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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

CITIZENS FOR FAIR REPRESENTATION;
SHASTA NATION TRIBE; CITY OF
COLUSA; CITY OF WILLIAMS; THE
CALIFORNIA AMERICAN
INDEPENDENT PARTY; THE
CALIFORNIA LIBERTARIAN PARTY;
MARK BAIRD; CINDY BROWN; WIN
CARPENTER; KYLE CARPENTER; JOHN
D'AGOSTINI; DAVID GARCIA; ROY
HALL JR; LESLIE LIM; MIKE
POINDEXTER; MICHAEL THOMAS;
LARRY WAHL; and RAYMOND WONG.

Plaintiffs,

v.

ALEX PADILLA, SECRETARY OF STATE
FOR CALIFORNIA; CITIZENS
REDISTRICTING COMMISSION; and
THE STATE OF CALIFORNIA

Defendants.

Case No.: 2:17-cv-00973-KJM-CMK

**SECOND AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF FOR
UNCONSTITUTIONAL VOTE
DILUTION IN THE CALIFORNIA
ASSEMBLY & SENATE**

*THREE-JUDGE COURT
REQUESTED [28 U.S.C 2248]*

I. INTRODUCTION

For more than 150 years, California has capped the size of the state legislature. Despite the enormous population increase of over 39,000,000 (Thirty-Nine Million) people the legislature is limited to only 40 members of the senate and 80 for the Assembly. Constitutionally capping the number of members of California's legislature, in 1879, was intended to and did reduce the representation of non-whites. California's legislature is now dominated by a static number of powerful elite politicians in districts which are constantly expanding, effectively leaving plaintiffs unrepresented because their interests can and have been systematically ignored.

By maintaining these arbitrary caps, California has perpetuated a system of oligarchic governance at odds with the norm of self-representation at the heart of the U.S. Constitution. As a result, California violates the Equal Protection and Due Process Clauses of the Fourteenth Amendment, as well as the First Amendment, and denies to plaintiffs a republican form of government as guaranteed by Article IV and the federal structure of the U.S. Constitution.

California could easily remedy these constitutional violations simply by significantly apportioning a larger number of members to the assembly and senate. Many other states have significantly larger legislatures. If California determines that expanding the legislature to remedy past invidious racial discrimination is unworkable, the state has the option of initiating the process prescribed in the U.S. Constitution to break the state into two or more new states. *See* U.S. Const., Art. IV, § 3, cl. 1.

The issue here is that California is "locked in" to this unconstitutional system by its own history. However, because members of the Assembly and Senate would lose their political power if they solved this dire problem, instead they will continue to do nothing to redress plaintiffs'

grievances and injuries, and only judicial intervention by this Court can remedy the constitutional violations set forth herein.

II. PARTIES

1.0 Citizens for Fair Representation (“CFR”) is a “not for profit” corporation that promotes and educates Californians regarding their rights to participate in a democratic representative republican government. CFR’s members include U.S. citizens and residents in California comprised of different races, ethnicities, religions, and political beliefs located in various legislative districts throughout the state. CFR’s members have effectively been disenfranchised from California’s political legislative process and voting because they reside in such populous legislative districts that CFR’s member’s interests, needs, and concerns are routinely ignored by California’s bicameral legislature.

1.1 CFR’s members have been harmed in specific and concrete ways because California’s cap on the size of the legislature was imposed as part of California’s ratification of constitutional provisions in its 1849 and 1879 Constitutions, which were intended to invidiously and systematically promote the interests of whites over non-whites.

1.2 Plaintiffs Win Carpenter, Kyle Carpenter, and Roy Hall Jr., are Native Americans who reside and vote in California Senate District 1. Hall is chief of plaintiff Shasta Nation Tribe of Indians which has about 1200 members. They are part of a racial class of approximately 650,000 Native Americans in California whose members have been intentionally, systematically, and invidiously discriminated against by California since statehood, including through the intentional attempted genocide of their race in California. The decimation of the Native American population coupled with the unconstitutional cap on the size of the legislature which results in the population

of the Assembly and Senate districts growing larger and larger over time have denied Native Americans any opportunity to elect a member of their race to a statewide legislative body.

1.3 David Garcia is a Latino/Hispanic¹ (Mexican) U.S. citizen residing and voting in California Senate District 8, which is composed of 11 counties. Hispanics have been intentionally, systematically, and invidiously discriminated against by California in numerous ways, including intentional extermination and forced expulsion of Hispanic U.S. citizens and voters from California, beginning at statehood and continuing at least through the 1930s. The cap on the size of the legislature is an integral part of a constitutional and legislative framework dating to the Nineteenth Century to dilute the political power and abridge the votes of Hispanics, causing plaintiff Garcia and others similarly situated Hispanics grave economic, social, and stigmatic injuries as members of a racial and ethnic minority. Further, their ability to elect candidates of their choice to the legislature has long been seriously impacted.

1.4 Raymond Wong and Leslie Lim are U.S. citizens of Asian descent who reside in California Senate District 32 and District 21 respectively, both of which are composed of only two counties. Asians, especially persons of Chinese, Mongolian, Japanese descent as well as those who provided “Coolie” labor before 1879, have been intentionally, systematically, and invidiously discriminated against by California in ways that the state has formally admitted, through their intentional killing, forced expulsion, internment, and other intentional discrimination based on their race from the 1850s through at least the 1950s. The cap on the size of the legislature is an integral part of a constitutional and legislative framework dating to the nineteenth century to dilute

¹ The U.S. Census Bureau defines the ethnonym Hispanic or Latino as "a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race" and states that Hispanics or Latinos can be of any race, any ancestry, and any ethnicity. See <https://www.census.gov/topics/population/hispanic-origin/about.html>. This complaint uses “Hispanic” to refer to a member of this group.

the political power and abridge the votes of Wong and Lim and other similarly situated Asians, resulting in grave economic, social, and stigmatic injuries to them as members of a racial minority. Further, their ability to elect candidates of their choice to the legislature has long been seriously impaired.

1.5 Cindy Brown is a black U.S. citizen who lives in Senate District 37, which is located wholly within Orange County, California. Brown and other blacks have been intentionally, systematically, and invidiously discriminated against by California in numerous ways that have been formally admitted by the state, including being denied the right to vote by the 1849 Constitution, subjected to “Jim Crow” race laws following the 1879 Constitution, and subjected to voter disenfranchisement for felony convictions based on race by California courts, which have a long history of intentionally discriminating against blacks. Brown alleges the 1849 and 1879 constitutions, including the 1879 constitutional cap on the size of California’s statewide legislative bodies, has in the past and continues now to dilute black political power by abridging the value of their votes based on race. As an example, Brown alleges the capped legislature refuses to oversee the corruption of California’s judges and courts that incarcerate and impose felony sentences (which impacts the right to vote) of non-whites.

1.6 This dilution of political power has resulted in grave economic, social, and stigmatic injury to plaintiffs Mark Baird, Carpenters, John D’Agostini, Mike Poindexter, Michael Thomas, and Larry Wahl, U.S. citizens who live and vote in California senate districts composed of 8 or more counties. Plaintiff cities of Colusa and Williams are rural municipalities within Senate District 4 (which is composed of 8 counties.) These Plaintiffs allege that California’s constitutional cap of 40 senators and 80 assembly persons, which was born out of the invidious discrimination against non-whites described herein, now causes them injury.

1.7 Plaintiffs the California American Independent Party and The California Libertarian Party are minority political parties that have substantial numbers of registered members in California, but their ability to elect candidates of their choice is seriously undermined by the constitutional framework dating back to the 1900's to dilute the value of non-white people's votes by capping the number of senators and representatives.

1.8 Most plaintiffs have petitioned or requested (some repeatedly) their legislators as well as defendant Secretary of State Padilla for constitutionally adequate representation. None have received a response from representatives who are supposed to serve them.

1.9 Defendant Alex Padilla is the Secretary of State for California and has duties to oversee the election laws of California so as to ensure compliance with the U.S. Constitution.

1.10 Defendant Citizens Redistricting Commission [CRC] is a body created by Article XXI of the California Constitution which may have the power to increase the apportionment of both houses of the state legislature according to specific criteria, including compliance with the U.S. Constitution, reasonably equal populations with other districts for the same office, geographic contiguity and compactness, and respect for existing jurisdictional lines (such as cities and counties).

1.11 Defendant State of California is a sovereign state of the United States.

III. JURISDICTION AND VENUE

2.0 This action arises under the U.S. Constitution and statutes enacted thereto. U.S. Const. Art. III, § 2.

2.1 Jurisdiction in this Court exists under 28 U.S.C. §1331 and §1343(3)-(4). Supplemental jurisdiction over state law matters exists pursuant to 28 U.S.C. §1367(a).

2.2 Under 28 U.S.C. §2284 (a), a three-judge court must be convened to decide this case because it challenges the constitutionality of California's apportionment of its statewide legislative bodies.

2.3 Venue is proper under 28 U.S.C. §1391(b), because the Defendant Padilla's office is located in Sacramento, California.

IV. FACTUAL ALLEGATIONS

3.0 California became a state of the U.S. on September 9, 1850. Under the state constitution then in effect, the Assembly had 36 members; the Senate was apportioned with 16 members. In 1854, the Assembly was increased through statute to 80 members; in 1862, the Senate was expanded by statute to 40 members. These caps were memorialized in California's constitution in 1879 for the purpose of targeting non-whites' ability to participate politically in California's government, including its legislature. The caps remain today as a vestige of past invidious, intentional, systematic, and stigmatic state discrimination against non-whites.

3.1 The population of California according to the 2010 census was about 38 million; currently it is about 40 million people. Thus, today each Assembly member represents almost 500,000 people; each Senator represents about one million people.

3.2 As California's population grows, the cap on its number of legislators will cause ever larger Assembly and Senate districts. The California Department of Finance estimates California's population in 2020 will be 40,639,000, rising to 43,939,250 in 2030, 46,804,202 in 2040, 49,077,801 in 2050, and 50,975,904 in 2060.

3.3 On Sept. 1, 1849, California held its first Constitutional Convention, which resulted in ratification of the state's first constitution on November 13, 1849. At this convention, the overwhelmingly white male delegates ratified a Constitution eliminating the existing suffrage

rights of all Native Americans, blacks, and non-white persons of Mexican descent, because they feared loss of control of California to non-whites. Art. II, § 1, expressly limited suffrage to *only* white males, including white male Mexicans who declared U.S. Citizenship.

3.4 At its very first session, the California Legislature enacted an ironically named “Act for the Government and Protection of Indians.” This statute was utilized to make Native Americans slaves or their equivalents in peonage, and to deprive them of basic human rights they had enjoyed prior to California’s statehood. Under this law, “in no case shall a white man be convicted of any offense upon the testimony of an Indian or Indians.” This law, particularly as it was amended in 1860, facilitated the removal of Native American children from their families and tribes into a system of virtual slavery or indentured servitude. It also allowed whites to pay criminal fines of Native Americans, with the result that they became trapped in a system of peonage enforced by the California courts.

3.5 In 1851, California Gov. Peter Burnett declared that “a war of extermination will continue to be waged . . . until the Indian race becomes extinct.” In 1852, U.S. Sen. John Weller — who became California’s governor in 1858 -- told the U.S. Senate that California Indians “will be exterminated before the onward march of the white man,” and argued that “*the interest of the white man demands their extinction.*”

3.6 The State of California in the nineteenth century paid bounties for the scalps and severed heads of Native Americans. From the time of statehood until the 1930s, 5/6ths of the remaining California indigenous population was killed by settlers. By then, the Native American population, which had once totaled hundreds of thousands in California, was less than 30,000.

3.7 The United States, including the Bureau of Indian Affairs, has formally apologized to the Native Americans for the genocide and atrocities perpetrated against them because of their

race. California, through Governor Brown, has acknowledged the racial genocide of its native people. *See* Exhibit 1. Several California counties have also apologized.

3.8 Hispanics, especially those of Mexican ancestry, were treated similarly to Native Americans that is systematically discriminated against by California on account of their race. As a group, non-white Mexicans were denied citizenship and serious efforts were made to remove them from the state and the United States.

3.9 During the Gold Rush, owners of railroads and mines in California solicited Mexican and Asian people, especially Chinese workers, to come to the state as a source of cheap labor. Indeed, the populations of non-white groups increased dramatically to the point where they began competing with white workers for jobs. At that point, the state began a systematic effort to eliminate them from its borders.

3.10 Following statehood, the all-white California legislature enacted intentionally discriminatory legislation against persons of Asian descent, particularly Chinese. The California Supreme Court declared some of these laws to be unconstitutional as early as 1862. “No one can read these [laws] and fail to see that they are all directed by the same spirit; hostility to the Chinese, and an intention to banish them from the country.” *Lin Sing v. Washburn*, 20 Cal. 534, 538-9 (1862).

3.11 Racial violence was frequent in San Francisco in 1877. On Oct. 16 the Workingmen’s Party (one of three of the three major parties) Manifesto was published in the San Francisco Chronicle:

We have made no secret of our intentions. We make none. Before you and before the world we declare that the Chinaman must leave our shores. We declare that white men, and women, and boys, and girls, cannot live as the people of the great republic should and compete with the single Chinese coolie in the labor market. We declare that we cannot hope to drive the Chinaman away by working cheaper than he

does. . . . *To an American, death is preferable to life on par with the Chinaman*
(emphasis added)

[*History of Political Conventions in California 1849 - 1892* (1893) by Winfield J. Davis,
Chapter XXVII, 1877--Workingmen's Party and the Kearney Excitement, pgs. 368-369.]

3.12 From September 1878 through March 1879, California held a second constitutional convention, a primary purpose of which was to advance the interests of whites by invidiously discriminating against Chinese and Mongolian people. At that convention, 50 of the 152 delegates were Workingmen's Party members. The recorded debates from the Convention show that most delegates considered non-whites as inferior to whites. In a representative statement, one delegate avowed that Chinese people should not be counted in apportionment of the legislature, because "[w]e count them as chattel or stock." 2 DEBATES AND PROCEEDINGS OF THE CALIFORNIA CONST. CONVENTION OF 1878, at 755 (E.B. Willis & P.K. Stockton, eds. 1880).

3.13 The 1879 constitution promoted oligarchic legislative bodies that excluded non-whites. For example, Article II, § I of that constitution was rewritten to provide "no native of China," shall ever vote in California.

3.14 Article IV, § 5 of the 1879 constitution imposed the caps on the size of the Assembly (80) and Senate (40) that remain in effect today. The predominant purpose and/or motivating factor for these caps was to promote the white man's interests by the exclusion of non-white people from participating in California's political processes.

3.15 The 1879 Constitutional Convention also included an article intended to remove or cause the removal of Asians and other non-white workers from the state. This provision, Article XIX, titled "CHINESE," provided:

Sec. 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases,

and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; provided, that nothing contained in this Section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

Sec. 2. No corporation now existing or hereafter formed under the laws of this State, shall, after the adoption of this Constitution, employ directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

Sec. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

Sec. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, *and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This Section shall be enforced by appropriate legislation.* (Emphasis added)

3.16 The California Constitution of 1879 triggered the all-out ethnic cleansing of Chinese and Asian communities in what was known as “The Driving Out.” The employment of persons of Chinese and Mongolian descents was outlawed and state authorities were complicit in empowering lynch mobs that burned Chinatowns and left Chinese corpses in the street.

3.17 “Article XIX: CHINESE” was promptly found to be unconstitutional under the Fourteenth Amendment, the Supremacy Clause, and the Burlingame Treaty. *See In re Parrott*, 1 F. 481 (C.C.D. Cal. Mar. 1, 1880). However, California courts continued to enforce Art. XIX by engaging in racially discriminatory policies and rulings designed to prevent Asians from working and to force them out of the state. The infamous case of *Yick Wo v Hopkins*, 118 U.S. 356 (1886),

arose from an 1880 San Francisco ordinance designed to close Chinese laundries in the city. As Justice Matthews memorably stated, this seemingly neutral law was “applied and administered by public authority with an evil eye and an unequal hand.” *Id.* at 373-74.

3.18 Although federal courts declared Art. XIX as unconstitutional in 1880, California continued to enforce it until at least 1952 when Art. XIX was repealed. In 2009, by concurrent resolution, the California Assembly publicly apologized for state’s long history “of systematic, pervasive, and sustained discrimination.” This apology stated in part (*see* Exhibit 2 for full text):

WHEREAS, The Legislature enacted discriminatory laws targeting Chinese in America and Chinese immigrants in order to discourage further immigration from China and sought to severely limit the success of the Chinese laborers already here; and

WHEREAS, Among other things, these laws denied the Chinese in California the right to own land or property, the right to vote, and the right to marry a white person, denied children of Chinese descent access to public schools, denied Chinese immigrants the right to bear arms, unfairly targeted women of Chinese descent by imposing special requirements in order for them to be allowed to immigrate into the state, authorized the removal of Chinese immigrants to outside town and city limits, denied Chinese laborers employment in public works projects and through state agencies, prohibited the issuance of licenses to Chinese in California, denied Chinese in California the right to fish in California's waters, and unduly taxed Chinese businesses and individuals who employed Chinese laborers; and

WHEREAS, Chinese in California were denied the right to testify as a witness in any action or proceeding in which a white person was a party, pursuant to a state law which was upheld in *People v. Hall* (1854) 4 Cal. 399. As a result of the decision to place Chinese in California outside of the protection of the law, many Chinese in California were left extremely vulnerable to violence and abuse; and

WHEREAS, Chinese in California faced further discrimination under local ordinances which targeted traditional Chinese culture and customs. ...

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WHEREAS, Former Article XIX of the California Constitution, which was adopted in 1879 and unfairly targeted and discriminated against Chinese living in California, remained in effect for 73 years until it was repealed in 1952; and

WHEREAS, Despite decades of systematic, pervasive, and sustained discrimination, Chinese living in California persevered and went on to make significant contributions to the growth and success of our state;...

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Resolved, That the Legislature deeply regrets the enactment of past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California, which forced them to live in fear of unjust prosecutions on baseless charges, and which unfairly prevented them from earning a living. The Legislature regrets these acts and reaffirms its commitment to preserving the rights of all people and celebrating the contributions that all immigrants have made to this state and nation;... (Emphasis Supplied)

3.19 The California Supreme Court in 2015 apologized for the grievous wrongs California had perpetrated against Chinese people based on race for the benefit of whites. *In re Hong Yen Chang*, 344 P. 3d 288 (Cal. 2015) (posthumously admitting a Chinese lawyer who in 1890 was denied admission to practice law as a result of discriminatory legislation passed pursuant to the 1879 Constitution)

3.20 The 1879 Constitution also destroyed the legal protections promised under the 1848 Treaty of Guadalupe Hidalgo for Mexicans who opted to become U.S. citizens. California began persecuting non-white Mexicans to promote white supremacy shortly after statehood during the Gold Rush frenzy. Hispanics were lynched through vigilante action that went unchecked by authorities. Mob violence against Hispanics was common in the late nineteenth and early twentieth centuries. Historians estimate that thousands of Hispanics were killed through riots and other racially-motivated violence.

3.21 Anti-Mexican sentiment in California spiked during the Great Depression. As the stock market tanked and unemployment grew, whites accused Mexicans and other non-whites of stealing American jobs. The United States, in complicity with California and other states, forcibly removed up to two million people of Mexican descent from the country—*almost sixty percent of whom were American citizens*. In California alone, by the state's own estimate, approximately 400,000 American citizens and legal residents of Mexican ancestry were forced to emigrate to

Mexico. About one third of Los Angeles' Mexican population was expelled from the country. The consequences of this ethnic cleansing have been far-reaching and continuing.

3.22 Hispanics who managed to stay in California were treated poorly by the state. For example, California discriminated against Mexicans by forcing them to attend segregated schools. *See Westminster School Dist. v. Mendez*, 161 F.2d 774 (9th Cir. 1947). Due to actions of state actors in California, Hispanics also suffered discrimination in housing, government employment, and access to state services.

3.23 In 2006, the California legislature apologized for the state's historic role in removing persons of Mexican descent from the state, acknowledging in part that "United States citizens and legal residents were separated from their families and country and were deprived of their livelihood and United States constitutional rights." It also recognized U.S. citizens of Mexican origin "were deprived of the right to participate in the political process guaranteed to all citizens, thereby resulting in the tragic denial of due process and equal protection of the laws." *See Exhibit 3* (full text of apology).

3.24 Blacks were disenfranchised by California's 1849 Constitution, notwithstanding that in California's Spanish era (1769-1821) and Mexican Era (1821-1848), blacks and persons of mixed African-American ancestry could vote and hold public office. In those earlier periods, they were elected to important offices, including governor of California and mayor of Los Angeles. Of the forty-eight delegates elected to the 1849 Constitutional Convention, seven Californians of African ancestry participated.

3.25 From statehood until at least the twentieth century, state actors in California frequently discriminated against blacks with invidious intent in numerous ways, including through enactment of Jim Crow voting restrictions, segregation of public schools by race, the enactment

of laws that assured racially-segregated housing, and police practices targeting blacks for arrests, brutal treatment, and second class citizenship.

3.26 Because of the cap imposed on the number of state legislators by the 1879 constitution, California's population growth has required each of its 120 legislators to represent ever increasing numbers of people over time. *See* Exhibit 4. As the state's population grows inexorably, the political influence of each voter will be increasingly diluted, because under the U.S. Supreme Court's interpretation of the Equal Protection Clause, legislative districts must contain substantially the same number of persons. *See Reynolds v. Sims*, 377 U.S. 533, 577 (1964) (state legislative districts must be "nearly of equal population as is practicable.").

3.27 Although the adverse effects of representative government by enormous legislative districts are felt by all California voters, the interests of members of minority groups—whether they be defined by race, ethnicity, political affiliation, or residence in more sparsely populated areas of the state—are specifically and concretely affected. Having long suffered from animus and neglect by state actors in California, rural voters are far more in need of legislative protection and relief than white citizens or urban residents, who tend to have far more political clout.

3.28 Currently, each Senator represents approximately 1,000,000 people and each Assembly member represents approximately 500,000 people. California's representation ratios thus are the worst of all the states by a wide margin. *See* Exhibit 5. Effectively, a citizen of California has far less voting and political power than citizens of any other state.

3.29 Approximately 38% of California's population is white, 37% is Hispanic, 13% is Asian, and, 6% is black. Less than 2% of California's population is Native American. However, as noted, the California legislature has artificially manipulated these population levels over time

through intentional invidious discrimination, including extermination and forced removals, which continues to skew the racial demographics of the state and thus its legislature.

3.30 Whites make up only 38% of California's population, but the cap on the number of legislators gives them greatly disproportionate representation in the legislature. In 2017-19, the Senate had 31 whites (77.5%), 2 Asian/Pacific Islanders (5%), 2 blacks (5%), and 5 Hispanics (12.5%). In the Assembly, 37 members are white (46%), 22 are Hispanic (27.5%), 8 are black (10%), and 2 are multiracial (5 %).

3.31 The fact that racial minorities in California have more favorable representation in the Assembly than in the Senate demonstrates that, as the population of legislative districts decreases, non-whites have a significantly greater chance of electing candidates of their choice.

3.32 Plaintiffs identified in ¶ 1.6 reside and vote in geographically large senate districts composed of eight or more counties². People living in such large legislative districts, are prejudiced from running for statewide legislative offices or accessing representatives having similar governmental concerns because candidates from such districts have to pay increased fees and costs to access voters in large geographical areas. For example, the difference in fees and costs to run for offices in large geographic districts as opposed to urban legislative districts can be substantial (i.e. thousands of dollars). This impacts those candidates in such districts ability to run for office and, if elected, serve their constituents.

3.33 Plaintiffs Baird, Carpenters, Hall, D'Agostini, Poindexter, Thomas, Wahl and other similarly situated persons living in geographically large legislative districts are also injured by the vanishing value of their vote because the representatives who represent numerous counties can

² California Senate District 1 encompasses *eleven counties* and is larger geographically than the State of West Virginia; it is comprised of people and industries so diverse they are impossible to be represented as a single constituency. By contrast, there are 11 senators who exclusively represent Los Angeles County, and 4 others with parts of that county in their districts.

choose to represent the interests of only those constituents (or non-constituents) who contribute to their campaigns. Despite constituents' petitions and protests, the legislature often refuses to provide for their safety. For example, the Oroville Dam was known for years to have infrastructure problems that could result in spillway failure at any time. Plaintiff Wahl and other Butte County residents could not obtain representation from, nor engage the legislature concerning this well-known problem until after the spillway broke, which then caused the evacuation of almost 200,000 people. This tragedy, caused economic, social, and stigmatic injuries to many people, including plaintiffs (and others similarly situated).

3.34 Because of Baird's participation in this lawsuit and other lawful political activities, he has been retaliated against by the state and local agencies in ways that have harmed his economic and political interests. For example, because of his political views and participation in this case Baird was placed on an indefinite, unpaid leave of absence from his deputy sheriff job in Siskiyou County.

3.35 California's cap on the number of its legislators, and the laws enacted by this legislative oligarchy, has created a situation which today is no longer consistent with the federal structure of government mandated by numerous U.S. constitutional provisions and amendments.

V. CAUSES OF ACTION

Count One by ALL PLAINTIFFS: Violation of the Equal Protection Clause of the Fourteenth Amendment (Intentional Race Discrimination in Limiting Suffrage and Capping the Size of California's Legislature)

4.0 The caps on the legislature's size, which originated in the 1849 and 1879 constitutions, violate the Equal Protection Clause of the Fourteenth Amendment because their strict limits on the total number of state legislators were enacted to ensure that a small group of white males would control the state legislature.

4.1 A consequence of these and other constitutional provisions is that non-whites were unrepresented in both the state Senate and Assembly for decades. During this period a capped number of legislators was both permitted and required to enact intentionally discriminatory legislation against certain peoples who were not white. This strategy prevented the election of any non-white Hispanic or Asian members to either of California's statewide legislative bodies until the mid-twentieth century, and prevented and still prevents all plaintiffs from obtaining meaningful representation from the legislators in their districts. This system, which was constitutionally designed to invidiously discriminate against non-whites, to dilute their votes and access to legislative power, has caused each of them specific and concrete harms, including economic and stigmatic injuries.

4.2 The resulting discrimination in violation of the Equal Protection Clause is intractable because current members of the California legislature would dilute their own political power by amending the state constitution to increase the sizes of the Assembly and Senate. Regardless of whether current individual legislators are motivated by racial animus, preserving their own political power motivates a majority to rebuff any efforts to enlarge the legislature, thereby perpetuating the original sin of constructing the Assembly and Senate so as to assure statewide legislative bodies that perpetuate representation based on race.

4.3 The resulting discrimination in violation of the Equal Protection Clause will inexorably worsen as the population of the state grows and legislative districts become increasingly larger under the U.S. Supreme Court's command that legislative districts must contain substantially the same number of people.

Count Two by NON-WHITE PLAINTIFFS: Violation of the Equal Protection Clause of the Fourteenth Amendment (Intentional Race Discrimination in Maintaining the Cap on the Size of the Legislature notwithstanding increased Suffrage)

5.0 The California Constitution violates the Equal Protection Clause of the Fourteenth Amendment because its strict limit on the total number of state legislators has been and continues to be intentionally maintained to the detriment of non-whites.

5.1 California politics today, as always, are affected by racial considerations. Racial tension, including race riots, has been a dominant characteristic of California since its founding. Bloc voting by race is a characteristic of California politics, as elsewhere. Consequently, white legislators in California know that smaller districts will diminish their electoral prospects by increasing the percentage of voters of various races within them.

5.2 A significant expansion of the size of the legislature would have obvious racial impacts as more racial minorities would be elected to the legislature. White legislators in California have a strong motivation to maintain the status quo as any significant shrinkage of their districts would likely result in much greater minority voting strength, to the detriment of their political careers.

5.3 A motivating factor for the legislature's rebuffing of any effort to amend the constitution to expand its numbers has been to ensure that a small cadre of political elites dominate the legislature.

5.4 The resulting invidious discrimination in violation of the Equal Protection Clause will inexorably worsen and continue to harm the non-white plaintiffs as the population of the state grows and legislative districts become increasingly larger under the U.S. Supreme Court's command that legislative districts must contain substantially the same number of people.

Count Three by ALL PLAINTIFFS: Violation of the Equal Protection Clause (California's Enormous Legislative Districts Deny Citizens the Ability to Obtain Equal Protection from the Legislature)

6.0 The Equal Protection Clause requires not only equitable enforcement of the laws, but equal treatment of persons in legislation and other state action.

6.1 As the sizes of legislative districts grow, the ability of individual citizens to protect their interests through appeals to their legislators diminishes.

6.2 In California, citizens vote in such large legislative districts that individual citizens have no meaningful influence over legislative actions, which deprives them of equal protection of the laws because legislative actions are dominated by a small group of legislators influenced more by wealthy donors and special interests than ordinary citizens. These underrepresented populations include members of minority political parties, residents of rural areas with sparse populations, Native American tribes and their members, and rural municipalities, as well as Californians who are not wealthy and lack effective access to the political elites that dominate the legislature.

6.3 California is an outlier among all the states in maintaining enormous legislative districts. Consequently, a Californian has far less political power than is the norm for the rest of the United States. A person who moves from another state to California suffers an immediate and continuing loss of political influence over the making of state laws.

6.4 The resulting discrimination in violation of the Equal Protection Clause will inexorably worsen as the population of the state grows and legislative districts become increasingly larger under the U.S. Supreme Court's command that legislative districts must contain substantially the same number of people.

6.5 At some point, voting becomes a futile exercise and voter turnout suffers. As electoral districts grow in population and geographic size, voter turnout shrinks. As the Los Angeles Times observed on March 14, 2015:

[Defendant Secretary Alex] Padilla recently testified to lawmakers that the primary reasons people don't vote include apathy — such as the feeling that their vote won't make a difference — and a lack of knowledge that an election is being held.

Count Four by ALL PLAINTIFFS: Violation of the Due Process Clause of the Fourteenth Amendment (Denial of the Fundamental Right of Adequate Representation and a Meaningful Chance for Election to the Legislature)

7.0 Voting is a fundamental right under the Due Process Clause of the 14th Amendment. A corollary of the right to vote is the fundamental right to adequate representation. Voting is pointless if voters systematically have their vote devalued and as a result representatives have no incentive to actually represent all their constituents.

7.1 California denies plaintiffs the fundamental right of adequate representation by maintaining legislative districts so large that millions of state residents have no meaningful access to their representatives to express political interests and obtain appropriate redress. California makes the casting of ballots meaningless, thereby discouraging participation in the political process through voting and running for office. As noted, voter turnout is directly correlated to ratios of representation.

7.2 Consequently, a significant percentage of California voters have substantially greater difficulty obtaining benefits and services from the state than voters whose wealth and social status give them access to legislators for political purposes. The modern legislator's role includes not only voting but also providing direct services to constituents. Ordinary citizens without political power in huge legislative districts have far greater difficulty obtaining the assistance and attention

from their legislators than those with wealth and political connections to the elites that actually control the legislature.

Count Five by ALL PLAINTIFFS: Violation of the First Amendment

8.0 The California Constitution violates the First Amendment because its strict limit on the total number of state legislators was enacted and has been maintained at least in part for the purpose of suppressing and retaliating against the political expression of state residents who advocate viewpoints contrary to the political elites that control the legislature.

8.1 Because the expression of ordinary citizens without political power in huge legislative districts can and has been is ignored by their representatives, they have far greater difficulty obtaining the assistance they deserve and need from their legislators than those with wealth and political connections to the elites that control the legislature. A motivating factor for California maintaining these large districts at least in part is that enlarging them significantly would almost certainly enhance the political power of those with minority viewpoints. Further, citizens with the temerity to challenge the dominant elites in the legislature have suffered retaliation from state actors for their political efforts.

8.2 Plaintiff Baird, for example, has been discriminated against because of his criticism of California's lack of statewide legislative representation, support for the Jefferson movement, and participation in this lawsuit. The most recent retaliation was the loss of his job as a deputy sheriff for Siskiyou County.

Count Six BY ALL PLAINTIFFS: Violation of the Guaranty Clause of the Constitution

9.0 Under Article IV, § 4 of the Constitution, "[t]he United States shall guarantee to every State in this Union a Republican Form of Government." If a state ceases to be a republican government, the United States is constitutionally obligated to take appropriate corrective action.

9.1 California no longer has a functioning “republican form of government” under the original meaning of that term in the U.S. Constitution.

9.2 The guarantee of a republican form of government was intended to assure that none of the states would become monarchical or oligarchical forms of government, in which political power was controlled by the hands of a few.

9.3 At the time of the creation of the U.S. Constitution, a “republican form of government” was commonly understood to require legislative districts that were small enough to assure that the people of the states could monitor and effectively control their legislators.

9.4 The colossal size of California’s legislative districts assures that the great majority of residents have no effective influence on either the election of or actions of their legislators. Because the modern understanding of a legislator’s role includes not only voting but also providing direct services to constituents, ordinary citizens without political power in huge legislative districts have far greater difficulty obtaining the assistance they deserve from their legislators than those with wealth and political connections to the elites that control the legislature.

9.5 California’s failure to provide its people with a republican form of government is intractable because current members of the California legislature would dilute their own political power by amending the state constitution to increase the sizes of the Assembly and Senate.

9.6 This ongoing constitutional violation will be exacerbated by inevitable future increases in the state population.

9.7 California’s failure to maintain a republican form of government presents a justiciable controversy under Article III of the Constitution because neither of the other branches of government has the power under the Constitution to order changes in the state constitution. By determining that California does not have a republican form of government within the meaning of the Constitution, and ordering redress of this violation, this Court would not interfere with the powers or prerogatives of either the Executive or Congress.

9.8 The colossal size of California's legislative districts ensures that the great majority of residents have no effective influence on either the election of or actions of their legislators. As the modern understanding of a legislator's role includes not only voting but also providing direct services to constituents, ordinary citizens without political power in huge legislative districts have far greater difficulty obtaining the assistance they deserve and require than those with wealth and political connections to the elites that control the legislature.

9.9 California's failure to maintain a republican form of government presents a justiciable controversy under Article III of the Constitution because neither of the other branches of government has the power under the Constitution to order changes in the state constitution. By determining that California does not have a republican form of government within the meaning of the Constitution, and ordering redress of this violation, this Court would not interfere with the powers or prerogatives of either the Executive or Congress.

VI. PRAYER FOR RELIEF

To redress the ongoing constitutional violations described in this complaint, Plaintiffs request that the Court order one or more of the following forms of relief:

1. Declaratory Judgment

10.0 Plaintiffs request that this Court enter a declaratory judgment pursuant to 28 U.S.C. § 2201, determining that the caps on the size of the California Assembly and Senate are unconstitutional and must be redressed by the state.

10.1 Plaintiffs request that this Court (a) grant the defendants a reasonable period of time, not to exceed two years, to cure these constitutional violations, (b) require the defendants to report periodically to the Court as to what measures it has adopted to remedy the violations, and (c) retain jurisdiction over this case until the constitutional violations have been cured.

2. Injunctive Relief

10.2 Plaintiffs request this Court to enter an injunction requiring that the number of elected members of the Assembly and Senate be increased to a number, as determined at trial, which will assure (a) that voters who have been discriminated against on the basis of race as identified in this complaint have a meaningful opportunity to elect their preferred candidates; and (b) that voters in sparsely populated rural areas have a meaningful opportunity to elect their preferred candidates.

3. Other Relief

10.3 For such other relief as may be appropriate under the Constitution, law and/or equity to provide an appropriate remedy for the facts pled in this complaint.

DATED this 19th day of March, 2018.

Respectfully Submitted,

BY: /s/ Scott E. Stafne
Scott E. Stafne, Attorney *Pro Hac Vice*
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Valencia, CA 91354
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Attorneys for Plaintiffs

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with Federal Rules of Civil Procedure.

DATED this 19th day of March, 2018.

BY: /s/Pam Miller
Pam Miller, Paralegal

EXHIBIT 1

CFR et al v. Padilla et al.

Case No. 2:17-cv-00973-KJM-CMK

IIA

111TH CONGRESS
1ST SESSION

S. J. RES. 14

To acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2009

Mr. BROWNBACK (for himself, Mr. INOUE, Mr. BAUCUS, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. COBURN, Mr. HARKIN, Mr. LIEBERMAN, and Mr. TESTER) introduced the following joint resolution; which was read twice and referred to the Committee on Indian Affairs

JOINT RESOLUTION

To acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

Whereas for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

Whereas Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native

Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

Whereas while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, “The utmost good faith shall always be observed toward the Indians”;

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

Whereas the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the “Indian Removal Act”);

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the “General Allotment Act”), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

Whereas Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. RESOLUTION OF APOLOGY TO NATIVE PEOP-**

4 **PLES OF THE UNITED STATES.**

5 (a) ACKNOWLEDGMENT AND APOLOGY.—The United

6 States, acting through Congress—

1 (1) recognizes the special legal and political re-
2 lationship Indian tribes have with the United States
3 and the solemn covenant with the land we share;

4 (2) commends and honors Native Peoples for
5 the thousands of years that they have stewarded and
6 protected this land;

7 (3) recognizes that there have been years of of-
8 ficial depredations, ill-conceived policies, and the
9 breaking of covenants by the Federal Government
10 regarding Indian tribes;

11 (4) apologizes on behalf of the people of the
12 United States to all Native Peoples for the many in-
13 stances of violence, maltreatment, and neglect in-
14 flicted on Native Peoples by citizens of the United
15 States;

16 (5) expresses its regret for the ramifications of
17 former wrongs and its commitment to build on the
18 positive relationships of the past and present to
19 move toward a brighter future where all the people
20 of this land live reconciled as brothers and sisters,
21 and harmoniously steward and protect this land to-
22 gether;

23 (6) urges the President to acknowledge the
24 wrongs of the United States against Indian tribes in

1 the history of the United States in order to bring
2 healing to this land; and

3 (7) commends the State governments that have
4 begun reconciliation efforts with recognized Indian
5 tribes located in their boundaries and encourages all
6 State governments similarly to work toward recon-
7 ciling relationships with Indian tribes within their
8 boundaries.

9 (b) DISCLAIMER.—Nothing in this Joint Resolu-
10 tion—

11 (1) authorizes or supports any claim against
12 the United States; or

13 (2) serves as a settlement of any claim against
14 the United States.

○



NEWS

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

FOR IMMEDIATE RELEASE

CONTACT: Nedra Darling

September 8, 2000

202-208-3710

GOVER APOLOGIZES FOR BIA's MISDEEDS

Agency's 175th Anniversary Occasion for Reflection

In a powerful and moving speech at a ceremony commemorating the Bureau of Indian Affairs' 175th anniversary, Assistant Secretary-Indian Affairs Kevin Gover today apologized for the ethnic cleansing and cultural annihilation the BIA had wrought against American Indian and Alaska Native people in years past. Speaking before an estimated audience of 300 people, most of whom were BIA employees, he observed that the event was not an occasion for celebration, but a time for reflection and contrition.

"We desperately wish that we could change this history," Gover said, "but of course we cannot. On behalf of the Bureau of Indian Affairs, I extend this formal apology to Indian people for the historical conduct of this agency."

Gover pointed out that the agency's lengthy cultural assault on American Indians and Alaska Natives for most of its history, particularly on the children sent to BIA boarding schools and their parents, has yielded a trauma of shame, fear, and anger that has passed from generation to generation fueling the alcohol and drug abuse and domestic violence that continues to plague Indian country. "These wrongs," he said, "must be acknowledged if the healing is to begin."

Gover noted a healing process is crucial to letting go of the past and laying the groundwork for the future. "The Bureau of Indian Affairs was born in 1824 in a time of war on Indian people," he said. "May it live in the year 2000 and beyond as an instrument of their prosperity."

Gover also presided at a ceremony dedicating the Assistant Secretary-Indian Affairs' corridor in the Department's headquarters as the "Hall of Tribal Nations" where tribal flags from across the country will be on permanent display.

Note to Editors: *The full text of Assistant Secretary [Gover's speech](#) is on the BIA's web site.*

-BIA-



Office of Governor
Edmund G. Brown Jr.

•

Governor Brown Celebrates Native American Day

Published: Sep 22, 2017

SACRAMENTO – As leaders of Native American tribes from across California gather to celebrate the 50th annual observance of Native American Day at the state Capitol today, Governor Edmund G. Brown Jr. released a proclamation that declares September 22, 2017, as Native American Day in the State of California. The theme of this year's celebration at the Capitol is "Tribal Sovereignty: Sovereigns Working Together."

The text of the proclamation is below:

PROCLAMATION

California has been home to human beings for more than 12,000 years, with the presence of European-Americans representing only a tiny fraction of this time. The first Europeans to arrive in California encountered hundreds of thousands of people organized into hundreds of distinct tribal groups. They flourished in the bountiful hills and valleys of what someday would be called California.

The contact between these first Californians and successive waves of newcomers over the three succeeding centuries was marked by the utter devastation of the native peoples, their families and entire way of life. The colonial regimes of Spain and Mexico through disease and enforced servitude cut the indigenous population by more than half. Then the Gold Rush came, and with it, a wave of new diseases and wanton violence which reduced the Native population again, this time by more than 80 percent. The newborn State of California actually paid for the killing of Native peoples and tolerated or encouraged policies of warfare, slavery and relocation that left no tribe intact. In his 1851 address to the Legislature, our first Governor, Peter Burnett, famously

stated, "That a war of extermination will continue to be waged between the two races until the Indian race becomes extinct, must be expected."

In spite of Burnett's prediction, California today is home to the largest population of Native Americans in the fifty states, including both the rebounding numbers of our native tribes and others drawn to the Golden State by its myriad opportunities. The success of tribal businesses and the presence today of tribal members in all walks of life stand as testament to the resilience and indomitable spirit of native peoples. If Governor Burnett could not envision a future California that included Native Americans, it is just as impossible for us today to envision one without them.

NOW THEREFORE I, EDMUND G. BROWN JR., Governor of the State of California, do hereby proclaim September 22, 2017, as "Native American Day" in the State of California.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of September 2017.

EDMUND G. BROWN JR.

Governor of California

ATTEST:

ALEX PADILLA

Secretary of State

Accessible at: <https://www.gov.ca.gov/2017/09/22/news19964/>

See also Indian Country Today, "[*7 Apologies Made to American Indians*](#)" (July 1, 2015).

Accessible at

<https://indiancountrymedianetwork.com/history/events/7-apologies-made-to-american-indians/>

Federal government apology to Native American Indians:

Alexander Nazaryan, [*CALIFORNIA SLAUGHTER: THE STATE-SANCTIONED GENOCIDE OF NATIVE AMERICANS*](#), Newsweek (8/17/2016) including a recorded apology to Native American Indians from the Bureau of American Affairs. (accessed at <http://www.newsweek.com/2016/08/26/california-native-americans-genocide-490824.html>)

EXHIBIT 2

CFR et al v. Padilla et al.

Case No. 2:17-cv-00973-KJM-CMK

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ACR-42 Chinese Americans in California. (2009-2010)

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Assembly Concurrent Resolution No. 42

CHAPTER 79

Relative to Chinese Americans in California.

[Filed with Secretary of State July 17, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 42, Fong. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, and express regret for past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California.

Fiscal Committee: no

WHEREAS, The California gold rush triggered one of the largest mass migrations in world history and captured global imagination as the destination for wealth and opportunity. That global migration made California one of the world's most diverse states which would serve as the foundation for its economic, academic, and cultural growth in the 20th century; and

WHEREAS, The California gold rush paved the way in funding and manpower for the creation and building of the western leg of the transcontinental railroad. The transcontinental railroad was considered the greatest American technological feat of the 19th century, was a dream of Abraham Lincoln's, and was what many considered the most important aspect in strengthening the position of the United States in the international spotlight. The track served as a vital link for trade, commerce, and travel by joining east and west, further transforming the population and economy of California; and

WHEREAS, The Central Pacific portion of the transcontinental railroad recruited the Chinese in America and later tens of thousands of Chinese immigrants as a source of labor. Chinese in America and Chinese immigrants were paid less than their white counterparts and slept in tents while white laborers were provided both food and shelter. The Chinese laborers worked under grueling and treacherous conditions in order to lay thousands of miles of track. On May 10, 1868, alone, Chinese workers laid 10 miles of track in less than 12 hours in order to complete the last leg of the railroad. Without the tremendous efforts and contributions of the Chinese in building the transcontinental railroad, the development and progress of our nation and California would have been delayed by years; and

WHEREAS, Once the transcontinental railroad was complete, Chinese in California transitioned to other types of employment, making considerable contributions to the progress and growth of our state. Chinese in California built ships for fishing along our coast and developed the abalone and shrimp industries. In the Delta and the central valley, the Chinese in California helped to recover the tule swamps, to build irrigation systems, and to harvest various fruits and vegetables for California's agriculture industry; and

Case 2:17-cv-00973-KJM-CK Document 39-2 Filed 03/19/18 Page 3 of 11

WHEREAS, The Legislature enacted the Chinese Exclusion Act to deny Chinese immigrants in order to discourage further immigration from China and sought to severely limit the success of the Chinese laborers already here; and

WHEREAS, Among other things, these laws denied the Chinese in California the right to own land or property, the right to vote, and the right to marry a white person, denied children of Chinese descent access to public schools, denied Chinese immigrants the right to bear arms, unfairly targeted women of Chinese descent by imposing special requirements in order for them to be allowed to immigrate into the state, authorized the removal of Chinese immigrants to outside town and city limits, denied Chinese laborers employment in public works projects and through state agencies, prohibited the issuance of licenses to Chinese in California, denied Chinese in California the right to fish in California's waters, and unduly taxed Chinese businesses and individuals who employed Chinese laborers; and

WHEREAS, Chinese in California were denied the right to testify as a witness in any action or proceeding in which a white person was a party, pursuant to a state law which was upheld in *People v. Hall* (1854) 4 Cal. 399. As a result of the decision to place Chinese in California outside of the protection of the law, many Chinese in California were left extremely vulnerable to violence and abuse; and

WHEREAS, Chinese in California faced further discrimination under local ordinances which targeted traditional Chinese culture and customs. Laws were enacted forcing Chinese men in San Francisco to cut off their traditional queues, banning the Chinese traditional style of transporting fruits and vegetables, unjustly raising taxes on Chinese-owned laundromats, targeting the Chinese custom of disinterring the remains of their deceased to send back to China for proper burial, and forcing the Chinese in San Francisco to live within an area that was considered unsanitary and unsafe to ordinary individuals. These laws were enacted in order to impose shame and humiliation on Chinese Americans and Chinese immigrants; and

WHEREAS, California lobbied Congress for years to strictly prohibit immigration from China, and in 1882, was successful in convincing Congress to enact the Chinese Exclusion Act, the first federal law ever passed excluding a group of immigrants solely on the basis of race or nationality. The Chinese Exclusion Act set the precedent for racist foreign and national policy that led to broader exclusion laws and fostered an environment of racism that quickly led to the Jim Crow laws of the 1880s and further segregation legislation that would tear our nation apart through most of the 20th century; and

WHEREAS, Paradoxically, the very same year that the Chinese Exclusion Act was passed, financing abroad was completed for the Statue of Liberty. The Statue of Liberty is a sign of freedom and democracy and was built and presented to the United States at the same time that Chinese Americans and Chinese immigrants were being denied freedom and democracy. The Statue of Liberty is our nation's great symbol of hope and justice for all who live, and all who wish to live, in the United States of America. While the Statue of Liberty was being built, legislators were contradicting those very ideals by discriminating against Chinese immigrants and lobbying Congress to do the same; and

WHEREAS, The Chinese Exclusion Act, which originally expired in 1892, was extended by Congress for 10 years in the form of the Geary Act and made permanent in 1902. It remained in effect until it was repealed in 1943 as a result of the alliance forged between China and the United States during World War II. The Chinese were once again allowed to immigrate to the United States, and shortly thereafter California's Angel Island ceased to be used as a detention center for Chinese immigrants; and

WHEREAS, Former Article XIX of the California Constitution, which was adopted in 1879 and unfairly targeted and discriminated against Chinese living in California, remained in effect for 73 years until it was repealed in 1952; and

WHEREAS, Despite decades of systematic, pervasive, and sustained discrimination, Chinese living in California persevered and went on to make significant contributions to the growth and success of our state; and

WHEREAS, Today, Californians of Chinese descent occupy leading roles in politics, business, and academia. Currently there are 10 Chinese Americans serving in California's constitutional and statewide offices. Jerry Yang, former CEO of Yahoo! Inc., is a California resident. University of California, San Diego, Professor Roger Y. Tsien was awarded the 2008 Nobel Prize in chemistry for his discovery and development of the green fluorescent protein. And this year, California resident Steven Chu, former President of California's Lawrence Livermore National Laboratory and a Nobel Prize winner in Physics, was appointed by President Obama and sworn in as the Secretary of Energy. The contributions of Chinese Americans to the State of California are vast and irreplaceable.

Case 2:17-cv-00978-KJM-OMK Document 39-2 Filed 03/19/18 Page 4 of 14

They have played a vital role in making California's membership in the world's most powerful economic system, and agriculture into a world power; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That diversity is one of our state's greatest strengths, enabling California to thrive economically, agriculturally, technologically, academically, and politically at an international level. Our great state has relied on immigrants of all backgrounds to build our infrastructure, and integrating them into our society not only helps them prosper, but helps California prosper as well; and be it further

Resolved, That while this nation was founded on the principle that all men are created equal, and while we pay tribute to the great American creed "give me your tired, your poor, your huddled masses yearning to breathe free" which stands at the base of America's Statue of Liberty, a symbol of hope for all who live, and all who wish to live, in the United States of America, we recognize that the practices of our state and its government have not always honored that promise. Ours is a state with an imperfect history where intolerance spurred the enactment of unjust discriminatory laws that have too often denied minority groups access to the promise of America, that all men are created equal. Today that struggle continues, and learning from our past will help enable us to travel further down the path toward building a more perfect Union; and be it further

Resolved, That the Legislature deeply regrets the enactment of past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California, which forced them to live in fear of unjust prosecutions on baseless charges, and which unfairly prevented them from earning a living. The Legislature regrets these acts and reaffirms its commitment to preserving the rights of all people and celebrating the contributions that all immigrants have made to this state and nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.



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SJR-23 Chinese Americans in California.

(2013-2014)

SHARE THIS:



Senate Joint Resolution No. 23

CHAPTER 134

Relative to Chinese Americans in California.

[Filed with Secretary of State August 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 23, Huff. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, would recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, and would request Congress to adopt resolutions of apology to the Chinese American community for enactment of the Chinese exclusion laws.

Fiscal Committee: no

WHEREAS, Chinese Americans have a long and rich history in the United States and California; and

WHEREAS, The many contributions of Chinese Americans, both past and present, should be acknowledged and celebrated; and

WHEREAS, Since the late 19th century, Congress enacted adverse laws specifically targeting Chinese people on the basis of race, most notably the Chinese Exclusion Act of 1882; and

WHEREAS, During this period, growth in the Chinese population, combined with economic regression, led to pervasive anti-Chinese sentiments, especially in California and the American West; and

WHEREAS, California's stance against the Chinese community influenced the promotion and passage of the federal Chinese Exclusion Act; and

WHEREAS, California lobbied Congress for years to strictly prohibit immigration from China, and in 1882, was successful in convincing Congress to enact the Chinese Exclusion Act, the first federal law ever passed excluding a group of immigrants solely on the basis of race or nationality. The Chinese Exclusion Act set the precedent for racist foreign and national policy that led to broader exclusion laws and fostered an environment of racism that quickly led to the Jim Crow laws of the 1880s, and further segregation legislation that would tear our nation apart through most of the 20th century; and

WHEREAS, The Chinese Exclusion Act and later amendments to the act not only established barriers exclusively for Chinese attempting to enter the country, it also placed discriminatory restrictions on those already living in the United States, such as requiring Chinese laborers who desired to reenter the country to obtain "certificates of return"; and

WHEREAS, Paradoxically, the very same year that the Chinese Exclusion Act was passed, financing abroad was completed for the Statue of Liberty. The Statue of Liberty is a sign of freedom and democracy and was built and

present to the United States at the same time that Chinese Americans were being denied freedom and democracy. The Statue of Liberty is our nation's great symbol of hope and justice for all who live, and all who wish to live, in the United States of America. While the Statue of Liberty was being built, legislators were contradicting those very ideals by discriminating against Chinese immigrants and lobbying Congress to do the same; and

WHEREAS, Some congressional legislators did warn against the moral bankruptcy of the Chinese Exclusion Act by appealing to America's ideals. Senator George Frisbie Hoar debated against the measure before the United States Senate, stating, "Nothing is more in conflict with the genius of American institutions than legal distinctions based upon race or occupation. The framers of our Constitution believed in the safety and wisdom of adherence to abstract principles. They meant that their laws should make no distinction between men except as were required by personal conduct and character"; and

WHEREAS, The Chinese Exclusion Act, which originally expired in 1892, was extended by Congress for 10 years in the form of the Geary Act and made permanent in 1902. It remained in effect until it was repealed in 1943 as a result of the alliance forged between China and the United States during World War II. The Chinese were once again allowed to immigrate to the United States, and shortly thereafter California's Angel Island ceased to be used as a detention center for Chinese immigrants; and

WHEREAS, The Chinese Exclusion Act is inconsistent with the founding principles of the United States, including that all men are created equal; and

WHEREAS, In 2011, by unanimous consent, the United States Senate passed Senate Resolution 201 (S. Res. 201), expressing regret for the passage of the Chinese Exclusion Act of 1882 and other legislation that discriminated against people of Chinese origin in the United States; and

WHEREAS, In 2012, the United States House of Representatives unanimously passed House Resolution 683 (H. Res. 683), expressing regret for passage of the Chinese Exclusion Act of 1882 and other legislation that discriminated against people of Chinese origin in the United States; and

WHEREAS, The congressional sponsors of H. Res. 683 and S. Res. 201 are appreciated and commended for achieving expressions of regret for State discriminatory legislation targeting the Chinese based upon race; and

WHEREAS, Congress has never afforded a formal apology for the legalized governmental mistreatment marked by the Chinese Exclusion Act; and

WHEREAS, The United States Congress has demonstrated that an apology, not an expression of regret, is most appropriate for redressing past transgressions. Congress has previously apologized for enacting discriminatory legislation to Japanese Americans in 1988, to Native Hawaiians in 1993, to African Americans in 2008 and 2009, and to Native Americans in 2009; and

WHEREAS, There are important distinctions between an expression of regret and an apology; and

WHEREAS, An expression of regret conveys sorrow for hardship or suffering, while an apology acknowledges culpability for actions contributing to that hardship or suffering; and

WHEREAS, It is important that the United States Congress make a formal and sincere apology for the enactment of the discriminatory laws that adversely affected Chinese Americans, so that democracy, justice, and equality for all of its citizens can be achieved, and to strengthen the diversity in the United States that contributes to the country's economic, cultural, technological, academic, and political growth; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature requests Congress to adopt resolutions of apology to the Chinese American community for the enactment of the Chinese exclusion laws; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

H. Res. 683

In the House of Representatives, U. S.,

June 18, 2012.

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life;

Whereas the United States ratified the Burlingame Treaty on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and made China a “most favored nation”;

Whereas in 1878, the House of Representatives passed a resolution requesting that President Rutherford B. Hayes renegotiate the Burlingame Treaty so Congress could limit Chinese immigration to the United States;

Whereas, on February 22, 1879, the House of Representatives passed the Fifteen Passenger Bill, which only permitted 15 Chinese passengers on any ship coming to the United States;

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty;

Whereas, on May 9, 1881, the United States ratified the Angell Treaty, which allowed the United States to suspend, but not prohibit, immigration of Chinese laborers, declared that “Chinese laborers who are now in the

United States shall be allowed to go and come of their own free will,” and reaffirmed that Chinese persons possessed “all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation”;

Whereas the House of Representatives passed legislation that adversely affected Chinese persons in the United States and limited their civil rights, including—

(1) on March 23, 1882, the first Chinese Exclusion bill, which excluded for 20 years skilled and unskilled Chinese laborers and expressly denied Chinese persons alone the right to be naturalized as American citizens, and which was opposed by President Chester A. Arthur as incompatible with the terms and spirit of the Angell Treaty;

(2) on April 17, 1882, intending to address President Arthur’s concerns, the House passed a new Chinese Exclusion bill, which prohibited Chinese workers from entering the United States for 10 years instead of 20, required certain Chinese laborers already legally present in the United States who later wished to reenter the United States to obtain “certificates of return,” and prohibited courts from naturalizing Chinese individuals;

(3) on May 3, 1884, an expansion of the Chinese Exclusion Act, which applied it to all persons of Chinese descent, “whether subjects of China or any other foreign power”;

(4) on September 3, 1888, the Scott Act, which prohibited legal Chinese laborers from reentering the United States and cancelled all previously issued “certificates of return,” and which was later determined by the Supreme Court to have abrogated the Angell Treaty; and

(5) on April 4, 1892, the Geary Act, which reauthorized the Chinese Exclusion Act for another ten years, denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus, and contrary to customary legal standards regarding the presumption of innocence, authorized the deportation of Chinese persons who could not produce a certificate of residence unless they could establish residence through the testimony of “at least one credible white witness”;

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for readmission to the United States of Chinese persons who were United States residents;

Whereas in 1898, the United States annexed Hawaii, took control of the Philippines, and excluded only the residents of Chinese ancestry of these territories from entering the United States mainland;

Whereas, on April 29, 1902, as the Geary Act was expiring, Congress indefinitely extended all laws regulating and restricting Chinese immigration and residence, to the extent consistent with Treaty commitments;

Whereas in 1904, after the Chinese government withdrew from the Gresham-Yang Treaty, Congress permanently extended, “without modification, limitation, or condition,” the prohibition on Chinese naturalization and immigration;

Whereas these Federal statutes enshrined in law the exclusion of the Chinese from the democratic process and the promise of American freedom;

Whereas in an attempt to undermine the American-Chinese alliance during World War II, enemy forces used the Chinese exclusion legislation passed in Congress as evidence of anti-Chinese attitudes in the United States;

Whereas in 1943, in furtherance of American war objectives, at the urging of President Franklin D. Roosevelt, Congress repealed previously enacted legislation and permitted Chinese persons to become United States citizens;

Whereas Chinese-Americans continue to play a significant role in the success of the United States; and

Whereas the United States was founded on the principle that all persons are created equal: Now, therefore, be it

Resolved,

SECTION 1. ACKNOWLEDGEMENT.

That the House of Representatives regrets the passage of legislation that adversely affected people of Chinese origin in the United States because of their ethnicity.

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed or relied on to authorize or support any claim, including but not limited to constitutionally based claims, claims for monetary compensation or claims for equitable relief against the United

States or any other party, or serve as a settlement of any claim against the United States.

Attest:

Clerk.

EXHIBIT 3

CFR et al v. Padilla et al.

Case No. 2:17-cv-00973-KJM-CMK

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SB-670 Mexican repatriation program of the 1930s.

(2005-2006)

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Senate Bill No. 670

CHAPTER 663

An act to add Chapter 8.5 (commencing with Section 8720) to Division 1 of Title 2 of the Government Code, relating to Mexican repatriation.

[Approved by Governor October 07, 2005. Filed with Secretary of State
October 07, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 670, Dunn. Mexican repatriation program of the 1930s.

This bill would enact the "Apology Act for the 1930s Mexican Repatriation Program" and make findings and declarations regarding the unconstitutional removal and coerced emigration of United States citizens and legal residents of Mexican descent, between the years 1929 and 1944, to Mexico from the United States during the 1930s "Mexican Repatriation" Program.

The bill would express the apology of the State of California to those individuals who were illegally deported and coerced into emigrating to Mexico and would require that a plaque to commemorate those individuals be installed and maintained by the Department of Parks and Recreation in an appropriate public place in Los Angeles.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 8.5 (commencing with Section 8720) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 8.5. Mexican Repatriation

8720. This chapter may be cited as the "Apology Act for the 1930s Mexican Repatriation Program."

8721. The Legislature finds and declares all of the following:

(a) Beginning in 1929, government authorities and certain private sector entities in California and throughout the United States undertook an aggressive program to forcibly remove persons of Mexican ancestry from the United States.

(b) In California alone, approximately 400,000 American citizens and legal residents of Mexican ancestry were forced to go to Mexico.

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(c) In total, it is estimated that the number of people of Mexican ancestry who were forcibly deported to Mexico, approximately 1.2 million of whom had been born in the United States, including the State of California.

(d) Throughout California, massive raids were conducted on Mexican-American communities, resulting in the clandestine removal of thousands of people, many of whom were never able to return to the United States, their country of birth.

(e) These raids also had the effect of coercing thousands of people to leave the country in the face of threats and acts of violence.

(f) These raids targeted persons of Mexican ancestry, with authorities and others indiscriminately characterizing these persons as "illegal aliens" even when they were United States citizens or permanent legal residents.

(g) Authorities in California and other states instituted programs to wrongfully remove persons of Mexican ancestry and secure transportation arrangements with railroads, automobiles, ships, and airlines to effectuate the wholesale removal of persons out of the United States to Mexico.

(h) As a result of these illegal activities, families were forced to abandon, or were defrauded of, personal and real property, which often was sold by local authorities as "payment" for the transportation expenses incurred in their removal from the United States to Mexico.

(i) As a further result of these illegal activities, United States citizens and legal residents were separated from their families and country and were deprived of their livelihood and United States constitutional rights.

(j) As a further result of these illegal activities, United States citizens were deprived of the right to participate in the political process guaranteed to all citizens, thereby resulting in the tragic denial of due process and equal protection of the laws.

8722. The State of California apologizes to those individuals described in Section 8721 for the fundamental violations of their basic civil liberties and constitutional rights committed during the period of illegal deportation and coerced emigration. The State of California regrets the suffering and hardship those individuals and their families endured as a direct result of the government sponsored Repatriation Program of the 1930s.

A plaque commemorating the individuals described in Section 8721 shall be installed and maintained by the Department of Parks and Recreation at an appropriate public place in Los Angeles. If the plaque is not located on state property, the department shall consult with the appropriate local jurisdiction to determine a site owned by the City or County of Los Angeles for location of the plaque.

EXHIBIT 4

CFR et al v. Padilla et al.

Case No. 2:17-cv-00973-KJM-CMK

California Legislative Representation 1850 to 2018

Year	Total* Population	Assembly Members	Persons** Per District	Senate Members	Persons** Per District	US House Members	Persons*** Per District
1850	92,597	36	2,572	16	5,787	2	46,299
1852	150,076	63	2,382	27	5,558	2	75,038
1854	207,556	80	2,594	34	6,105	2	103,778
1858	322,515	80	4,031	35	9,215	2	161,258
1862	416,045	80	5,201	40	10,401	3	138,682
1870	560,247	80	7,003	40	14,006	4	140,062
1880	864,694	80	10,809	40	21,617	6	144,116
1890	1,213,400	80	15,168	40	30,335	7	173,343
1900	1,490,000	80	18,625	40	37,250	8	186,250
1910	2,406,000	80	30,075	40	60,150	11	218,727
1920	3,554,000	80	44,425	40	88,850	11	323,091
1930	5,711,000	80	71,388	40	142,775	20	285,550
1940	6,950,000	80	86,875	40	173,750	23	302,174
1950	10,677,000	80	133,463	40	266,925	30	355,900
1960	15,870,000	80	198,375	40	396,750	38	417,632
1970	19,971,000	80	249,638	40	499,275	43	464,442
1980	23,668,000	80	295,850	40	591,700	45	525,956
1990	29,950,000	80	374,375	40	748,750	52	575,962
2000	33,920,000	80	424,000	40	848,000	53	640,000
2010	38,671,000	80	483,388	40	966,775	53	729,642
2018	39,776,830	80	497,210	41	970,167	54	736,608

* Population figures are of the year indicated. Source: Coulson, David P.; Joyce, Linda. 2003. US state-level population estimates: Colonization to 1999. Gen. Tech. Rep. RMRS-GTR-111WWW. Fort Collins, CO: U.S. Dept. of Ag, Forest Service, Rocky Mountain Research Station. 55 p. Year 2020 to 2050 population estimates were provided as estimates by the California Department of Finance (Unrevised) in 1998.

** Apportionment until 1963 is an assumed average. Most representative districts were apportioned by counties until 1964. After 1964, the district populations were generally equitable. District figures are based on the theory of full dilution for comparison purposes.

*** 2018 Population based upon: <http://worldpopulationreview.com/states/>
As Viewed March 18, 2018

EXHIBIT 5

CFR et al v. Padilla et al.

Case No. 2:17-cv-00973-KJM-CMK

State	House		2018	Total
	Term	Number	Population	Dilution
North Dakota	4	47	755,238	16,069
Wyoming	4	30	573,720	19,124
Vermont	2	30	623,960	20,799
Montana	4	50	1,062,330	21,247
South Dakota	2	35	877,790	25,080
Rhode Island	2	38	1,061,712	27,940
Alaska	4	20	738,068	36,903
Maine	2	35	1,341,582	38,331
Nebraska	4	49	1,932,549	39,440
Delaware	4	21	971,180	46,247
New Mexico	4	42	2,090,708	49,779
Idaho	2	35	1,753,860	50,110
West Virginia	4	34	1,803,077	53,032
New Hampshire	2	24	1,350,575	56,274
Hawaii	4	25	1,426,393	57,056
Mississippi	4	52	2,982,785	57,361
Iowa	4	50	3,160,553	63,211
Kansas	4	40	2,918,515	72,963
Oklahoma	4	48	3,940,521	82,094
Minnesota	4	67	5,628,162	84,002
Arkansas	4	35	3,020,327	86,295
Connecticut	2	36	3,588,683	99,686
Utah	4	29	3,159,345	108,943
South Carolina	4	46	5,088,916	110,629
Kentucky	4	38	4,472,265	117,691
Louisiana	4	39	4,682,509	120,064
Maryland	4	47	6,079,602	129,353
Indiana	4	50	6,699,629	133,993
Alabama	4	35	4,888,949	139,684
Oregon	4	30	4,199,563	139,985
Nevada	4	21	3,056,824	145,563
Washington	4	49	7,530,552	153,685
Colorado	4	35	5,684,203	162,406
Massachusetts	2	40	6,895,917	172,398
Wisconsin	4	33	5,818,049	176,305
Missouri	4	34	6,135,888	180,467
Georgia	2	56	10,545,138	188,306
Tennessee	4	33	6,782,564	205,532
North Carolina	2	50	10,390,149	207,803
Virginia	4	40	8,525,660	213,142
Illinois	4	59	12,768,320	216,412
New Jersey	4	40	9,032,872	225,822
Arizona	2	30	7,123,898	237,463
Pennsylvania	4	50	12,823,989	256,480
Michigan	4	38	9,991,177	262,926
New York	2	62	19,862,512	320,363
Ohio	4	33	11,694,664	354,384
Florida	4	40	21,312,211	532,805
Texas	4	31	28,704,330	925,946
California	4	40	39,776,830	994,421

All data is provided by the National Conference of State Legislators for April of 2015.

It is presumed that all data is still the same.

Population figures provided by:

<http://worldpopulationreview.com/states/>

As Viewed March 18, 2018

State	House		2018	Total
	Term	Number	Population	Dilution
New Hampshire	2	400	1,350,575	3,376
Vermont	2	150	623,960	4,160
North Dakota	4	94	755,238	8,034
Maine	2	151	1,341,582	8,885
Wyoming	2	60	573,720	9,562
Montana	2	100	1,062,330	10,623
South Dakota	2	70	877,790	12,540
Rhode Island	2	75	1,061,712	14,156
West Virginia	2	100	1,803,077	18,031
Alaska	2	40	738,068	18,452
Kansas	2	125	2,918,515	23,348
Delaware	2	41	971,180	23,687
Connecticut	2	151	3,588,683	23,766
Mississippi	4	122	2,982,785	24,449
Idaho	2	70	1,753,860	25,055
Hawaii	2	51	1,426,393	27,968
New Mexico	2	70	2,090,708	29,867
Arkansas	2	100	3,020,327	30,203
Iowa	2	100	3,160,553	31,606
Missouri	2	163	6,135,888	37,643
Oklahoma	2	101	3,940,521	39,015
South Carolina	2	124	5,088,916	41,040
Minnesota	2	134	5,628,162	42,001
Utah	2	75	3,159,345	42,125
Massachusetts	2	160	6,895,917	43,099
Maryland	4	141	6,079,602	43,118
Louisiana	4	105	4,682,509	44,595
Kentucky	2	100	4,472,265	44,723
Alabama	4	105	4,888,949	46,561
Georgia	2	180	10,545,138	58,584
Wisconsin	2	99	5,818,049	58,768
Pennsylvania	2	203	12,823,989	63,172
Indiana	2	100	6,699,629	66,996
Tennessee	2	99	6,782,564	68,511
Oregon	2	60	4,199,563	69,993
Nevada	2	42	3,056,824	72,782
Washington	2	98	7,530,552	76,842
Virginia	2	100	8,525,660	85,257
North Carolina	2	120	10,390,149	86,585
Colorado	2	65	5,684,203	87,449
Michigan	2	110	9,991,177	90,829
Illinois	2	118	12,768,320	108,206
New Jersey	2	80	9,032,872	112,911
Ohio	2	99	11,694,664	118,128
Arizona	2	60	7,123,898	118,732
New York	2	150	19,862,512	132,417
Florida	2	120	21,312,211	177,602
Texas	2	150	28,704,330	191,362
California	2	80	39,776,830	497,210
Nebraska	NA	NA	1,932,549	N/A

All data is provided by the National Conference of State Legislators for April of 2015.

It is presumed that all data is still the same.

<http://www.ncsl.org/research/about-state-legislatures/legislators-number-terms-of-office-next-election.aspx>

As Viewed: March 18, 2018