

SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 18907

IN RE PETITION OF REAPPORTIONMENT COMMISSION, EX. REL.

PROCEEDINGS BEFORE SPECIAL MASTER

**REPLY BRIEF OF THE COALITION FOR MINORITY REPRESENTATION
STATEWIDE, ET AL IN SUPPORT OF REDISTRICTING PLAN SUBMITTED
TO SPECIAL MASTER**

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INTRODUCTION

The Republican members of the reapportionment commission pitch their proposal to move New Britain from the Fifth to the First District as a boon to minorities. In fact, the proposal is a cynical attempt to diminish minority influence in the Fifth under the pretext of “maximizing” minority influence in the First. The proposal's pretense is transparent. Since Hispanic and African-American voters already play a significant role in the First District, moving New Britain into the First is unnecessary to ensure minority influence there. On the other hand, removing New Britain could significantly impair the influence of minority communities in the Fifth.

The Republican plan is a nonstarter because it violates the Supreme Court's order requiring the Special Master to "modify the existing congressional districts only to the extent reasonably required" to equalize the population in the districts, make them contiguous, and comply with the Voting Rights Act. Order ¶12. Our reply brief focuses on the interests of Connecticut's minorities and identifies three strikes against the proposal to remove New Britain from the Fifth: (1) the proposal runs contrary to Connecticut's policy of ensuring fair minority representation throughout the state; (2) the proposal dramatically alters the identity of the Fifth by removing one of its core population centers; and (3) the proposal disrupts the community of interest that has developed among New Britain voters and the other urban and minority communities of the Fifth.

ARGUMENT

I. **The proposal to move New Britain is calculated to diminish minority influence in the Fifth District without appreciably enhancing minority influence in the First.**

The Republican members frame their proposal as “enhancing the political empowerment of minority voters” in the First District, thereby ensuring the plan’s compliance with Section 2 of the Voting Rights Act. Rep. Br. 7. But the specter of a Voting Rights Act violation is a red herring. The First District is *already* a minority-influence district. Together, African-Americans and Hispanics make up 28.6 percent of the First’s total population, each group alone accounting for around 14 percent. Critically, there is no evidence that white voters in the First usually (or ever) defeat the candidate favored by minorities – one of the three basic preconditions of a Section 2 claim. See *Thornburg v. Gingles*, 478 U.S. 30 (1986); *Growe v. Emison*, 507 U.S. 25 (1993). On the contrary, minorities in the First typically succeed in electing their preferred candidate. Thus, the argument that the state must increase the minority population of the First to forestall a challenge under the Voting Rights Act would be confused if it were not so evidently cynical.

The Republican members’ appeal to the Voting Rights Act is ironic, and not in a good way. While the members characterize their plan as an effort to “maximize” the influence of minority voters in the First District, it is more aptly described as *minimizing* the influence of minority voters in the Fifth. The Republican proposal would not appreciably enhance the voting power of minorities in the First – because minorities in the First are already politically effective – but it would leave the minority communities remaining in the Fifth politically weakened. New Britain includes a large Hispanic community, and the

Republican proposal would drop Hispanics' share of the Fifth's total population from 15.6 percent to 12.3 percent. This is of course the aim of the plan. The Republican proposal follows a familiar pattern of vote dilution: push additional minority voters into a district where minorities already are a force in order to reduce the influence of minority voters in a neighboring district. It takes a lot of gall to advance such a proposal in the name of the Voting Rights Act.

As we emphasized in our opening brief, the existing configuration of congressional districts embodies the state's policy of promoting fair representation of minorities *throughout* the state. The Republican plan to "help" minorities by confining their influence to fewer congressional districts cannot be squared with that policy. Because its net effect is to reduce the number of districts in which minority communities play a significant political role, the proposal to move New Britain from the Fifth to the First is a plan to reduce minority influence.

II. New Britain is part of the Fifth District's existing urban core and essential to maintaining the district's core of minority voters.

The Republicans characterize the core of the Fifth District as consisting of "largely rural" Litchfield County. Rep. Br. 10-11. But this description badly misrepresents the actual composition of the Fifth. In fact, more than 85 percent of the district's residents live in an urban setting. The Fifth includes four of the state's 12 biggest cities: Waterbury, Danbury, New Britain, and Meriden. The Fifth's current representative in Congress maintains district offices in each of those four cities, as did his (Republican) predecessor. Individually and collectively, these mid-size cities are as integral to the Fifth's identity as are the small towns of Litchfield County.

Removing any one of the four cities means dramatically reconfiguring the district. In particular, because the district's urban centers all include significant minority communities, each one is essential to maintaining the Fifth's core of minority voters. New Britain, for example, is home to nearly one in four (26,934 out of 111,234) of the district's Hispanic residents. Thus, New Britain cannot be removed from the District without cutting deeply into its core – and violating the Supreme Court's order to leave the existing configuration intact.

III. A strong community of interest has formed among New Britain and the Fifth's other urban and minority communities.

The Republican members attempt to justify their plan by pointing to a community of interest between New Britain and Hartford. Rep. Br. 10. They ignore, however, the relationships that have developed over the past decade among New Britain and the other urban and minority communities of the Fifth District (primarily in Meriden, Waterbury, and, though to a lesser extent, Danbury).¹ As we indicated in our opening brief, the minority communities of the Fifth – often led by New Britain – have spent the past ten years forging alliances to solidify their combined influence in the district. The Republican proposal is more accurately read as an attempt to fracture the community of interest among the Fifth's mid-size cities than an effort to honor whatever community of interest may exist between New Britain and Hartford.

¹The community of interest between New Britain and Meriden is particularly strong. Geographically, New Britain is just as close to Meriden as it is to Hartford, and New Britain and Meriden are much closer in size to each other than either is to Hartford.

CONCLUSION

The Republican members of the Reapportionment Commission tout their proposal's illusory benefits for minority voters in the First while failing to acknowledge the plan's real impact on minority representation in the Fifth. The Republican plan aims to diminish minority influence in the Fifth by severing the district from one of its core population centers. We therefore urge the Special Master to obey the order of the Supreme Court – and to reject the proposal to move New Britain from the Fifth to the First and any other plan designed to weaken minority influence in any district.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that this Brief complies with all the provision of Practice Book § 67-2.



David N. Rosen

Pursuant to Practice Book § 62-7, I hereby certify that a copy of the foregoing Reply Brief of the Coalition of Minority Representation Statewide, et al has been emailed this 9th day of January 2012 to the following:

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