[ms-0398.030.001.002]

LLOYD M. HARMON, JR., County Counsel (State Bar ID No. 32505)
County of San Diego
DIANE BARDSLEY, Chief Deputy (State Bar ID No. 81525)
By IAN FAN, Deputy (State Bar ID No. 61080)
1600 Pacific Highway, Room 355
San Diego, California 92101-2469
(619) 531-6218

JOHN E. McDERMOTT (State Bar ID No. 51047)
THERESA J. MACELLARO (State Bar ID No. 147866)
V. MICHAEL MUTTART (State Bar ID No. 149270)
CADWALADER, WICKERSHAM & TAFT
660 South Figueroa Street, Suite 2300
Los Angeles, California 90017
(213) 955-4600

Attorneys for Defendants

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TINA C. DeBACA, et al., Plaintiffs, v. COUNTY OF SAN DIEGO, et al., Defendants.	No. 91-1282 R(M) COUNTY OF SAN DIEGO'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSIONS PROPOUNDED BY PLAINTIFFS TO DEFENDANT LEON WILLIAMS

PROPOUNDING PARTY: PLAINTIFFS TINA C. DEBACA, JAMES MINER, and ELENA ANITA MORENO AND THEIR ATTORNEY OF RECORD

RESPONDING PARTY: DEFENDANT LEON L. WILLIAMS

SET NO.: ONE

///

///

///

///

Defendant Leon Williams, hereby responds to the First Set of Requests for Admissions Propounded by Plaintiffs to Defendant Leon Williams as follows:

REQUEST FOR ADMISSION NO. 1:

Do you admit that in 1907 the County of San Diego was re-drawn to include its current boundaries?

RESPONSE TO ADMISSION NO. 1:

Admit.

REQUEST FOR ADMISSIONS NO. 2:

Do you admit that since 1907 no Hispanic American has been elected to the San Diego County Board of Supervisors?

RESPONSE TO ADMISSIONS NO. 2:

Deny.

REQUEST FOR ADMISSIONS NO. 3:

Do you admit that since 1907 no Asian American has been elected to the San Diego County Board of Supervisors

RESPONSE TO ADMISSIONS NO. 3:

Admit.

REQUEST FOR ADMISSIONS NO. 4:

Do you admit that since 1907 there has only been one Afro-American elected to the San Diego County Board of Supervisors?

RESPONSE TO ADMISSIONS NO. 4:

Admit, with the qualification that Leon Williams, an African-American, has been elected to the San Diego County Board of Supervisors on three occasions.

///

REQUEST FOR ADMISSIONS NO. 5:

Do you admit that San Diego Hispanic Americans and San Diego Afro-Americans can form a majority voting age citizen district under a five-district Plan for the County of San Diego?

RESPONSE TO ADMISSIONS NO. 5:

Deny.

REQUEST FOR ADMISSIONS NO. 6:

Do you admit that San Diego Hispanic Americans, the San Diego Afro-Americans and the San Diego Asian Americans can form a majority voting age citizen district under a five-district Plan for the County of San Diego?

RESPONSE TO ADMISSIONS NO. 6:

Admit.

REQUEST FOR ADMISSIONS NO. 7:

Do you admit that voting in the County of San Diego is racially polarized?

RESPONSE TO ADMISSIONS NO. 7:

Deny.

REQUEST FOR ADMISSIONS NO. 8:

Do you admit that there has been a history of discrimination in San Diego County, against San Diego Hispanic Americans?

RESPONSE TO ADMISSIONS NO. 8:

Admit, with the qualification that this is based on my personal observation.

///

///

REQUEST FOR ADMISSIONS NO. 9:

Do you admit that there has been a history of discrimination in San Diego County against San Diego Asian Americans?

RESPONSE TO ADMISSIONS NO. 9:

Admit, with the qualification that this is based on my personal observation.

REQUEST FOR ADMISSIONS NO. 10:

Do you admit that there has been a history of discrimination in San Diego against San Diego Afro-Americans?

RESPONSE TO ADMISSIONS NO. 10:

Admit, with the qualification that this is based on my personal observation.

REQUEST FOR ADMISSIONS NO. 11:

Do you admit that the San Diego Hispanic American Citizens have been denied an equal chance to participate in the political process in San Diego County?

RESPONSE TO ADMISSIONS NO. 11:

Deny.

REQUEST FOR ADMISSIONS NO. 12:

Do you admit that the San Diego Afro-American Citizens have been denied an equal chance to participate in the political process in San Diego County?

RESPONSE TO ADMISSIONS NO. 12:

Deny.

///

///

REQUEST FOR ADMISSIONS NO. 13:

Do you admit that the San Diego Asian American Citizens have been denied an equal chance to participate in the political process in San Diego County?

RESPONSE TO ADMISSIONS NO. 13:

Deny.

REQUEST FOR ADMISSIONS NO. 14:

Do you admit that on or before September 15, 1991, you had in your possession a proposed five-district Plan for the County of San Diego, wherein the SAN DIEGO MINORITY CITIZENS would have constituted a majority?

RESPONSE TO ADMISSIONS NO. 14:

Admit, with the qualification that this response is premised on the assumption that "majority" relates to a majority of voting age citizens.

REQUEST FOR ADMISSIONS NO. 15:

Do you admit that on or before September 15, 1991, you had in your possession a proposed five-district Plan for the County of San Diego, wherein the SAN DIEGO HISPANIC AMERICAN CITIZENS and the SAN DIEGO AFRO-AMERICAN CITIZENS would have constituted a majority?

RESPONSE TO ADMISSIONS NO. 15:

Deny.

///

///

///

///

REQUEST FOR ADMISSIONS NO. 16:

Do you admit that the SAN DIEGO MINORITY CITIZENS constitute a sufficiently large and geographically compact group to constitute a majority in a single member district on a proposed five-district Plan for the County of San Diego?

RESPONSE TO ADMISSIONS NO. 16:

Admit.

REQUEST FOR ADMISSIONS NO. 17:

Do you admit that SAN DIEGO MINORITY CITIZENS are politically cohesive?

RESPONSE TO ADMISSIONS NO. 17:

Deny.

REQUEST FOR ADMISSIONS NO. 18:

Do you admit that SAN DIEGO HISPANIC CITIZENS and SAN DIEGO AFRO-AMERICAN CITIZENS are politically cohesive?

RESPONSE TO ADMISSIONS NO. 18:

Deny.

REQUEST FOR ADMISSIONS NO. 19:

Do you admit that the Anglo voters are politically cohesive?

RESPONSE TO ADMISSIONS NO. 19:

Deny.

REQUEST FOR ADMISSIONS NO. 20:

Do you admit that SAN DIEGO MINORITY CITIZENS' candidate of choice could win an election in the District proposed in the Complaint filed in this action?

///

RESPONSE TO ADMISSIONS NO. 20:

Objection; the term "candidate of choice" is vague. Because of this vagueness, I am not in a position to admit or deny this request.

REQUEST FOR ADMISSIONS NO. 21:

Do you admit there has been a history of official discrimination in the County of San Diego that has impacted the registration and voting patterns of San Diego Hispanic Americans?

RESPONSE TO ADMISSIONS NO. 21:

Deny. I have no knowledge of any "official" discrimination of the type described.

REQUEST FOR ADMISSIONS NO. 22:

Do you admit there has been a history of official discrimination in the County of San Diego that has impacted the registration and voting patterns of San Diego Afro-Americans?

RESPONSE TO ADMISSIONS NO. 22:

Deny. I have no knowledge of any "official" discrimination of the type described.

REQUEST FOR ADMISSIONS NO. 23:

Do you admit there has been a history of official discrimination in the County of San Diego that has impacted the registration and voting patterns of San Diego Asian-American?

RESPONSE TO ADMISSIONS NO. 23:

Deny. I have no knowledge of any "official" discrimination of the type described.

///

///

REQUEST FOR ADMISSIONS NO. 24:

Do you admit that voter apathy amongst the San Diego Minority Citizens is caused, at least in part, by the lack of success of the candidates of their choice?

RESPONSE TO ADMISSIONS NO. 24:

Deny.

REQUEST FOR ADMISSIONS NO. 25:

Do you admit that in the fall of 1991, the County of San Diego adopted a redistricting map for the County wherein the Anglo-voters constituted a majority of all voters in all 5 districts?

RESPONSE TO ADMISSIONS NO. 25:

I am not in a position to admit or deny this request. I have made a reasonable inquiry into the issue, and the information known about the issue is not sufficient for me to respond.

DATED: December 20, 1991

LLOYD M. HARMON, JR., County Counsel
DIANE BARDSLEY, Chief Deputy

By Ian Fan
IAN FAN, Deputy
Attorneys for Defendants

VERIFICATION

I, Leon L. Williams, declare under penalty of perjury that I am a Supervisor, District 4 for the County of San Diego Board of Supervisors; that I have read the foregoing COUNTY OF SAN DIEGO'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSIONS PROPOUNDED BY PLAINTIFFS TO DEFENDANT LEON WILLIAMS and that I know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of December, 1991, at San Diego, California.

LEON L. WILLIAMS
Supervisor, District 4
County Board of Supervisors

Tina C. DeBaca, et al. v. County of San Diego, et al.; United States District Court No. 91-1282 R(M)