

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DICKINSON BAY AREA BRANCH §
NAACP, et al., §
§
Plaintiffs, §
§
v. § Civil Action No. 3:22-cv-117- JVB
§
GALVESTON COUNTY, TEXAS, et al., §
§
Defendants. §

TERRY PETTEWAY, et al., §
§
Plaintiffs, §
§
v. § Civil Action No. 3:22-cv-57-JVB
§ [Lead Consolidated Case]
§
GALVESTON COUNTY, TEXAS, et al., §
§
Defendants. §

UNITED STATES OF AMERICA, §
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Plaintiff, §
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v. § Civil Action No. 3:22-cv-93-JVB
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**NAACP PLAINTIFFS' NOTICE OF FILING
DECLARATIONS IN SUPPORT OF FIRST AMENDMENT PRIVILEGE**

As directed by the Court in its May 8, 2023 Order, Doc. 165, NAACP Plaintiffs hereby provide notice to the Court of the filing of the following Declarations in support of NAACP Plaintiffs' assertions of First Amendment privilege (*see* Doc. 148):

1. May 9, 2023 Declaration of Mary Patrick;
2. May 9, 2023 Declaration of Lucretia Lofton.

Respectfully submitted this 9th day of May, 2023.

/s/ Hilary Harris Klein

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SOCIAL JUSTICE**

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**admitted pro hac vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 9, 2023, the foregoing document and its Exhibits were filed electronically (via CM/ECF), and that all counsel of record were served by CM/ECF.

/s/ Hilary Harris Klein

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DECLARATION OF MARY PATRICK
IN SUPPORT OF FIRST AMENDMENT PRIVILEGE ASSERTIONS

MAY 9, 2023

I, Mary Patrick, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. My name is Mary Patrick, and I am a current resident of Galveston County and a current President of the Galveston branch of the Texas NAACP. I have been a member of the Galveston NAACP for at least the last 10 years.
2. I am above the age of 18 and am otherwise competent to testify.
3. The statements in this affidavit are based upon my personal knowledge and best recollection.
4. The Galveston NAACP unit is a part of the Texas State Conference of the NAACP and the national NAACP. The NAACP mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.
5. In furtherance of this mission, the Galveston NAACP unit organizes and participates in voter registration drives, voter education events, poll watcher programs, and get-out-the-vote campaigns that predominantly serve the minority populations of the city of Galveston in Galveston County. The unit also advocates for fair housing, natural disaster relief, fair policing, education, and public health services, for example, by serving as a liaison for members facing eviction and helping to organize COVID vaccination clinics.
6. In 2021, a member of the Galveston NAACP unit, Roxy Hall Williamson, participated in a fellowship known as the CROWD Fellowship in order to lead our unit's redistricting committee to assist us with public education and advocacy relating to the local redistricting process following the 2020 Census.
7. I have reviewed the 16 documents that were in my / Galveston NAACP's custody or control and that were withheld in this matter based upon a First Amendment privilege. These documents include NAACP training materials, communications between and to NAACP branch leaders within the Texas NAACP, and communications with Ms. Williamson.
8. Importantly, these documents were intended to remain internal to NAACP, and not for public distribution. I understand from my counsel that any materials that were intended for public distribution and not meant to stay confidential within NAACP have been produced in this matter. I have attached one such example to this affidavit as Exhibit 1, which was redacted for membership information when it was produced to Defendants.
9. I am very concerned that disclosure of the documents sought by Defendants will seriously harm NAACP Galveston's ability to discuss important issues of

discrimination and strategize about how to effectively carry out our mission. We live in a small, tight-knit community and fear retaliation, harassment, or other negative consequences for speaking out on difficult issues. I am aware that there is harassment of a member of the Dickinson Bay Area NAACP who is a La Marque city counsellor, and this is just one such example.

10. It is fundamental to NAACP Galveston's work that our leadership and membership be able to discuss and strategize privately and confidentially. We often discuss controversial issues, as I mention above, and the only reason people are able to speak freely and openly how they feel about issues, and what change we want to advocate for, is because these conversations are confidential within NAACP. We intentionally do not record our meetings, for example, so that leadership and membership can speak freely.
11. However, if the NAACP Galveston documents sought by Defendants in this matter are made public, I have serious concerns and a sincere belief that this will discourage individuals from continuing their membership, or joining membership, in NAACP. I truly feel that this disclosure would discourage individuals from taking leadership positions.
12. I am certain that if NAACP internal communications discussing strategy and the trainings that guide us in how we can accomplish what we need to do, both general and specific to redistricting, are disclosed that it will prevent leadership and membership from speaking their mind in the future. Our work often concerns sensitive, and sometimes politically charged, issues such as fair policing, fair housing, equitable distribution of natural disaster relief funds, advocacy around the removal of the confederate statue, redistricting and other elections issues, as just some examples. If individuals believe their communications might be made public in the future, I believe that leadership and members will decline to fully contribute thoughts and ideas when we strategize and discuss these issues in email as well as in meetings.
13. In short, NAACP would become less effective if our internal communications are required to be disclosed because people trust us and believe that when they speak in confidence about difficult issues, those confidences will be kept.
14. I understand from my counsel that Defendants are not seeking membership names or information. Notwithstanding this limitation, I also have a fear of retaliation if these communications are disclosed because leadership are still known and these documents would still reveal the contents of our communications.
15. In addition, disclosure of NAACP internal communications discussing training and strategy may result in the national and statewide organization being less willing to share insight and resources with local units like my Galveston NAACP unit, making

it more difficult for us to muster the information and guidance needed to carry out effective public advocacy and education campaigns.

Signed this, the 9th day of May, 2023.

Mary Patrick
Mary Patrick (May 9, 2023 14:36 CDT)

Mary Patrick

EXHIBIT 1
to May 9, 2023 Declaration of Mary Patrick

Date: Thursday, November 4 2021 09:25 PM
Subject: Fwd: Fw: Redistricting Maps
From: Galveston NAACP 6180 <naacpgalveston@gmail.com >
To: undisclosed-recipients;

Redacted - 1st Amendment

Redacted - Privilege

islandfatcat@yahoo.com;

Redacted - Privilege

BCC:

Redacted - 1st Amendment

Redacted - PII

Redacted - Privilege

Redacted - 1st Amendment

Redacted - Privilege

sdholmes1@aol.com;

Redacted - Privilege

Redacted - 1st Amendment

Redacted - 1st Amendment

Patricia Toliver <

Redacted - PII

> Redacted - Privilege

From: Mary Patrick <Redacted - PII >

Sent: Thursday, November 4, 2021 9:07 PM

Subject: Redistricting Maps

<https://www.galvestoncountytexas.gov/our-county/county-judge/redistricting>

I have posted the website to go to and express comments about the two maps that may be voted on next Tuesday. Dr. Scott, Roxy Hall Williamson, Mr. Hatter and I were on the call tonight with Commissioner Holmes and he provided great information.

Please click on the link and provide your comments.

Map 1 - remove Bolivar from the Map

Map 2 - Eliminate the Map.

Please pass the word.

Dr. Scott, please send out to the membership.

Thanks.

Mary Patrick

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**DECLARATION OF LUCRETIA LOFTON
IN SUPPORT OF FIRST AMENDMENT PRIVILEGE ASSERTIONS**

MAY 9, 2023


I, Lucretia Lofton, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. My name is Lucretia Lofton, and I am a current resident of Galveston County and the most recent past President of the Dickinson Bay Area branch of the Texas NAACP. I have been a member of the Dickinson Bay Area NAACP since 2017 and prior to that, a member of the Mainland Branch NAACP for decades, since I was a child.
2. I am above the age of 18 and am otherwise competent to testify.
3. The statements in this affidavit are based upon my personal knowledge and best recollection.
4. The Dickinson Bay Area NAACP unit is a part of the Texas State Conference of the NAACP and the national NAACP. The NAACP mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.
5. The Dickinson Bay Area NAACP unit serves people who live and work in the northern part of Galveston County, including Dickinson and the portions of League City and Friendswood within Galveston County. The unit organizes and participates in voter registration drives, voter education events, poll watcher programs, and get-out-the-vote campaigns that predominantly serve the minority populations of north Galveston County. Like other NAACP units in Galveston County, the unit also advocates for fair housing, natural disaster relief, fair policing, education, and public health services, for example, by coordinating hurricane relief efforts, running a program educating members about home ownership, and helping to represent families in discrimination complaints against local school boards.
6. I have reviewed the 15 documents that were in my / Dickinson Bay NAACP's custody or control and that were withheld in this matter based upon a First Amendment privilege. These documents include NAACP training materials, communications between and to NAACP branch leaders within the Texas NAACP, and communications with Roxy Hall Williamson, who was to my knowledge a member of the Galveston NAACP focusing on public education and advocacy around local redistricting.
7. These internal NAACP documents are confidential communications, within the context of a group that exists to advance the rights and interests of a particular community, and were not meant for public distribution. I understand from my counsel that any materials that were intended for public distribution and not meant to stay confidential within NAACP have been produced in this matter.

8. I sincerely believe that forcing the disclosure of confidential communications between NAACP members would violate our First Amendment rights to free speech and association because it would have a chilling effect on the ability of individuals and groups to engage in candid, frank discussions about issues of importance to our communities.
9. These emails contain information about the NAACP's strategies, tactics, and internal operations. If disclosed, this information could compromise the effectiveness of the NAACP's advocacy efforts and jeopardize the safety and privacy of its members. Members would be far less likely to participate and speak up if it is known that sensitive information can be made public and because we fear harassment and retaliation.
10. For my area in the northern part of the county, a lot of people have expressed that they do not want to join Dickinson Bay Area NAACP or worry about going forward with racial discrimination complaints because they do not want a bull's eye on their back. For example, there are issues of racial discrimination by staff and students in the school districts in the areas my unit serves, and people come to me and the NAACP for advice or assistance. I often do not tell people I am from the NAACP until after having meetings with the school officials to avoid the kind of retaliation that NAACP membership can attract.
11. In another example, an officer of my unit is a local elected official and spoke out about various issues and had to face racialized attacks and a recall campaign. Her family was threatened and called racial slurs, and her dog was poisoned.
12. Public disclosure of documents that reveal NAACP leaders' names and opinions would dissuade people from joining the Dickinson Bay Area NAACP unit or seek out leadership positions, or cause them not to share their thoughts and complaints as freely within our group when we strategize on issues we think may need to be addressed.
13. The local units also rely on being able to freely exchange strategy and information with other units, the statewide conference, and national NAACP, and disclosure of those types of communications would chill our ability to collaborate effectively on important issues like voting rights and redistricting, criminal justice, and housing and workforce equity.
14. Therefore, I firmly believe in the unit's right to assert its First Amendment privilege in this matter and call on the court to respect this important constitutional principle.

Signed this, the 9th day of May, 2023.

05/09/2023


Lucretia Lofton (May 9, 2023 14:54 CDT)

Lucretia Lofton