



Testimony of LatinoJustice PRLDEF

Jose Perez
Associate General Counsel

Before the
Philadelphia City Council
Committee of the Whole

Public Hearing on
Philadelphia Councilmanic
Legislative Redistricting

City Hall, Room 400
Philadelphia, PA

August 16th, 2011



Good Morning members of the Philadelphia City Council Committee of the Whole. My name is Jose Perez. I am the Associate General Counsel of LatinoJustice PRLDEF, a national not-for-profit, non-partisan civil rights organization that engages in advocacy and impact litigation on behalf of the Pan-Latino community in the United States and Puerto Rico.

LatinoJustice is approaching its fourth decade of redistricting work. For the past year, we have been working with local Latino community-based organizations in ten (10) Eastern states including the Latinos Lines Redistricting Coalition in Philadelphia engage in the redistricting process.

In Philadelphia, while the overall population had a minimal increase of .06% from 2000, Hispanics had a tremendous population growth in the city over this past decade, preventing the City from sustaining significant population declines as occurred in other urban areas. From 2000 to 2010, Latinos grew an astonishing 46% and now make up 12.3% up the total City population.

In the current cycle of redistricting based on the new demographic information released in the Census 2010 report, LatinoJustice submits that those responsible for drawing district lines

must recognize their obligations for providing fair electoral opportunity for Philadelphia's Latino communities. The 7th councilmanic district represented by the Hon. Maria Quinones-Sanchez, the first and still only Hispanic elected to a district city council seat, saw significant Latino population increases in her district. LatinoLines proposed District 7 in addition to making Latinos 60% of the district, also complies with traditional redistricting principals of "compactness and contiguity with nearly equal population as practical" as set forth in the Pennsylvania State constitution in Article II, Section 16 and Philadelphia City Charter which sets limits on what districts may look like.

We also urge that the city's legislative redistricting maps be drawn in a transparent fashion, and released as soon as practical. Transparency must be infused throughout the city's redistricting process to promote civic participation and confidence. We are very pleased to learn that there will be two additional public hearings outside City Hall in the community, including one to be held at the Esperanza Academy Charter High School in District 7 on August 31st, 2011, sponsored by Councilwoman Quinones-Sanchez.

During this phase, the commission should hear from the public how district lines will best preserve "communities of interest", and comply with the federal Voting Rights Act to avoid voter dilution while

abiding by traditional redistricting principles of compactness, contiguity and *de minimis* deviation from the equal population requirement.

MINORITY REPRESENTATION

The extent to which redistricting can account for race and ethnicity is a particularly delicate legal balance. The U.S. Supreme Court has repeatedly indicated that compliance with the federal Voting Rights Act is a compelling reason why a state or locality can make race or ethnicity of its citizens the predominant reason for drawing particular district lines. The Voting Rights Act which was enacted by Congress in 1965 was designed primarily to combat discrimination and intimidation that were used to deny African Americans and other minorities the right to an effective vote. As federal law, the Voting Rights Act overrides inconsistent state or local laws.

Section 2 of the VRA prohibits any voting practice or procedure that results in the denial or abridgement of anyone's right to vote based on race, color, ***or minority language status***. Congress amended Section 2 in 1982 to clarify, that specifically it prohibited laws or practices that denied minority voters an equal opportunity to participate in the political process and to elect representatives of their choice. This type of violation is known as voter dilution.

In closing, LatinoJustice looks forward to working closely with the City Council and the Latino Lines Redistricting Coalition to achieve the goals of transparency and inclusiveness.