



Vision, Values & Action

To Improve Our Communities

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The Honorable Thomas E. Perez
Chief, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254-NWB
1800 G Street, NW
Washington, DC 20006
VIA vot1973c@USDOJ.gov

Re: #2011-4317 Supplement to Objection to the redistricting map submitted by Galveston County, Texas for Commissioners Court precincts.

Dear Mr. Perez.

The undersigned collaborating organizations from Galveston County, Texas file this supplement to support their objection to the redistricting map submitted by Galveston County concerning the Commissioners Court precincts.

Background

On November 22, 2011 we sent a letter to the Department of Justice objecting to Galveston County's proposed Commissioners Court redistricting map that had been submitted on October 16, 2011. We submitted a supplemental objection on November 29th. The Department of Justice requested additional information from Galveston County which has been submitted.

Under Section 5, the Attorney General must determine whether Galveston County has met its burden of showing that the proposed changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group. *Georgia v. United States*, 411 U.S. 526 (1973); 28 C.F.R. 51.52(c). With respect to Galveston County's ability to demonstrate

that the plan was adopted without a prohibited purpose, the starting point in the analysis is the framework established in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977). The Court provided a non-exhaustive list of factors that may bear on finding a discriminatory purpose, including the impact of the action on minority groups; the historical background of the action; the sequence of events leading up to the decision or action; the legislative or administrative history regarding the action; departures from normal procedures; and evidence that the decision-maker ignored factors it has otherwise considered important or controlling in similar decisions. *Id.* At 266-68.

The Court's factors may prompt a need for Galveston County to fully address relevant questions, such as-

1. Were the vocal outcries of minority groups ignored?
2. Was the objections of the lone minority commissioner ignored?
3. Were selected majority members of the Commissioners Court provided more attention by the Galveston County redistricting attorneys?
4. Was the criteria used in redrawing previous maps after the 1990 and 2000 census ignored?
5. Was a new map submitted and adopted at the last public hearing without any prior notice?
6. Was the public hearing process rushed and shortened?
7. Is there a prohibited relationship or plan for the adoption of the Commissioner Court map and JP and Constable map submitted by Galveston County?

The statistical data, actions of Galveston County, and answers to these and other questions will determine whether it has failed to establish the absence of a discriminatory purpose sufficient to warrant an objection by the Department of Justice. However, we would note that based on the data submitted, Galveston County has failed to carry its burden of showing that its proposed map does not have a retrogressive effect on the ability of minority voters to elect, or impact the election of, their candidate of choice and therefore an objection is warranted.

After the 2000 census Galveston County created a map that was submitted to the Department of Justice. It was approved for pre-clearance. The statistics simply and clearly show there was one over 50% Latino/African-American district.

Galveston County Map 2001 (population 250,158 with 63.1% Anglo)

	Anglo	Latino	African-American	L/A-A	Asian/other
#1	60.53	22.22	12.55	34.77	4.70
#2	72.45	16.97	7.33	24.30	3.25
#3	38.16	21.36	38.35	59.71	4.14
#4	80.12	11.60	3.67	15.27	4.56

In the decade between the 2000 and the 2010 Census, the county added more than 41,100 persons, of whom 20,300 (49%) were Latino, 14,800 (36%) were non-Hispanic White and the remainder 6,000 (15%) were African-Americans or other minorities. Despite the significant increases in minority population share in Galveston County, the 2011 Galveston County map still only manages to create one precinct where there is a majority minority, and the percentage minority in District 1, the second most minority district, retrogressed from 40% minority in 2000 to 37% minority in the Galveston County map.

Galveston County Map 2011 (population 291,309 with 59.27% Anglo)

	Anglo	Latino	African-American	L/A-A	Asian/other
#1	63.42	23.02	9.13	32.15	4.43
#2	70.21	17.62	7.41	25.03	4.76
#3	33.54	31.53	31.36	62.89	3.57
#4	70.74	17.17	5.35	22.52	6.74

The proposed Galveston County map clearly diminishes the voting strength of Latinos/African-Americans when compared to Galveston County's map in 2001 and thus affects their ability to elect and influence the election of candidates of their choice. The map presented to the Department of Justice on November 29th by the undersigned collaborating organizations almost achieves two majority minority precincts with more compact precinct lines. The map more fairly reflects the minority population of Galveston County and is in compliance with the Voting Rights Act.

Gulf Coast Interfaith Map 2011 (population 291,309 with 59.27% Anglo)

	Anglo	Latino	African-American	L/A-A	Asian/other
#1	50.43	31.44	13.90	45.34	4.22
#2	72.38	16.16	5.24	21.40	6.22
#3	37.48	28.21	31.05	59.26	3.26
#4	76.62	13.76	3.94	17.70	5.69

Conclusion

Galveston County has the heavy burden of demonstrating the proposed precinct changes in the map it submitted are free of discriminatory purpose and retrogressive effect.

Under the 2001 map approved by the Department of Justice the Latino/African-American voters had the ability to elect a candidate of choice in one of four precincts. Ten years later, despite an increase of minorities, Galveston County has submitted a map that, once again, creates the ability for Latino/African-American voters to only elect or influence the election of a candidate of choice in one of four precincts. Further, the minority population was decreased in the second most minority district. We believe the Department of Justice should carefully consider all the facts and determine whether there is sufficient evidence that prevents Galveston County from meeting its burden of demonstrating that the proposed plan was not motivated by a discriminatory purpose prohibited by Section 5 or does not have a retrogressive effect.

We encourage the Department of Justice to reject the Galveston County map that is currently under review.

Respectfully submitted,

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