IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA, and ERIC HOLDER, JR., Attorney General of the United States, Defendants, and SENATOR WENDY DAVIS, REPRESENTATIVE MARC VEASEY, JOHN JENKINS, VICKI BARGAS, and ROMEO MUÑOZ, Defendant-Intervenors.	No. 1:11-cv-01303-RMC-TBG-BAH

DEFENDANT-INTERVENORS'
RESPONSE TO MOTIONS TO INTERVENE

Pending before the Court are two motions to intervene, one filed by the Mexican American Legislative Caucus (“”MALC) and one filed by Greg Gonzalez, *et al*. Defendant-Intervenors Wendy Davis, *et al*., (“Davis Intervenors”) do not oppose either motion.

Because the contentions of the Davis Intervenors in this case were not accurately described in the pending Gonzalez intervention papers, we are submitting this brief reply to clarify our position. The Davis Intervenors are a group of voters and two officeholders

who represent majority-minority districts. All but one of the Davis Intervenors are members of racial or language minority groups protected under the Voting Rights Act.

The Davis Intervenors oppose preclearance of both the congressional plan and the state senate plan. With regard to the state senate plan, we contend that the State deliberately fractured majority-minority Senate District 10, and that such action retrogressed the voting strength of minorities in that senate district. Senate District 10 is one that currently provides minority voters with an effective opportunity to participate in the political process and to elect their preferred candidate to office. However, the state intentionally split Senate District 10 into four state senate districts, fragmenting minority voters into districts in which they no longer can effectively participate in the political process or elect a candidate of their choice to the Texas State Senate.

With regard to the congressional plan before this Court, we contend that plan also is motivated by a racially discriminatory purpose and will have a retrogressive effect on minority voters throughout Texas. As noted in paragraph 20 of Davis Intervenors' Motion to Intervene,

> [D]espite the significant increases in the African-American and Latino population in the Dallas-Ft. Worth region and the substantial decrease in the Anglo population of that area, the proposed Congressional plan creates only one effective minority opportunity district in that region and retrogresses the voting power of minority voters in Dallas and Tarrant counties and throughout the State of Texas.

And paragraph 18 of Davis Intervenors' Motion to Intervene asserted that the state's proposed congressional map constituted statewide retrogression of minority voting strength:

> While the pre-2011 congressional map contains eleven (11) effective minority opportunity districts, the State's proposed congressional plan contains only ten (10) such districts. Reducing the number of effective

> minority opportunity districts in both the State's Proposed State Senate Plan and the Proposed Congressional Plan constitutes unlawful retrogression under Section 5 of the Voting Rights Act, and the Fourteenth and Fifteenth Amendments to the United States Constitution.[1]

In light of the importance of this case to voters throughout the state of Texas, the Davis Intervenors do not oppose the rights of other voters and groups to intervene in this action.

Respectfully submitted,

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[1] *See also* Davis Intervenors' Motion to Intervene ¶ 18 ("The State's proposed congressional plan was drawn with the purpose of, and has the effect of, minimizing and reducing the voting strength of minority populations in Texas"); *id.* at ¶ 17 ("The State's proposed congressional redistricting plan was drawn to ensure that population gains in minority communities across Texas from 2000 to 2010 were not reflected in the configuration of the State's proposed congressional districts.")

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2011, I electronically filed the foregoing with the Clerk of the United States District Court for the District of Columbia by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ J. Gerald Hebert
J. GERALD HEBERT