IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, *et al.*, Plaintiffs, and UNITED STATES of AMERICA, Plaintiff-Intervenor, v. STATE OF TEXAS, *et al.*, Defendants.	Civil Action No. 5:11-cv-360 (OLG-JES-XR) Three-Judge Court [Lead Case]
MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF REPRESENTATIVES (MALC), Plaintiff, v. STATE OF TEXAS, *et al.*, Defendants.	Civil Action No. 5:11-cv-361 (OLG-JES-XR) Three-Judge Court [Consolidated Case]
TEXAS LATINO REDISTRICTING TASK FORCE, *et al.*, Plaintiffs, v. RICK PERRY, Defendant.	Civil Action No. 5:11-cv-490 (OLG-JES-XR) Three-Judge Court [Consolidated Case]

MARGARITA V. QUESADA, *et al.*, Plaintiffs, v. RICK PERRY, *et al.*, Defendants.	Civil Action No. 5:11-cv-592 (OLG-JES-XR) Three-Judge Court [Consolidated Case]
JOHN T. MORRIS, Plaintiff, v. STATE OF TEXAS, *et al.*, Defendants.	Civil Action No. 5:11-cv-615 (OLG-JES-XR) Three-Judge Court [Consolidated Case]
EDDIE RODRIGUEZ, *et al.*, Plaintiffs, v. RICK PERRY, *et al.*, Defendants.	Civil Action No. 5:11-cv-635 (OLG-JES-XR) Three-Judge Court [Consolidated Case]

UNITED STATES' POST-TRIAL SUMMARY REGARDING 2011 CONGRESSIONAL TRIAL

Pursuant to this Court's directive, the United States submits the following summary of its case concerning the State of Texas's 2011 redistricting plan for its delegation to the U.S. Congress.

The 2010 Census reported that Texas's population had grown by over four million people since 2000. That increase entitled Texas to four additional seats in the U.S. House of Representatives and required the Texas Legislature to draw new boundaries for its congressional districts to comply with the one-person, one-vote standard of the Equal Protection Clause. Importantly, almost 90 percent of the State's dramatic population increase is attributable to its minority residents. [1]

The congressional plan enacted by Texas in 2011, also known as Plan C185, contains thirty-six congressional districts. Despite the enormous growth in the State's minority population and the increase in the size of its congressional delegation, Plan C185 has only ten districts in which minority citizens would have the opportunity to elect candidates of their choice.[2] This is the same number of minority opportunity districts as existed in the thirty-two-district court-drawn plan used in congressional elections in Texas between 2006 and 2010 and well below the number needed to achieve rough proportionality with the minority share of the State's citizen voting-age population.

The record now before this Court demonstrates that Texas's 2011 congressional plan was the product of a deliberate effort to minimize the growing voting strength of the State's minority

[1] Minority citizens account for almost three-fourths of the growth in the State's citizen voting-age population.

[2] Plan C185 contains seven so-called opportunity districts for Latino citizens (CDs 15, 16, 20, 28, 29, 34, and 35) and three opportunity districts for African-American citizens (CDs 9, 18, and 30). Two of these minority opportunity districts, CD 34 and CD 35, replaced two opportunity districts existing in the prior plan, CD 23 and CD 27, in which minority voters would now no longer have an opportunity to elect their preferred candidates.

citizens. Indeed, there seems to be no dispute that the legislature simply chose not to draw any new minority opportunity districts even though it had ample evidence that Section 2 required it to do so. Instead, map drawers carefully gerrymandered Congressional District ("CD") 23 in West Texas so that it would appear to be a Latino opportunity district but would actually re-elect an incumbent who was not the choice of Latino voters. Map drawers also split cohesive minority communities in the Dallas-Fort Worth ("DFW") Metroplex, submerging them into districts dominated by Anglo voters from neighboring counties, and at the same time packed the only majority-minority district in the area—all to minimize minority citizens' opportunity to elect candidates of their choice. Moreover, the hurried, secretive, and exclusive process culminating in the plan's adoption did not provide minority citizens or their elected representatives with a meaningful opportunity for substantive input into the plan.

Overall, the evidence in this case establishes that Texas's 2011 congressional plan was adopted with the purpose of diluting minority voting strength in violation of Section 2 of the Voting Rights Act, which enforces the voting guarantees of the Fourteenth and Fifteenth Amendments to the U.S. Constitution. This Court therefore should enter a declaratory judgment to that effect and set this matter for a remedial hearing to determine whether the State's long and continuing history of racial discrimination in redistricting merits further relief under Section 3(c) of the Voting Rights Act.

Intentional Vote Dilution

Plan C185 dilutes minority voting strength. Numerous alternative plans have shown that it is feasible to draw twelve or more majority-minority congressional districts in which minority citizens would have an opportunity to elect candidates of their choice. Minority political cohesion and racially polarized voting patterns are established by the State's own analyses and

are not seriously in dispute. The totality of circumstances also shows that minority citizens in Texas have less opportunity than Anglo citizens to participate in the political process and to elect candidates of their choice.

This dilution was entirely foreseeable. Legislators and staff who drew the congressional plan were aware that Section 2 could require the State to draw additional minority opportunity districts under certain circumstances, and there was ample evidence before the legislature that it was necessary to do so in this instance. For example, the non-partisan professional staff at the Texas Legislative Council ("TLC") advised legislators that Section 2 may require drawing additional minority opportunity districts. Minority groups and representatives presented numerous alternative plans that contained additional minority opportunity districts. Despite this evidence, however, legislators adopted a plan that contained only ten such districts, the same number as in the previous plan, even though the new plan added a total of four new districts, and the state's population growth was predominantly driven by minority citizens.

The "Nudge Factor" Emails

A collection of emails between key legislative staff, political operatives, and the map drawers indicates that those persons responsible for the 2011 congressional plan intended to draw districts that would reduce or eliminate the opportunity of Hispanic voters to elect candidates of their choice in the two majority-Hispanic districts, CD 23 and CD 27, where candidates preferred by Anglo voters had defeated the Hispanic-preferred incumbents by small margins just days before in the wave election of November 2010. Some emails discuss drawing a district so that it would appear to be a Hispanic opportunity district but would in reality fail to provide Hispanic voters with the opportunity to elect their candidates of choice. In these emails, Eric Opiela, who represented the Republican members of Texas's congressional delegation

during the redistricting process, discusses maintaining the Hispanic Citizen Voting Age Population ("HCVAP") in the new district at the same level as in the benchmark district, but through using voter turnout data, swapping in lower Hispanic turnout census blocks or precincts while swapping out higher turnout Hispanic blocks or precincts. Mr. Opiela obtained this data from the TLC with the help of map drawer Gerardo Interiano and through his own requests.

Other emails reveal the extent to which the key figures conceived of partisan politics in distinctly racial terms. One email from Mr. Opiela describes his plan to protect the newly elected Republican incumbents in CD 23 and CD 27 by adding "Anglo voters" to those districts and then, in the case of CD 23, adding enough low-turnout Hispanic areas of Bexar County to ensure its majority-minority population status. Mr. Opiela refers to "Anglo voters" as the solution to his political problem not just once, but four times in a single paragraph.

Map drawer Ryan Downton admitted that "concepts," such as the splitting of Maverick County, were taken from Mr. Opiela and implemented in the final map.[3] It is clear from the end result that one of the concepts adopted in CD 23 was maintaining the Hispanic CVAP in the district while reducing the performance. It also appears that in CD 27, adding Anglo voters allowed the Anglo-preferred incumbent to be protected. In the end, Mr. Opiela seemed satisfied with the final plan and said in an email: "Let's get the bill passed!"

Insufficient Latino Opportunity Districts in South and West Texas

The evidence demonstrates that it is possible to create at least seven districts in the area of South and West Texas in which minority voters can elect their candidates of choice. Various proposals presented during the redistricting process, such as the MALDEF plan (C122), did so. Moreover, this Court created a seventh minority opportunity district in the region in its first

[3] The State previously represented to this Court that Mr. Opiela was not involved in drawing CD 23. *See* Defs.' Br. Issues Relating Interim Redistricting Plans 59, ECF No. 631.

interim plan, Plan C220. In conjunction with the new CD 35 created in Plan C185, an effective CD 23 would have provided a seventh district in the region of South and West Texas. Notably, CD 23 easily could have been maintained as a Hispanic opportunity district with only relatively minor changes to the district as configured in Plan C185.

Prior to the 2011 redistricting, CD 23 in Plan C100 provided Latino voters with an opportunity to elect their preferred candidate to Congress, but as reconfigured in Plan C185, it did not. CD 23 in Plan C100 was created following the Supreme Court's 2006 decision in *LULAC v. Perry*, 548 U.S. 399 (2006), which held that Texas's failure to draw a sixth minority opportunity district in the area violated Section 2 of the Voting Rights Act. Dr. Lisa Handley testified that under Plan C100, Latino voters in CD 23 elected their preferred candidate in two of the three congressional elections held in the district. Likewise, in the six exogenous elections Dr. Handley examined, the minority-preferred candidate prevailed in the C100 version of CD 23 in three of the six elections, giving the district a score of 50 percent on her Endogenous Index.[4] In contrast, under Plan C185, the minority-preferred candidate lost in CD 23 in all six of the exogenous election contests that Dr. Handley analyzed. Texas's expert, Dr. John Alford, has admitted that CD 23 in the 2011 plan would not provide minority voters with an effective opportunity to elect.

Despite the Hispanic population growth in CD 23 that overpopulated the district by 150,000 persons above the ideal district size, the Texas Legislature intentionally configured CD 23 so that it would no longer be an opportunity district for minority voters. Ryan Downton admitted that he was looking to maintain the district as a Hispanic population majority district

[4] Dr. Engstrom also found that the minority candidate of choice prevailed in 7 of 14 racially contested exogenous elections in CD 23, which would again demonstrate that the minority candidate of choice would prevail in 50 percent of the elections in the old CD 23.

while improving the re-election chances of a a candidate not preferred by Latino voters. As the mapmakers were drawing, they received election results showing that the draft maps had Hispanic performance in an index of 10 elections compiled by the Office of the Texas Attorney General from 3 in 10 in C100 to 1 in 10 in the draft maps. Jeffrey Archer and David Hanna, TLC counsel, warned that the committee map being offered for consideration impermissibly decreased election performance for Latino voters. Not only did the legislators and map drawers not heed those warnings, the final adopted map had worse performance for the choice of Hispanic voters than did the committee map.

This diminished opportunity was not accidental. To accomplish their goal, map drawers intentionally removed highly mobilized Hispanic voters from the district. At the same time, they took care to maintain an appearance of Latino opportunity by keeping the district's Hispanic CVAP at the same level in C185 as in C100. To satisfy both considerations, map drawers purposefully included areas with a relatively high Hispanic population percentage and a relatively low turnout rate. Dr. Handley concluded that turnout was higher in areas removed from CD 23 than in areas added to the district. This finding was both true generally and also in the case of heavily Hispanic VTDs. Furthermore, the State's reconstituted election analyses show that Hispanic voters turn out at a lower rate in CD 23 in C185 than in C100.[5]

Contrary to Ryan Downton's testimony that he and the other map drawers attempted to keep communities of interest together, Mr. Downton admitted that the reconfiguration of CD 23 led to the splitting of multiple communities of interest, including in Maverick County and the City of Eagle Pass. Mr. Interiano acknowledged that initial iterations of CD 23, specifically Plan STRJC106, had placed Maverick County entirely within the district's boundaries. Further,

[5] Similarly, Dr. Flores found a turnout differential of four percentage points between the VTDs swapped out of CD 23 as compared to the VTDs swapped into CD 23.

Representative Burt Solomons, Chair of the House Redistricting Committee, recognized that his stated goal of raising CD 23's SSVR could have been accomplished without dividing Maverick County, and instead by incorporating less of Atacosa, La Salle, or Dimmit counties in the final plan. Moreover, TLC counsel David Hanna admitted that doing so would have alleviated his concerns about the low level of Hispanic performance in CD 23. Nonetheless, the communities of interest contained in Maverick County and the City of Eagle Pass were fractured, and even after becoming aware of the splitting of these Hispanic communities, neither Mr. Downton nor anyone else involved in the process attempted to rectify the problem.

CD 23 also split the community of interest in the south side of San Antonio, including the community of Harlandale, among three congressional districts. Historically, this area has been home to a highly effective and politically active Hispanic community that wielded considerable influence within a single congressional district. In order to divide this community, map drawers split a number of precincts, 30 of which occurred at the very end of the map drawing process. Eighteen of CD 23's 39 split precincts are located in Bexar County.

In addition to eliminating the opportunity of minority voters to elect their candidate of choice in CD 23, Plan C185 also took away that opportunity from minority voters in the former CD 27. All of the experts in this case agree that in CD 27 in the pre-existing plan, Plan C100, minority voters could elect their candidate of choice. That district was based around the population in Nueces and Cameron counties. In the 2011 redistricting plan, Nueces County was split from Cameron County, with the new CD 27 going to the north and west. All experts again agree that Hispanic voters in Nueces County and the new CD 27 no longer have the ability to elect their preferred candidate.

The 2010 interim field hearings on redistricting do not justify the choice to include Nueces County with counties to the northwest in CD 27. Representative Todd Hunter stated that witnesses testified at one of those hearings that they wanted a congressional district in the Coastal Bend area. He conceded that no one attending the hearings requested that Nueces be grouped with Bastrop, Caldwell, Gonzales, and Lavaca counties. Moreover, numerous individuals at the interim hearings testified about the importance of continuing to allow Hispanic voters in Nueces County the opportunity to elect candidates of choice. Suggestions were made, by U.S. Representative Blake Farenthold for example, on how it might be possible to accomplish both a Coastal Bend district and maintain a majority-Hispanic district, but these suggestions were not adopted.

Configuration of Dallas-Fort Worth Districts

The configuration of congressional districts in the DFW Metroplex in Plan C185 intentionally cracked some minority population and packed other minority population, which provides further evidence of discriminatory intent. The fracturing of this minority population, which had grown by over 500,000 prevented the creation of an additional minority opportunity district in the area—one that would have provided the area's African-American and Latino voters with an opportunity to elect their preferred candidates to Congress. That such a district was not created is particularly remarkable since its adoption was being advocated strongly by leaders of the Republican congressional delegation and numerous civic groups and community organizations.

Rather than joining the area's minority population together in a second opportunity district, in Plan C185, DFW's African-American and Hispanic communities were split into four separate Anglo-controlled congressional districts: CD 6, CD 12, CD 26, and CD 33. Much of

the growing Hispanic population bordering Tarrant and Dallas counties, just east of the City of Arlington, is included in CD 6 and submerges that population into majority-Anglo Ellis and Navarro counties. CD 12 combines a majority of northern Tarrant County's Anglo, rural population with southeast Fort Worth, which is made up of several inner-city, low-income communities that are predominantly African American. CD 26, which is anchored in rural, majority-Anglo Denton County, snakes down in the shape of a "lightning bolt" and pulls in two significant Hispanic communities of interest in Tarrant County. CD 33, one of the State's newly apportioned congressional districts, encompasses all of Parker County and parts of Wise County. That district wends eastward fracturing minority communities of interest in the City of Arlington, which has one of the fastest growing minority populations in Tarrant County, and subordinating their voting strength to that of the majority-Anglo electorate in Parker and Wise counties.

The evidence presented at trial also demonstrates that Plan C185 packs a large concentration of Dallas County's minority population into CD 30, which is a majority-minority district that already provides African-American voters with the ability to elect. This high concentration of African-American and Hispanic population is not necessary for minorities to elect their candidate of choice in CD 30. Under the 2011 plan, Latinos and African Americans would not constitute a significant portion of any of the congressional districts in the DFW area other than CD 30.

Between 2000 and 2010, the minority population in DFW increased by more than 500,000, and the Anglo population decreased by more than 250,000. By cracking these minority communities in Tarrant County and packing minority voters into the one existing minority opportunity district the Dallas County, minority voting strength was intentionally diluted.

Other Evidence of Intentional Discrimination in Dallas-Fort Worth

The configuration of CD 26 in the DFW Metroplex is a clear example of the Texas Legislature's departure from normal procedures. The State Defendants' efforts to explain this bizarrely configured district are pretextual. This Court heard testimony from Representative Solomons, Mr. Downton, and Mr. Hanna acknowledging that preserving communities of interest, preventing vote dilution of minority groups and prohibiting improper use of split precincts were among the traditional redistricting criteria guiding the legislature. Yet CD 26 violates each of these criteria. CD 26 divides a total of 49 precincts, 38 of which are located in the district's "lightning bolt" into Tarrant County. These splits were not guided by political data, which is not available at the block level, but rather by racial demographic data which is.[6]

Mr. Downton confirmed that he drew the boundaries of the lightning bolt in CD 26 using racial data, but he stated that he did so in an effort to comply with another traditional redistricting criterion—preserving minority communities of interest. This testimony is not persuasive. Mr. Downton admitted that he had no personal knowledge of the actual minority communities in DFW, belying his claim that he had tried to preserve a cohesive community of interest. Instead, he used race as a proxy for actual interests and applied racial shading to group some Hispanic communities together into CD 26 while severing other cohesive Hispanic and African-American communities in Fort Worth and placing them outside of CD 26. Then he submerged that Hispanic population into Anglo-dominated Denton County in CD 26. Severing these Hispanic communities from adjacent Hispanic and African-American communities in Fort Worth and submerging those communities into Anglo-dominated Denton County in CD 26 served only to dilute minority voting strength, not to preserve it.

[6] Ms. Dyer testified that any advanced user of RedAppl would know how to use racial shading.

The fact that minority communities of interest in other areas of the state were not preserved, including communities in Bexar, El Paso, and Maverick counties, is further evidence that Mr. Downton's explanation is pretextual. Likewise, in majority-Anglo CD 6, there are thirty-nine VTD splits in the "finger" that reaches up from majority-Anglo Ellis and Navarro counties to remove large concentrations of African-American and Hispanic population from Dallas and Tarrant counties. These splits also divide minority communities of interest in Arlington, Cedar Hill, and Duncanville into three separate congressional districts.

One further example of discriminatory intent in the 2011 congressional plan is the map drawers' failure to return U.S. Representative Eddie Bernice Johnson's home to CD 30 despite her numerous requests to have them do so. Clare Dyer from the TLC testified that the removal of Representative Johnson's home from her district was inadvertent.[7] However, other evidence before this Court establishes that the State's failure to correct this mistake was intentional. Representative Johnson testified that in late 2010, she attended a meeting in Washington, D.C. arranged by Mr. Interiano that included three members of the State House, a representative from Speaker Joe Straus's office, and a representative from the Texas Attorney General's office. At that meeting, U.S. Representative Lamar Smith and Eric Opiela were designated as the individuals who would coordinate the delegation's participation in the 2011 redistricting process.

After learning that her home had been drawn out of CD 30, in March 2011, prior to the passage of the 2011 congressional plan, Representative Johnson contacted Representative Smith and Mr. Opiela several times by phone and by email as she had been instructed to do to alert them of the removal of her home from the district. The evidence in the record also demonstrates

[7] Ms. Dyer testified that in early 2011, her TLC office faxed a memorandum designed to confirm the residence locations of members the Congress to, among others, the public fax number in Johnson's office and received no confirmation of receipt. While Representative Johnson's address was correct on the form, it was coded incorrectly in the RedAppl system, because the TLC incorrectly used 2009 Census block data.

that Mr. Opiela did, in fact, pass on the requests of numerous Anglo members of Congress to Mr. Downton to include certain precincts or to swap certain areas with another member. Moreover, Mr. Opiela's mapping program, Maptitude, would not have contained the same error as RedAppl, and therefore, it would have been obvious to Mr. Opiela that Representative Johnson's home was not in CD 30. Representative Johnson testified that as a former state representative involved in redistricting, she understands the importance of working within the systems established by and for the state legislature. Representative Johnson followed the procedures established by the State for correcting problems with her district and the State's failure to draw her home back into CD 30 is evidence of discriminatory intent.

The 2011 Redistricting Process

The sequence of events leading to the adoption of the 2011 congressional plan provides further evidence of discriminatory purpose. In general, the 2010 field hearings did not provide a genuine opportunity for public input into the congressional redistricting process. The 2010 Census data was not yet available, and there were no proposed maps. The key persons primarily involved in the 2011 redistricting process did not attend the hearings nor did they receive any written information concerning the hearings. Neither the House nor the Senate redistricting committees had transcripts made of these hearings. Representative Hunter acknowledged that the 2010 hearings were transcribed by the Texas Attorney General's office, but those transcripts were not provided to the House Redistricting Committee for use in the process.

There were substantial departures from the normal procedural sequence in the Senate's consideration and passage of the congressional redistricting plan. The process was marked throughout by undue haste, by exclusion of African-American and Hispanic members of the Texas congressional delegation and the state legislature.

From the beginning, Senators from minority opportunity districts were left out of the process. Preliminary analysis regarding racially polarized voting was not made available to state legislators who represented minority opportunity districts. While the Senate Redistricting Committee leadership worked closely with Republican members of Congress such as Lamar Smith, when minority members of the Texas congressional delegation reached out, their requests were summarily rebuffed. Simply no effort was made to include minority Senators in the actual development of the map, even as compared to previous redistricting processes where the Republican leadership had the same partisan incentives. Indeed, the Chair of the Senate Redistricting Committee, Kel Seliger, admitted on the floor of the Senate that no minority members were involved in the development of the Senate plan.

The Senate Redistricting Committee released no plans and held no public hearings on congressional redistricting during the regular session, canceling the only public hearing it had scheduled. The Committee finally released its plan to the public on the afternoon of May 31, 2011, without giving minority senators an opportunity to see it beforehand. The Committee then held its only public hearing on congressional redistricting plans less than seventy-two hours later, on June 3, 2011. But at that hearing the Committee took up an entirely different plan that had only been released for public comment on the evening of June 2. The Senate's outside counsel expressed concern to the Committee that the plan had been rushed, without sufficient time for public scrutiny and comment and testified that they had not been asked to evaluate whether the proposed plan complied with the Voting Rights Act. Minority senators also noted the haste with which the plan had been pushed through, protesting that neither they nor the public had adequate time to study the proposed map. They also objected generally to the fact that they had been shut out of the process and allowed no input into the development of the map. Unsurprisingly,

following the single public hearing, the congressional redistricting plan was voted out of the Senate Committee by a vote of nine to six, with no senators representing minority opportunity districts voting in favor of the plan.

Moreover, the plan that was ultimately passed, C185, differed substantially from the bill that was available at that hearing, Plan C130, especially in CD 23 and in the DFW area. There was never another public hearing in the Senate on any of these changes, and in the final vote on the floor, not a single senator representing a minority opportunity district voted in favor of the plan.

Likewise, minority members of the Texas House of Representatives also were excluded from the congressional redistricting process and left in the dark until plans were unveiled to the public just days before the public hearing the House held on congressional redistricting. With less than forty-eight hours after the House Redistricting Committee released its plan on May 31 before the hearing on June 2, 2011, minority House members who had only just seen the plan had to rush to study it and propose amendments. This was a fraction of the time that would normally be allowed for this type of comment period for comparable proposals.

At the hearing, Representative Dawnna Dukes proposed an alternative plan, Plan C166, which had wide support among House members who represented minority opportunity districts. The committee leadership tabled the amendment after only thirty minutes of debate, preventing the proposal from ever being brought up again. The rejection of Plan C166 mirrored the treatment of virtually every amendment offered by African-American or Hispanic representatives: perfunctory debate and a move to table.

The House gave similar treatment to the only amendment offered by an Hispanic Republican, Plan C179 offered by Representative Aaron Peña. The plan would have amended

CD 23 by removing all or part of rural Schleicher and Sutton counties and adding part of Bexar County. But the amendment was rejected by Representative Solomons based on Mr. Opiela's analysis showing that the amendment would have slightly decreased the performance of some Anglo Republican candidates in statewide elections. Representative Solomons ordered that the amendment be withdrawn, and it was.

Overall, the entire process—Senate committee hearing, debate on the Senate floor, House committee hearing, debate on the House floor, and reconsideration by the Senate—took only twenty-one days. There was plenty of time to conduct further debate, if the leadership had desired to do so, but it did not happen. Twenty-one days was only two-thirds of the time that was allotted in the special session. If a redistricting plan had not passed during the special session, the governor could have called a second special session. In fact, there were three special sessions to deal with redistricting in 2003. The idea that there was not enough time to allow representatives from minority opportunity districts a voice in the process is simply a fiction invented for litigation.

Conclusion

The foregoing outlines some of the substantial direct and circumstantial evidence that Texas's 2011 congressional plan was enacted by Texas with a racially discriminatory purpose. Based on the evidence, the United States asks this Court to find that the State Defendants engaged in intentional racial discrimination, in violation of Section 2 of the Voting Rights Act and the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution, in adopting the 2011 congressional plan.

Date: August 21, 2014

Respectfully submitted,

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