IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA; ERIC HOLDER in his official capacity as Attorney General of the United States, Defendants, *et al*.	Civil Action No. 1:11-cv-1303 (RMC-TBG-BAH)

SUMMARY OF EXPERT TESTIMONY AND REPORTS OFFERED BY DR. RICHARD MURRAY, PH.D.

Dr. Richard Murray prepared four reports in August and September of 2011 for *Perry v. Perez* and one report addressing retrogression in January of 2012 for this court. The reports cover the following topics:

- The Congressional redistricting plan C185 (43 pages) (hereinafter "Murray Report 1")[1]
- The Texas State House redistricting plan H283 and racial polarization (37 pages) ("Murray Report 2")[2]
- The "Obama Effect" (14 pages) ("Murray Report 3")[3]
- Whether the "effective election" is the general election or the party primaries (2 pages) ("Murray Report 4")[4]
- C185 and H283 analyzed for intentional discrimination and retrogressive effect under VRA § 5 (5 pages) ("Murray Report 5")[5]

These reports show that despite minority demographic changes and racially polarized voting patterns, map drawers created C185 and H283 with the goal of preserving Anglo voting dominance. Murray's reports demonstrate the presence of intentional discrimination and retrogressive effect in C185 and H283; the existence of racially polarized voting; and that general elections are more probative for VRA analysis than party primaries.

Demographic Changes Pressured State Legislative Leadership to Preserve Anglo Voting Dominance Through Redistricting

State Population Growth is Driven by Minorities and Concentrated in Urban Areas.

Anglo growth slowed dramatically between 2000 and 2010, but black and Hispanic growth continued, accounting for 3.4 million of the state's total growth of 4.3 million. Perez, Tr. Test. of Dr. Richard Murray, 866:12-867:17, September 9, 2011. Many small and rural towns typically

[1] Ex. DX-347, Murray Report, *Congressional Plan C185 and the Voting Rights Act: A Consideration of General Relevant Factors, with a Specific Focus on the Deficiencies of the Enacted Plan in the Dallas/Forth Worth and Houston Areas*, August 7, 2011.
[2] Ex. DX-508, Murray Expert Report, *An Analysis of Racial and Ethnic Discrimination in Texas, Racial Polarization, and the Voting Rights Act with Regard to Redistricting Plan H283,* August 8, 2011.
[3] *The "Obama Effect" in Texas: Analyzing the 2008 Presidential Election in the Lone Star State*, August 8, 2011
[4] Ex. DX-348, Murray Supplemental Report, *Is The "Effective Election" in Texas the General Election of the Party Primaries? An Addendum to My Original Report*, September 1, 2011.
[5] Ex. DX-697, Murray Analysis of Enacted Plans, *An Analysis of Congressional Plan C185 and Texas House of Representative Plan H283 Enacted by the Texas Legislature in August 2011*, January 13, 2012.

represented by Republicans saw no growth or population losses, while most growth was concentrated in the urban areas of Dallas/Fort Worth, Austin-San Antonio, and Houston, and in majority Hispanic border counties. Murray Rep. 2, 23. Growth in Harris and Fort Bend Counties (Houston area) and Dallas and Tarrant Counties (Dallas/Fort Worth area) was driven by Hispanic and African American population increases: the Anglo population in these four counties declined by 191,278 while Hispanic and Non-Hispanic Black populations grew by 1,420,904. Murray Rep. 5, 1.

Population Shifts Changed Suburbs and Cities' Voter Make-Up. A concentration of young, educated, affluent Anglos more likely to vote for minority preferred candidates appeared in urban counties. Murray Rep. 2, 23. White flight from urban to suburban areas slowed, and black, Hispanic, and Asian flight from central cities drove suburban growth, producing a large number of racially and ethnically mixed suburban neighborhoods.[6] Id. Minority newcomers to Dallas, Harris, and Tarrant County suburbs helped flip some precincts from majority Republican voters in the 2000 presidential election to majority Democratic voters in 2008. Id. In response, Republicans created distorted and unconstitutional districts to create as many majority Anglo districts as possible.

"The Obama Effect": Racially Polarized Voting Patterns Mean That Minority Gains in Representation Occur at the Expense of Electing Republicans

Racially Polarized Voting. Polarized voting occurs when a substantial majority of one group votes for one candidate and a majority of another group votes the other way. Perez, Tr. Test. of Dr. Richard Murray, 870:13-21, September 8, 2011.Racially polarized voting is a prominent feature in Texas elections. Perez, Tr. Test. of Dr. Richard Murray, 880:3-5, September

[6] An analysis of six suburban voting precincts in Harris County, Texas, show the percentage of Anglo voters in 2000 at 40.2%, compared to only 18.7% in 2010; the percentage of Hispanic voters in 2000 at 27.3%, compared to 44.1% in 2010; and the percentage of black voters at 20.4% in 2000 and 27.0% in 2010.

8, 2011. A national divide between the Republican Party and black voters has been evident since Republican Senator Goldwater went after southern white votes by voting against the 1964 Civil Rights Act. Id. at 861:18-862:6. The black vote swung to the Democrats and has remained there ever since. Murray Rep. 2, 12. In the 21st century, the black share of the national electorate has stayed around 10%, Anglo growth has ceased, and non-black minority populations have surged. Id. Hispanics, and to a lesser extent Asian Americans, have been voting in larger numbers and identifying more with the Democratic party. Id. As minorities have leaned Democratic, more whites have shifted to the Republicans, especially in rural and small towns. Id.

Polarized Voting in the 2008 Election. These trends became strikingly apparent in the 2008 presidential election. Id.. President Obama captured 53% of the vote nationwide—a larger share than any Democrat since Johnson in 1964. Id. But the racial disparity was striking: Obama received 80% of votes cast by minority voters, who made up 26% of the nation's electorate, but only 43% of the white vote. Id. The 2008 election evinced a clear ethnic/racial cleavage, with minorities voting heavily Democratic and whites over fifty voting heavily Republican. Id.

The Obama Effect. Rather than lessen ideological and racial polarization, President Obama's election inspired the emergence of the Tea Party Movement one month after he took office. Id. Tea Party supporters tend to be older, white, and middle class conservative Republicans. Id. at 13. They share a general hostility to government spending, especially towards programs that they see as rewarding "freeloaders." Id. Tea Partiers' hostility towards "freeloader" programs is coupled with anger at and fear of undocumented immigrants, and their anger and fear is strongly associated with the ethnic identity of the immigrants in question. Id. For example, Hispanic immigration from Mexico is a far greater concern in Tea Party rhetoric than white immigration from Canada.

The Tea Party's Impact Nationwide and in Texas. The Tea Party's electoral impact was evident in the November 2010 General Election. Id. Typically, voting levels decline in midterm elections, but in 2010 older white conservatives voted at nearly presidential levels. Id. Election results demonstrated that the Tea Party has moved the Republican Party farther right, as Tea Party mobilizations enabled insurgent candidates to defeat officially endorsed GOP candidates, including incumbents. Id. The effects of Tea Party activity have been even more profound in Texas, where Tea Partiers have built on virulent opposition to President Obama, bitter hostility to administration policies like the 2010 Health Care Reform Act, growing Anglo support for immigration enforcement, and a strong anti-tax, anti-spending sentiment that took hold as a looming state budget crisis arose. Id. at 14-16. Railroad Commissioner Victor G. Carillo, who crushed his opponent Robert Butler in 2004, lost the 2010 election to an unknown opponent who had virtually no money and an Anglo name: David Porter. Id. at 16. Tea Party activated voters, primarily older Anglos, preferred to vote for an unknown *Anglo* name rather than an establishment-backed *Latino* Republican. Id.

Homogenous Precinct Analysis Shows Racially Polarized Voting. The existence of racially polarized voting has been demonstrated by comparing voting patterns in precincts that are overwhelming dominated by a polarized group. In Harris County, black majority precincts vote almost entirely Democratic and Hispanic majority precincts vote largely Democratic. Id. at 19; Perez, Tr. Test. of Dr. Richard Murray, 871:12-872:21, September 8, 2011. Most Anglo majority precincts lean sharply Republican. Murray Rep. 1, 18. Table Five on Murray Report 2, page 18, shows a sample of voter participation in the Democratic primary in six homogeneous precincts for the 2008 and 2010 primaries. Id. The African American majority precincts voted 98.9-99.7% Democratic; Hispanic majority precincts voted 91.3%-98.3% Democratic, and Anglo

majority precincts voted 27.9% to 82.7% Democratic, with six of the seven precincts listed voting 44.0% Democratic or less. Id. This pattern is mirrored in Dallas, Bexar, and Tarrant Counties, and the heavily Hispanic border area. Id. at 19. Some Anglo areas skew Democratic, including a shrinking number of rural counties, Travis County, and upscale inner-city white areas in Houston, but overall Democratic participation is heavily skewed toward minorities. Id. Texas, much more so than the nation at large, has become a sharply polarized state in its racial and ethnic voting, and that trend has increased in recent election cycles. Perez, Tr. Test. of Dr. Richard Murray, 873:17-23-, September 8, 2011.

Suppression of Minority Voting. The 2008 election drove home the fact that minorities tend to vote Democrat, making it clear that weakening minority voting power will strengthen Republican gains. This reality has underlain recent efforts to suppress minority voting, from the rejection of voter applications to volunteer "monitoring" of voting in inner-city neighborhoods.[7] Murray Rep. 2, 17. Because Republican policies are not attractive to most black and Hispanic voters, who make up 45% of Texas's VAP, the best way for Republicans to stay in power is to keep down the size of the minority vote, and to ensure that the impact of minorities who do vote is limited by how representative districts are drawn. Id. at 17-18.

C185 is Retrogressive and Intentionally Discriminatory

In the face of disadvantageous demographic changes and increasingly racially polarized voting patterns, Republicans found a way to neutralize minority voting power and preserve their

[7] In 2008, Mr. Bettencourt, the Harris County Tax-Assessor-Collector and Registrar of Voters, rejected thousands of voter applications because of minor errors that were not disqualifying of applications in other large counties and created a massive backlog of unprocessed voter registration cards, resulting in thousands of provisional ballots being cast by individuals who had filled out registration cards before the October deadline, but whose names were not on the rolls when they showed up to vote. As a result, the Texas Democratic Party sued Mr. Bettencourt in federal court, alleging that he had violated the Voting Rights Act.[7] Mr. Bettencourt abruptly resigned a month before trial. In 2010, a Tea Party affiliate calling itself the King Street Patriots mobilized several hundred volunteers to monitor voting at Harris County polling places to make sure that the election was not being "stolen." Apparently assuming that minorities were more likely to commit voter fraud than white, the Patriots sent their volunteers to inner city polls where minorities voted and created a number of confrontations with voters and election officials.

own power in Congress and the State House, by creating and passing racially discriminatory and retrogressive redistricting maps C185 and H283.

C185 Fails to Increase Opportunities for the Growing Population of Protected Minorities Statewide. Given the demographic changes that occurred from 2000 to 2010, one would expect that a new congressional map would increase opportunities for minorities to elect candidates of their choice in counties with growing minority populations. Murray Rep. 5, 2. Instead, where the 2003 plan provided for 11 minority ability-to-elect districts out of 32, C185 lowers the number of minority ability-to-elect districts to 10 out of an even higher total of 36 districts. Murray Report 1, 10, 26. A fairer plan, like one suggested by Senator Whitworth, could create 14 to 16 effective districts for minority voters. Perez, Tr. Test. of Dr. Richard Murray, 1054:13-25, September 9, 2011.

C185 Fails to Increase Opportunities for Growing Minority Populations in Urban Areas. C185 fails to create a new minority opportunity district in the Houston and Dallas/Fort Worth areas, in spite of the fact that the number of congressional districts allocated to the four counties jumped from 11.38 to 12.67. Murray Rep. 2, 2. As a result, the percentage of congressional seats where protected minority voters in these four counties will have the opportunity to elect candidates of their choice will decline from 35.13% under the 2003 plan to 31.57%. Id. So while the minority population in these counties rose 8.43%, their congressional representation will decline by 3.66%. Id.

C185 is retrogressive. C185 compromises the effectiveness of existing minority opportunity Districts 9 and 18 (Houston) and District 30 (Dallas) by moving the district offices, packing CD30, reducing the districts' economic assets, and incorporating areas that contain or are likely to attract mostly white residents. Id. Because black and Hispanic voters in these areas

will be worse off under C185 than they have been under the 2003 plan, C185 is retrogressive in these four counties, which contain over one third of the state's population. Id.

C185 is intentionally discriminatory. Minority representatives like Congressman Cuellar and State Representative Turner were shut out of the effective map drawing. Id. Even compared to the redistricting orchestrated by Tom Delay in 2001 and 2003, the 2011 redistricting process was extremely secretive and disregarded minority interests, indicating intentional discrimination. Id. at 3.

C185 Will Decrease District 9's Effectiveness as an African American Opportunity District. C185 violates traditional redistricting principles in its formulation of the 9th congressional district. Murray Rep. 1, 27. The existing district is compact, encompassing south central Harris County and a small part of Fort Bend County, and contains near the required population with a surplus of 35,508 people, or 5.05%., so that little alteration was required. Id. at 28. C185 will make major changes, unnecessarily excising the district's center and pushing the district farther into Fort Bend County. Id. This will weaken the district's effectiveness as African American opportunity district and the effectiveness of its representative.

The addition of a large, relatively undeveloped area in Fort Bend County likely to attract whites will weaken minority voting power over the coming decade. Id.; Perez, Tr. Test. of Dr. Richard Murray, 1048:15-16, September 9, 2011. Given the area's fast Latino growth rate and the failure to create a Latino opportunity district in Houston, C185 ensures that CD9 will be a packed district. Murray Rep. 1, 28; Perez, Tr. Test. of Dr. Richard Murray, 1048:22-24, September 9, 2011. Adding areas likely to attract whites creates an unnecessary risk that District 9 will cease to be a viable African American voting district.

C185 Will Decrease the Effectiveness of District 9's Congressional Representative. C185 removes economic assets, including facilities in the Texas Medical Center, the largest employer in Houston. Murray Rep. 1, 28. This diminishes the Congressional representative's ability to leverage such assets for the benefit of a district with a high percentage of persons below the poverty line and families without health insurance. Murray Rep. 1, 28.

Plan C193 is more likely to ensure the continuation of the 9th District as an African American opportunity district than C185. Perez, Tr. Test. of Dr. Richard Murray, 1049:11-14, September 9, 2011. Dr. Murray reviewed Plan C193, proposed by the NAACP. In C193, the district would be 40.3% black and 37.3% Hispanic, restoring a black plurality. Id. at 1049:5-7. The black VAP would be ~5.6% higher than the Hispanic VAP, and the district would not include as many growth areas likely to attract whites. Id. at 1049:7-9.

C185 Will Decrease the Ability of District18's Voters to Participate in the Political Process. Only minor changes are required to correct District 18's moderate over-population of 22,503 people, or 3.22%, but C185 will make major disruptive changes. Murray Rep. 1, 29. C185 will remove Houston's Central Business District (CBD), in spite of the fact that the CBD has been in the 18th District since the 1960s. Id. The CBD's excision cannot be explained by voting redistricting needs since it has few voters. Id. Congresswoman Jackson-Lee has spent over 16 years working on issues for major economic players based in the CBD, including energy companies, the Metropolitan Transit Authority, Federal Detention Center, and a wide range of public infrastructure projects. Id. at 29-30. Arbitrarily severing the relationship between the 18th District's representative and these key economic players will injure the district's residents, many of whom live and/or work near downtown. Id. at 29-30.

C185 Splits African American Communities of Interest and Adds Random Communities. Under C185, District 18 extends a corridor into the Fondren Southwest area that has nothing in common with existing district residents. Id. C185 splits the Third Ward-MacGregor area, one of Houston's most important traditional communities and home to many African American opinion leaders, dividing a traditional black community that has been in the district since the district's creation in 1972. Id.; Perez, Tr. Test. of Dr. Richard Murray, 1051:5-9, September 9, 2011. Black voters are not monolithic, and have a strong sense of identity with longtime neighborhoods, supporting institutions, and political representatives. Murray Rep. 1, 29-30. Splitting the Third Ward-MacGregor area, without justification, shows disregard, if not contempt, for its longtime residents and for preserving communities of interest in the black neighborhoods. Id.

C185 Will Decrease the District 18's Effectiveness as an African American Opportunity District. Plan C185 adds a large group of fast-gentrifying precincts in the Montrose area, pushing the district's Anglo VAP up from 19.3% to 22.1% and lowering the Asian/Other VAP from 6.2% to 4.1%. Id. Since inner city African American areas are likely to continue losing residents, new territory with a growing Anglo population will contribute to a declining black population in the redrawn District 18. Id. Thus, Plan C185 places District 18 at risk of no longer being an effective African American opportunity district over course of the decade, especially if the incumbent Congresswoman Jackson-Lee does not seek reelection. Id.

Plan C193 would more likely ensure the 18th District's viability as an effective African American opportunity district. C193 would restore the district with only minor modifications. Perez, Tr. Test. of Dr. Richard Murray, 1051:23-1052:1, September 9, 2011.

C185 Intentionally Fails to Provide Adequate Opportunities for Minority Voters in the Dallas/Fort Worth Area. The combined populations of Dallas and Tarrant Counties are sufficient to draw six congressional districts, and half of the votes cast in these two counties go to candidates supported by protected minority voters. Murray Rep. 5, 3. Non-Hispanic Blacks account for 18.85% of the two counties' population; Hispanics, 32.5%; and Non-Hispanic Whites, 42.45%. Murray Rep. 1, 30, 34. The white population in Dallas County is only 33.1%, and the faster-growing Tarrant County will probably be a majority-minority county by 2012. Yet under C185, these two counties will have only *one* effective minority opportunity district, District 30. Murray Rep. 5, 3. Achieving this result through C185 required an extremely aggressive racial/ethnic gerrymander that packed black and Hispanic voters into District 30, then sliced and diced the remaining urban minority populations among ten districts, bringing suburban Anglos with a history of polarized voting against minority-supported candidates into the core urban counties. Id. For example, Districts 5 and 6 start in rural and small town communities and cut into Tarrant and Dallas Counties to collect enough people to reach the 698,488 required, but not enough minority voters to give them an opportunity to elect a representative of their choice. Murray Rep. 1, 34. Other districts, like District 24, combine low participation/high population minority precincts with high participation/low population Anglo neighborhoods to effectively deprive minorities of the opportunity to elect candidates of their choice. Id.

Failure to Provide Adequate Opportunities for Minority Voters Indicates Intentional Discrimination. Dallas and Tarrant Counties' black and Hispanic voters tend to vote cohesively while white voters tend to vote against preferred minority candidates. Murray Rep. 1, 32-33. Table 11 on pages 32-22 of Murray Report 1 show that heavily African American precincts,

heavily Hispanic precincts, and the precincts that contained large numbers of Hispanics and blacks combined in Dallas/Tarrant Counties gave a large majority of their support to Latina Lupe Valdez in her 2008 run for Sheriff and for African American Craig Watkins in his 2010 run for District Attorney. Id. Precincts with combined minority populations of less than 10% gave, on average, less than a quarter of their votes to the candidates supported by minority voters. Id. The election of President Obama and emergence of the Tea Party has exacerbated racially polarized voting. Id. at 34-35. Given the rapid growth of mixed neighborhoods, it would be easier to draw three minority opportunity districts in Dallas and Tarrant Counties now than it was when the Texas Legislature drew three minority opportunity districts in Harris and Fort Bend Counties in 2003. Id. at 32-33. In light of this, the slicing and dicing of Dallas and Tarrant Counties' minority voters must have been intentional. Murray Rep. 5, 3.

C185 Will Decrease Long-Term Effectiveness of District 30 as an African American Opportunity District. C185 will leave the 30th District in Dallas County as an effective opportunity district for Congresswoman Eddie Bernice Johnson, but the map undermines long-term viability for non-incumbent black candidates to win the redrawn district by adding suburban growth areas not likely to support the same candidates as the black voters currently present in the district. Murray Rep. 1, 37. This is an intentional maneuver to thwart the political effects of the past decade's demographic changes, which have transformed Dallas County from a majority white county where Republicans won every race despite losing the Black and Hispanic vote in 2000, to a majority Black and Hispanic county where minority-supported candidates won 47 of 48 races in 2010.[8] Id. at 35. In spite of the traditional redistricting principle of trying to accommodate an incumbent's desires in districts that don't need huge modifications,

[8] A detailed description of demographic change in Dallas County and its effects on elections may be found on page 35 of this report.

Congresswomen Johnson had little effective impact in influencing the redrawing of District 30, and as a result many unnecessary changes were made to the detriment of Congresswoman Johnson and her service constituency. Perez, Tr. Test. of Dr. Richard Murray, 1043:2-16, September 9, 2011.

Plan C193 would be more likely to ensure the 30th District's continuation as an effective African American opportunity district. Plan C193 avoids the problems that C185 would create for minority voters in Dallas/Fort Worth by creating three effective minority opportunity districts as opposed to C185's one. Murray Rep. 1, 37. Where C185 undermines District 30's long-term viability for non-incumbent black candidates by adding suburban growth areas likely to attract whites, splits communities of interest, and excises economic assets, C193 creates a more compact district, while also giving most of the region's minority population outside District 20 the opportunity to elect candidates of their choice. Id.

H283 is Retrogressive and Intentionally Discriminatory

Between 2000 and 2010, Harris County experienced very large minority growth and a net loss of Anglos, so preserving the representation of 14 of the 25 existing districts by Anglo Republicans is particularly challenging in this redistricting cycle. Murray Report 2, 26. Plan H283 accomplishes this feat through redistricting measures that are both discriminatory and retrogressive. Id.

Harris County House Districts are Retrogressive and Intentionally Discriminatory

H283 Reduces Harris County's State House Delegation by One Seat and Preserves Anglo Representatives at the Minority Voters' Expense. H283 reduces the Harris County State House delegation from 25 to 24, in spite of the fact that Harris County had almost the same 2000-2010

growth rate (20.4%) as the state as a whole (20.6%).[9] Id. In order to pack minority voters into a few districts, C185 uses artificially high standards for what percentages of minority voters are needed to create an effective minority opportunity district. Murray Rep. 2, 29-30. The state seems to be setting the bar for black districts at 40% VAP or higher, in spite of the fact that 35% has always afforded black voters the opportunity to elect candidates of their choice, e.g., Sylvester Turner in District 139 in 1988. Id. The state also set a standard that at least 50% of registered, non-suspense voters in Hispanic opportunity districts be "Spanish-surname"; however, existing District 148 is represented by a Hispanic candidate of choice, Jessica Farrar, and has only a Spanish-surname, non-suspense voter registration of 40.0%. Id. Packing 10% more Spanish-surname voters into District 148, as H 283 will, is an unnecessary augmentation.

C185 packs large Hispanic majorities into 4 of the 24 districts (140, 143, 145, and 148), leaving the county's Hispanic VAP of 36.7% with effective opportunities to elect a candidate of their choice in only 16.7% of districts. Id. at 29. One of these, District 145, is held together in the middle by a long, narrow strip only three blocks wide. Id. Similarly, C185 packs black voters into six existing protected districts (131, 138, 141, 142, 146, and 147). Id. C185 shifts mixed racial and ethnic precincts into districts with core constituencies of Anglos with strong histories of opposing black and Latino-preferred General Election candidates (127, 128, 129, and 144), denying minorities the opportunity to elect preferred candidates in mixed areas where minorities constitute a large and increasing majority. Id. at 27-28.

[9] Dr. Murray noted that the State might argue that dividing the county population by the ideal population for a House seat based on the 2010 Census yields 24.41 and that the Legislature is obliged to round down to the nearest whole number; however, in 2001, the same individuals controlling this cycle's state map drawing chose to round 24.46, the number obtained by dividing the county population by the ideal population for a House seat, up to 25 rather than down to 24. Following a consistent rule would result in keeping the 25 member delegation this year—which would have almost certainly resulted in an additional minority opportunity district.

House District 149 is Retrogressive and Intentionally Discriminatory. Representative Hubert Vo, a Vietnamese American, has represented District 149 since 2004 with the support of a coalition of Vietnamese, black, and Hispanic voters. Id. at 30. C185 eliminates District 149, dispersing most of Vo's Asian supporters into neighboring districts that are dominated by African Americans or white Republicans. Id. at 31; Perez, Tr. Test. of Dr. Richard Murray, 891:19-892:2, September 8, 2011. It is unlikely that the map would have been drawn this way without intending to minimize minority voter opportunity. Perez, Tr. Test. of Dr. Richard Murray, 892:3-893:21, September 8, 2011.

Dallas County House Districts are Retrogressive and Intentionally Discriminatory

H283 Does Not Provide Minority Voters With Opportunities Commensurate With Their Population Size and Projected Population Growth. The Anglo population of Dallas County fell from 983,693 (44.3%) to 784,693 (33.1%) between 2000 and 2010, while the Hispanic population grew by 243,211 people, becoming the county's largest ethnic group at 38.3%. Murray Rep. 2, 31. H283 will provide for 8 Anglo voter controlled districts and 6 minority voter controlled districts. Id. at 32. Hispanic voters, who will account for over 40% of the population by 2012, will only be effective in electing representatives of their choice in 14% of Dallas County's Districts. Id. at 31.

H283 Eliminates 5 Districts on the Verge of Becoming Majority Opportunity Districts. Five existing districts containing mixed racial and ethnic neighborhoods have been growing in voting power grew over the past decade, approaching the point where minority voters could create effective minority coalition districts. Id. at 32-33. H283 eliminated two of these, moving them to neighboring Tarrant and Denton Counties, assigned as many minority residents of the remaining three districts as possible to the six already existing protected minority districts, and

moved the remaining minority voters into districts with high voter turnout of Anglos with a recent history of polarized voting. Id. at 33. As a result, H283 is highly retrogressive, leaving black and Hispanic voters with far less voting power than they had under the 2001 map.

GENERAL ELECTIONS ARE THE EFFECTIVE ELECTIONS FOR MOST OF TEXAS

For much of the 20th century, the Democratic primaries were the elections that determined ultimate winners for state and local offices, and where voter participation was concentrated. Murray Rep. 4, 1. In the 1950s, three times as many people voted in the Democratic primary as in the general election. Perez, Tr. Test. of Dr. Richard Murray, 885:12-13, September 8, 2011. This trend began to end in the 1970s when an increasing number of General Election races were contested by Republicans and voter participation in Democratic primaries dropped dramatically. Murray Rep. 4, 1. Although voters were losing interest in Democratic primaries, they did not flock to the Republican primaries where voting remained light. Id. There are few counties were the Democratic primary remains the effective election, almost all located in heavily Hispanic South Texas. Id. But generally, across the state, and specifically in Harris, Dallas, and Tarrant Counties, voter turnout patterns, the number of contested elections and the comparative competitiveness in outcomes shows that the General Election is the critical contest in the 21st century. Id. at 2. For this reason, when performing a Voting Rights Act analysis, it is better to look at a general election than a primary to determine the candidate of choice. Murray Rep. 4, 5; Perez, Tr. Test. of Dr. Richard Murray, 886:3-10, September 8, 2011.

Dated: February 6, 2012

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2012, I electronically filed the foregoing **Summary of Expert Testimony and Reports Offered by Dr. Richard Murray** 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/ Allison J. Riggs