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MEMORANDUM

MAR - 1 1990

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TO: Representative Joe Moakley **House Rules Committee**
FROM: Mark Gersh
RE: Massachusetts Redistricting
DATE: March 1, 1990

Massachusetts is almost certain to lose one congressional district following the 1990 census. Each of the ten reconstructed congressional districts would be composed of 590,000-595,000 persons, if present population trends continue.

At least five congressional districts (1st-Conte), (7th-Markey), (8th-Kennedy), (9th-Moakley) and (11th-Donnelly) would be required to pick up more than 60,000 new residents to meet the population requirements.

In 1980, only 3% of the Massachusetts population was composed of blacks; 2% were Spanish and 1% Asian. The Ninth Congressional District was approximately 15% Black and 4% Spanish. No other district in the state contained a Black population as high as 10%. Only two others (2nd-Neal 5% Black) and (11th-Donnelly-8% Black) exceeded the 5% level.

There is absolutely no possibility of a Black majority district in Massachusetts. It is both a geographic and numerical impossibility. The entire state contained less than 200,000 Blacks as of 1980. Consequently, if every Black voter resided in the same congressional district, its Black population would still be less than 40%.

There is no legal precedent for a judicial body ordering an increase in Black population without creating a Black majority district. Furthermore, the 3% Massachusetts Black population is hardly a compelling case arguing the under-representation of Blacks in the state congressional delegation. Courts have shown an interest in establishing Black districts where geography makes such a district feasible. Additionally, outside parties generally must demonstrate an intent to deprive a just minority of the opportunity for representation.

While legislatures may face pressure to create Black districts -- particularly in the south, Massachusetts does not face this problem.