IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

v.

UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., in his official capacity as Attorney General of the United States,

Defendants.

WENDY DAVIS, *et al.*,

Defendant-Intervenors,

MEXICAN AMERICAN LEGISLATIVE CAUCUS,

Defendant-Intervenor,

GREG GONZALES, *et al.*,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK CAUCUS,

Defendant-Intervenor,

TEXAS LATINO REDISTRICTING TASK FORCE,

Defendant-Intervenor,

TEXAS STATE CONFERENCE OF NAACP BRANCHES *et al.*,

Defendant-Intervenors.

Civil Action No. 1:11-cv-1303 (RMC-TBG-BAH)
Three-Judge Court

SUMMARY OF THE EXPERT TESTIMONY OF DR. THEODORE S. ARRINGTON

Dr. Theodore S. Arrington has provided the expert opinion that the proposed redistricting plans for the Texas House of Representatives and the Texas delegation to the U.S. Congress were enacted with a discriminatory purpose. Tr. at 114:4-115:11 (Jan. 23 a.m.) (Arrington); DX 320 at ¶ 3 (Arrington Rep.); DX 739 ¶ 4 (Arrington DX 739). Dr. Arrington is a recognized expert in the fields of redistricting, reapportionment, racial and partisan voting patterns, and voting processes, and he has substantial practical experience in election administration. DX 320 ¶¶ 5-7, 84. He has provided expert testimony in over a dozen Voting Rights Act cases, including *Gingles v. Edmisten*, the precursor to *Thornburg v. Gingles*, and *United States v. Brown*, in which the court specifically credited his testimony concerning discriminatory intent. DX 320 ¶ 8; DX 739 ¶ 1.

Dr. Arrington reached his conclusions by analyzing the process by which Texas drew the maps at issue and the nature of the districts that resulted. He then relied on his academic and practical expertise to infer the purpose underlying the process. Tr. at 112:6-113:8 (Jan. 23 a.m.). Dr. Arrington examined voluminous evidence including the benchmark and proposed plans; related demographic, geographic, and electoral data and analysis; disclosed e-mails among key redistricting participants; and the lay and expert testimony provided in this case and in *Perez v. Perry*, No. 5:11-cv-360, (W.D. Tex. filed May 5, 2011). Tr. at 119:19-120:10 (Jan. 23 a.m.); DX 320 ¶¶ 11-13; DX 739 ¶¶ 3-5. Dr. Arrington specifically concluded that Dr. Lisa Handley had performed the proper analysis of the effects of the proposed plans, and he relied on Dr. Handley's analysis of racial bloc voting, coalition voting, and retrogression. Tr. at 113:9-13 (Jan. 23 a.m.); DX 320 ¶¶ 4, 14, 17, 20, 24, 26, 42, 82, 92, 104, 115, 118, 120, 130-132, 141-144, 169, 171.

I. The Proposed Redistricting Plan for the Texas House of Representatives: H283

Dr. Arrington concluded that the proposed redistricting plan for the Texas House of Representatives was formulated and enacted with the purpose of reducing the number of districts

in which minority voters would have the ability to elect their candidates of choice. DX 320 ¶¶ 130-140. He developed his opinion using the framework set out in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977), and he began as *Arlington Heights* begins: by assessing whether the plan had a discriminatory effect on minority voters. DX 320 ¶¶ 9-10, 14. Dr. Arrington opined that the proposed redistricting plan has a disproportionately negative impact on minority citizens based on the elimination of minority voters' ability to elect their candidates of choice in House Districts 33, 35, 117, and 149. DX 320 ¶ 14. Dr. Arrington also noted that minority voters' ability to elect their candidate of choice in District 41 may have been similarly retrogressed, but he stopped short of a conclusion. Dr. Arrington explained that because the boundaries of the district split precincts and exclude homogenous Hispanic census blocks from the district, reconstituted election analysis of the district suffers from substantial reliability problems. DX 320 ¶¶ 14, 20.

Beyond the simple fact of retrogression, Dr. Arrington opined that the means by which minority voters' ability to elect had been eliminated were probative of a discriminatory purpose. Districts 33, 35, and 117 had elected Hispanic Democrats for most of the decade until electing Republicans in 2010, and the incumbent in District 41 switched parties to become a Republican immediately after the 2010 election. DX 320 ¶ 16. Dr. Arrington did not take issue with basic incumbency protection, however. Rather, he pointed out that districts were redrawn to maintain Hispanic populations while eliminating electoral performance, a race-conscious decision to strand as many Hispanics as possible in House districts where they will lack the ability to elect candidates of their choice. DX 320 ¶¶ 17, 28-29.

A. Individual Districts

In particular, Dr. Arrington focused on District 117, where high-turnout Hispanic precincts were swapped for poor Hispanic communities with low levels of political participation. DX 320 ¶¶ 26-27. Dr. Arrington's supplemental report set out contemporaneous statements indicating that the swap was far from coincidental. He explained how e-mails exchanged between Gerardo Interiano and Eric Opiela, who at the time also worked in the office of Speaker Joe Straus, described a mechanism to protect Republican incumbents while maintaining the illusion of minority control. The map-maker would simply minimize Hispanic voter registration and voter turnout, particularly in "50+1" districts such as District 117. DX 739 ¶¶ 17-20, 23-24. Dr. Arrington opined that regardless of whether the precise metric was used, the precise result illustrated in districts such as House District 117, indicates that a comparable means was used to achieve that end. Tr. at 116:13-19 (Jan. 23 a.m.). Moreover, Dr. Arrington pointed out that the line-drawers were aware of performance analysis but applied it to enhance Republican performance rather than to maintain Hispanic voters' ability to elect their candidates of choice. DX 739 ¶ 22. Dr. Arrington concluded that key figures knew that the use of bright-line demographic standards was pretextual, DX 739 ¶¶ 12-13, and that maintaining these figures while shifting electoral performance required careful race-based gerrymandering. DX 739 ¶ 24.

Dr. Arrington also explained the brazen manner in which District 41 was drawn in an attempt to eliminate Hispanic voters' ability to elect candidates of choice. Specifically, Dr. Arrington pointed out that the boundaries of District 41 split precincts and that the splits exclude homogenous Hispanic areas from District 41 while including areas with higher Anglo populations in the district. DX 320 ¶ 25. Because reliable political data is not available below the precinct level, Dr. Arrington concluded that this persistent pattern strongly suggests that the map drawers used race to guide district lines, in the hope that race would be an adequate proxy to

influence political outcomes. DX 320 ¶¶ 78-83. Dr. Arrington specifically determined that the statistically significant pattern of racial divisions in District 41 eliminates the the possibility that the precinct splits were random. He pointed out that in Precinct 25, the lines were drawn to include 1,152 Anglo persons of voting age while excluding only ten. Tr. at 120:12-121:20; DX 320 ¶¶ 83, 100 & tbl. 11. Dr. Arrington also noted that proposed District 41 illustrates substantial demographic shifts, and a surgical swap in which Representative Gonzalez is drawn out of the district and Representative Aaron Peña is drawn in. Proposed District 41 is also substantially underpopulated in comparison to neighboring districts, and core communities have been removed from the benchmark. DX 320 ¶¶ 20-22. Finally, Dr. Arrington noted that after David Hanna advised of retrogression concerns in District 41, the House Redistricting Committee further decreased the percentage of Hispanic population via precinct splits. DX 739 ¶ 34.

Dr. Arrington next explained that District 33 was not merely retrogressed; it was relocated. DX 320 ¶ 17. He then tied this discriminatory effect to a substantive departure from the principle that the Texas County Line Rule must yield law to federal law, a rule acknowledged by the Texas Legislative Council. DX 320 ¶¶ 30-34. Dr. Arrington pointed out that Texas deferred to the race-neutral one-person, one-vote standard, but was unwilling to apply federal law benefitting minority voters. DX 320 ¶¶ 35-36. Moreover, Dr. Arrington connected this result to e-mails that indicate that the Redistricting Committee was fully aware that refusing to allow the County Line Rule to yield to the Voting Rights Act in Nueces County could violate the Act. DX 739 ¶ 26.

Finally, Dr. Arrington addressed the removal of District 149 from Harris County, which he determined was accompanied by departures from substantive rules governing Texas

redistricting. Dr. Arrington explained that the decision to round the number of districts in Harris County down to 24 rather than up to 25 was inconsistent with both past practice and the policy of minimizing pairing of incumbents, as a reduction in the number of districts in a single county inevitably forces two incumbents into one district. DX 320 ¶¶ 38-41, 43, 49. The more critical decision, however, was to use that reduction in the number of minority-controlled districts. Tr. at 98:5-12 (Jan. 23 p.m.). Dr. Arrington noted that the Texas Legislative Council repeatedly advised the Redistricting Committee that coalition districts such as District 149 are protected by the Voting Rights Act, but that the Committee eliminated the district nonetheless. DX 739 ¶ 25. Finally, Dr. Arrington pointed out that the natural growth of minority communities in Harris County supported the creation of additional districts in which minority voters would have the ability to elect their candidates of choice, rather than the elimination of a district that had naturally evolved to provide minority voters with the ability to elect. DX 320 ¶¶ 44-48.

B. Statewide Substantive Concerns

Across the State, Dr. Arrington assessed two critical deviations from substantive redistricting principles: the splitting of VTDs and the use of population deviations to disadvantage minority voters. Dr. Arrington observed that the proposed House plan splits 412 VTDs statewide. DX 320 ¶ 77. He then explained that political data cannot guide a precinct split because votes are tabulated only at the precinct level. Tr. 116:20-117:7 (Jan. 23 a.m.); DX 320 ¶¶ 78-82. Dr. Arrington pointed out that below the precinct level, the lack of available data requires the assumption that each block has the same political character as the entire precinct, although this assumption is empirically dubious if precincts are split on the basis of race. DX 320 ¶ 80. Dr. Arrington therefore concluded that those who developed the House plan drew at the block level and were guided by the only data available: racial demographics. DX 320 ¶ 95.

Across the plan, these split precincts are more prevalent within minority-dominated districts, so much so that there are less than 9 chances out of 10,000 that a relationship of such strength would occur by chance. DX 320 ¶ 92. Even within the six largest urban counties, the relationship between the racial character of the district and the prevalence of split precincts is so strong that it would occur by chance in only 2 instances out of 1,000. DX 320 ¶¶ 93-94. Dr. Arrington calculated that in 36 districts, the precinct splits so consistently divided precincts according to race that the probability that this pattern resulted from non-racial factors is statistically implausible. DX 320 ¶ 98-100, tbl.11. Dr. Arrington took into account the possibility of legitimate justifications for splitting precincts, but he specifically noted that districts that already provided the ability to elect minority candidates of choice had substantial numbers of racially divided precinct splits. DX 320 ¶ 101. Such packing strengthens Anglo control of surrounding districts and of course, rules out compliance with the Voting Rights Act as a plausible explanation for race-driven precinct splits. DX 320 ¶ 101. In addition, Dr. Arrington noted that the systemic movement of blocks in and out of precincts on the basis of race could only be performed using block-level racial shading in RedAppl, the State's geographic information system. DX 320 ¶ 102; Tr. at 95:16-97:1 (Jan. 23 p.m.).

Dr. Arrington also opined that splitting precincts imposes substantial costs on local jurisdictions that must establish new polling places and tends to reduce turnout because of voter confusion. DX 320 ¶¶ 84-90. He then concluded that in the House plan, districts in which minority voters have the ability to elect their candidates of choice contain far more split precincts than Anglo-controlled districts, even when comparing only districts in urban counties. DX 320 ¶¶ 92-94. Therefore, Dr. Arrington determined that the burdens of split precincts will fall far more heavily on minority voters and is likely to drive down minority voter turnout. DX 320 ¶

91. In addition, Dr. Arrington concluded that systemic overpopulation of minority districts cumulatively biases the proposed House plan against minority voters. DX 320 ¶¶ 104-107. Although Dr. Arrington acknowledged that part of this disparity may be explained by the large number of minority-controlled districts in Harris County, which saw its number of districts reduced from 25 to 24, he attributed this overpopulation to the State's decision to reduce the number of districts, as discussed above, rather than inevitability. DX 320 ¶ 106. Moreover, even within Harris County, Dr. Arrington determined that the minority ability-to-elect districts were on average further overpopulated than the Anglo districts. Tr. at 99:14-100:8 (Jan. 23 p.m.).

C. Statewide Process Concerns

Dr. Arrington described the sequence of events leading to passage of the proposed House plan and explained how officials who are not candidates of choice of minority voters tightly controlled meaningful stages. DX 320 ¶¶ 37, 108-129. He recognized that minority representatives often were able to protect their own districts. They, however, were excluded from protecting districts in which minority voters have the ability to elect their preferred candidates, but which were not represented by minority preferred candidates in 2011. Likewise, he recognized that minority representatives were prevented from reshaping the map to reflect Texas's explosive minority population growth. Tr. at 122:12-124:13 (Jan. 23 a.m.); DX 320 ¶¶ 37, 51. Dr. Arrington also noted that a legislator's approval of his or her districts did not constitute approval of nearby districts and that the entire process existed with the understanding that those who would not agree on a district would have their district drawn by the Republican-controlled Redistricting Committee. DX 739 ¶ 28-30.

Dr. Arrington also laid out the timeline of redistricting and pointed out that the abstract hearings held in 2010 – before Census data or proposed maps were available – were unimportant

to the substance of redistricting. DX 320 ¶ 109. He then set out the dates for the remainder of the process, including the release of Chairman Solomons' statewide proposal only two days before the first public hearing on the bill and four days before the final public hearing, and he noted that the Texas Legislative Council advised the redistricting leadership that the schedule was "too tight." DX 739 ¶ 36; DX 320 ¶ 108 & tbl. 12. By the time the Mexican American Legislative Caucus (MALC) was able to release a statewide plan that complied with the County Line Rule, the House Redistricting Committee had already approved a proposed plan. DX 320 ¶ 108 & tbl.12.

Dr. Arrington specifically assessed the floor debate that took place on April 27, 2011 and observed that any amendment that would have increased the number of minority ability-to-elect districts or improved the performance of a marginal district was squarely rejected. DX 320 ¶¶ 122-123. He also noted that minority-preferred representatives were treated differently than those who were candidates of choice of Anglo voters, quoting at length from Representative Veronica Gonzales' speech on the house floor concerning application of the rule against splitting VTDs as a basis to reject proposals by minority-preferred legislators. DX 320 ¶¶ 125-126. Based on analysis of the amendments proposed and the limited number that were adopted, Dr. Arrington concluded that the public process was tightly controlled by Republican leadership and that there was no active negotiation or functional amendment process. DX 320 ¶¶ 127-129.

In order to assess the effects of this constrained process, Dr. Arrington analyzed the differences between the Chairman's initial proposal (H113) and the proposed House plan (H283). He concluded that the public process did not provide minority-preferred legislators with an opportunity to affect the map in a meaningful way. DX 320 ¶¶ 111-120; DX 739 ¶ 29. To the contrary, the only district that Dr. Arrington identified as having changed in a meaningful

manner is District 145, which saw a substantial reduction in SSVR. DX 320 ¶ 115. Districts 35 and 117, which had been ability-to-elect districts in the benchmark plan and do not perform in the proposed plan, were in their final form when Chairman Solomons released his initial statewide plan. DX 320 ¶ 120. Dr. Arrington therefore concluded that from the perspective of minority voters' ability to elect representatives of choice, the process was complete with the introduction of the Chairman's plan. DX 320 ¶ 121.

Dr. Arrington ended his initial report with an attempt to place the process in context. He acknowledged the likelihood of a partisan motivation for eliminating districts in which minority voters have the ability to elect candidates of choice, pointing out that such districts constitute the bulwark of the Democratic Party in Texas. DX 320 ¶¶ 130-132. However, Dr. Arrington opined that the desire to maximize Republican seats became inextricably intertwined with a specific motivation to eliminate minority ability-to-elect seats, extending beyond a purely partisan purpose to an impermissible discriminatory intent. DX 320 ¶¶ 133-135.

II. The Proposed Redistricting Plan for the Texas Delegation to Congress: C185

Dr. Arrington concluded that the proposed redistricting plan for the Texas Congressional delegation was designed to limit the creation of minority ability-to-elect districts while presenting the appearance of minority electoral ability based on misleading bright line tests and statistics. The map drawers used race as is evident by the 518 split VTDs in the Congressional plan. The Congressional redistricting process was secretive, with no opportunity for minority voters and representatives to participate in the process. He developed his opinion using the framework set out in *Arlington Heights*.

A. Impact

Dr. Arrington assessed whether the plan had a discriminatory effect on minority voters. He found that Texas took away the ability of minority voters to elect their candidates of choice in Congressional Districts 23 and 27. Both districts allowed minority voters to elect their candidate of choice in the benchmark, and neither will allow them to do so in the proposed plan. DX 320 ¶¶ 141-142. With the significant increase in minority population, the map drawers had to work hard not to create an additional minority ability-to-elect district, and that was done by cracking the minority community and submerging their votes in Anglo-controlled districts. DX 320 ¶ 146.[1]

1. District 23

District 23 went from being a Hispanic ability-to-elect district to a district that no longer provides Hispanic voters that opportunity. DX 320 ¶ 143. Dr. Arrington notes that the tactics used here are similar to those used in House Districts 35 and 117. DX 320 ¶ 144. Areas with high Hispanic voter turnouts were swapped out of the district and areas with low Hispanic voter turnout were substituted in. He also noted that high turnout Hispanic communities in Maverick and Bexar Counties were split to lessen the effectiveness of their vote. DX 320 ¶ 144. The Opiela e-mail explained that the purpose was to make the district look the same in Hispanic concentration, but to drive down Hispanic voter turnout so the incumbent could win. DX 739 ¶ 20. The reconstituted election results show that they succeeded in what they set out to achieve.

[1] Dr. Arrington noted that proposed District 34 is an offset for District 27. DX 320 ¶ 142.

2. Cracking Dallas-Fort Worth and Houston Minority Populations

The impact is also obvious by reviewing the maps, where it is easy to see that the minority community of Dallas-Fort Worth was cracked and each portion was submerged into rural Anglo districts to prevent the creation of another minority ability to elect seat in the area. Map 7 and Table 16 of Dr. Arrington's report shows the odd shapes that were created to crack the minority population. DX 320 ¶ 148.

The population numbers in Dallas-Fort Worth also tell a story. Dallas County itself has enough population for three and 1/3 districts, and the demographics suggest that there should be a majority Anglo, majority Hispanic, and majority African-American seat, but there is no majority Hispanic seat. DX 320 ¶ 149. Likewise in Tarrant County, there is enough population for an African-American and a Hispanic seat, but none is created. The map drawers had to work not to create another minority ability-to-elect district in the area. DX 320 ¶¶ 150-51.

Dr. Arrington also noted that the same problem exists in Harris County (Houston). The map drawers did the same thing in Harris County that they did in Dallas; they used four rural Anglo counties to swoop in and take minority population out of Harris County. That population is submerged in these rural districts. *See* DX 320 ¶ 146, tbl. 15, map 6. There is additional Hispanic population that can be used to create another minority ability-to-elect district. In general, the leadership of the House and Senate stressed the importance of keeping counties whole, although there is no county line rule in the Congressional process.

Texas was not forced to choose between adhering to traditional redistricting principles and creating ability-to-elect districts. Minority legislators introduced alternative maps that demonstrated how simple it would have been to create the additional minority districts. The MALC plans that Dr. Arrington examined create more compact districts than those in the proposed plan and create either

13 or 15 districts in which minority voters have the ability to elect their candidates of choice – up from 10 in the benchmark. Both of those plans followed traditional redistricting principles. DX 320 ¶¶ 153-63.

B. Partisanship as a Pretext for Racial Discrimination

The State split VTDs to limit and eliminate minority voting strength throughout the proposed Congressional plan. The quantity and manner in which VTDs were split in the proposed plan are palpable evidence of the State's use of race as a proxy for political preference. Plan C185 split 518 VTDs, and that was far more than was necessary to achieve a zero population deviation. DX 320 ¶ 165. Dr. Arrington noted that minority voters are more likely to be in a split precinct in the proposed plan. DX 320 ¶ 167. There is a significant statistical correlation showing that the districts were split on the basis of race in each and every minority ability district, as well as the two districts that were ability districts in the benchmark but no longer are in the proposed plan. DX 320 ¶¶ 168-170 & tbl. 21.

The amount of population split in and out of proposed District 23 is significant. Dr. Arrington noted that the map drawers split 38 precincts, and those precincts contain more than 116,000 people. DX 320 ¶ 170. The precinct splits cause more than 54,000 Hispanic voting age persons to be brought into the district while more than 38,000 are cut out. DX 320 ¶ 170. There are also 14,876 Anglo voting age persons that are brought into the district, and 8,506 that are excluded. DX 320 ¶ 170. Other than proposed Congressional District 35, District 23 had the second greatest number of people split in and out of the proposed district. Texas has provided no explanation for the number of people split in and out, but Dr. Handley's analysis showed that the political performance of Hispanic voters decreased dramatically based on the splits. DX 320 ¶ 171.

C. Process Concerns in the Congressional Plan

Dr. Arrington opined that in enacting the proposed Congressional redistricting plan, the State deviated from normal redistricting procedures by deliberately preventing meaningful participation of minority citizens and their elected officials. DX 320 ¶ 170; DX 370. He described the process as "tightly controlled" from its commencement even before the release of Census data. DX 320 ¶¶ 175, 179, 181, 187. In fact, Dr. Arrington has determined that those developing the plan provided a full draft in April to the law firm of Baker Botts, which had been retained by the Speaker of the House, but did not provide the Senate's outside counsel with access. DX 320 ¶¶ 179, 188. He also described how, as with the House plan, concerns regarding retrogression were again raised and ignored.

At least in terms of the minority ability-to-elect districts, Dr. Arrington observed that Republican staff and operatives drew the proposed Congressional redistricting plan prior to the House and Senate debates, and the map was not significantly changed after them. DX 320 ¶¶ 179, 181. Early in the process, the map drawers were aware of the trade-off between a minority election district and Republican prospects. DX 320 ¶ 186. Moreover, after the map drawers had an initial plan, Republican Congresspersons made their individual requests regarding what additional areas should be included in the districts, but minority legislators did not have that opportunity. DX 320 ¶¶ 189, 192.

Dr. Arrington also laid out the short period between release of the first statewide draft plan, the Solomons-Seliger Plan, and the sole meeting of the Senate Select Committee on Redistricting that addressed a concrete proposal: three days. DX 320 ¶ 175 & tbl. 22. The Senate and House Redistricting Committees met on June 3 and June 9, respectively, to consider the proposed Congressional plan. *Id.* Neither Committee took public comment prior to passing the proposed

plan out of Committee for a floor vote, and the process lacked the customary "give and take" of an active legislative process. *Id.* The process was so secretive that even the Redistricting Committee lawyers did not see the plan before it was introduced by the Chair. *Id.* ¶ 179.

Minority Committee members voiced their concerns about being excluded from the Congressional redistricting process because they were neither consulted nor included in the drafting process. DX 370. Dr. Arrington concluded that changes to minority election districts after the release of the initial statewide plan were largely trivial, particularly in those districts that had formerly provided minority voters with the ability to elect candidates of choice but no longer would under the proposed plan. DX 320 ¶¶ 176-177 & tbl. 23, ¶ 180.

Dr. Arrington concludes his discussion of the Congressional plan by synthesizing the relationship between partisanship and discriminatory purpose. As under the House plan, minority Congressional districts were a special target, and they were targeted using racial data. DX 320 ¶¶ 194-195. Dr. Arrington does not accuse those who drew the Congressional plan of racial animus; rather he explains that a purpose to limit minority electoral opportunities drove the Congressional redistricting, even if that purpose was in turn motivated by overarching partisan priorities. DX 320 ¶¶ 194-196, 198. The discriminatory aspects of the proposed plan were not necessary to comply with traditional districting principles, and no rational or legitimate justification supports the deliberate retrogression that Dr. Arrington observed. DX 320 ¶ 197.

III. Conclusion

Dr. Theodore S. Arrington has provided the expert opinion that the proposed redistricting plans for the Texas House of Representatives and the Texas delegation to the U.S. Congress were enacted with a discriminatory purpose. Tr. at 114:4-115:11; DX 320 ¶ 3; DX 739 ¶ 4. Dr. Arrington has explained the empirical foundation of his opinion, the methods employed to reach his

opinions, and – where relevant – the limitations of those methods. *E.g.*, DX 320 ¶¶ 77-103. His credible opinion testimony provides a substantial basis for denial of the State of Texas's request for a declaratory judgment that the proposed House and Congressional plans were not enacted with a discriminatory purpose.

Date: February 6, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2011, I served a true and correct copy of the foregoing via the Court's ECF system on the following counsel of record:

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