

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GLORIA PERSONHUBALLAH, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
JAMES B. ALCORN, et al.,)	Civil Action No. 3:13cv678 REP/LO/AD
)	
Defendants.)	
)	
)	
)	
)	
)	

MEMORANDUM IN OPPOSITION TO TBE PLAN B

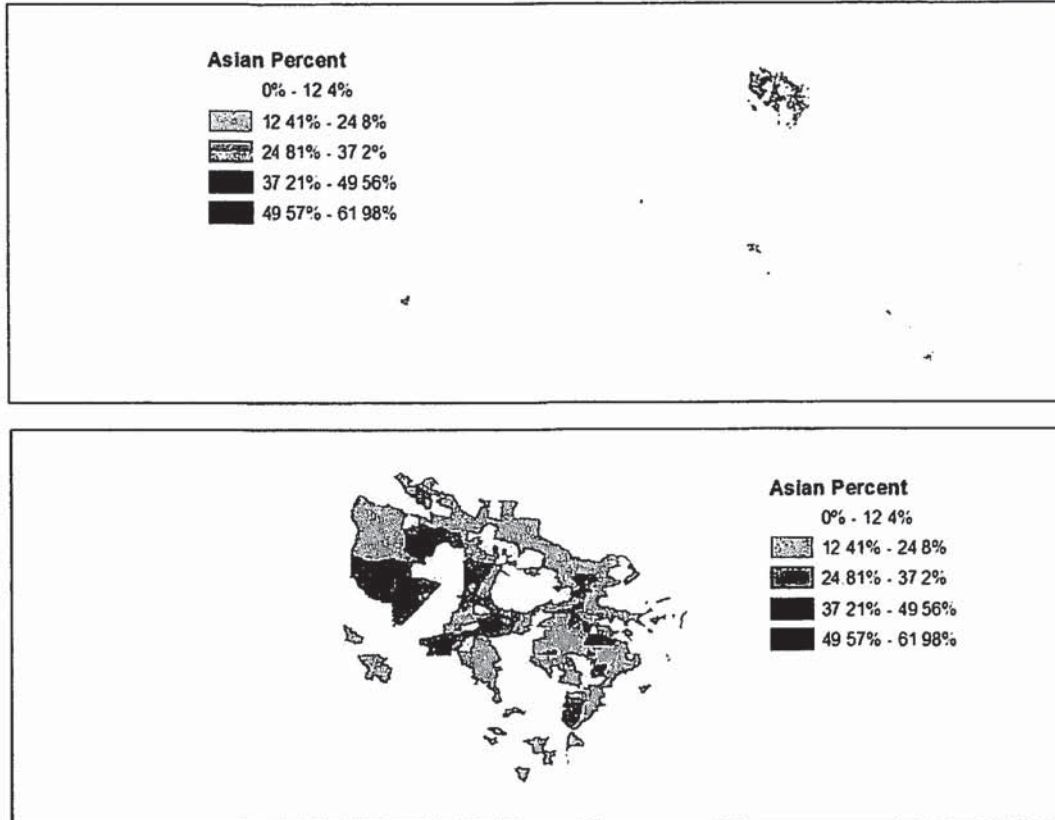
Non-party Donald Garrett (“Garrett”), appearing *pro se*, submits this memorandum in opposition to TBE Plan B, submitted by Bull Elephant Media, LLC (ECF No. 222, at 3-4), under the Court’s Order of September 24, 2015 (ECF No. 239). TBE Plan B would dilute the voting power of Asian Americans in Northern Virginia. While Bull Elephant Media, LLC did not submit shapefiles or data accompanying its plan¹, Garrett did his best to correlate the shape of the map with data from the US Census Bureau.

“[S]chemes violate the Fourteenth Amendment when they are adopted with a discriminatory purpose and have the effect of diluting minority voting strength.” *Shaw v. Reno*, 509 U.S. 630, 641 (1993). Figure 1 shows a map of Virginia shaded to show the percent

¹ This appears to be in contention. E-mail from Paul Prados, Counsel for Bull Elephant Media, LLC, to Donald Garrett Sept. 23, 2015, 11:00 AM EDT) (on file with author) (“TBE did not submit shapefiles or block equivalency files.”). *But see* Steve Albertson, contributor for Bull Elephant Media, LLC, *All Redistricting Plans Now Posted*, September 24, 2014, (“Wrong. An appropriate data file was submitted to the court with TBE's filing.”), available at <http://thebullelephant.com/all-redistricting-plans-now-posted/#comments>.

population of Asian-Americans in each census block, according to the results of the 2013 American Community Survey.

Figure 1: Asian-American Population by Census Block (2013)

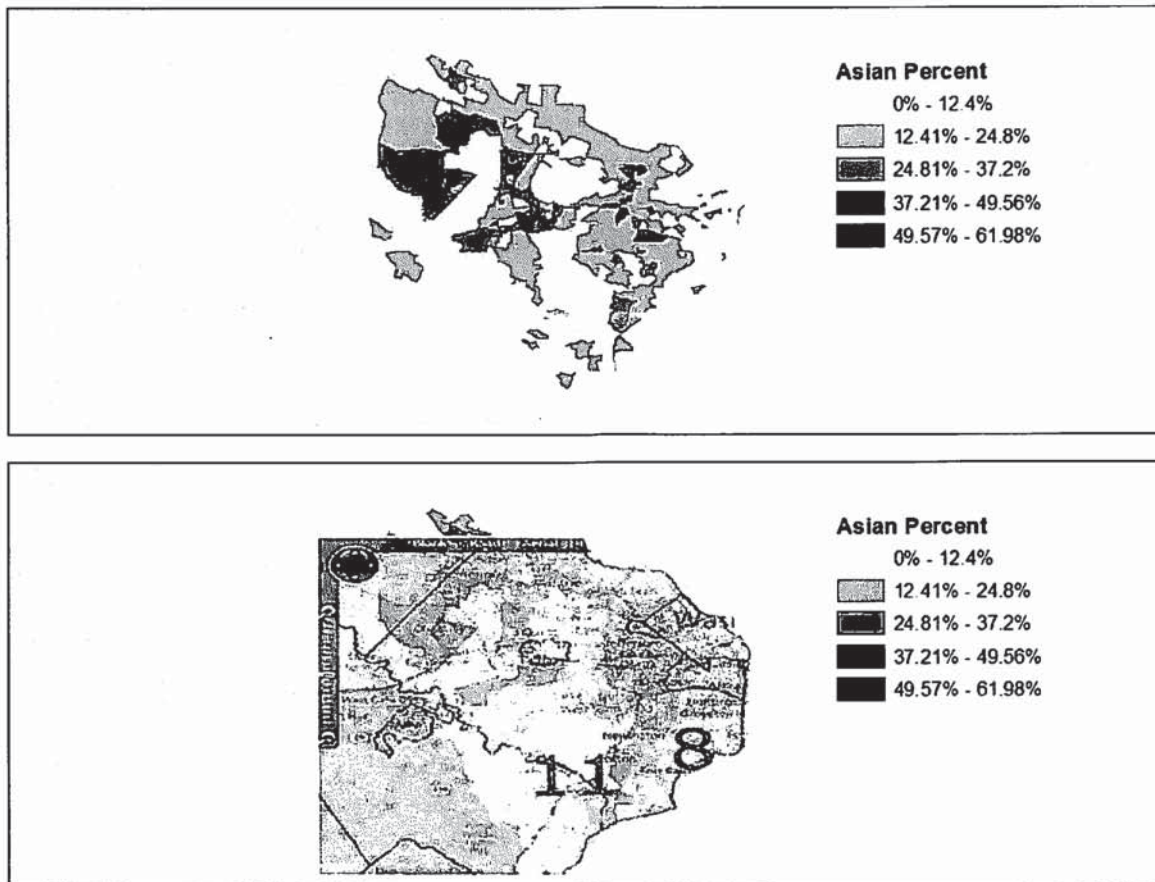


The map shows the census blocks with the highest concentration of Asian-Americans live in the Northern Virginia area, just outside of the District of Columbia.

Figure 2 (below) shows an overlay of TBE Plan B with a map of census blocks in Virginia showing the percent of the population that is Asian, according to 2013 data from the US Census Bureau.² At first glance, the 8th, 10th, and 11th districts of TBE Plan B appear to be deliberately drawn to break up census blocks in Virginia that have as high as a 62% Asian population.

² Without shapefiles Garrett had to resort to a photo-editing software to create Figure 2. While Figure 2 is not an exact match, Garrett exerted great effort to create a close match.

Figure 2: TBE Plan B and Asian Population Overlay



The data tables submitted by Bull Elephant Media, LLC, when compared with the current congressional districts, support this postulation. The districts under TBE Plan B would lower the percentage of Asian-American voters in the 8th and 11th districts. This is summarized below in Table 1.

Table 1: Percent Asian Population TBE Plan B Compared with Current Congressional Districts

District	Current Districts	TBE Plan B	Percent Change
8	12.2%	10.9%	-1.3%
10	13.6%	13.6%	-0.0%
11	18%	15.6%	-2.4%

For the courts strike down a congressional district map under the Voting Rights Act, a party must prove the proposal “subordinated traditional race-neutral districting principles,

including but not limited to compactness, contiguity, and respect for political subdivisions or communities defined by actual shared interests, to racial considerations.” *Miller v. Johnson*, 515 U.S. 990, 916 (1995). Garrett questions the racial intentions behind the company and its affiliates and believes subverting the political will of Asian-American communities was the predominate factor in TBE Plan B.

Figure 2 (below) shows a screenshot of a contribution Jeanine Martin (“Martin”) made to a website of Bull Elephant Media, LLC. It is important to note that Martin is a regular contributor to the outlets of Bull Elephant Media, LLC and a frequent participant in the State Central Committee of the Republican Party of Virginia. Figure 2 (below) shows her use of the racial slur “Hmong” to describe Asian-Americans.³

Figure 2: Screenshot of Jeanine Martin Racial Slur



Jeanine Martin

People are sick to death of illegals and many of the legals. Do we really need hundreds of thousand of Hmong's continuing to pour into the country? Not all cultures are equal and we don't need them all competing for American jobs.

Martin received rebuke for the use of this term from the Vice Chair of the Republican Party of Virginia and an Asian-American candidate for local office.⁴ While Bull Elephant Media, LLC claims TBE Plan B was made with the intent of preserving the political desires of the General

³ This term originally referred to “a distinct ethnic group of Asians, prevalent in Southern China, Laos, Thailand and Vietnam. A significant percentage of them are Christians, and they supported the United States during the Vietnam War. Faced with oppression and persecution, many of them emigrated to the United States. Despite helping us, significant numbers of them remain subject to persecution – and it remains a sore subject.” See Shaun Kenney, *Jeanine Martin Doesn't Think Immigrants “Hmong” Here*, Aug. 8, 2015, available at <http://bearingdrift.com/2015/08/05/jeanine-martin-doesnt-think-immigrants-hmong-here/>.

⁴ *Supra*. See also Shaun Kenney, *RPV Vice Chairman Mike Thomas Issues Letter Regarding Nativist Sentiment; Reinforces RPV Creed*, Aug. 12, 2015, available at <http://bearingdrift.com/2015/08/12/rpv-vice-chairman-mike-thomas-issues-letter-regarding-navitist-sentiment-reinforces-rpv-creed/>.

Assembly, compactness, and the like (ECF No. 222, at 2-3), Garrett believes these reasons are a façade for the primary racial intent behind TBE Plan B.

In conclusion, Garrett asks this Court to deny the approval of TBE Plan B on the grounds that it violates the Voting Rights Act of 1965.

Respectfully submitted,



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CERTIFICATION

I declare under penalty of perjury that:

- (1) No attorney has prepared, or assisted in the preparation of this document.

Donald Garrett
Name of *Pro Se* Party (Print or Type)


Signature of *Pro Se* Party

Executed on: 10/7/2015

Certificate of Service

I certify, under penalty of perjury, that on October 7, 2015:

1) A copy of the above memorandum was mailed for filing to the Clerk of the Court;

2) I served the following a copy of the above memorandum by electronic mail, after

receiving written consent to do so under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure:

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3) A copy of the above memorandum was mailed to the following:

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