absence of special circumstances, the *white majority* votes together to defeat the minority’s preferred candidate (i.e. **racial bloc voting**).

If the minority group can establish those three things (known as preconditions), the Supreme Court has said that the next question is whether, under “***the totality of the circumstances***,” the minority group had **less opportunity** than other members of the electorate to participate in the electoral process and **to elect representatives of its choice**.

When we explain why a plan is fair we should note that the districts do not dilute minority voting strength!



Source: NAACP Legal Defense and Education Fund, Asian American Justice Center, and Mexican American Legal Defense and Education Fund, *The Impact of Redistricting in YOUR Community, A Guide to Redistricting, 2010*, at p. 15.



FACTOR #5: Protection of incumbents

Redistricting plans can be drawn with the intent to keep incumbents in their districts.

This so-called "protection" is often necessary in the drawing of the plans to gain enough votes to adopt the plan within the state, county or municipal body responsible for drawing the plan. Why? Because the incumbents are the ones who are legally authorized to adopt the redistricting plans.

However, protection of incumbents cannot be used to justify dilution of minority voting strength.

But Note: the districts do not belong to the incumbents. They belong to the people!

The support for a fair plan can be enhanced by showing that it does not displace an incumbent into another district, or pit two incumbents against each other. But, sometimes it needs to be done!





FACTOR #6: Political party affiliation and voting behavior

It is permissible to draw districts to favor Democrats or Republicans. Such purely "political" considerations are not prohibited.

In many areas of the South voting behavior (i.e. preference for Democrats or Republicans) *and* race coincide. In such situations, we can take voting behavior into account when drawing plans and it does not mean that *race* is the predominant factor.

At the same time, creating districts to favor political parties or other partisan considerations cannot be used to justify the dilution of minority voting strength.

We can consider whether people are loyal Republicans or loyal Democrats when we decide who should be placed together in the different districts!





FACTOR #7: Cohesion of Communities

When putting people together within district boundary lines, it is appropriate to consider whether the communities within the district can work together to support candidates that will be accountable to their needs.

Cohesion of communities means that the communities are able to work together.

It is permissible to assess the history of the various communities to determine in which district to place each community.

When communities can work together, the district can elect accountable officials.

When communities cannot work together, the district becomes politically dysfunctional.





FACTOR #8: Communities of Interest

When drawing district lines it is permissible to take into account the *communities of interest* that exist among families, neighborhoods and communities. The location of *communities of interest* do not necessarily correspond to census boundaries lines or political boundary lines.

Some of these common interests are:

- 1. History and impact of past discrimination**
- 2. Systemic poverty, unemployment and under-employment**
- 3. Need for effective access to a quality, first rate public education**
- 4. Need for suitable, affordable housing**
- 5. Need for economic development that benefits grassroots communities**
- 6. Need for effective access to quality, affordable health care**
- 7. Need for fair and equitable treatment by law enforcement**
- 8. Need for affordable, effective representation in the courts**
- 9. Need for fair, equitable access to lending institutions**
- 10. Need for effective access to the political process**



In Summary:

Redistricting is not an engineering exercise created by demographers according to objective math or geometric principles. Rather, it is a political process in which every person drawing a plan is following an agenda intended to accomplish specific results or outcomes.

A fair plan is one that is fair to all members of the community. "Fair" means that the plan helps to eliminate the history of exclusion! "Fair" means that the principles of the 1965 Voting Rights Act are fulfilled and that Black, Latino, Asian and other minority communities have a reasonable opportunity to elect representatives that will be accountable to their needs.



**Redistricting Deadlines, Authority, and Redistricting Principles
For Selected States in Attendance at the Pushback Network Training:**

**Alabama
Florida
Mississippi
Nevada
New Mexico
New York
Texas
Virginia**

**Source: Data derived and re-compiled from National Council of State Legislatures, *Redistricting Law 2010*,
November 2009, Appendices A through E**

Alabama

Deadlines for Redistricting:

First legislative session following the decennial census. However, the federal district court has ruled that the Legislature is not limited to apportionment during the first session after the census. The federal district court will order reapportionment where the court is convinced that further delay is inappropriate.

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Districting Principles for 2000s Plans:

Constitution, Article IX

Section 198. * * * apportionment of house based on decennial census of United States. * * * The members of the house of representatives shall be apportioned by the legislature among the several counties of the state, according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States * * *.

Section 199. * * * each county entitled to at least one representative. * * * each county shall be entitled to at least one representative.

Section 200. * * * senatorial districts. * * * senatorial districts * * * shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more * * *. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

Guidelines for Legislative and Congressional Redistricting, adopted by Reapportionment Committee

- a. As a general proposition, deviations from the "ideal district" population should be justifiable either as a result of the limitations of census geography, or as a result of the promotion of a rational state policy.

* * *

III. Voting Rights Act

1. Redistricting plans must meet the provisions of the Voting Rights Act and shall be constructed so as not to impede the opportunities of blacks and other racial and ethnic groups protected by the Act to participate in the political process and elect representatives of their choice.
2. Proposed redistricting plans must not employ standards, practices, or procedures which have the purpose of, or result in, the denial or abridgment of the right to vote on account of race or color or because a person is a member of a language minority group.
3. Redistricting plans are subject to the preclearance process established in Section 5 of the Voting Rights Act.

Alabama, continued

IV. Criteria For Legislative and Congressional Districts

1. A redistricting plan will not have either the purpose or the effect of diluting minority voting strength, and shall otherwise comply with Sections 2 and 5 of the Voting Rights Act and the fourteenth and fifteenth amendments to the Constitution.
2. All legislative and congressional districts will be composed of contiguous and reasonably compact geography.
3. Where possible, legislative and congressional districts should attempt to preserve communities of interest, including without limitation municipalities and concentrations of blacks and other ethnic minorities, where such efforts do not violate the other stated criteria.
4. Counties should be used as district building blocks where possible, and to the extent consistent with other aspects of these criteria.
 - a. Where county lines cannot be maintained, district boundaries should follow as closely as practicable the local voting precinct boundary lines in order to minimize voter confusion and cost of election administration.
 - b. Where voting precinct boundary lines cannot be followed and also meet the geographic guidelines as stated in this section, district lines must follow census block geography in order to maintain the integrity of the statistical analysis.

* * *

6. Efforts will be made to preserve cores of existing districts where such efforts are consistent with and do not violate the other criteria stated herein.

Florida

Deadlines for Redistricting:

The Legislature at its regular session in the second year following each decennial census shall apportion the state into legislative districts. The regular session may convene earlier than the first Tuesday after the first Monday in March (see, FLA. CONST. Art. III, § 3(b)). The deadline for completing redistricting is indeterminate (see, FLA.

CONST. Art. III, § 16); if the Legislature fails to timely enact a valid plan, the Florida Supreme Court redistricts.

Redistricting plans must be enacted and approved prior to the dates for qualifying for federal or state office, which are June 18-22, 2012 (see, Fla. Stat. § 99.061(1) and (9)).

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Districting Principles for 2000s Plans

Constitution, Article III

Section 16. Legislative apportionment.

(a) Senatorial and Representative Districts. The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory.

Mississippi

Deadlines for Redistricting:

Due to Mississippi's use of odd-year elections, the Legislature will be required to redistrict itself in 2011, the year in which census data becomes available, in order to have plans in effect for the 2011 elections.

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Backup Commissions (State Legislature only)

MISS. CONST. art. 13, § 254 **Number of Members:** 5

Composition: Chief justice of Supreme Court is chair; attorney general, secretary of state, speaker of the House and president pro tem of the Senate

Formation Date: After Legislature fails to meet deadline (60 days after end of second regular session following decennial census)

Initial Deadline: None

Final Deadline: 180 days after special apportionment session adjourns

Districting Principles for 2000s Plans

Mississippi Code of 1972

§ 5-3-101. Guidelines and standards for apportionment.

In accomplishing the apportionment, the committee shall follow such constitutional standards as may apply at the time of the apportionment and shall observe the following guidelines unless such guidelines are inconsistent with constitutional standards at the time of the apportionment, in which event the constitutional standards shall control:

- (a) Every district shall be compact and composed of contiguous territory and the boundary shall cross governmental or political boundaries the least number of times possible; and
- (b) Districts shall be structured, as far as possible and within constitutional standards, along county lines; if county lines are fractured, then election district lines shall be followed as nearly as possible.

Criteria for Congressional Redistricting, adopted by the Standing Joint Congressional Redistricting Committee, May 10, 2001

1. District populations should be as equal as practicable.
2. Districts should be composed of contiguous territory.
3. The Committee should comply with the Constitution of the United States and Sections 2 and 5 of the Voting Rights Act of 1965.

Criteria for Legislative Redistricting, adopted by the Standing Joint Legislative Committee on Reapportionment, February 26, 2002

1. The population of each district should be relatively equal in size with a deviation not greater than 5% above or below the ideal district size.
2. Districts should be composed of contiguous territory.
3. The redistricting plan should comply with all applicable state and federal laws, including Sections 2 and 5 of the Voting Rights Act of 1965 and the Mississippi and United States Constitutions.

Nevada

Deadlines for Redistricting:

By June 6, 2011. (Mandatory duty of the Legislature to apportion itself at first legislative session following decennial census).

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Districing Principles for 2000s Plans:

Assembly Concurrent Resolution No. 1, Joint Standing Rules, adopted February 12, 2001

* * *

Rule No. 13.1. Equality of Representation.

1. In order to meet constitutional guidelines for deviations in population among state legislative districts, no plan, or proposed amendment thereto, will be considered that results in an overall range of deviation in excess of 10 percent, or a relative deviation in excess of plus or minus 5 percent from the ideal district population.
2. The population of each of the Nevada congressional districts must be as nearly equal as is practicable. Any population deviation among the congressional districts from the ideal district population must be necessary to achieve some legitimate state objective. Legitimate state objectives, as judicially determined, include making districts compact, respecting municipal boundaries, preserving the cores of prior districts and avoiding contests between incumbent representatives. In order to meet constitutional guidelines for congressional districts, no plan, or proposed amendment thereto, will be considered that results in an overall range of deviation in excess of 1 percent, or a relative deviation in excess of plus or minus one-half percent from the ideal district population.
3. Equality of population in accordance with the standard for state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents.

* * *

Rule No. 13.3. Districts.

All district boundaries created by a redistricting plan must follow the census geography.

* * *

Rule No. 13.5. Compliance with the Voting Rights Act.

1. The redistricting committees will not consider a plan that discernibly violates section 2 of the Voting Rights Act, codified as 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.
2. The redistricting committees will not consider a plan that is discernibly racially gerrymandered. Racial gerrymandering exists when:
 - a. race is the dominant and controlling rationale in drawing district lines; and
 - b. the Legislature subordinates traditional districting principles to racial considerations.For the purposes of this subsection, "traditional districting principles" are those traditional redistricting principles that have been judicially recognized and include compactness of districts, contiguity of districts, preservation of political subdivisions, preservation of communities of interest, preservation of cores of prior districts, protection of incumbents and compliance with section 2 of the Voting Rights Act, 42 U.S.C. §1973 (2).
3. For the purpose of analyzing the 2000 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

New Mexico

Deadlines for Redistricting:

No specific date by which the Legislature must redistrict.

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Districing Principles for 2000s Plans

§ 2-7C-3. Membership.

The house of representatives is composed of seventy members to be elected from districts that are contiguous and that are as compact as is practical and possible.

§ 2-8D-2. Membership.

The senate is composed of forty-two members to be elected from districts that are contiguous and that are as compact as is practical.

Guidelines for the Development of State and Congressional Redistricting Plans, adopted by the Legislative Council and used by the Redistricting Committee as required by Laws 2001, Chapter 220, Section 3, Subsection A, Paragraph (2)

* * *

1. Congressional districts shall be as equal in population as practicable.
2. State districts shall be substantially equal in population; no plans will be considered that include any proposed legislative * * * districts subject to legislative redistricting with a total population that deviates more than plus or minus five percent from the ideal.
3. * * *
4. Since the precinct is the basic building block of a voting district in New Mexico, proposed redistricting plans to be considered by the legislature shall not be comprised of districts that split precincts.
5. Plans must comport with the provisions of the Voting Rights Act of 1965, as amended, and federal constitutional standards. Plans that dilute a protected minority's voting strength are unacceptable. Race may be considered in developing redistricting plans but shall not be the predominant consideration. Traditional race-neutral districting principles (as reflected in paragraph seven) must not be subordinated to racial considerations.
6. All redistricting plans shall use only single-member districts.
7. Districts shall be drawn consistent with traditional districting principles. Districts shall be composed of contiguous precincts, and shall be reasonably compact. To the extent feasible, districts shall be drawn in an attempt to preserve communities of interest and shall take into consideration political and geographic boundaries. In addition, the legislature may seek to preserve the core of existing districts, and may consider the residence of incumbents.

New York

Deadlines for Redistricting

The Legislature must draw new districts in time for the 2012 election.

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Districting Principles for 2000s Plans

Constitution, Article III

Section 4. * * * [E]ach senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable * * * and shall at all times consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county. No town, except a town having more than a full ratio of apportionment, and no block in a city enclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their 202 Redistricting Law 2010 National Conference of State Legislatures location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens. * * *

Texas

Deadlines for Redistricting

The first regular legislative session following release of the census figures: applies to ongoing regular session in 2011.

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Districting Principles for 2000s Plans

Constitution, Article III

Section 25. Senatorial Districts. The State shall be divided into Senatorial Districts of contiguous territory, and each district shall be entitled to elect one Senator.

Section 26. Apportionment of Members of House of Representatives. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; provided, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate Representative District, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a Representative District with any other contiguous county or counties.

Virginia

Deadlines for Redistricting

Prior to House and Senate elections that are scheduled for November 2011.

Redistricting Authority:

Congressional Districts: Legislature

State Legislative Districts: Legislature

Districing Principles for 2000s Plans

Constitution, Article II

Section 6. Apportionment. * * * Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. * * *

Virginia Code

§ 24.2-305. Composition of election districts and precincts.

- A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.
- B. A “clearly observable boundary” shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, state primary, or state secondary road system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

Committee Resolution No. 1, adopted by the Senate and House Committees on Privileges and Elections, April 3, 2001

* * *

I. Population Equality

The population of legislative districts shall be determined solely according to the enumeration established by the 2000 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in Senate districts should be within plus-or-minus two percent.

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965.

Virginia, continued

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the recent case of *Jamerson v. Womack*, 244 Va. 506 (1992).

IV. Single- Member Districts

All districts shall be single-member districts.

V. Communities of Interest

Districts shall be based on legislative consideration of the varied factors that can create or contribute to communities of interest. These factors may include, among others, economic factors, social factors, cultural factors, geographic features, governmental jurisdictions and service delivery areas, political beliefs, voting trends, and incumbency considerations. Public comment has been invited, has been and continues to be received, and will be considered. It is inevitable that some interests will be advanced more than others by the choice of particular district configurations. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people. Local government jurisdiction and precinct lines may reflect communities of interest to be balanced, but they are entitled to no greater weight as a matter of state policy than other identifiable communities of interest.

VI. Priority

All of the foregoing criteria shall be considered in the districting process, but population equality among districts and compliance with federal and state constitutional requirements and the Voting Rights Act of 1965 shall be given priority in the event of conflict among the criteria. Where the application of any of the foregoing criteria may cause a violation of applicable federal or state law, there may be such deviation from the criteria as is necessary, but no more than is necessary, to avoid such violation.

Committee Resolution No. 2, adopted by the Senate and House Committees on Privileges and Elections, April 3, 2001

The resolution is the same as Resolution No. 1 for legislative districts, but provides for population equality of congressional districts without an allowance for a plus or minus 2 percent deviation.