UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

v.

UNITED STATES OF AMERICA, and ERIC H. HOLDER, JR. in his official capacity as Attorney General of the United States,

Defendants.

WENDY DAVIS, et al.,

Defendant-Intervenors.

Civil Action No. 1:11-CV-01303 (RMC-TBG-BAH) [Three-Judge Panel]

DECLARATION OF SERGIO DELEON

Pursuant to 28 U.S.C. §1746, I declare that:

My name is Sergio DeLeon. I serve as Constable of Precinct 5 in Tarrant County, Texas, an elected position I have held since 2001. My constable district encompasses most of the core Hispanic neighborhoods in Fort Worth. The district includes the historic North Side extending south to pick up the growing Hispanic neighborhoods in the Lake Como and Alamo Heights area and then extending further south to include the large and growing Hispanic neighborhoods in the south side. A map showing many of the key minority neighborhoods in Tarrant County, including many in my constable district, is attached to this statement.

I work closely with other elected officials in our region and have considerable insight into the neighborhoods in Tarrant Count beyond my Constable Precinct. I have paid very close attention to the population growth in our area and am keenly aware that the increase in the Hispanic and African American population has corresponded with growing electoral strength.

Over the last year, I worked hard to play a meaningful role in the way in which State Senate and congressional boundaries were drawn by the Legislature. I am disappointed that my views, as well as the views of other minority elected officials and the people they represent were ignored when district lines were drawn. The State’s congressional and State Senate boundaries in North
Texas specifically are intentionally configured to reduce the voting strength of Hispanics and African Americans in the Dallas Fort Worth area.

During the Legislative session, it was apparent that the views of minority elected leaders were not wanted or welcomed. The work was done behind closed doors, in secret. The only public hearings were announced at the last minute, giving me and anyone else who wanted to comment very little time to make arrangements to attend. The comments I provided to the committee were obviously ignored in light of the Senate and congressional maps that were adopted.

There is no better example of State leaders attacking and destroying a district in which African American and Hispanic leaders had worked hard to earn and then realize the ability to elect their candidate of choice than Senate District 10.

Hispanic and African American leaders in Tarrant County had paid close attention to the rapid growth of the minority population within the boundaries of Senate District 10. The district includes nearly all of the predominately Hispanic and African American neighborhoods in Fort Worth.

As the 2008 election approached, we understood that the minority community had become sufficiently large and united to form an effective coalition to elect our candidate of choice. Latino leaders and African American leaders decided to not only unite behind a single candidate but to make the Senate District 10 election the priority campaign in our county. We made a conscious and deliberate effort to recruit and unite behind Wendy Davis as our candidate of choice and to devote our time and resources to electing her.

Our organizational and financial support was committed to the election of Davis to the near exclusion of statewide candidates, including our Presidential candidate, Barrack Obama and our US Senate candidate Rick Noriega. We understood that diverting resources to statewide candidates would harm rather than enhance our opportunity to elect our candidate of choice in Senate District 10.

Our focus on District 10 in 2008 was successful. Hispanic and African American voters formed a strong coalition and voted overwhelmingly in support of Wendy Davis. She was elected by gaining over 90 percent support from minority voters. Anglos voted against her in very large numbers, but could not overcome her strong support from an energized and mobilized minority vote.

It should be no surprise that Wendy Davis was the candidate of choice of Hispanic and African American voters. Wendy Davis had proven herself to be a courageous advocate for Hispanic and African American voters for many years. I proudly supported her in her 1999 election to the Fort
Worth City Council. Time and again while on the council she stood up and then stood her ground on issues vital to our community. She has been an effective advocate for the interests of Hispanic communities in Tarrant County as a state senator.

The election of Wendy Davis in 2008 established that minority voters in District 10 can and did elect their candidate of choice. State Republican leaders clearly recognized that it was an effective minority voter coalition that elected Senator Davis. There is no other explanation for their destroying its minority voting strength by dissecting and separating predominately minority neighborhoods.

The State’s map is much more than an effort to defeat Wendy Davis in 2012, it is an overt attack on Hispanics and African Americans in Tarrant County.

The State’s map takes the historic Hispanic neighborhoods in northern parts of Fort Worth that include the stockyards area, Diamond Hill, and the far north side and attaches them to Senate District 12, which is a district controlled by exurban Anglo voters who live far to the north in Denton County. African American voters and voters living in the growing Hispanic community in the southern part of the district were carved from District 10 and attached to District 22, which stretches far to the south.

Had the only motivation of the State been to defeat Senator Davis, there are ways to do it without ripping minority neighborhoods apart. Certainly, among these might be actually campaigning for and asking for Hispanic and African American support.

Any contention that SD10 is not a minority opportunity district because other Democrats running for statewide office did not carry it in 2008 or in other election cycles is simply wrong. Those holding this view fail to understand or acknowledge the dynamics that have taken place over the decade or the hard decisions made by local minority leaders in 2008.

In fact, in 2008, Wendy Davis received more votes in SD10 than either President Obama or Democratic US Senate nominee Rick Noriega. Given that Anglos united and voted against her, it is clear that the SD 10 race is a better measure of minority voting strength in the District than any other election.

Clearly, the state’s motivation in configuring its map was not just to defeat Senator Davis, but to accomplish this in a way that insured minority voters in Fort Worth would not unite and elect their candidate of choice again, regardless of who it might be. Under the state’s proposed plan, the minority communities in SD 10 are split among several districts and left with no ability to
impact senate elections anywhere in the region. Our votes will not be needed for any Senators election. As a result our views will be ignored – just as the state intended.

The State’s intention to attack and destroy the minority voting strength in north Texas is also evident in its congressional redistricting plan. The carving and dividing of minority neighborhoods in Tarrant County particularly constitutes a stark and brutal attack on Hispanic and African American voters and their communities.

Dallas and Tarrant counties together contain over 2.1 million Hispanics and African Americans. Yet, only Dallas based congressional district 30 provides minority voters the opportunity to elect their candidate of choice. Tarrant County alone gained over 250,000 new residents over the decade, and nearly 70 percent were Hispanic or African American.

The boundaries of congressional districts 12, 26 and 33 under the State’s plan clearly illustrate the intention of the state to target and destroy minority voting strength.

CD26 retains its strong Anglo exurban voting base in Denton County and then extends a narrow, crooked arm into Tarrant County from the north that precisely extracts most of my Hispanic constable district. It jaggedly takes in the historic northside, twists around downtown, jogs to pick up the minority community of Lake Como, and then plunges down to take in the Hispanic south side of Fort Worth.

CD12 retains its strong Anglo base in west Fort Worth and the far northwest suburbs but then loops around the CD26 appendage to pick up most of the African American neighborhoods in southeast Fort Worth before running straight north to take in more Anglo suburban areas in northern Tarrant County.

The new CD33 under the State’s plan establishes its base in the heavily Anglo exurban and rural Parker and Wise counties to the west and the extends an arm east into Tarrant County to pick up African American growth areas in southwest Fort Worth. It then moves further east to pick up Hispanic and African American neighborhoods in the City of Arlington.

The State’s plan divides and obliterates minority neighborhoods across the county. It could not have been configured without the motivation to target and to eliminate minority voting strength.

No one doubts that State leaders want to hold and increase their partisan control in Texas. That should not, however, insulate them from enforcement of the Voting Rights Act. The configuration of north Texas under the State’s congressional and State Senate plans is an effort by State leaders to retain and expand power by robbing minority voters of their right to participate fully and equally in elections.
I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of January, 2012.

Sergio L. De Leon