

2. Taking an approach similar to that taken by the three-judge court in *Balderas v. State of Texas*, the Court's proposed plan first protects the existing effective minority opportunity districts in the benchmark map (C100) to guard against any retrogression under Section 5 of the Voting Rights Act. Second, the Court then drew the four new congressional districts respecting the large population growth in the minority communities in Texas, particularly the location of new minority opportunity congressional districts in the Austin to San Antonio corridor, as well as the Tarrant County region of the State.¹ We also commend the Court's plan for maintaining the strong coalition district in Travis County, similar to the approach taken by the *Balderas* Court when it imposed an interim remedial plan in 2001 and responding to the testimony at trial about the importance and vitality of the voters in this coalition district. Moreover, the Court's plan maintains intact the downtown San Antonio area of CD 20, which once again responds to the testimony during trial that this area and the community of interest therein has been at the heart of CD 20 since its creation decades ago. The Court's proposed map also maintains the base of the remaining districts in the State, follows traditional redistricting principles, and avoids needless disruption of the population in those districts.

3. The only change we would respectfully urge the Court to consider is in Dallas County, where congressional district 30 (Rep. Eddie Bernice Johnson) remains a packed African-American opportunity district (over 80% total black and Hispanic), and over 307,000 Hispanics end up stranded in a congressional district (6) where they will not have an effective opportunity to participate in the political process or to elect candidates of their choice.² During the remedial

¹ The Court's new Bexar County-based district 35 that runs north into Hays County conceptually resembles the proposed district 33 drawn by the Quesada plaintiffs in demonstration plans C202, 204 and 205.

² Indeed, the congressman from that district (Rep. Joe Barton) has a voting record that is hostile to the interests of minority voters. During the trial, the NAACP offered into evidence an exhibit showing the voting report cards for members of the congressional delegation. See NAACP Ex. 606. That exhibit shows that Joe Barton consistently gets a failing grade.

hearings held before this Court, it was demonstrated that a new congressional district *located entirely within Dallas County* could be created and that such a district would meet the requirements of Section 2 by satisfying all the *Gingles* standards. See, *e.g.*, Quesada Plaintiffs' Plans C202 and C205, and the LULAC-NAACP Plan C218. And it was shown that the creation of a new Hispanic opportunity district entirely within Dallas County would not negatively impact the viability or effectiveness of existing congressional district 30. We respectfully submit that in view of the high rate of growth of the Hispanic population in this region,³ that the Court re-examine and draw a new Hispanic opportunity district entirely within Dallas County. To do so, the Court could simply reconfigure congressional district 6 into a new Hispanic opportunity district which can be done without significantly impacting the demographic or political nature of adjacent districts.

Respectfully submitted,

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³ Though the Anglo population in Dallas County decreased over the last decade, there was explosive growth of *minority* population in that County over the last decade.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of November, 2011, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel of record. Those attorneys not served via the CM/ECF system are being served via first-class, mail, postage prepaid.

/s/ J. Gerald Hebert
J. GERALD HEBERT