



**GALVESTON COUNTY  
COALITION  
FOR  
JUSTICE**



**THE GALVESTON  
NORTHSIDE  
TASKFORCE**



March 15, 2012

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](mailto:vot1973c@USDOJ.gov)

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Re: #2011-4317 Objection to Galveston County Commissioners Court Map adopted on March 13, 2012

Dear Department of Justice,

The undersigned collaborating organizations from Galveston County, Texas present this objection to the Galveston County Commissioners Court map adopted on March 13, 2012. We believe the Department of Justice should not accept the March 13, 2012 map for any purpose. We anticipate more signatures will be forthcoming over the next few days.

Our Collaborating Organizations in Galveston participated in the redistricting process for the City of Galveston and the map we supported was eventually adopted by the Galveston City Council and approved by the Department of Justice. We have worked with members of the community, our respective organizations, and with each other in good faith to arrive at a fair compromise map that complies with the Voting Rights Act.

We believe any adopted final map must be fair for the community for years and many elections beyond the upcoming election.

## **Background**

On November 22, 2011 we sent a letter to the Department of Justice objecting to Galveston County's proposed redistricting map that had been submitted on October 16, 2011. We submitted a supplemental objection with our proposed map on November 29<sup>th</sup> and provided Galveston County a copy.

Prior to Galveston County's submission of its proposed map to DOJ public hearings had been held where a significant portion of the public expressed their concern about the fairness of the various maps and the process and raised other questions. During the process the lone minority commissioner on the Galveston County Court submitted a map for the Commissioners Court.<sup>1</sup> At the final hearing an alternate new map was suddenly submitted, discussed and adopted with a 3-2 vote along partisan political lines. The map was eventually presented to the Department of Justice and at the same time a law suit was filed by Galveston County in USDC in Washington DC. Since the late presentation of the map to the DOJ created time constraints and problems for potential candidates a group of elected Democratic public officials from Galveston County filed a lawsuit in USDC in Galveston, Texas. A hearing was held on November 21, 2011 and an order issued shortly thereafter. Some individual Galveston County residents intervened in the Galveston USDC case and additional hearings were scheduled to review possible interim maps. Along the way the Department of Justice requested additional information from Galveston County which was submitted.

Under Section 5, the Attorney General was required to 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 Commissioners Court map 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 could 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 Attorney General was required to carefully consider the submitted map and supporting data and documentation as well as the supplemental information that was

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<sup>1</sup> It is probable the 2011 map submitted by Commissioner Holmes would have passed the scrutiny of the Department of Justice. That map, however, was rejected in a partisan 3-2 vote and now the parties are locked in an ever spiraling cycle of litigation and mounting legal expenses.

requested to determine whether Galveston County failed to establish the absence of a discriminatory purpose. However, it has to be noted that, simply based on the data submitted, Galveston County failed to carry its burden of showing that its proposed map did 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 was warranted by DOJ.

On March 5, 2012, the Department of Justice objected to the Commissioner Court map as well as the Justice of the Peace and Constable map.

On March 12, 2012 a supplemental objection to DOJ and a separate letter to the County Judge and Commissioners, each with our attached compromise map, was provided before the scheduled March 13<sup>th</sup> hearing via County Attorney Harvey Bazaman. On March 13, 2012 Galveston County held a public hearing in an attempt to adopt another map for submission to the Department of Justice. Questions concerning notice for the hearing and the legality of the process were raised by Commissioners Holmes and Doyle. After several hours a vote was taken that was boycotted by Holmes and Doyle. The 3-0 vote adopted the map which was then immediately offered for public comment. Although the courtroom had been packed earlier in the day with about 90% African-American attendees, only about ten residents testified against the process that resulted in the approval of the map. There was no testimony against the newly approved map since copies of the map and supporting data was being passed out as the public hearing commenced and there was not time to read and consider, much less research, the merits of the map. <http://galvestondailynews.com/comments/299314>

After a 24 hour review of the map, it is clear it is fatally flawed and should be rejected by the Department of Justice.

## Discussion

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) See Ex. 1, p3.

	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

Since 2000 Galveston County has had an increase in population. There has been a significant increase in the northern part of the county which has resulted in one precinct that clearly violated the “one man-one vote” constitutional principle established in *Baker v. Carr*. Further, Galveston County suffered through Hurricane Ike in 2008 which contributed to a population reduction in the southern part of Galveston County. Finally, the other significant change has been the increase of Latino residents throughout Galveston County. These changes have created additional challenges to drawing a map that would fairly represent the interests of Latinos and African-Americans in Galveston County and comply with the Voting Rights Act. 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 managed to create one precinct where there is a majority minority, and the percentage minority in Precinct 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) See Ex. 1, p.4.

	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 2011 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 by the 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) See Ex. 1, p.5.

	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

The new March 13<sup>th</sup> proposed Galveston County map once again 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.

<http://galvestondailynews.com/photos/2012.March/GALCOredistrictDOJ.pdf>

Galveston County Map 3/13/12 (population 291,309 with 59.27% Anglo)

	Anglo	Latino/Asian/other	African-American
#1	80.26	13.12	6.62
#2	81.72	11.07	7.21
#3	45.82	18.10	36.08
#4	81.71	12.95	5.34

Despite the significant increases in minority population share in Galveston County, the March 13th Galveston County map still only manages, according to the supporting data from Galveston County, to create one precinct (Pct. 3) where there is a majority minority but retrogressed from 64% to 54% majority minority, and the percentage minority in Precinct 1, the second most minority district, retrogressed from 40% minority in 2000 to 19% minority in the Galveston County map.

Based upon the official demographic numbers accompanying the map approved by the Galveston County Commissioners Court, the March 13<sup>th</sup> Galveston County map is more retrogressive than the rejected October 16<sup>th</sup> map and should, once again, be rejected by the Department of Justice for any purpose.

## **Conclusion**

Galveston County had the burden of demonstrating to the Department of Justice the proposed precinct changes in the map it submitted on October 16, 2011 were free of discriminatory purpose and retrogressive effect. Galveston County was notified on March 5<sup>th</sup> that it had failed.

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 a significant increase of minorities, Galveston County submitted a map that, once again, created 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 percentage was decreased in the second most minority district. We believed the Galveston County 2011 map violated the Voting Rights Act and filed our objection.

Unfortunately, as discussed above, an even more retrogressive map has been adopted by Galveston County.

We believe the compromise map of the undersigned collaborating organizations better reflects the minority population of Galveston County by creating two districts where Latino/African-Americans have more opportunity to elect or influence the election of their candidate of choice. The compromise map was sent to the Department of Justice

on November 29, 2011 as an attachment to our objection and a copy provided to County Attorney Harvey Baseman. It was once again provided to DOJ and Galveston County officials on March 12, 2012. This compromise map has not been considered at a public hearing.

We welcome the opportunity to visit with the Department of Justice, members of the Commissioners Court individually, collectively, with or without a room full of lawyers, to discuss this compromise map. We would welcome a public discussion and hearing to see if a reasonable compromise map can be adopted by the Galveston County Commissioners Court or if Galveston County will choose to be compelled to operate under a court ordered map.

Respectfully submitted,

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