



New Mexico League of United Latin American Citizens

Las Cruces, NM

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Paul "Pablo" A. Martinez

Immediate Past State Director (2006-2010)

December 10, 2011

Re: *Status on the Redistricting Case Interveners-NM LULAC et al vs. Duran et al*

Dear Friends:

NM LULAC submitted written closing argument yesterday, Friday, December 9, 2011, in the redistricting case in NM CD 2, as Plaintiff Interveners: ***NM LULAC et al v. Duran et al.***

Our main essential points are: the LULAC Plan (HB 46) is the only plan that meets the criteria set forth in Section 2 of the Voting Rights Act of 1965, with respect to a Minority/Majority. It is undisputed or challenged by the Defendants that there is not a need for either a Hispanic minority majority district, nor did they refute our position concerning the past discrimination practices (Jim Crow laws and ordinances) that have and continue to exist in CD 2, particularly in the S/E quadrant of the state. There is no known legal precedence, nor is there a duty for the Plaintiff (Plaintiffs' in Intervention) to prove what is considered to be an "effective" plan. Our arguments are that both parties particularly the non-Hispanic White officials (both Republican and Democrat) have and continue to deprive Latinos equal access in the aforementioned district. Egoff et al Plaintiff's is case and point. They only sued to say that the government failed to provide a redistricting plan after the census. However, the Egoff attorneys settled with the Governor and the other Defendants. They want this district to remain status quo. The State's experts want our community to wait until 2020 to make an "effective" plan. No guarantees that in 2020, they won't come back and ask us again to wait another 10 years? The State's witness Williams even testified that he and others have tried since 1990, to create a Hispanic minority majority district, but there was no political will or desire and that legal challenges were threatened by the (colonialism) powers that be.

Like in ***Garza vs. LA County*** (1990), Los Angeles County being a large Hispanic minority majority could not elect a Hispanic Board of Supervisor because of the deliberate

gerrymandering that split a protected class. When the *Garza* case was decided, Gloria Molina became the first Hispanic to be elected. This totally refutes what that so called expert from North Carolina said, with respect to an assumed undocumented immigrant population. Unless he is saying the most of the Hispanics in CD 2 re Republican or prefer a White non-Hispanic candidate over a Democratic or Republican Hispanic?

The State used or argued that undocumented immigrants do not make this district an “effective” minority majority district. Yet, the legal standard in *Bartlett vs. Strickland* (2009) provides a 50% standard for states to interpret Section 2 of the VRA of 1965. This is all assumption on the State’s part. They never considered that even if they could provide proof of actual percentages or true demographics of the undocumented immigrants, what about their children?? Most of these children are U.S. born. In the next few years, this vast population will be able to vote. The Hispanic population is largest in terms of the youth population. This will significantly change the minority majority ratio in this district and other across the entire country. At least the common sense factor in this argument is a given.

Our argument has nothing to do with the partisan outcome. We advocate for the Hispanic M/M outcome. That is our role and position as Hispanic advocates. Voter intimidation and the deliberate gerrymandering practices in the status quo CD 2 has unequivocally, deprived this minority bloc.

These state Defendants continue to use voter suppression tactics under the cloak of national security when the real issue is xenophobia. Their fear is the "Brown freight". They just cannot conceptualize that we Latinos love America just as much as they do. We share the same values and dreams for all of our families in this state and country.

At least with the Defendants, we know where they stand and there is no back stabbing. We know exactly who our adversaries are. With the some of the Democrats and their minions, that is a different story. In my opinion, it is worse because our community is used and we are treated like second class citizens. We become expendable and completely taken for granted. Our community is tired and feed up like most Americans. We are tired of all of these empty promises and double standards by those powers that be in both political parties.

We hope that justice will prevail! We thank all of those whom have given their valuable time and support.

Sincerely,

Pablo Martinez
Immediate Past State Director (2006-2010)