

EXHIBIT A

Donald Agee, Jr., et al. v. Jocelyn Benson, et al.

Case No. 1:22-cv-00272

United States District Court for the Western District of Michigan

Report on Remedial Districts

Jonathan Rodden, Ph.D.

A handwritten signature in black ink, appearing to read 'Jonathan Rodden', is centered on the page.

Jonathan Rodden

March 15, 2024

I. Introduction and Scope of Work

I have been asked by counsel representing the Michigan Independent Citizens Redistricting Commission (MICRC or the “Commission”) in this case to do three things: 1) Provide summary information about public comments made at meetings held by the MICRC in Detroit, Michigan, or virtually, in February 2024; 2) provide an overview of the evolution of the Commission’s remedial map and summarizes the changes made by the Commission when redrawing a number of Detroit-area districts for the Michigan House of Representatives in response to the Court Order in this case; and 3) Provide my analysis of a report entitled “Analysis of Proposed Michigan House Maps,” submitted to the Court by Dr. Sean Trende on March 8, 2024.

Dr. Trende’s report makes two claims about the new map proposed by the Commission: 1) It reflects an effort to protect incumbents, and 2) race was the predominant motive in drawing the map. After analyzing the public meetings held by the Commission and then providing a descriptive overview of the map they selected, I address each of these claims. First, I demonstrate that there is nothing surprising or nefarious about the fact that the Commission’s plan does not pair incumbents. Next, I demonstrate that there is no evidence of “racial gerrymandering” in the proposed plan. In fact, Dr. Trende’s own proposed empirical test leads to the rejection of this claim. For information about my qualifications and compensation, please see my earlier report in this case.

II. Public Meetings

As described in Dr. Trende’s report, the Commission proposed 10 different maps reflecting a variety of approaches to redrawing the Detroit-area districts and invited extensive public commentary on all of them. Some of the maps, e.g. “Tulip,” attempted to minimize the number of districts altered beyond the seven that had been ruled unconstitutional. Others, e.g. “Szetela 4,” took the opposite approach, and altered districts far into the suburbs. The maps also took different approaches to some of the thorny issues that had emerged in public meetings and Commission discussions: for instance, how to respond to the demands of Hispanic interest groups calling for a version of District 1 that would keep their community together; how to deal with various conflicting demands related to the Grosse Pointes, East Point, and St. Clair Shores; how to thread the needle between those who demanded that 8-Mile Road should never be crossed and those who encouraged the Commission to cross it in order to keep certain communities together; and how to respond to strongly held views among many MENA (Middle-Eastern and North African) voters, and the Yemeni community in particular, about Districts 3 and 15.

The Commission made these maps available to the public and solicited feedback in a series of high-profile, all-day public meetings in Detroit, held on February 21 and 22, 2024, and a virtual townhall held February 15, 2024. I have been asked to review the transcripts from these meetings and summarize the feedback received by the Commission. There were 39 speakers on February 15, 54 on February 21, and 81 speakers on February 22. Of 174 speakers, the vast majority spoke in support of one or more maps, or spoke out against a specific map or maps, while 38 of the speakers made general comments about the process or specific regions of interest without speaking in favor or against any specific map. Of those who spoke in favor of specific maps, some praised the treatment of specific neighborhoods (often their own), while others spoke in generalities about their understanding of the map’s advantages.

In Appendix Table 1, I provide information about the maps mentioned by each speaker, displaying the speakers in chronological order. Although some speakers spoke on multiple occasions per day, I only list them once per day. Some speakers initially declined to support a specific map, but after studying the boundaries, returned to the microphone (or online interface) to speak out in favor or against a specific map. I list a speaker as speaking in favor of a map if they identify it as their favorite map. I do not include mentions of maps that were clearly ranked lower but not specifically disparaged. However, if a speaker mentions several favored maps without ranking them, I list all the maps mentioned. In a separate column, I list maps that speakers specifically deemed unacceptable. Each map is color coded in Appendix 1, which generates a useful visualization of the support and opposition expressed for each map on each day. In Table 1, I summarize the information from the Appendix.

Table 1: Summary Information about Speakers at Public Meetings

Map name		Statements of support	Statements of opposition	Net support
Motown Sound	MS	106	2	104
Spirit of Detroit	SD	17	0	17
Water Lily	WL	9	4	5
Szetela 4	SZ	5	2	3
River Walk	RW	3	0	3
Willow	WI	3	1	2
Bergamot 2	BE2	2	1	1
Bergamot	BE	3	3	0
Daisy 2	D2	2	3	-1
Tulip	TU	1	8	-7

The map entitled Motown Sound was the overwhelming favorite of participants at all three meetings. It was mentioned favorably by 106 speakers, and only two speakers expressed opposition. No other map came close. Spirit of Detroit was mentioned favorably by 17 speakers, with no one expressing opposition. Third, the Water Lily map was praised by 9 speakers but disparaged by four, for a net support of only 5. The remainder of the maps received very few mentions. Szetela 4 was mentioned favorably by five speakers, but two spoke in opposition (for a net supporter count of 3). River Walk, Willow, Bergamot, and Bergamot 2 were mentioned infrequently, with negative mentions almost as frequent as positive, and for Daisy 2 and Tulip, opposition exceeded support.

The nature of the support for the Motown Sound map was quite diverse. A large contingent of those speaking in favor of the map identified themselves as members of the Black community and described the map as best suited for the representation of Black voters. Several of these speakers were prominent community leaders, including the President of the Baptist Pastors in Detroit, President of the Community Council, a member of the Board for Bridging Communities, a former member of the Detroit City Council, and a former Michigan state legislator. Some spoke in general terms, while others focused on specific neighborhoods.

Another large group of supporters identified themselves as members of the MENA or Arab-American communities, and some specifically mentioned Yemeni heritage. Some of these speakers expressed unqualified support for the Motown Sound map, while others asked whether it would be possible to keep District 3 in its current structure while adding Melvindale. Some of these speakers used similar language, indicating some coordination before the meeting.

An additional group of supporters did not mention membership in a specific racial or ethnic group. Among these, several spoke in favor of the treatment of specific regions, for example the combination of the Grosse Pointes in District 10, or the arrangement of the Downriver communities in Districts 1 and 2.

One issue that came up on a couple of occasions was the arrangement of Districts 10 and 12. A number of speakers, including the Mayor of Harper Woods, spoke in favor of the Motown Sound arrangement that includes Harper Woods with the Grosse Pointes, in particular because of a shared school district, and expressed skepticism about an elongated pure “lakeshore” district that excluded proximate inland communities.¹ Others spoke in favor of the Motown Sound arrangement that places Eastpointe together with the proximate parts of St. Clair Shores, citing shared social networks and church attendance.²

Without mentioning Motown Sound specifically, another speaker, however, argued against placing St. Clair Shores together with East Pointe, and an additional speaker from the Morningside neighborhood of Detroit seemed to argue against any part of Detroit being combined with any lakeshore community.³ However, this was one of the only instances I discovered in the record in which Motown Sound was explicitly criticized.

After receiving overwhelming support for the Motown Sound map at the public meetings, the Commission focused on this map, and ultimately voted to approve a slightly altered version of it.

III. From Hickory to Motown Sound: Changes to the Michigan House of Representatives Map

The Commission’s job was to rectify 7 districts that had been ruled unconstitutional: 1, 7, 8, 10, 11, 12, and 14. Embedded within these districts were 9 and 13, and it would have very difficult to avoid changing those districts as well. I will refer to these districts, 1 and 7-14, as the remedial area. These districts in the original Hickory plan are displayed in color in Figure 1, with their boundaries and district numbers indicated with salmon-colored font.

The Commission was not asked to redraw the entire metro area and reach far into suburban districts that were not affected by the Court’s ruling. All 10 of the maps, with one exception (Szetela 4),

¹See 2/15/2024 MICRC Tr. at 22, https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/MISC-11/2_15_2024-MICRC-Town-Hall-Meeting-Transcript.pdf; 2/22/2024 MICRC Tr. at 82, https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/MISC-11/2_22_2024-MICRC-Hearing-Transcript.pdf. For the Mayor’s testimony, see 2/21/2024 MICRC Tr. at 15, https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/MISC-11/2_21_24-MICRC-Meeting-Transcript.pdf.

²See 2/25/2024 MICRC Tr. at 79. For another expression of support for Motown Sound related to St. Clair Shores, see 2/21/2024 MICRC Tr. at 35.

³See 2/22/2024 MICRC Tr. at 32-33 (reporting these speakers’ comments). Another speaker on February 21 expressed general skepticism about Detroit and St. Clair Shores being connected. 2/21/2024 MICRC Tr. at 42.

left every district to the north of the remedial area unaltered (56, 57, 58, 61, and 62), and the same is true of the map ultimately selected by the Commission.

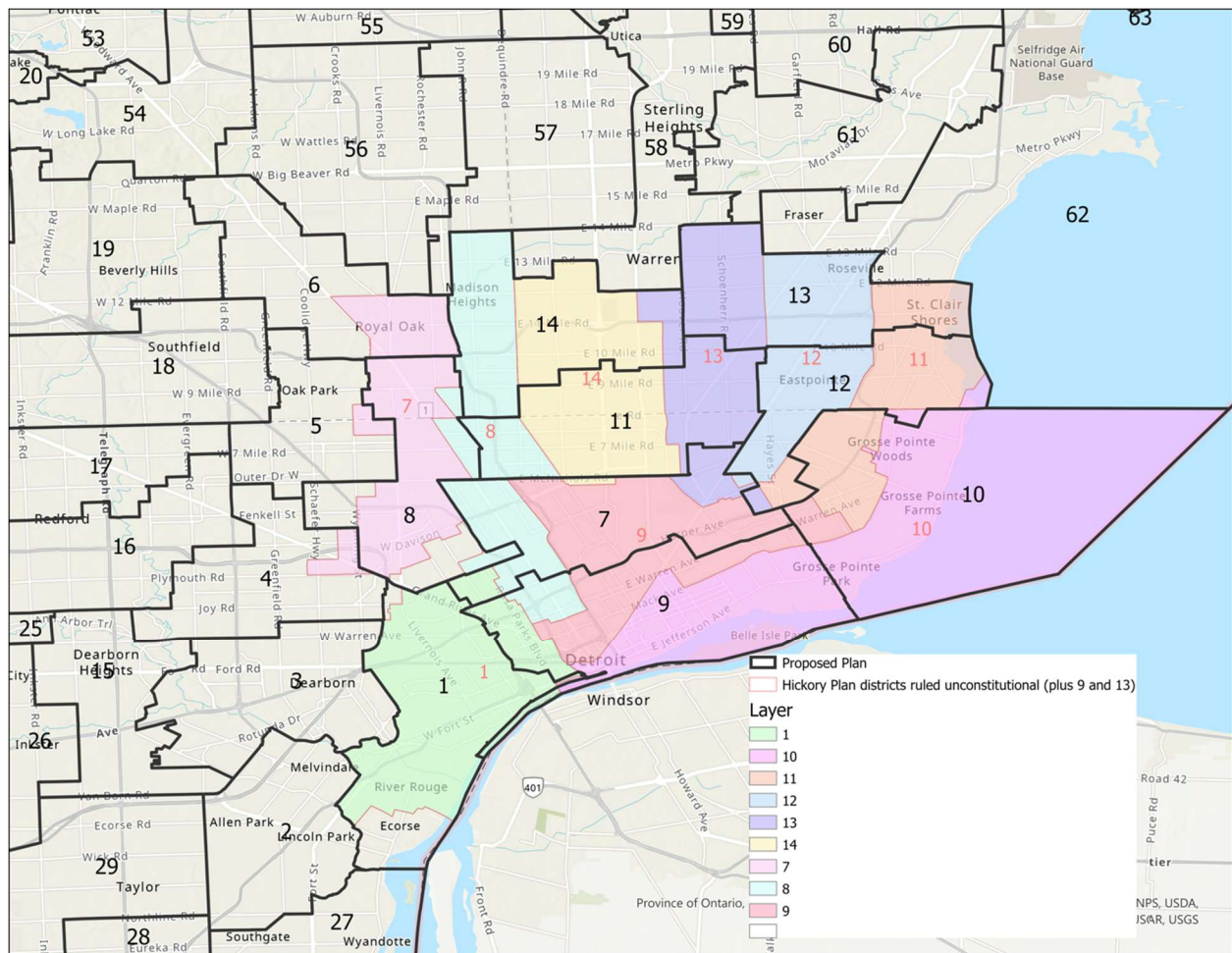
However, the dismantling of the narrow, North-South Districts 7 and 8 in the Hickory map, on the western edge of the remedial area, required the Commission to make changes to districts to the immediate west as well, including 2, 3, 4, 5, and 6. Two maps, Tulip and Daisy 2, attempted to avoid changing these districts. As mentioned above, these maps were not well received at public meetings. All the other maps made changes to these districts. It was possible to avoid altering districts even further to the West. Districts 17 and 18 were held constant in all the maps except for Szetela 4, and District 17 was slightly altered in the map called Riverwalk. District 16 was changed only very slightly in some of the proposed maps. The Commission's map ultimately made substantial changes to districts 2 through 6 immediately to the west of the remedial area and made a very small change to District 16 (mostly likely for purposes of population equality) but avoided making changes to Districts 17 and 18. Altogether, the Commission made changes to Hickory Districts 1 through 14 as well as a slight change to District 16.

As one can appreciate in Figure 1, in the Commission's proposed map, the remedial area has been completely redrawn, along with the area to the immediate west. The north-south orientations of Hickory Districts 7, 8, and 11 through 14 have been replaced with districts with east-west orientations, and Districts 9 through 11 have been completely redrawn.

Appendix Table 2 provides a quantitative overview of the changes. The first column is the Hickory District number, and the second column specifies the fragment of the new districts into which it now falls, followed by the total population of the fragment, and the percent of the original Hickory's population that falls into this fragment. Districts 1, 11, 12, and 14 have been divided into 3 fragments each; Districts 7 and 10 into 4 fragments, and District 8 into 5 fragments.

The Motown Sound Plan was clearly a very substantial departure from Hickory. The only district that maintains a large majority of its population under the Hickory Plan is District 1. However, this is not surprising for two reasons. First, it is in the corner of the remedial area, such that radical changes would have knock-on effects that would undermine the structure of the Downriver districts, about which many commenters throughout the process have expressed strong opinions. Second, members of the Hispanic/Latino community attended meetings and urged Commissioners to preserve part of District 1 to keep their community in the same district. In fact, all 10 of the plans presented to the public kept over 80 percent of District 1 intact, including the far-reaching Szetela 4 Plan.

Figure 1: Boundaries of Remedial Area of Hickory Map (in Color) and New Map Proposed by the Commission (Bold Black Font)



In Table 2, focusing on the area covered by the Hickory districts that were found unconstitutional, I calculate the share of voters who were no longer in the “same” district in the Commission’s Remedial Plan as they were in the Hickory Plan. I go about this in two ways. First, I simply calculate the share of people who reside in a district with a different district number under the Remedial Plan than under the Hickory Plan. This is true of 60 percent of the population in the districts that were found unconstitutional. Second, I calculate the population of each fragment of a remedial district within each Hickory district, and I deem the residents of the largest fragment to be “not redistricted.” With this approach, around 44 percent of the population of the relevant Hickory districts can be classified as having been redistricted.

I make the same calculations—again focusing only on the Hickory districts that were found unconstitutional—for each of the 10 maps presented to the public by the Commission. By the first approach, the final version of the Motown Sound map involved the most far-reaching changes of any considered by the Commission. By the second approach, the Motown Sound map was ranked third among the 10 maps in the extent to which people were redistricted.

Table 2: How Many Voters Were Redistricted in in the Commission’s Remedial Plan?

	Percent residing in proposed district with a different number than under Hickory	Percent residing outside the largest fragment of a Hickory district within each proposed district
Motown Sound	60.05%	43.71%
Bergamot 1	34.95%	39.43%
Bergamot 2	34.95%	39.25%
Tulip	48.17%	44.20%
Riverwalk	59.58%	42.76%
Spirit of Detroit	59.52%	42.56%
Szetela 4	46.10%	47.46%
Daisy 2	40.78%	42.39%
Water Lily	44.80%	40.20%
Willow	45.49%	41.64%

I have also been asked to provide a brief descriptive overview of the evolution of the Motown Sound map that was ultimately selected. My review of meeting transcripts and examination of maps indicates that the map emerged from collaboration between the Commissioners on a map that became known as “Lily.” On January 23, 2024, Commissioner Kellom created a new map called “Lily” from a map called “11824 version 5pm” during the collaborative mapping process.⁴ That map was then saved as 012324_V3_HD_COL_Lily. One can follow the collaboration and discussion of the Lily map throughout much of the January 23 meeting transcript.

On January 24, a member of the public named Christopher Gilmer-Hill submitted a written public comment⁵ that discussed the Lily map and that submitted what he called the “Tiger Lily” map. Mr. Gilmer-Hill represents in his comment that Tiger Lily “narrowly modifies the Lily map drawn on 2024.01.23” around the Palmer Park area. Mr. Gilmer-Hill’s comment provides a URL for the shapefile, which I have downloaded and examined.⁶

On January 24, Commissioner Kellom expressed her view that the Lily map had potential, but that the map needed changes to the area around Royal Oak Township, Oak Park, and the Palmer Park neighborhood, due to public input indicating that Royal Oak and Oak Park belong with Detroit rather than Birmingham. She refers to a plan in the online platform that “makes minor changes.”⁷

⁴1/23/2024 MICRC Tr. at 77-78, <https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/MISC-10/12324-MICRC-Meeting-Transcript.pdf>; 1/23/2024 MICRC Video at 00:56:00-01:53:00, <https://www.youtube.com/watch?v=KOLFPRyWUoc>.

⁵See Christopher Gilmer-Hill Public Comment p9920, Jan. 24, 2024, <https://www.michigan-mapping.org/submission/p9920>.

⁶<https://drive.google.com/file/d/1k7xGw0A3bhvCBc4EUShvncokAC0rINnD/view?usp=sharing>

⁷1/24/2024 MICRC Tr. at 72-73, <https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/MISC-10/12424-MICRC-Meeting-Transcript.pdf>; 1/24/2024 MICRC Video at 06:28:00, https://www.youtube.com/watch?v=2_p7rCa4cho. See page 73 for a detailed explanation of Kellom’s proposed changes.

Then, Commissioner Kellom asked to make changes to her Lily map and asked to overlay Tiger Lily on top of Lily. The Commission's technician began by taking Lily (012323_V3_HD_COL_Lily) and saving a new version ("Copy of 012424_V7_HD_COL_Spirit_of_Detroit").⁸ They attempted to make the changes with the overlay, but they had technical difficulties and adjourned without making the changes.⁹

On the evening of January 24, Mr. Gilmer-Hill then slightly updated his Tiger Lily submission in a separate public comment,¹⁰ and made the shapefile available.¹¹ Then, on January 25, Commissioner Kellom elected to make changes based on some of the suggestions made in Tiger Lily. Commissions made further changes resulting in the map that came to be called "012524_V2_HD_COL-Spirit of Detroit," and it was published to the Draft Maps site.¹² Another revision to that map generated Motown Sound.

When switching from the original collaborative Lily map to Tiger Lily, in Districts 1 through 16, I calculate that 84.4 percent of the population was held fixed in their "Lily" districts (using the "largest fragment" technique described above). As can be seen in Figure 2, those changes were concentrated in the vicinity of Northern Detroit, Oak Park, and Royal Oak Township. Figure 2 also shows that the changes from Tiger Lily to Updated Tiger Lily, and from Updated Tiger Lily to the Spirit of Detroit, were rather minor. In fact, 99 percent of the population (in Districts 1 through 16) was in the same district in Updated Tiger Lily as in Tiger Lily, so that 83.7 percent of the population was still in the same districts as in the original Lily map.

Finally, we can see that Motown Sound was simply a version of Spirit of Detroit that made changes to the Lakeshore area, altering Districts 10 and 12 and a small corner of District 13, making District 10 more compact and less similar to the long, bacon-like arrangement of the Hickory map while achieving the connection between Harper Woods and Grosse Pointe Woods that had been requested by residents of Harper Woods. After all of the changes from Lily to Motown Sound, I calculate that around 78 percent of the population of Districts 1 through 16 ultimately ended up in their original Lily districts, again using the "largest fragment" approach.

⁸See 1/24/2024 MICRC Tr. at 73; 1/24/2024 MICRC Video at 06:32:20-06:36:00.

⁹See 1/24/2024 MICRC Tr. at 75-77; 1/24/2024 MICRC Video at 06:52:00-06:58:00.

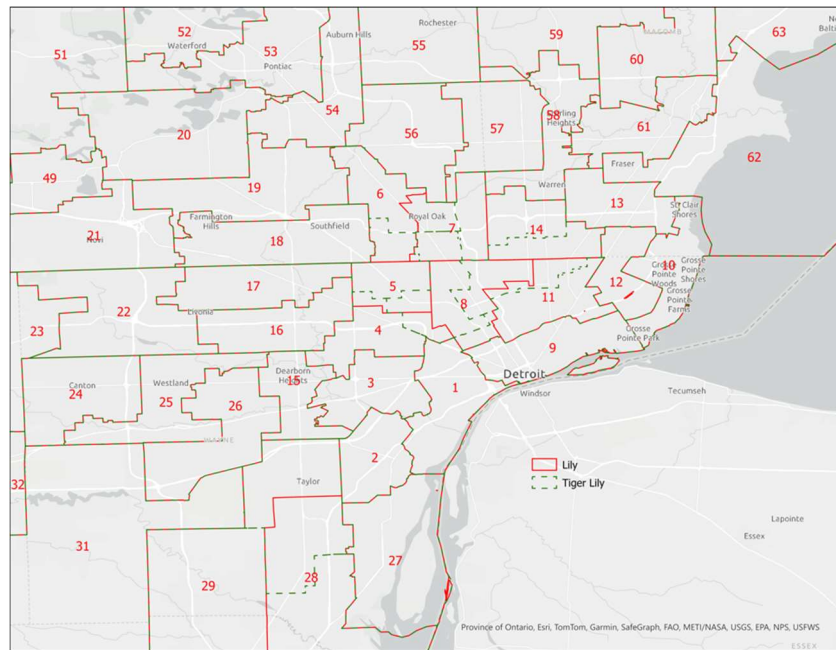
¹⁰See Christopher Gilmer-Hill Public Comment p9928, Jan. 2, 2024, <https://www.michigan-mapping.org/submission/p9928>.

¹¹<https://drive.google.com/file/d/17C-zIrAypkNZ1fKaJMiSrA-3wLPXAs1H/view?usp=sharing>

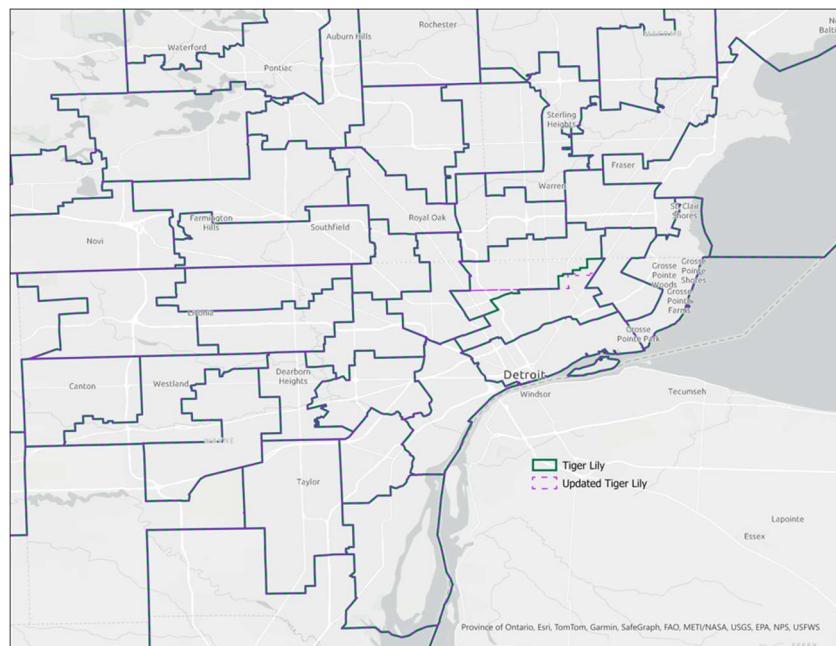
¹²See 1/25/2024 MICRC Tr. at 49, <https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/MISC-10/12524-MICRC-Meeting-Transcript.pdf>; 1/25/2024 MICRC Video at 06:33:00-06:36:00, <https://www.youtube.com/watch?v=1ebfd2-K01I&t=7800s>.

Figure 2: The Evolution from Lily to Motown Sound

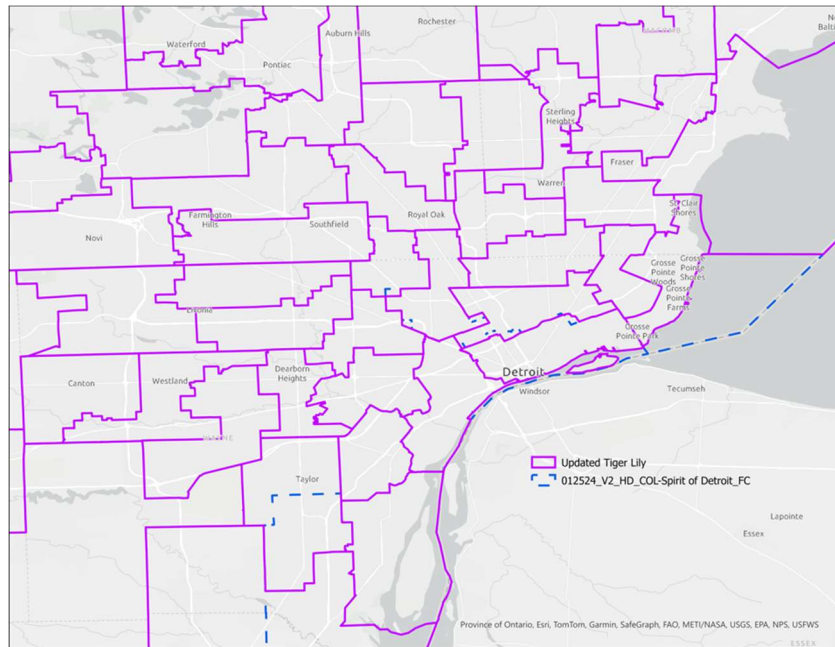
2a: From Lily to Tiger Lily



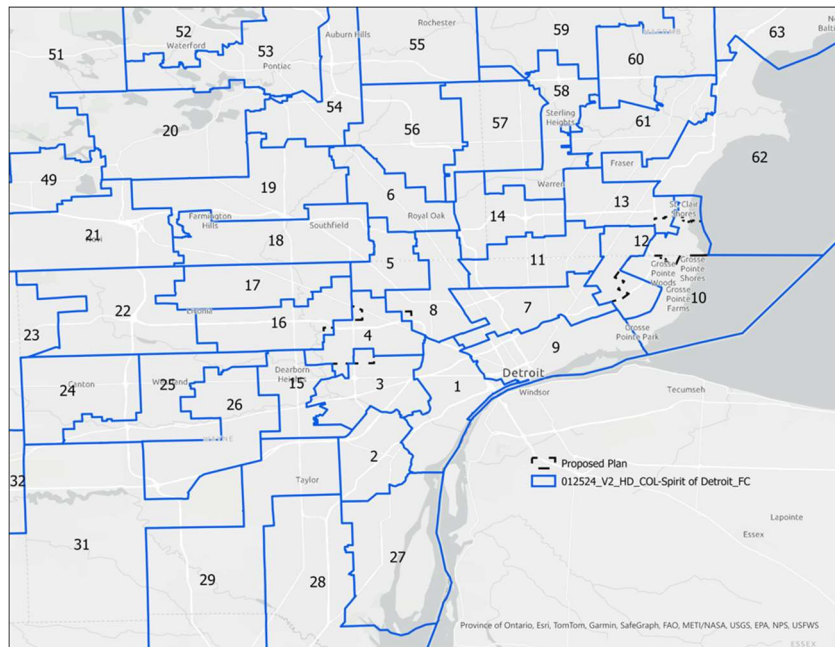
2b: From Tiger Lily to Updated Tiger Lily



2c: From Updated Tiger Lily to Spirit of Detroit



2d: From Spirit of Detroit to Final Version of Motown Sound



IV. Incumbency

In his report, Dr. Trende obtained the addresses of incumbents elected in the Detroit area in 2022, geocoded them, and discovered that the Motown Sound map does not place the home addresses of

any of the incumbents in the same district, absolving them of the need to run against one another in 2024 if the map is adopted. Dr. Trende implies that the absence of incumbent pairings is evidence of something intentional and nefarious.

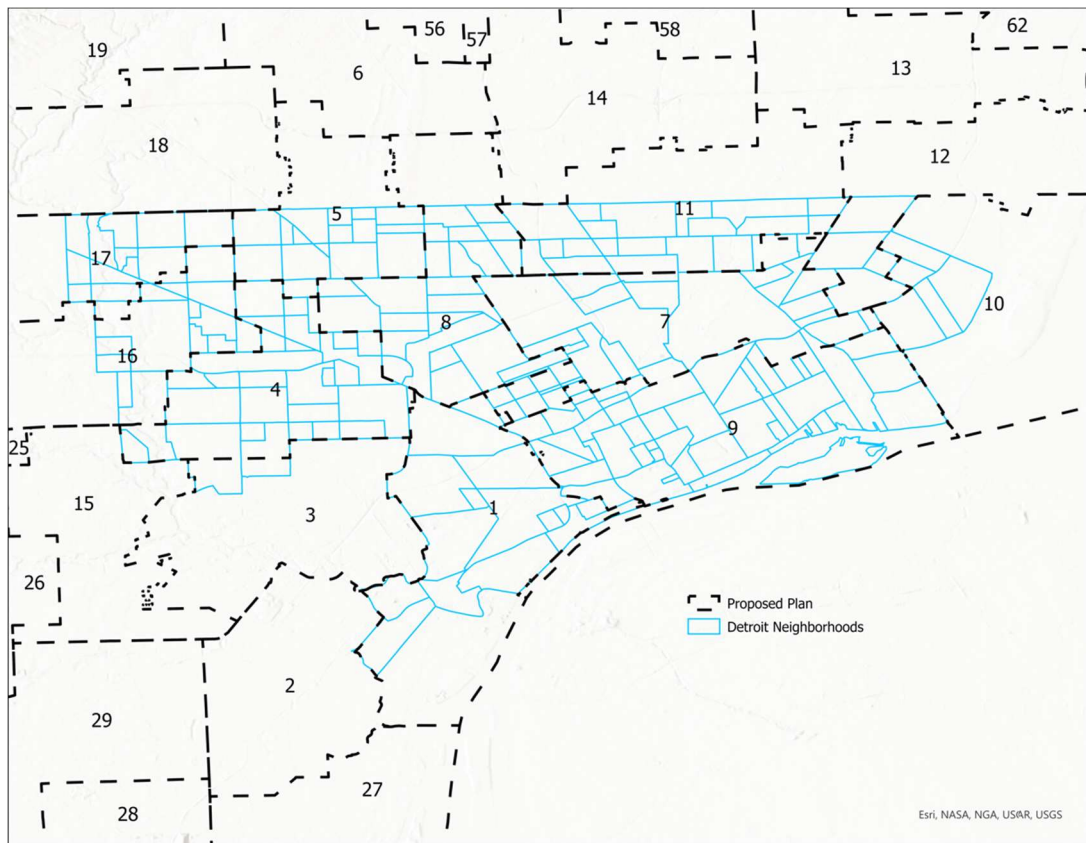
If the Commission set out to avoid incumbent pairings, it seems to have done a very poor job. It presented the public with 10 maps, and according to Dr. Trende's analysis, 7 of these maps paired at least one set of incumbents, and one map (Szetela 4) placed three incumbents in the same district. As described above, public reaction to these maps was tepid at best.

Dr. Trende opines (at p. 23 of his report) that "One glance was all it took me to see why the Motown configuration was picked from the bunch." It is not clear what Dr. Trende is implying about the decision-making process. Perhaps his claim is that incumbents conspired to exhort friends and neighbors to advocate for the Motown Sound map to avoid running against one another. He provides no evidence to support such a conjecture. After reading the transcripts and watching the videos of meetings, I saw no evidence of coordination among speakers as part of an incumbent-protection scheme, such as the use of similar words or phrases by suspicious groups of voters arguing for specific boundary decisions. The only clear evidence of coordination was by a group of Yemeni voters who used very similar language to make their case for the inclusion of Melvindale in District 3. Very few speakers made specific mention of current representatives. My review of subsequent Commission meetings indicates that the popularity of the Motown Sound map was the most important consideration in its adoption, and to my knowledge, the residential locations of incumbents were not discussed. Reading through the transcripts of the meetings, I encountered serious engagement with and sensitivity to the interests of a wide range of individuals and groups, and subsequent movements of district boundaries. At no point did I discover a discussion of incumbents. Indeed, most of the Commission's maps *did* inadvertently pair incumbents. After the hearings featuring such lopsided support for Motown Sound, selection of one of the other maps would have been quite surprising and controversial.

Dr. Trende claims that it is inconceivable that the lack of incumbent pairings was an accident. To bolster this claim, he draws thousands of alternative plans via computer simulations, and notes that a very large share of these plans paired at least one set of incumbents in the same district. It is important to note that these simulations pay no attention to the Detroit neighborhood maps over which the commissioners agonized. Trende's simulations are allowed to cut across Detroit neighborhoods with impunity—an option that was not considered by the commissioners.

Figure 3 provides a map of the boundaries of the Commission's Remedial Plan, portrayed with black dashes, superimposed on a map of Detroit neighborhoods, obtained from the City of Detroit Open Data Portal, displayed with light blue solid lines. Figure 2 demonstrates that the redrawn district boundaries very frequently keep Detroit neighborhoods together. These neighborhoods often contain multiple vote tabulation districts and hence are split in the simulations.

Figure 3: Commission Remedial Plan Boundaries and Detroit Neighborhoods



The simulations also did not take into account the very strong and sometimes passionate claims made at public meetings about communities of interest, including Hispanic/Latino voters in the vicinity of District 1, and the arrangement of MENA or Arab voters in the vicinity of Districts 13 and 15, or specific claims made about which Detroit neighborhoods and small municipalities belong together in the vicinity of Districts 5, 6, and 8, or Districts 11 and 14.

When using simulations to demonstrate that a proposed plan is an outlier in some sense, it is important to make sure the simulations are constrained in the same way that the district drawers were constrained. A standard practice is to hold fixed the same municipalities that were not split by the district-drawers. For reasons that are not clear, Trende does not do this. Rather, he wishes to set up one set of simulations for comparison with all *other* plans (except for the Szetela 4 Plan, which gets its own bespoke set of simulations). Trende only holds fixed the municipalities that were consistently held fixed in *all* the other plans—not the specific municipalities that were held fixed in the plan enacted by the Commission.

In short, Trende’s simulations are not a useful baseline for comparison. The specific municipalities and Detroit neighborhoods that were preserved and combined by the commissioners likely had an impact on the probability of the emergence of incumbent pairings.

Dr. Trende implies that incumbent addresses located near district boundaries should be inherently suspicious, but then mentions a pair, Rep. Tyrone Carter and House Speaker Joe Tate, who live

near the boundary of their districts, but then goes on to suggest that these are *not* suspicious, because “these members reside near city boundaries, which provide natural cleavages for districts” (Trende Report, page 12). Curiously, he does not go on to discuss other incumbents who live near district boundaries and assess whether there might be some explanation for the placement of a boundary near their home.

It is useful to examine in more detail some of the incumbents who Dr. Trende believes should have been paired together. Figure 4 provides a series of maps including boundaries of the commission’s proposed districts, incumbent locations, and boundaries of municipalities and when relevant, Detroit neighborhoods. Figure 4A is a map that zooms in on the residential locations of incumbent House members Tyrone Carter and Tullio Liberati. They appear to live close to one another in Dr. Trende’s zoomed out maps without municipal boundaries, and Rep. Carter appears to live suspiciously close to the district boundary. However, Liberati is part of a Downriver-oriented district that pulls together the municipalities of Southgate, Lincoln Park, Melvindale, and Allen Park (where Rep. Liberati resides), while Rep. Carter lives in a corner of Detroit. In order to pair these incumbents, commissioners would have been required to intentionally carve out a corner of Detroit, or come up with a very different structure for the Downriver districts.

Figure 4B zooms in on Districts 11 and 14. Although Mike McFall Donovan McKinney live close to one another, McFall resides in Hazel Park, while McKinney lives on the other side of 8-Mile Road in Detroit. Given the small size of Michigan House districts, it is not at all surprising that they might end up in different districts.

Figure 4: Incumbent Locations in Relation to Neighborhoods and Municipalities

Figure 4A: Districts 1 and 2

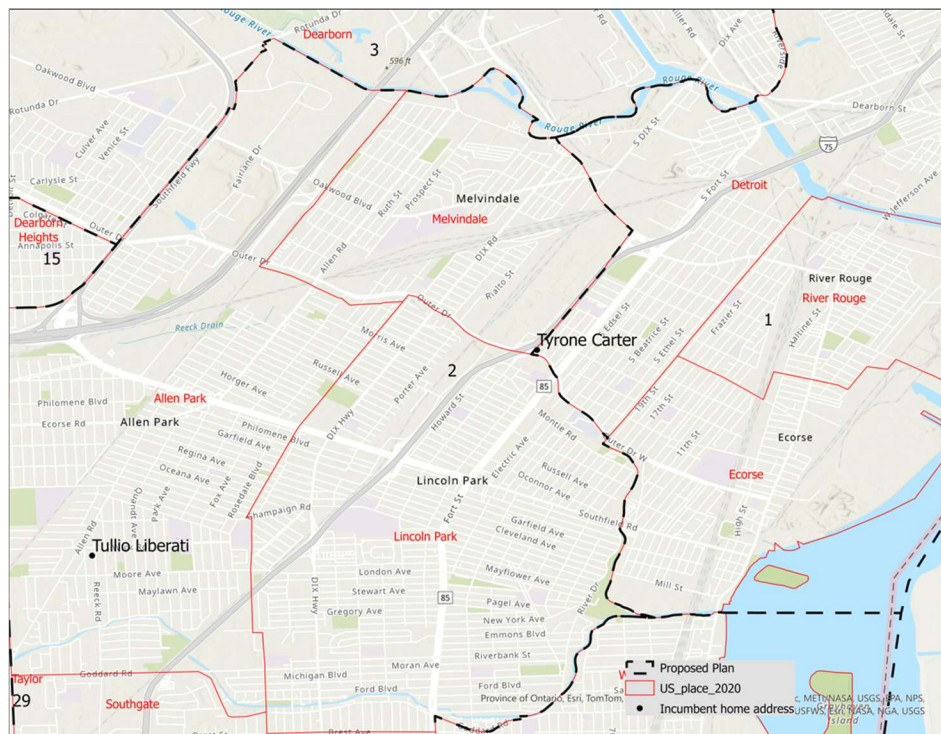


Figure 4B: Districts 11 and 14

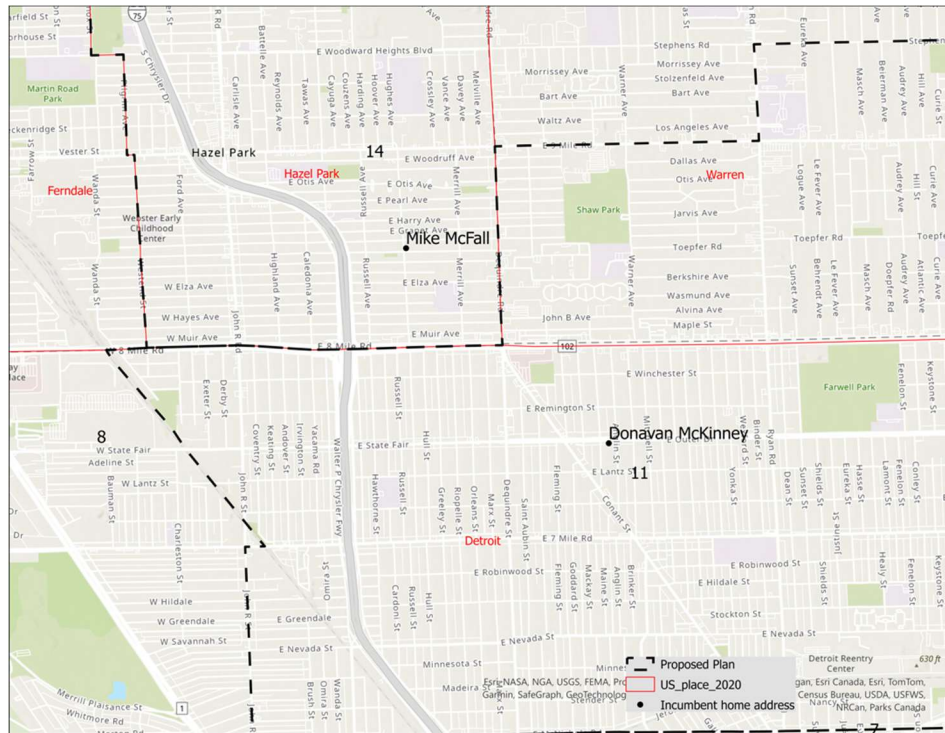


Figure 4C: Districts 7, 8 and 11

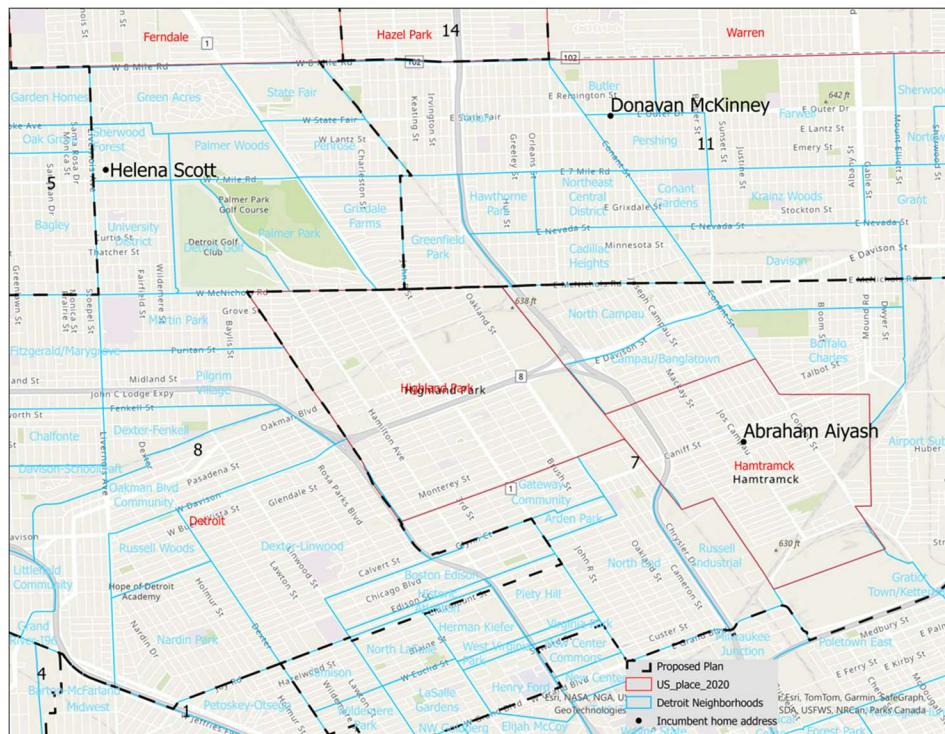


Figure 4D: Districts 5 and 8

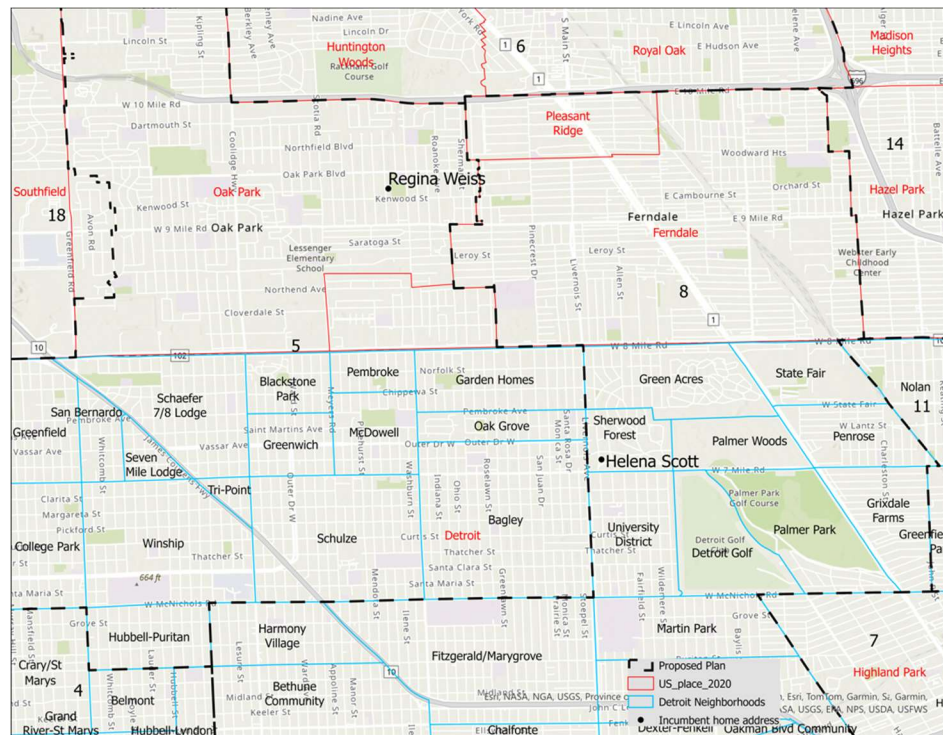


Figure 4C zooms a bit to the South, where McKinney also seems to live relatively close to Rep. Aiyash. However, McKinney resides in Detroit, while Aiyash lives in Hamtramck, and is part of a district that also includes Highland Park, bounded to the North by East McNichols Road. It might also seem like Rep. Scott lives suspiciously close to Rep. McKinney. However, Figure 4C reveals that they are separated by Highway 75, Woodward Avenue, and the Detroit Golf Club, placing them in very different Detroit neighborhoods.

Figure 4D reveals that Regina Weiss of District 5 also lives in the vicinity of Rep. Scott. However, while Scott is in the Sherwood Forest Neighborhood of Detroit, Weiss is in Oak Park.

Finally, Figure 4E zooms in on the Lakeshore districts 10 and 12, along with Detroit's District 9 and District 13 to the north. Again, there is nothing nefarious about the fact that these incumbents have not been paired. Edwards resides in Eastpointe, which was combined with St. Clair Shores in District 12. This arrangement allowed all the Grosse Pointe communities and neighboring Harper Woods (home to incumbent Rep. Paiz) to be combined in a single compact District 10. To the North, Mai Xiong represents District 13, which is composed of Roseville and a large part of Warren. She lives very close to the border between Warren and Sterling Heights, but there is nothing suspicious about this. And finally, Joe Tate resides in a corner of Detroit, and it is unsurprising that he was not placed in the Grosse-Pointe-oriented district.

Figure 4E: Districts 9, 10, 12, and 13



In sum, there is nothing nefarious about the lack of incumbent pairings in Commission’s map, and it is not surprising that a set of simulated districts that pays no attention to communities of interest, Detroit neighborhoods, or the specific arrangements of municipalities considered by the Commissioners would locate the district lines in different places relative to incumbent addresses.

V. Analysis of Racial Gerrymandering

After characterizing the Motown Sound map as an artful effort to protect incumbents, Dr. Trende pivots to a very different claim: that racial gerrymandering was the predominant motive in the construction of the Motown Sound map. To support this claim, he does not discuss specific effected districts or communities, or draw attention to boundaries that he views as suspect. He provides no citations to discussions of race in Commission meetings. And he provides no evidence to indicate that the Commission was employing a racial target.

Rather, he returns to his simulations and the calculation of what he calls a “racial gerrymandering index.” To my knowledge, this approach has not been validated in peer-reviewed publications or accepted by courts. There are many reasons why the distribution of race in a small section of a redistricting map might deviate somewhat from a simple unconstrained set of simulations for that same small region, including the desire to achieve partisan fairness, abide by the Voting Rights Act, protect communities of interest, or to preserve specific municipal or neighborhood boundaries.

Mr. Trende ranks Detroit-area districts by race, and for each rank, calculates the deviation of the BVAP share of the Commission's plan from the average of the simulated plans at the same rank. If the distribution of BVAP shares lie outside the bounds of Dr. Trende's simulations, he classifies it as a racial gerrymander.

It is difficult to understand what Dr. Trende is trying to convey in his report. In Figure 16, he demonstrates that at each rank, the BVAP of the Commission's plan fits comfortably within the range of the simulated values, which would seem to indicate a lack of racial gerrymandering according to his approach. Next, he calculates an index, which is the square root of the sum of the squared deviations from the mean BVAP at each BVAP rank. This is meant to summarize the extent to which the distribution of race across the districts of the simulated plans is different from that of the Commission's plan. It is worth noting that he conducts 100,000 simulations of a very small area, so that many of these simulations are essentially the same, and by construction, they will deviate very little from one another.

He then presents histograms for the "gerrymandering scores" of the simulations, with a red line indicating the 95th percentile of the simulations. In the caption for each of his figures, he claims that "a map that scored to the right of the line would not be a map where race predominated, while a map that scored to the left of the line would be." I believe he reversed the words "left" and "right." His test seems to indicate that a map with a more extreme value than the 95th percentile of the simulations—that is, to the right of the red line—should be deemed an outlier. We must keep in mind that many of these simulations are essentially identical to one another, and that they are not constrained to follow the relevant neighborhood boundaries or even the same municipal boundaries as the Commission. Thus, it is quite difficult to know what conclusions to draw based on information about where a proposed plan falls in this distribution.

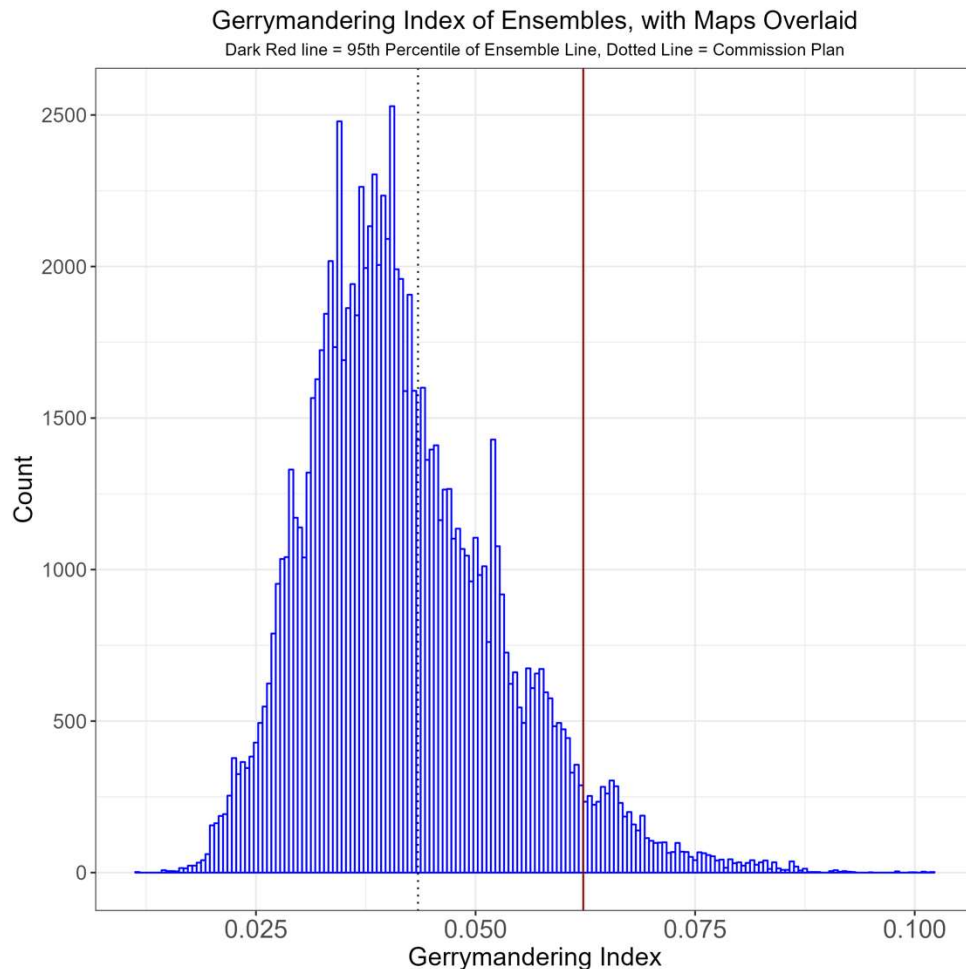
It is puzzling that in Figure 20, he demonstrates that the Tulip and Daisy maps are clearly not racial gerrymanders according to his approach. In his report, he makes the claim that the Tulip and Daisy maps are very similar to the Hickory Map, which was deemed by the Court to be a racial gerrymander. Something seems to have gone awry in either the analysis or presentation of results or both.

In any case, the central analysis here pertains to the Commission's proposed map. In Figure 22, he presents a dotted line slightly to the right of the 95th percentile indicator, which he takes to be evidence that race predominated in the construction of the Commission's plan. This analysis is unreliable. In addition to ignoring communities of interest and Detroit neighborhoods, this analysis makes two crucial errors. First, as described above, it does not hold fixed the specific municipalities that were kept whole in the commission's plan. Second, the study area of Dr. Trende's simulations includes several additional districts that were not altered in the Commission's plan and were not deemed unconstitutional by the Court. In fact, when Dr. Trende proposed his own remedial map in his "First Supplemental Report," filed on January 2, 2024, he also makes no changes to districts 16, 17, or 18, but for reasons that are unclear, here he includes them in the study area for his simulations.

When attempting to draw inferences from such a small geographic area and a small number of districts with such a large number of simulated maps, these seemingly small details matter a great deal. Dr. Trende's conclusions are extremely sensitive. Using Dr. Trende's data and code, I made

two simple changes: 1) I held fixed exactly the municipalities that were not split in the Commission's plan, and 2) I restricted the study area for the simulations to only the area of the map that was altered by the Commission. I then reproduce Figure 22 from Dr. Trende's report, which is displayed as Figure 5 below.

Figure 5: Reproduction of Trende Analysis Holding Correct Municipalities Constant and Using Correct Study Area



In Figure 5, the dotted line, which corresponds to the index for the Commission's plan, is in the middle of the distribution of the simulations. According to Dr. Trende's own technique, then, we can firmly reject the claim of racial gerrymandering. This is not surprising, of course, since the Commission did not have access to racial data when drawing their remedial map.

VI. Conclusion

The remedial map produced by the Commission is a very substantial change from the Hickory map. It evolved from an earlier collaborative map drawn by the commissioners and changed in response to input from the public and discussions of commissioners. It was favored by participants in open public meetings by a very substantial margin. To my knowledge, the commissioners had

no access to information on incumbent addresses or race when drawing the districts of the various maps presented to the public, and they did not discuss incumbents in their meetings. I have seen no evidence that the proposed map was drawn to favor specific incumbents, and no evidence that race was the predominant factor in drawing the districts.

**Appendix Table 1:
Analysis of Public Comment at Public Meetings**

February 15, 2024 Meeting		
Name	Top choice	Expressed opposition
Anthony Scannell		TU
Kenya Willard	MS	
Rory McGillen	MS	
Anastasey Manalatos	MS	
David Bell	MS	
Trenton Wormley	MS	
Kyle Stefanski	MS	
Graeme Hewson		
Delaney McDermott	MS	
Mikala Cox		
Mari Rymar	MS	
Andre Bryant		
George Higgins	MS	
	SD	
Dennis Shaw	MS	
	SD	
Dylan Linklater	MS	WL
		SZ
Tracy Peeks	MS	
Percy	MS	
Gwendolyn Jones	MS	
Robert Dindoffer	WI	MS
Chris Habiby	SD	
	SZ	
Alexander Haidar	SD	
	SZ	
David Allen		
Samy Othman		
Richard Michalski	SD	
	MS	
	WI	
Maia	MS	
Christina D	SD	
Dina Stuber	MS	SZ
Lisa Lewis	MS	
Lulu Annous	MS	

February 15, 2024 Meeting		
Name	Top choice	Expressed opposition
Regina Smith		
Mohammed Shanma	MS	
Mona Mawari		D2
		TU
Christine		D2
Oscar Castenada		TU
Pierce Ward		
Ruth Johnson		
Nagi		
Samraa Luzman		
Salah Ali		

February 21, 2024 Meeting		
Name	Top choice	Expressed opposition
Rev. Steve Bland	MS	
Dr. Jabilani	MS	
	SD	
Sarah Ismal	MS	
Kara Love	MS	
Miriam	MS	
Ahmed	MS	
Delany	MS	
Shams	MS	
James Gallant		
Chris Andrews		TU
Zana	MS	
Charles Thomas	MS	
Valorie Kendall	MS	
	SD	
Stan Hobbs	WL	
Karen Green	MS	
Anthony Scannell		
Racy	MS	
Michelle Thomas	MS	
Nicholas Barns	MS	
Name not provided		
Loretta Hill	WI	
Lucinda Kyles	MS	
Nina Abrams	MS	
Name not provided	MS	
Nora Simmons	MS	
Cheryl Thompson	MS	
Lori Leesy	MS	
Miranda Hawkins	MS	
Michael Dunn	MS	
Brook Harris	MS	
Mary Ann Parnis	MS	
Toya	MS	
Byron White		
Norman Clement	D2	
Richard Clement		
Bronwyn	MS	
Chris Andrews		

February 21, 2024 Meeting

Name	Top choice	Expressed opposition
Percy Johnson	MS	
Steve Walker	D2	
Name not provided		
Booker T. Walker		
Name not provided		
Brad Scott Devonshire	MS	
Jaja Hubbard		
Loretta Hill		
Betty Daniels		
Carl Doren	MS	
Mark Harriston	WL	
	TU	
Name not provided	WL	
Victor	MS	
Chris Turner	RW	
	SD	
	MS	
Name not provided	WL	
	BE	
	BE2	
Beverly Troy	SZ	
Name not provided	RW	D2
	SD	BE
	MS	BE2
	SZ	WL

February 22, 2024 Meeting		
Name	Top choice	Expressed opposition
Mona	MS	
Christine	MS	
Ja Carter		
Name not provided		
Kathleen		
Naza	MS	
Nalda		
Hera Cahn	MS	
Christopher Johnson	MS	
Name not provided		TU
Name not provided	MS	
Antwon Herman	MS	
Name not provided	MS	
Amanda Costello	MS	
Gabriella Richly	MS	
Rev. Ryan Reece	MS	
Karla		
Mary Rhymer	MS	
Pamela Dewberry	MS	
Walker	MS	
Name not provided	MS	
Kassandra Ford		
Faith Harris	MS	
Laurie Leasey	MS	
Crystal Bailey	MS	
Virgil Smith	WL	TU
		BE
Name not provided	MS	
La Tonya Garrett	WL	
Claudia Aboud	MS	
Addam Baddawi	MS	
James Gallant		
Kyle Stefanski	MS	WL
		BE
Anthony Scannell		TU
Name not provided		
Name not provided	BE	
	BE2	
Name not provided	SD	MS

February 22, 2024 Meeting		
Name	Top choice	Expressed opposition
Terry Jeffrey	MS	
Shelly Esther	MS	
	SD	
Kenda Davis		
Marian		
Sarah	MS	
John Maison		
Michael Griffe	MS	
Christine Holmes		D2
Frank Woods	MS	
Name not provided		
Name not provided	WL	
	MS	
	BE	
Name not provided	MS	
	SD	
Delaney McDermott		
Michael Joseph	MS	
Haneen El Diri	MS	
Lama Ahamad	MS	
Zana J	MS	
Christian	MS	
Alex King	MS	
Noureldin Ahmahameed	MS	TU
Joe Hunt	WL	WI
Name not provided		
Courteney	MS	
Rima	MS	
Name not provided	MS	
	WL	
Angel		
Robert Taylor	MS	
Nina	MS	
Name not provided	MS	
Delton Peoples	MS	
Jalong	MS	
Ms. Hall	MS	
Lamar Lemons	MS	
Chewy K	MS	

February 22, 2024 Meeting		
Name	Top choice	Expressed opposition
Lawanda	SD	
Donald Hudson	SD	
Viva Foster	MS	
Oliver Wilson	MS	
Karen Washington		
Name not provided	SD	
Natalie Bienamee	RW	D2
	SD	WL
	MS	
	SZ	
Chavet Mcillroy Anderson	MS	
Adel Mozip	MS	
Moe Hussein	MS	
Nagi		
Samra Luzman		

Appendix Table 2:
Fragments of Hickory Districts Within Commission's Proposed House Plan

Hickory District Number	New Proposed District Number	Population	Percent of Hickory District's Population
1	1	79143	86.2%
1	7	5058	5.5%
1	9	7655	8.3%
2	1	9305	10.4%
2	2	80317	89.6%
3	2	12851	13.7%
3	3	52825	56.5%
3	4	27855	29.8%
4	1	1055	1.2%
4	3	39678	43.6%
4	4	37752	41.5%
4	8	9943	10.9%
4	16	2475	2.7%
5	4	17027	18.4%
5	5	41791	45.1%
5	6	33926	36.6%
6	4	1284	1.4%
6	5	44233	47.2%
6	6	33128	35.4%
6	8	14984	16.0%
7	4	4774	5.1%
7	5	4081	4.4%
7	6	24793	26.7%
7	8	59300	63.8%
8	7	18994	20.5%
8	8	6886	7.4%
8	9	14200	15.3%
8	11	11967	12.9%
8	14	40623	43.8%
9	7	54554	60.1%
9	9	26884	29.6%
9	10	9380	10.3%
10	1	1006	1.1%
10	9	42973	47.5%
10	10	43628	48.2%
10	12	2927	3.2%
11	10	40235	44.1%
11	12	36279	39.8%
11	13	14631	16.1%
12	7	681	0.8%
12	12	48768	53.8%
12	13	41181	45.4%
13	7	11082	12.3%

Hickory District Number	New Proposed District Number	Population	Percent of Hickory District's Population
13	11	31669	35.0%
13	12	1644	1.8%
13	13	36251	40.1%
13	14	9747	10.8%
14	7	833	0.9%
14	11	48745	53.8%
14	14	40977	45.3%
16	4	3743	4.0%
16	16	89292	96.0%

Districts in yellow were ruled unconstitutional