

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, et al.,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS, et al.

*Defendants.*

Civil Action No. 3:22-cv-57-JVB  
[Lead Consolidated Case]

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UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS, et al.,

*Defendants.*

Civil Action No. 3:22-cv-93-JVB

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DICKINSON BAY AREA BRANCH  
NAACP, et al.,  
,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS, et al.

*Defendants.*

Civil Action No. 3:22-cv-117- JVB

**UNITED STATES’ OPPOSITION TO DEFENDANTS’ MOTION FOR  
SUMMARY JUDGMENT**

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## NATURE AND STAGE OF PROCEEDINGS

In November 2021, the Galveston County Commissioners Court adopted a redistricting plan that eliminated the only commissioner precinct that gave Black and Hispanic voters an equal opportunity to elect a candidate of their choice to the commissioners court. The United States filed this action alleging that the adopted plan violates Section 2 of the Voting Rights Act (VRA) because it “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race,” 52 U.S.C. § 10301(a), and because it was, at least in part, enacted for a racially discriminatory purpose. U.S. First Am. Compl. ¶¶ 121-22, ECF No. 30. The Court denied Defendants’ motion to dismiss the United States’ First Amended Complaint. Mem. Op. & Order Den. Defs. Mot. to Dismiss, ECF No. 124. Defendants now seek summary judgment on the United States’ results claim, though disputed issues of material fact exist.<sup>1</sup>

## SUMMARY OF THE ARGUMENT

The Court should deny Defendants’ Motion for Summary Judgment (“Mot.”). *First*, decades long precedent requires this Court to recognize that minority coalitions can collectively bring claims under Section 2. *Second*, the record evidence shows that the

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<sup>1</sup> Defendants fail to address the United States’ Section 2 intentional discrimination claim, which is distinct from its results claim. *United States v. Brown*, 561 F.3d 420, 432 (5th Cir. 2009) (“[T]o violate [Section 2], . . . these practices must be undertaken with an intent to discriminate or must produce discriminatory results”). Defendants fail to “show[] that there is no genuine dispute as to any material fact,” Fed. R. Civ. P. 56(a), on the “circumstantial and direct evidence of intent as may be available,” *Arlington Heights v. Met. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977).

Black and Hispanic coalition in the County meets each of the preconditions outlined in *Thornburg v. Gingles*, 478 U.S. 30, 79 (1986): (1) Black and Hispanic populations are sufficiently large and geographically compact to constitute a majority in a commissioner precinct; (2) Black and Hispanic voters are politically cohesive; and (3) the County's non-Hispanic White voters vote sufficiently as a bloc to enable them, in the absence of special circumstances, usually to defeat the Black and Hispanic coalition's preferred candidate. Defendants have failed to prove as a matter of law either that their evidence negates the existence of a material fact as to each precondition or that there is no evidence to support each precondition. Summary judgment is therefore inappropriate.

### **STATEMENT OF MATERIAL FACTS<sup>2</sup>**

Galveston County initiated its 2021 redistricting process during its April 5, 2021, commissioners court meeting, when every commissioner except Stephen Holmes, voted in favor of retaining Holtzman Vogel as outside redistricting counsel. Ex. 1 (Comm'rs Ct. April 5, 2021 Meeting Agenda & Minutes) at 2, 8-9. The commissioners court took no other steps related to redistricting until after the 2020 Census P.L. 94-171 redistricting data were released on August 12, 2021. Ex. 2 (Resp to U.S. First Set of Requests for Admissions), No. 35; Ex. 3 (2020 Census Timeline of Important Milestones) at 2; Ex. 4 (Apffel Dep.) at 91:4-17, 112:13-17; Ex. 5 (Giusti Dep.) at 44:10-45:6, 72:2-6. Public hearings before the Census data release would have allowed more residents to participate in the redistricting process. Ex. 5 at 72:17-73:2.

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<sup>2</sup> In their Statement of Facts, Defendants fail to state whether the asserted facts are material, disputed, or undisputed. In this response, the United States indicates those facts in dispute.

The 2020 redistricting data for Galveston County showed increases in both Black and Hispanic counts in total and voting age populations, a decrease in the proportion of the white population in both categories, and commissioner Precincts 2 and 3 over- and under-populated, respectively, by similar amounts. Ex. 6 (Fairfax Rep.) ¶¶ 26-28.

Despite having the data necessary to redistrict its commissioner precincts since August 2021, the County did not begin redistricting work for several more weeks, when an outside redistricting consultant began holding telephone conferences with commissioners in September 2021.<sup>3</sup> Ex. 7 (Resp. to Interrog. 4, Defs. 2nd Supp. & Am. Resps. To U.S. Interrog.) at 16.<sup>4</sup> Between October 15 and 19, demographer Thomas Bryan began preparing two draft maps, Map 1 and Map 2. Mot., Ex. 17 ¶ 5. By this time, the commissioners were aware that the candidate-qualifying period for the March 2022 primary, when candidates had to know which precinct to run in, was set to begin in November 2021. *See* Tex. Election Code § 172.023(a)-(b); Ex. 2, No. 83; Ex. 8 (Henry Dep.) at 74:23-75:6; Ex. 4 at 179:21-180:21; Ex. 5 at 67:2-68:3.

In the 2021 cycle, the Galveston County commissioners court held no public meetings, hearings, or workshops on redistricting except for one special session held on November 12, 2021, where the court adopted the maps. Ex. 2, No. 43; Ex. 5 at 61:15-

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<sup>3</sup> Given the months of inactivity by Galveston County on redistricting, even after the Census data's release, the United States disputes Defendants' characterization that the data's release "drastically compressed the amount of time the Commissioners Court had to complete redistricting." Mot. at 10.

<sup>4</sup> The United States disputes Defendants' claim that Commissioner Holmes "accessed the redistricting data before any other Commissioner" because the cited sources do not support this statement. Mot. at 11. Commissioner Holmes was the last commissioner to meet with the outside redistricting consultant. *See* Ex. 7 at 16-17.

17.<sup>5</sup> The commissioners court did not adopt any criteria, guidelines, or timeline for redistricting in this cycle. Ex. 4 at 170:23-171:4, 175:1-14; Ex. 8 at 127:20-128:4; Ex. 5 at 59:24-60:13, 61:12-17. In past redistricting cycles, the commissioners court held multiple public hearings, adopted criteria, and adopted timelines. *See* Ex. 2, No. 22 (admitting five public hearings on redistricting in 2011) began at or after 6:00 p.m.); Ex. 10 (Krochmal Rep.) App. B (noting public redistricting hearings in 1991, 2001, and 2011 cycles). Before adopting the map, the only public rationale for any of the map proposals was County Judge Mark Henry’s Facebook post advocating for Map 2 because it included a single coastal precinct, which the County had not had in this century, if ever. Ex. 2, Nos. 75-76; Ex. 11 (Cnty. J. Henry Facebook Post). And the County neither conducted any studies nor communicated any benefits or reasoning about a coastal precinct before passing the map. Ex. 4 at 184:14 (coastal precinct idea “just kind of happened”), 302:12-303:10; Ex. 5 at 105:17-109:13; Ex. 12 (Sullivan Dep.) at 114:25-115:8.<sup>6</sup>

On October 29, 2021, county officials posted Map 1 and Map 2 online. Ex. 2, No. 45. The website had an online form for the public to indicate support for one or neither of the map proposals. *Id.*, No. 43; Ex. 10 at 57. Roughly 440 comments were received;

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<sup>5</sup> In contrast, neighboring Harris County had nine redistricting hearings, one of which occurred the same month redistricting data was released. Ex. 9 (Harris Cnty. 2021 Comm’rs Ct. Redistricting Timeline) at 2.

<sup>6</sup> Based on these facts, among others in the evidentiary record, the United States disputes Defendants’ characterization of its redistricting preferences, which only appeared post-litigation, as “[i]mportant to the County in adopting a new map.” Mot. at 11-12. When asked if he had preferences other than the coastal precinct during the early stages of redistricting, Judge Henry answered, “not really.” *See* Ex. 8 at 175:8-11.



no map proposal received a majority of the comments' support and many opposed both proposals. Ex. 10 at 57. Commissioners did not read most of the online comments. Ex. 8 at 273:15-274:5; Ex. 4 at 187:9-23; Ex. 5 at 135:3-17.

Judge Henry gave only the statutorily mandated minimum of three days' notice for a special session on November 12 to adopt a redistricting plan. Ex. 2, No. 64. The special session was held in a small annex building near the Harris County border, approximately 27 miles away from the county courthouse where the commissioners "meet typically." Ex. 2, No. 58; Ex. 13 (Johnson Dep.) at 202:4-11. Construction limited access to the annex building's parking lot. Defs. Answer to Petteway's Am. Compl. ¶ 88, ECF No. 142. The annex is not directly accessible by public transit. Ex. 10 at 53-54. The special session could have occurred "anywhere that we have adequate facilities and audio visual" equipment. Ex. 8 at 15:5-8. The county courthouse could seat more people than the annex. Ex. 13 at 204:7-15; Ex. 8 at 292:1-20, 296:23-297:7. In the 1991, 2001, and 2011 redistricting cycles, the County held public hearings at the larger county courthouse. Ex. 2, No. 22; Ex. 10 App B. The session occurred the day before final county-level redistricting plans were due to the Texas Secretary of State, which was also the first day of the candidate-filing period for the primary election. Ex. 14 (Tex. Sec'y of State Election Advisory, Nov. 1, 2021) at 2.

The special session began at 1:30 p.m., even though past redistricting hearings were held in the evening so "people could come after work if they wanted to come." Ex. 8 at 331:10-11; Ex. 10 at 52. Approximately 100 people attended. Ex. 10 at 56. The crowd's size necessitated an overflow room that livestreamed the proceedings with an

unreliable television connection. Ex. 7, No. 8 at 26-27. Of the 36 people who spoke at the special session, 35 opposed both map proposals. Ex. 10 at 57. Commissioner Holmes opposed both map proposals and presented his own. *Id.* The commissioners court passed Map 2 on a 3-1 vote, with Commissioner Holmes opposed.<sup>7</sup> *Id.* The enacted map eliminated the previous plan’s sole commissioner precinct in which Black and Hispanic residents constituted a majority of the citizen voting age population and created four commissioner precincts with a non-Hispanic white population majority. Ex. 2, No. 27; Ex. 15 (Brooks Decl.) App. B; Ex. 5, 165:20-166:8; Ex. 8, 225:23-226:6, 269:12-16. This result was unnecessary; Defendants could have equalized the population by moving a single voting district (“VTD”) from the previous plan’s Precinct 2 to Precinct 3. Ex. 6 ¶¶ 37-40. Of the 26 voting precincts in the previous plan’s Precinct 3, just five remain in the newly-enacted Precinct 3. Ex. 2, No. 73.

Commissioner Holmes was the commissioners court’s sole Black member from his appointment in 1999 until 2022. Ex. 2, No. 11. Before him, Commissioner Wayne Johnson, the County’s first ever Black commissioner, also represented Precinct 3 from 1988 until 1999. *Id.* For decades, Precinct 3 was “a political home of historical significance to the county’s Black and Latinx communities.” Ex. 10 at 60. Eliminating Precinct 3 as a decades long opportunity-to-elect district for Black and Hispanic voters,

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<sup>7</sup> The United States disputes Defendants’ assertion that the enacted map “minimized gerrymandered-appearing precinct boundaries (which had previously connected disparate pockets of voters in the northern part of the County with those on Galveston Island),” which is a subjective assessment. Mot. at 15. The United States’ expert drew an illustrative map with similar compactness scores to not only the 2012-21 map, but also the enacted map. *See* Ex. 6 ¶¶ 51-58; *see also* Ex. 16 (Owens Rep.) Table 10 at 15, Table 11 at 16, Table 12 at 16.

coupled with evidence of racially polarized voting, results in Black and Hispanic voters' inability to participate equally in the political process and elect candidates of choice to the commissioners court under the 2021 adopted plan. Ex. 17 (Trounstone Second Corrected Rep.) at 9, 14; *id.* ¶¶ 3-7, 43, 55-56, 58; Ex. 10 at 1, 35, 45, 59.

## ARGUMENT

Summary judgment is only proper when “there is no genuine dispute as to any material fact and the movant is entitled to a judgment as a matter of law.” Fed. R. Civ. P. 56(a). In determining whether a genuine dispute of material fact exists, this Court must view the evidence in a light most favorable to the nonmovant and accept the nonmoving party's evidence as true. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986); *Coleman v. Hous. Indep. Sch. Dist.*, 113 F.3d 528, 533 (5th Cir. 1997). The moving party has the initial burden of identifying the basis for the motion and pointing to materials in the record that demonstrate the absence of a genuine dispute of material fact. *Coastal Agric. Supply, Inc. v. JP Morgan Chase Bank, N.A.*, 759 F.3d 498, 505 (5th Cir. 2014) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)).

In Section 2 cases, summary judgment “presents particular challenges due to the fact-driven nature of the legal tests required by the Supreme Court.” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs*, 775 F.3d 1336, 1348 (11th Cir. 2015). District courts must conduct “a searching practical evaluation of the past and present reality” in a jurisdiction, *Gingles*, 478 U.S. at 79, and a “comprehensive, not limited, canvassing of relevant facts,” *Johnson v. De Grandy*, 512 U.S. 997, 1011 (1994). Thus, summary adjudication is rarely possible in Section 2 cases. *See Metts v. Murphy*, 363 F.3d 8, 12

(1st Cir. 2004). When resolution turns on “disputed issues presented by the experts’ analyses,” full development of the record is often necessary. *Mallory v. Eyrich*, 707 F. Supp. 947, 954 (S.D. Ohio 1989); *see also Ashton v. Knight Transp., Inc.*, 3:09-CV-0759-B, 2010 WL 3703985, at \*3 (N.D. Tex. Sept. 20, 2010) (holding that summary judgment is improper where expert testimony conflicted).

**I. This Court is Bound by Fifth Circuit Precedent Recognizing the Voting Rights Act’s Protection of Minority Coalition Districts.**

Because the Supreme Court has not ruled on minority coalition claims under Section 2 of the VRA, this Court must follow Fifth Circuit precedent, which “is governed by a strict rule of orderliness, such that later panels of that court, and much less district courts within the circuit, cannot overturn decisions of prior panels.” *LULAC v. Abbott*, 604 F. Supp. 3d 463, 493 (W.D. Tex. 2022). Fifth Circuit precedent expressly recognizes that minority coalition claims fall within the scope of Section 2. *See, e.g., League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 999 F.2d 831, 863-64 (5th Cir. 1993) (en banc); *Campos v. City of Baytown, Tex.*, 840 F.2d 1240, 1244 (5th Cir. 1988); *LULAC v. Midland Indep. Sch. Dist.*, 812 F.2d 1494, 1499-1502 (5th Cir. 1987), *vacated on other grounds*, 829 F.2d 546 (5th Cir. 1987) (en banc).

Black and Hispanic voters in Texas have successfully challenged systems of elections as a coalition under Section 2. *See, e.g., Midland Indep. Sch. Dist.*, 812 F.2d 1494<sup>8</sup>; *Campos*, 840 F.2d 1240. “There is nothing in the [VRA] that prevents the

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<sup>8</sup> The *en banc* Fifth Circuit vacated the panel opinion only on the issue of legislative deference. 829 F.2d 546, 547 (5th Cir. 1987) (en banc). It did not reconsider any arguments related to coalition districts.

plaintiffs from identifying the protected aggrieved minority to include both Blacks and Hispanics.” *Campos*, 840 F.2d at 1244 (applying *Gingles* preconditions to a coalition district). Indeed, the Fifth Circuit has specifically rejected arguments that Black and Hispanic voters forming a coalition must be considered separately. *Midland Indep. Sch. Dist.*, 812 F.2d at 1499. The court explained that “[t]he records in too many cases show that Anglos do discriminate against both Blacks and Mexican-Americans for anyone to deny that these two groups may ever be aggregated in a voting dilution case,” and relied on the trial court’s recognition that the two groups “share[d] common experiences in past discriminatory practices,” have “inseparable” political goals, and resided in the same areas of Midland. *Id.* at 1500. Relying on this binding precedent, the three-judge panel in the ongoing challenge to the 2021 Texas statewide redistricting plans similarly rejected arguments that coalition districts are not cognizable under Section 2. *LULAC v. Abbott*, 604 F. Supp. 3d at 500.

Defendants concede that “Fifth Circuit precedent expressly permits VRA Section 2 coalition claims,” Mot. at 17, but hinge their contrary argument on nonbinding dissenting opinions and out-of-circuit case law. First, Defendants cite to a dissenting opinion in *Clements*, where the majority held that “if blacks and Hispanics vote cohesively, they are legally a single minority group” under Section 2.<sup>9</sup> 999 F.2d 831 at 864. The court further acknowledged that it has “treated the issue as a question of fact, allowing aggregation of different minority groups where the evidence suggests that they

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<sup>9</sup> The *en banc* Fifth Circuit did not reverse any of the trial court’s conclusions on political coalitions.

are politically cohesive . . . and we need not revisit this question here.” *Id.* at 863-64 (citing *Midland Indep. Sch. Dist.*, 812 F.2d at 1500-02). Defendants point to no authority allowing this Court to ignore *Clements*’ majority opinion.

Defendants also rely on *Nixon v. Kent County*, 76 F.3d 1381 (6th Cir. 1996), the only court of appeals case to expressly hold that Section 2 does not recognize minority coalition claims. Mot. at 18-19. There, a divided court relied on a dissent from the denial of rehearing in *Campos v. City of Baytown, Tex.*, 849 F.2d 943, 946 (5th Cir. 1988) (Higginbotham, J., dissenting), and concluded that the VRA’s plain language did not authorize vote dilution claims by a coalition of two different minority groups. *Nixon*, 76 F.3d at 1388. In contrast, the court in *Perez v. Abbott*, 250 F. Supp. 3d 123, 139 (W.D. Tex. 2017), followed Fifth Circuit precedent and turned to the legislative history of the VRA. The court concluded that the Fifth Circuit’s determination as to coalition districts was consistent with Congress’s intent when it amended the VRA in 1982 and “emphasized the need for courts to undertake a searching practical evaluation of the ‘past and present reality.’” *Id.* at 139 (citing S. Rep. 97–417 at \*30 and *White v. Regester*, 412 U.S. 755, 760-77 (1973)). Accordingly, because “[c]oalitions of minority voters are a present reality,[]affording them protection under § 2 is consistent with the Congressional goal of keeping political processes ‘equally open to minority voters.’” *Id.*

Despite Defendants’ characterization of *Hall v. Virginia*, 385 F.3d 421 (4th Cir. 2004) and *Frank v. Forest County*, 336 F.3d 570 (7th Cir. 2003) as reflective of circuits that have “the better approach,” Mot. at 19, neither court issued an express opinion on whether Section 2 protects minority coalition districts. In *Hall v. Virginia*, the court

considered a crossover district, not a coalition district comprised of politically cohesive minority groups. Reasoning whether Section 2 was not intended to protect “the ability to form a political coalition,” the court addressed “multiracial coalitions” generally. 385 F.3d at 431. *Frank v. Forest County* is even more attenuated from Defendants’ plea to bypass binding Fifth Circuit authority. There, Native American plaintiffs sought to remedy alleged violations of Section 2 by creating a Native American and Black coalition district. 336 F.3d at 574-75. The court reviewed other circuits’ endorsement of minority coalition claims under Section 2, as well as *Nixon* for the contrary view. *Id.* at 575-76. The court simply noted that “the Supreme Court has reserved the issue” and affirmed the lower court’s finding that the plaintiffs did not present sufficient evidence of political cohesion. *Id.*

In contrast, the United States offers extensive evidence establishing the *Gingles* preconditions necessary to support its Section 2 claims. The cases Defendants cite do not invalidate the United States’ claims in this Court, much less support their claim for summary judgment. *See Perez*, 250 F. Supp. 3d at 139 (“[I]f Plaintiffs can meet their burden of proof in all other respects, their § 2 claim will not fail simply because the minority group in question is composed of more than one race or ethnicity”). Accordingly, this Court is bound by the Fifth Circuit’s longstanding recognition of coalition claims under Section 2, and despite Defendants’ invitation, need not consider a lone circuit court opinion finding the contrary.

**II. Summary Judgment Should Be Denied Because Disputed Issues of Material Fact Exist Regarding the United States' Section 2 Results Claim.**

To prevail on a claim that a redistricting plan violates Section 2, a plaintiff must initially prove: (1) the minority group is sufficiently large and geographically compact to constitute a majority in a district; (2) the minority group is politically cohesive; and (3) the Anglo majority votes sufficiently as a bloc to enable it, in the absence of special circumstances, usually to defeat the minority's preferred candidate (the "*Gingles* preconditions"). *N.A.A.C.P. v. Fordice*, 252 F.3d 361, 366 (5th Cir. 2001) (citing *Gingles*, 478 U.S. at 50–51).<sup>10</sup> The United States has established the *Gingles* preconditions by offering reports from two experienced and credible experts showing that (1) the Black and Hispanic population in the County is sufficiently large and geographically compact to constitute a majority in a commissioner precinct; (2) the Black and Hispanic populations are politically cohesive; and (3) the non-Hispanic White majority votes sufficiently as a bloc to enable it to defeat the Black and Hispanic populations' preferred candidate. Defendants fail to establish that no genuine issues of material fact exist with respect to all three *Gingles* preconditions. Accordingly, Defendants' motion should be denied.<sup>11</sup>

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<sup>10</sup> Once the *Gingles* preconditions are proven, the court must exam the "totality of circumstances" in the jurisdiction, all of which are fact based. *See Fordice*, 252 F. 3d at 366. Defendants do not address these factors, *see* Mot. at 48 n.27, and the United States has presented extensive record evidence that create genuine disputes on these questions of fact.

<sup>11</sup> Further showing that summary judgment is inappropriate, multiple experts in this consolidated action, whose reports accompany private plaintiffs' briefs, conclude that all three *Gingles* preconditions have been satisfied.



**1. The United States has presented sufficient evidence to satisfy the first *Gingles* precondition.**

The first *Gingles* precondition is that the minority group “is sufficiently large and geographically compact to constitute a majority in a single-member district.” *Gingles*, 478 U.S. at 50. This precondition requires only that one can draw a “reasonably compact” election district, *LULAC v. Perry*, 548 U.S. 399, 430 (2006), where a minority group composes a majority of the eligible electorate, see *Bartlett v. Strickland*, 556 U.S. 1, 12-20 (2009) (plurality op.). The United States satisfies this standard. The Illustrative Plan, presented in Anthony Fairfax’s expert report, shows that Black and Hispanic persons, who constitute nearly 32% of the County’s total citizen voting age population (CVAP) and over 55% of Illustrative Precinct 3’s CVAP, Ex. 6 ¶¶ 46-49, are sufficiently large and geographically compact to constitute a majority of the CVAP in a commissioner precinct. *Id.* ¶¶ 1, 17, 44-63. Defendants fail to present any facts to dispute that the United States has established the numerosity component of the first *Gingles* precondition. They instead contend that Illustrative Precinct 3 does not meet an additional strict gloss on compactness that they have grafted on to the first precondition, one unsupported by law.

**a. The Illustrative Plan establishes the Black and Hispanic communities are sufficiently geographically compact to constitute a majority of the citizen voting age population in Illustrative Precinct 3.**

Defendants argue that the Illustrative Plan fails to meet a novel and unsupportably narrow standard for compactness and, in doing so, misapprehend the purpose of the first *Gingles* precondition. Defendants incorrectly revise the first precondition to require a

showing that “there is a sufficiently large and geographically compact community of interest”<sup>12</sup> and assert that because Mr. Fairfax did not analyze specific communities of interest when drawing the Illustrative Plan, the United States cannot meet the first precondition. Mot. at 22, 23-24. No case law requires this showing. In fact, courts have found that illustrative plans satisfy the first *Gingles* precondition even when the expert “did not consider specific communities of interest.” *Kumar v. Frisco Indep. Sch. Dist.*, 476 F. Supp. 3d 439, 489-99 (E.D. Tex. 2020).

Rather, the Illustrative Plan need only be geographically compact and consistent with traditional districting principles. *See Robinson v. Ardoin*, 37 F.4th 208, 218 (5th Cir. 2022). Though the Fifth Circuit has not clearly defined “traditional districting principles,” *Elizondo v. Spring Branch Indep. Sch. Dist.*, No. 4:21CV1997, 2023 WL 2466401, at \*5 (S.D. Tex. Feb. 13, 2023), an illustrative plan is “likely consistent with traditional redistricting criteria” if the expert considered districting criteria such as “political subdivision lines, contiguity,” the legislature’s adopted redistricting criteria,<sup>13</sup> “group[ing] populations with similar economic demographics together, and attempt[ing]

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<sup>12</sup> Throughout their motion, Defendants appear to either replace the compactness analysis with, or collapse all other traditional redistricting criteria into, an analysis of communities of interest. *See id.* at 22-24, 36-38. The case that they cite to support this standard, *Wisconsin Legislature v. Wisconsin Elections Comm’n*, 142 S. Ct. 1245, 1250 (2022), Mot. at 22, does not mention communities of interest.

<sup>13</sup> Notably, Defendants now assert the Illustrative Plan must prioritize communities of interest over all other traditional districting principles, apparently including compliance with the VRA, one of the two criteria that they committed to following in 2021. *See Ex. 8*, 225:18-22 (noting compliance with federal law); Mot. at 11 (same). Generally, communities of interest are prioritized in redistricting if the governing body stipulated it as a criterion and only as less of a priority than compliance with the Constitution and federal law. *See Ex. 18* (Fairfax Rebuttal Rep.) ¶ 10. Defendants did not formally adopt any “traditional” districting criteria for enacting the 2021 map. *See Mot.* at 11-12.

to keep census designated places together when possible,” *Robinson*, 37 F.4th at 219.

Mr. Fairfax used the least change approach to develop the Illustrative Plan, starting with the County’s previous 2012 plan as a foundation and moving a single voting district (VTD) from Precinct 2 to Precinct 3 to bring the population deviation among the precincts within an acceptable range of the ideal population size using the 2020 Census data. Ex. 6 ¶¶ 37, 39-41. This approach respected to the maximum extent possible the County’s prior policy choices, including comprising Precinct 3 with the large concentration of Black and Hispanic residents densely populated in the center of the County, as reflected in the 2012 plan. *Id.* App. B at 44; Ex. 15 App. A at 1. Since 1991, Precinct 3 has been “a political home of historical significance” uniting these communities to reflect their shared interests. Ex. 10 at 29-30, 60.

Even when assessing mathematical measures of geographic compactness, the Illustrative Plan, and Precinct 3 specifically, is more or similarly compact to both the 2012 plan and the 2021 adopted plan. Ex. 18 ¶¶ 3-5. The Illustrative Plan meets the first *Gingles* precondition while considering traditional districting criteria, such as core retention, contiguity, and avoiding unnecessary splits of VTDs or census places. Ex. 6 ¶¶ 42-43, App. C. That Mr. Fairfax did not conduct an analysis of specific communities of interest in moving that single VTD is not “fatal” to the United States’ claim. Mot. at 24.

Most Black and Hispanic residents live in a heavily populated corridor in the middle of the County, from Dickinson through West Texas City, La Marque, and Galveston Island. Ex. 15 App. A at 1. Contrary to Defendants’ claim, Mot. at 28, Illustrative Precinct 3 is quite unlike the district in *Sensley v. Albritton*, 385 F.3d 591,

598, n.3, 4 (5th Cir. 2004), which combined two areas of heavy African-American concentration with a narrow corridor. And although Illustrative Precinct 3 includes a portion of League City to capture Commissioner Holmes’s residence, an action *Sensley* specifically sanctions, Defendants present no evidence that Illustrative Precinct 3 extends across a “sparsely-populated rural corridor” to avoid including intervening White communities. *Sensley*, 385 F.3d at 597 n.4, 598.<sup>14</sup>

Defendants further assert that Illustrative Precinct 3 is not geographically compact because of its “long and winding” shape. Mot. at 24. This argument is similarly flawed. The first *Gingles* precondition “refers to the compactness of the minority population, not to the compactness of the contested district,” and “[i]n evaluating the compactness of the minority population, considerations of the dispersion of the territory of the district and the regularity or length of the perimeters of the district become subsidiary to considerations of the minority group’s compactness.” *Benavidez v. City of Irving*, 638 F. Supp. 2d 709, 721 (N.D. Tex. 2009) (citing *Perry*, 548 U.S. at 433); *see also Gingles*, 478 U.S. at 50. This makes sense, as “there is no unique measure to assess whether a plan definitely is or is not compact.” *Benavidez*, 638 F. Supp. 2d at 722. Defendants fail to present undisputed facts to support any contention that the Black and Hispanic population within

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<sup>14</sup> The court affirmed the district court’s consideration of several additional factors beyond the mere shape of the proposed district, “including that both proposed additional majority-black districts separated distinct communities and disrupted relationships between incumbents and constituents, which had existed over the years and continued to exist under the Defendants’ new plan.” *Sensley*, 385 F.3d at 597. Illustrative Precinct 3 maintains Commissioner Holmes as the incumbent and his close-knit constituent relationships, which have existed since his election in 1999. *See* Ex. 19 (McGaskey Decl.) ¶¶ 6-7, 9; Ex. 20 (Lewis Decl.) ¶¶ 9-10; NAACP Resp. in Opp. To Defs. Mot. for Summ. J. Ex. 6 (“Compian Decl.”) ¶¶ 13-16.

the boundaries of Illustrative Precinct 3 is not reasonably compact.

Even if Defendants' critiques of the Illustrative Plan were compelling, a plaintiff need not present an "aesthetic ideal of compactness" in order to satisfy the first *Gingles* precondition. *Id.* at 730 (quoting *Hous. v. Lafayette Cnty., Miss.*, 56 F.3d 606, 611 (5th Cir. 1995)). Rather, a plaintiff must show that the minority population could be a majority in a "reasonably compact" district. *Abbott v. Perez*, 138 S. Ct. 2305, 2331 (2018) (citation omitted); *Kumar*, 476 F. Supp. 3d at 500 (finding plaintiff drew a "well-developed, legally adequate plan," and was "not concerned with any perceived flaws in said District"). The United States meets this standard.

**b. Race did not predominate the drawing of the Illustrative Plan.**

Decades of Supreme Court precedent recognizes that Section 2 "demands consideration of race." *Abbott*, 138 S. Ct. at 2315; *see De Grandy*, 512 U.S. at 1020 (describing Section 2's "quintessentially race-conscious calculus"). To show that a minority group is "sufficiently large and compact to constitute a majority in a reasonably configured district," *Wis. Legis.*, 142 S. Ct. at 1248, plaintiffs regularly submit illustrative maps prepared by experts who have been asked whether it is possible to draw a majority-minority district and, as such, must inherently consider race, *see, e.g., Robinson*, 37 F.4th at 223 (finding that experts weighing racial considerations alongside traditional factors is permissible under the first precondition). Defendants fail to cite any precedent that suggests, let alone requires, that plaintiffs ignore race when trying to meet the first precondition.

Defendants principally rely on *Bethune-Hill v. Virginia State Board of Elections*,

580 U.S. 178 (2017). Mot. at 20. But the case is inapposite, as it involved a racial gerrymandering claim under the Equal Protection Clause, wherein the Court analyzed a district enacted by the State, not an illustrative district, and the *Gingles* preconditions were never evaluated. *Bethune-Hill*, 580 U.S. at 189. State action is not implicated when a litigant offers an illustrative plan to satisfy the first *Gingles* precondition. Equal protection racial gerrymandering cases apply only to plans adopted by jurisdictions, not to illustrative plans presented to prove the first *Gingles* precondition. *Robinson*, 37 F.4th at 224 (“If the plaintiffs’ *Gingles* showing is invalid because of racial gerrymandering, it is difficult to see how any *Gingles* showing could be successful.”). Thus, intentionally creating an illustrative district showing it is possible to have a majority of minority residents does not, by itself, establish racial predominance. *Bush v. Vera*, 517 U.S. 952, 958-59 (1996).

Defendants also argue that the Illustrative Plan prioritizes race over race-neutral districting principles because it moved VTD 218 from Precinct 2 to Precinct 3 instead of VTD 223, which Defendants deem to be more populous and less “diverse.” Mot. at 27; Ex. 16 at 20. But Mr. Fairfax clearly prioritized race-neutral districting principles by selecting VTD 218 because doing so made the Illustrative Plan more compact, and incidentally included a higher concentration of White voters, than had the plan instead shifted VTD 223. Ex. 6 ¶ 40, n.30; Ex. 18 ¶¶ 7-9. Further, the Illustrative Plan brought the overall population deviation within the constitutionally acceptable total deviation of

under 10%.<sup>15</sup> Ex. 6 ¶ 40. Thus, the facts establish that race did not predominate in the drawing of the Illustrative Plan.<sup>16</sup> But, even if Defendants prefer a plan that moves VTD 223 instead of VTD 218, Defendants need not adopt the Illustrative Plan; “[i]llustrative maps are just that—illustrative.” *Robinson*, 37 F.4th at 223.

**2. The United States has presented sufficient evidence to satisfy the second precondition of *Gingles*.**

To fulfill the second *Gingles* precondition, the minority group must be “politically cohesive.” *Gingles*, 478 U.S. at 56. “Plaintiffs normally demonstrate minority political cohesion by showing that ‘a significant number of minority group members usually vote for the same candidates.’” ECF No. 124 at 18 (quoting *Gingles*, 478 U.S. at 56). “[T]he most persuasive evidence of inter-minority political cohesion for Section 2 purposes is to be found in *voting patterns*.” *Brewer v. Ham*, 876 F.2d 448, 453 (5th Cir. 1989) (describing *Campos*, 840 F.2d at 1244-45). Here, the record contains both quantitative and qualitative evidence sufficient to satisfy the second *Gingles* precondition.

**a. Expert racially polarized voting analysis demonstrates that Black and Hispanic voters in Galveston County are politically cohesive and would be so in Illustrative Precinct 3.**

The United States’ expert Dr. Jessica Trounstone analyzed 36 elections within Galveston County encompassing “multiple levels of government, partisan and

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<sup>15</sup> Mr. Fairfax notes that an illustrative plan that shifted VTD 223 instead of VTD 218 would have also been acceptable. *See* Ex. 6 ¶ 40, n.30; Ex. 18 ¶ 9, n.14.

<sup>16</sup> Even if the Supreme Court’s racial gerrymandering jurisprudence were applicable to an illustrative plan under the first *Gingles* precondition, the question of whether race predominated is a disputed question of fact and thus inappropriate for summary judgment. *Robinson*, 37 F.4th at 223 (“The inference of racial intent is an intensely factual process.”) (citing *Arlington Heights*, 429 U.S. at 266).

nonpartisan elections, and primary and general elections.” Ex. 17 at 15. This wide cross-section of elections shows a pattern of Black and Hispanic voters who “usually vote for the same candidates.” *Gingles*, 478 U.S. at 56. They supported the same first choice candidate in 77% of general elections. Ex. 17 at 9, ¶ 43. General elections are more probative of inter-group cohesion than are primary elections. *Id.* ¶ 34. Further, across all 36 elections, Black and Latino voters supported the same first choice candidate 58% of the time. *Id.* at 9. The voting patterns in Illustrative Precinct 3 are consistent with these County-wide voting patterns. Ex. 21 (Trounstine Decl.) ¶ 2. Illustrative Precinct 3 contains about a quarter of the County’s CVAP, nearly 60% of the County’s Black CVAP, and just under a third of the County’s Hispanic CVAP. *Id.* ¶ 3. Thus, the County-wide estimates are heavily influenced by the voters found in Illustrative Precinct 3.

Dr. Trounstine’s analysis of local, non-partisan elections provides further evidence that Black and Latino voters would continue to vote for the same candidates in Illustrative Precinct 3. Specifically:

- November 3, 2020, City of Galveston Mayoral Election: 64.5% of the population of the City of Galveston is found in Illustrative Precinct 3. Ex. 6 App. at 72. In the November 3, 2020, mayoral election, Black voters cohesively supported the same candidate that Hispanic voters cohesively supported. Ex. 17 at A-30, A-32.
- November 3, 2020, Galveston City Council District 4 Election: Three of the five VTDs that comprise Galveston City Council District 4 are found in Illustrative Precinct 3. *Compare* Ex. 22 (Reconstituted\_VTDs)<sup>17</sup> with Ex. 23 (DEFS00002605). In the November 3, 2020, election, Black and Hispanic voters shared the same first choice candidate. Ex. 17 at A-30, A-32.

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<sup>17</sup> This spreadsheet was contained in the zip file produced to Defendants with Dr. Trounstine’s Expert Report on Behalf of the United States of America on January 27, 2023.



- November 3, 2020, Texas City Commission District 4 Election: Three of the seven VTDs that comprise Texas City Commission District 4 are found in Illustrative Precinct 3. *Compare* Ex. 22 with Ex. 23. In the November 3, 2020, election, Black and Hispanic voters shared the same first choice candidate. Ex. 17 at A-30, A-32.
- November 3, 2020, La Marque City Council District B Election: Two of the six VTDs that comprise La Marque City Council District B are found in Illustrative Precinct 3. *Compare* Ex. 22 with Ex. 23. In the November 3, 2020, election, Black voters cohesively supported the same candidate that Hispanic voters cohesively supported. Ex. 17 at A-30, A-32.
- November 3, 2020, Texas City Mayoral Election: 54.1% of the population of Texas City is found in Illustrative Precinct 3. Ex. 6 at 73. In the November 3, 2020, mayoral election, Black voters cohesively supported the same candidate that Hispanic voters cohesively supported. Ex. 17 at A-30, A-32.

In sum, this racially polarized voting analysis demonstrates that Black and Hispanic voters are cohesive in the County as whole and in Illustrative Precinct 3.

**b. Uncontested reconstituted election analysis further demonstrates that Black and Hispanic voters in Galveston County would vote for the same candidates in Illustrative Precinct 3.**

Dr. Trounstine’s reconstituted election analysis, to which Defendants’ expert John Alford offered no critique, Ex. 24 (Alford Dep.), 62:24-63:3, 64:1-5, also shows Black and Hispanic cohesion in Illustrative Precinct 3. “[A] reconstituted election analysis takes candidates who have run in prior elections and estimates how those candidates would have fared had they run for office under maps different from those under which they ran.” Ex. 17 ¶ 38. Dr. Trounstine performed her analysis on Adopted Precinct 3 and Illustrative Precinct 3. *Id.* ¶ 39. Her analysis reveals a clear pattern: in each election, the candidate who wins in Illustrative Precinct 3 loses in Adopted Precinct 3. *Id.* ¶ 58. Another striking pattern emerges when comparing the vote share received by each of the

candidates with the precinct's minority composition: the vote shares that the candidates receive correlate with the combined Black and Hispanic share of the electorate in the precinct, indicating that Black and Hispanic voters in Illustrative Precinct 3 vote together. Specifically, according to 2016-2020 ACS estimates, the CVAP breakdown for Illustrative Precinct 3 and Adopted Precinct 3 is as follows:

**Table 1: CVAP in Illustrative Precinct 3 and Adopted Precinct 3**

<b>Precinct</b>	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Black + Hispanic</b>
<b>Illustrative Precinct 3<sup>18</sup></b>	42.6%	30.8%	24.4%	55.2%
<b>Adopted Precinct 3<sup>19</sup></b>	63.8%	8.0%	19.4%	27.5%

The winning candidates in Illustrative Precinct 3 garner a share of the vote that is slightly higher than the combined Black and Hispanic share of CVAP in Illustrative Precinct 3. *Compare* Ex. 17 at 14, *with* Table 1. For example, Mark Salinas receives 64.9% of the vote in Illustrative Precinct 3 in the 2020 Galveston County sheriff general election, and Teresa Hudson receives 66.1% of the vote in Illustrative Precinct 3 in the 2020 405th District Court election. Ex. 17 at 14. Although these same candidates lose in Adopted Precinct 3, they still garner a share of the vote that is slightly higher than the combined Black and Hispanic share of CVAP in Adopted Precinct 3 of 27.5%. Mark Salinas receives 33.2% of the vote in Adopted Precinct 3, and Teresa Hudson receives 32.8% of the vote in Adopted Precinct 3. *Id.*

Dr. Trounstine's reconstituted election analysis thereby further demonstrates that Black and Hispanic voters in Illustrative Precinct 3 would vote together.

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<sup>18</sup> Ex. 6 ¶ 47.

<sup>19</sup> U.S. First Amend. Compl. ¶ 85.

**c. Anecdotal evidence from community leaders confirms political cohesion between the Black and Hispanic communities in Galveston County as a whole and in Precinct 3.**

“[S]tatistical evidence is not a *sine qua non* to establishing cohesion.” *Brewer*, 876 F.2d at 454. Political cohesion can be demonstrated with “other evidence” such as “lay testimony from members of the community.” *Monroe v. City of Woodville, Miss.*, 897 F.2d 763, 764 (5th Cir. 1990) (per curiam); *see also Westwego Citizens for Better Gov’t v. City of Westwego*, 946 F.2d 1109, 1118 n.12 (5th Cir. 1991).

Black and Hispanic community leaders testified regarding political cohesion between Galveston County’s Black and Hispanic communities, including in Precinct 3. *See, e.g.*, Ex. 25 (Compian Dep.) at 175:15-18 (“I point to other members that previously served here in the old Precinct 3 as constables or – both Latino and African Americans. There’s support of members of each community by others from the opposite community.”). For example, Joe Compian, the Equal Rights Committee co-chair of the Galveston LULAC Council 151, *id.* at 26:16-19, and a board member of Gulf Coast Interfaith, an interfaith and interracial coalition of community organizations, Compian Decl. ¶ 3, testified that Black and Latino voters “share concerns and issues” that should be voiced to the commissioners court, Ex. 25 at 213:11-20; *see* Compian Decl. ¶¶ 4-6, and that he was “not aware of any” issues on which the two groups have different concerns, Ex. 25 at 213:21-214:1; *see id.* at 39:12-40:3. The president of the Dickinson Bay Area Branch of the NAACP echoed Mr. Compian’s view, Ex. 26 (Lofton Dep.) at 44:13-16, 69:8-70:18, 71:5-9, as did the second vice president of the Galveston Branch of the NAACP, Ex. 27 (Toliver Dep.) at 37:12-13, 70:14, 148:6-149:6. Community leaders

also testified that the Black and Hispanic communities, including the communities in Precinct 3, vote together. Ex. 28 (Rice Anders Dep.) at 262:7-263:6; Ex. 29 (Pope Dep.), 66:9-12; Ex. 30 (Courville Dep.) at 207:14-208:17; Ex. 19 ¶¶ 2-9; Ex. 20 ¶¶ 2-11; Compian Decl. ¶¶ 4, 7, 13, 16. Such testimony, provided by respected members of each community, speaks as powerfully to the ground truth of electoral cohesion as does any statistical analysis.

**d. Defendants' criticisms of Dr. Trounstine's analysis do not withstand scrutiny.**

Defendants critique Dr. Trounstine by erroneously attributing to her results that she did not report. In support of their contention that Dr. Trounstine's "election returns data actually reveals a lack of cohesion," Defendants cite to page 14 of Dr. Alford's report and point to "the 10 primary elections included in [Dr. Trounstine's] report." Mot. at 40 (emphasis omitted). Page 14 of Dr. Alford's report does not, however, discuss Dr. Trounstine's estimates. Ex. 31 (Alford Rep.) at 14.<sup>20</sup>

Defendants also direct the Court to "[t]he voting percentages in Table 5 [of Dr. Alford's report] under the 'Replication RxC [EI] Estimate' column" and identify these "voting percentages" as "Trounstine's estimated percentages of votes cast." Mot. at 41. But the "voting percentages" in the "Replication RxC EI Estimate" column are not Dr. Trounstine's estimates. Ex. 31 at 17, 20. They are a different set of estimates that were produced by Dr. Alford's colleague, Dr. Randy Stevenson, Ex. 24, 7:7-23, and are only

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<sup>20</sup> Further, Dr. Trounstine analyzed 14, not 10, primary elections. *See* Ex. 17 at 9.

found in Dr. Alford’s report.<sup>21</sup> Dr. Trounstine’s estimates, which are found in the column labeled “Trounstine RxC EI Estimate,” Ex. 31. at 20-21; *see* Ex. 32 (Trounstine Dep.) at 52:17-53:3, demonstrate cohesion between Black and Hispanic voters—in seven of the 10 local non-partisan elections that Dr. Trounstine analyzed, Black and Hispanic voters shared the same first choice candidate, Ex. 17 ¶ 56, and in five of the 10 elections, Black voters cohesively supported the same candidate that Hispanic voters cohesively supported.<sup>22</sup> *Id.* at A-30 to A-33.

There are only two estimates (2014 general election for county judge and 2020 general election for at-large Texas City commission) that Defendants properly attribute to Dr. Trounstine. Mot. at 40, 41 n.23. These cherry-picked estimates on their own are not probative because “[v]ote dilution is a determination that must be made over time and over the course of many elections.” *Teague v. Attala Cnty., Miss.*, 92 F.3d 283, 288-89 (5th Cir. 1996). Moreover, an examination of the full universe of elections reveals that both estimates are outliers. *First*, Black and Hispanic voters supported the same first choice candidate in 17 of the 22 general elections that Dr. Trounstine analyzed—77% of the time, Ex. 17 at 9, and Black voters cohesively supported the same candidate that Hispanic voters cohesively supported in 15 out of the 22 general elections that Dr.

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<sup>21</sup> Dr. Stevenson’s involvement in this case was first disclosed during Dr. Alford’s deposition. Ex. 24 at 7:7-23, 64:11-14. That work done on behalf of Defendants resulted in different “RxC estimates” from Dr. Trounstine’s RxC estimates creates yet another disputed issue of material fact.

<sup>22</sup> November 3, 2020, City of Galveston mayoral election; November 3, 2020, election for La Marque City Council District B; November 3, 2020, Texas City mayoral election; November 8, 2016, League City Council District 4; November 8, 2016, election for Galveston Navigation and Canal Commissioner.

Trounstine analyzed—68% of the time, *id.* at A-17 to A-35.<sup>23</sup> *Second*, as discussed above, when all 10 local non-partisan elections that Dr. Trounstine analyzed are considered, a clear pattern of cohesion emerges.

In sum, the United States has presented strong quantitative and qualitative evidence of cohesion between Black and Latino voters in Galveston County as a whole, and in Precinct 3 in particular, and Dr. Trounstine’s analysis is far from “facially deficient.”<sup>24</sup> *Cf.* Mot. at 40. This evidence precludes Defendants from establishing that there are undisputed material facts to support a finding that Black and Hispanic voters are not electorally cohesive, making summary judgment inappropriate.

**3. The United States has presented sufficient evidence to satisfy the third precondition of *Gingles*.**

To fulfill the third *Gingles* precondition, “the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—usually to defeat the minority’s preferred candidate.” *Gingles*, 478 U.S. at 50 (citations omitted). The United States has satisfied the third *Gingles* precondition.

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<sup>23</sup> In all county judge general elections dating back to 2002, aside from the one to which Defendants point, Black voters cohesively supported the same candidate that Hispanic voters cohesively supported. Ex. 17 at A-20.

<sup>24</sup> That “Plaintiffs’ experts disagree on the level needed for cohesion,” Mot. at 39, 48, is unremarkable. Dr. Alford agreed with Dr. Trounstine that ““there is no universally accepted approach for determining cohesiveness.”” Ex. 31 at 2 (quoting Ex. 17 ¶ 28 ).

**a. Evidence shows that White bloc voting in Adopted Precinct 3 will defeat the candidate of choice of Black and Hispanic Voters.**

Dr. Trounstine’s reconstituted election analysis, to which Dr. Alford offered no critique, Ex. 24 at 62:24-63:3, 64:1-5, demonstrates that White bloc voting will prevent Black and Hispanic voters from being able to elect candidates of choice in Adopted Precinct 3. *See* Ex. 17 ¶¶ 38-40, 58; *id.* at 14. In “every election the candidate preferred by Black and Latino voters ... would have lost the election had they run in Commissioner Precinct 3 under the Adopted Map.” *Id.* ¶ 58. Furthermore, her racially polarized voting analysis demonstrates that White voters in Galveston County vote as a bloc and lend the candidates preferred by Black and Hispanic voters little crossover support. In 15 of the 17 general elections in which Black and Hispanic voters supported the same first choice candidate, White voters supported a different candidate, and in 17 of the 21 elections in which Black and Hispanic voters supported the same first choice candidate, White voters supported a different candidate.<sup>25</sup> *Id.* at 9. White voters also lend very little support to Black and Hispanic candidates. White voters preferred Black candidates in just 14% of the general elections that included a Black candidate who ran against at least one non-Black candidate and in 18% of all elections that included a Black candidate who ran against at least one non-Black candidate; White voters preferred Hispanic candidates at an even lower rate—in 13% of general elections that included a Hispanic candidate and in just 6% of all elections that included a Hispanic candidate. *Id.*

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<sup>25</sup> Black and Hispanic voters supported the same first choice candidate in 17 of the 22 general elections and in 21 of 36 total elections that Dr. Trounstine analyzed. Ex. 17 at 9.

**b. Defendants’ “negative causative requirement” contravenes Fifth Circuit precedent.**

Defendants’ attempt to impose a “negative causative requirement” on the United States, Mot. at 45, must be rejected because such a requirement violates Fifth Circuit precedent. *See supra* Section I; *Teague*, 92 F.3d 283 at 290 (“[D]istrict court err[ed] by placing the burden on plaintiffs to disprove that factors other than race affect voting patterns”); *Clark v. Calhoun Cnty., Miss.*, 88 F.3d 1393, 1397 (5th Cir. 1996). In the single case to which Defendants cite for this “requirement,” Mot. at 45, the Fifth Circuit expressly stated that it was “not resolv[ing]” whether plaintiffs’ burden “includes the burden to explain partisan influence,” *Clements*, 999 F.2d at 860, 879, and held that the “district court erred in refusing to consider the nonracial causes of voting preferences” that *defendants* had offered at *trial*, *id.* at 850; *Lopez v. Abbott*, 339 F. Supp. 3d 589, 604 (S.D. Tex. 2018) (noting *Clements* “court refused to articulate a burden of proof”). By contrast, three years later, the court held that “plaintiffs do not bear the burden in the first instance to eliminate factors other than race as influencing voters.” *Lopez*, 339 F. Supp. 3d 589 at 604 (discussing *Teague*, 92 F.3d at 290). “Plaintiffs are to present evidence of racial bias operating in the electoral system by proving up the *Gingles* factors. Defendants may then rebut the plaintiffs’ evidence by showing that no such bias exists in the relevant voting community.” *Teague*, 92 F.3d at 290; *see Gingles*, 478 U.S. at 63.

Given the extensive record evidence of racially polarized voting in Galveston County as a whole and in Precinct 3 in particular, *see supra* Sections II n.10, II.2,



Defendants must present evidence of a non-racial explanation, such as partisan affiliation, as a defense. *Lopez*, 339 F. Supp. 3d at 604. Defendants have failed to do so.

*First*, Dr. Trounstine did not testify that voters vote based on partisanship. *Cf.* Mot. at 45. Rather, “the fact that Latino and Black voters tend to support candidates from one party is a reflection of their cohesion, not an alternative explanation for it.” Ex. 17 ¶ 35. “[V]oters will select the candidate who comes closest to their preferences however the voter defines that preference,” Ex. 32 at 110:4-6, *i.e.*, voters “generally speaking” will support candidates who share their “political orientation,” a term that is not synonymous with partisanship. *Id.* at 109:7-13, 114:7-9. “Political orientation” is a “broad[]” term, *id.* at 106:6-12, that captures any number of “dimension[s] the voter deems to be important,” *id.* at 108:7-10, including, “the relationship between [a] city council and the bureaucracy,” *id.* at 108:17-20, the “procedural orientation of the candidate, [namely] the way in which they build coalitions,” *id.* at 111:6-8, “the gender of the candidate,” *id.* at 110:21-111:1, other “demographic characteristics of the candidate,” *id.* at 111:1-2, a candidate’s “approach to governing,” *id.* at 108:11-12, “ideology,” *id.* at 112:14-15, “effectiveness,” *id.* at 111:19-112:3, and even a candidate’s height, *id.* at 112:7-8.

*Second*, to the extent that Defendants’ position is grounded in any of Dr. Trounstine’s “data,” Mot. at 45, it hinges on just two of the 36 elections that Dr. Trounstine analyzed, both of which are outliers and neither of which is among the local non-partisan elections that Dr. Trounstine analyzed for the exact purpose of “ensur[ing] that [her] conclusions were not dependent upon the presence of partisan labels.” Ex. 17 ¶ 55; *see supra* Section II.2d. In particular, as with their second *Gingles* precondition

argument, Defendants direct the Court to the November 2014 county judge election, Mot. at 46, *i.e.*, the *only* county judge general election dating back to 2002 in which Black voters did not cohesively support the same candidate that Hispanic voters cohesively supported. Ex. 17 at A-20. Defendants likewise direct the Court to the November 2004 Precinct 3 election, Mot. at 45-46, 49, *i.e.*, the only commissioners court general election dating back to 2002 that included a Black Republican candidate. Ex. 17 at A-19.<sup>26</sup>

*Finally*, Dr. Alford did not analyze the motivation underlying any patterns of voting. Ex. 24 at 20:9-12, 19:11-13, 84:10-20.<sup>27</sup>

In sum, summary judgment based on the third *Gingles* precondition is inappropriate.

## CONCLUSION

For the foregoing reasons, the motion for summary judgment should be denied.<sup>28</sup>

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<sup>26</sup> For example, citing only page A-19 of Dr. Trounstine's Report for support, Defendants contend that "election results [subsequent to the November 2004 county commissioner precinct 3 election] show that White voter support for Black Republican candidates was roughly consistent with or higher than White support for White Republican candidates." Mot. at 45-46 (emphasis omitted). That contention, Defendants conclude, "demonstrate[es] that partisanship is a better explanation for voting trends than race." *Id.* at 46. But there is no other election on page A-19 of her Report with a Black Republican candidate.

<sup>27</sup> Defendants cannot question the "reliability" of Dr. Trounstine's methodology, Mot. at 44 n.25, given Dr. Alford's testimony that "the most obvious and complete thing to do is to provide a table in which all of those estimates are present that the judge would need" to determine cohesion, *see* Ex. 24 at 72:4-20. Dr. Trounstine did exactly that. *Id.* at 61:14-62:22; Ex. 17 at A-17 to -35.

<sup>28</sup> The United States reserves the right to supplement its opposition based on new information learned during the depositions of Thomas Bryan and Dale Oldham that have yet to occur.

Respectfully submitted this 2nd day of June 2023.

ALAMDAR S. HAMDANI  
United States Attorney  
Southern District of Texas

KRISTEN CLARKE  
Assistant Attorney General  
ELISE C. BODDIE  
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Civil Rights Division

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/s/ Catherine Meza  
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**COUNSEL FOR THE UNITED STATES**  
*\* Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2023, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification to all counsel of record in this case.

/s/ Catherine Meza

CATHERINE MEZA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

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

---

UNITED STATES OF AMERICA,	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	Civil Action No. 3:22-cv-93-JVB
	§	
GALVESTON COUNTY, TEXAS, et al.,	§	
	§	
<i>Defendants.</i>	§	

---

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

**INDEX OF EXHIBITS IN SUPPORT OF THE UNITED STATES' OPPOSITION  
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Exhibit	Description	Bates Range (if applicable)
1	Galveston County Commissioners Court, Regularly Scheduled Meeting Agenda and Minutes, April 5, 2021	
2	<i>Petteway, et al. v. Galveston County, et al.</i> , 3:22-cv-0057 (consolidated cases), Defendants' Response to the United States' First Set of Requests for Admissions (April 21, 2023)	
3	2020 Census Timeline of Important Milestones ( <a href="https://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/release/timeline.html">https://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/release/timeline.html</a> )	
4	Excerpts from the Deposition of Darrell Apffel, January 2, 2023	
5	Excerpts from the Deposition of Joseph Giusti, January 6, 2023	
6	Expert Report of Anthony E. Fairfax on behalf of the United States, January 13, 2023	
7	<i>Petteway, et al. v. Galveston County, et al.</i> , 3:22-cv-0057 (consolidated cases), Defendants' Second Supplemental and Amended Responses to the United States' First Set of Interrogatories (April 21, 2023)	
8	Excerpts from the Deposition of Mark A. Henry, January 17, 2023	
9	Office of the Harris County Attorney, Harris County, Texas, Redistricting Schedule ( <a href="https://cao.harriscountytexas.gov/Commissioner-Precinct-Redistricting/Join-the-Discussion">https://cao.harriscountytexas.gov/Commissioner-Precinct-Redistricting/Join-the-Discussion</a> )	
10	Expert Report of Max Krochmal, Ph.D. on behalf of the United States, January 27, 2023	
11	Facebook post by Judge Mark Henry (October 29, 2021)	DEFS00031054
12	Excerpts from the Deposition of Dwight Sullivan, December 20, 2022	
13	Excerpts from the Deposition of Cheryl Johnson, February 28, 2023	
14	State of Texas, Secretary of State, Election Advisory No.	DEFS00011464-

	2021-14, November 1, 2021	69
15	Declaration of Jonathan D. Brooks, May 31, 2023	
16	Expert Report of Mark Owens (Amended), March 17, 2023	
17	Expert Report of Jessica Trounstine (Second Corrected) on behalf of the United States, April 21, 2023	
18	Rebuttal Expert Report of Anthony E. Fairfax on behalf of the United States, April 7, 2023	
19	Declaration of Lucille McGaskey, May 31, 2023	
20	Declaration of Sharon B. Lewis, June 1, 2023	
21	Declaration of Jessica Trounstine, June 1, 2023	
22	Reconstituted_VTDs (spreadsheet produced by U.S. on January 27, 2023)	
23	DEFS00002605: Part A 1 November 2020, Galveston County Election Results (spreadsheet)	DEFS00002605
24	Excerpts from the Deposition of John R. Alford, April 27, 2023	
25	Excerpts from the Deposition of Joe Compian, March 31, 2023	
26	Excerpts from the Deposition of Lucretia Lofton, April 26, 2023	
27	Excerpts from the Deposition of Patricia Toliver, March 28, 2023	
28	Excerpts from the 30(b)(6) Deposition of Mainland Branch of the NAACP (Barbara Anders), April 21, 2023	
29	Excerpts from the Deposition of Hon. Penny Pope, March 9, 2023	
30	Excerpts from the Deposition of Edna Courville, March 8, 2023	
31	Expert Report of John R. Alford, Ph.D., March 17, 2023	
32	Excerpts from the Deposition of Jessica Trounstine, April 14, 2023	

# Exhibit 1





# GALVESTON COUNTY, TEXAS

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**COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244**

Mark Henry      Darrell Apffel      Joe Giusti      Stephen Holmes      Ken Clark  
County Judge    Commissioner, Precinct 1    Commissioner, Precinct 2    Commissioner, Precinct 3    Commissioner, Precinct 4

## **AGENDA April 5, 2021 – 9:30 AM**

**CONSENT AGENDA:** ALL ITEMS MARKED WITH A SINGLE ASTERISK (\*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

### **REGULARLY SCHEDULED MEETING**

#### **Call to Order**

#### **Invocation and Pledge of Allegiance**

#### **Public Comment**

#### **Consent Agenda**

- \*1.      Submitted by the Auditor's Office:
  - a.      Approval of the accounts payable checks dated 3/29/21 and 4/5/21
  - b.      Order for payroll period ending 3/31/21 bi-weekly #7
  - c.      Order for supplemental payroll period ending 3/31/21 bi-weekly #7
  - d.      Pursuant to Local Government Code 111.0106 certification of funds from Guardian Insurance
  - e.      Receive and file Rosenberg Library - 2021 Budget - 2020 Audit
  - f.      Internal audit report of the Justice of the Peace, Precinct 1 for period of 1/1-12/31/2020 with response letter from Honorable Gregory Rikard, dated 3/25/2021
  - g.      Internal audit report of the District Clerk's Registry and Trust Audit for period of 1/1-12/31/2020 with response letter from Honorable John D. Kinard, dated 3/22/2021
  - h.      Internal audit report of Other County Owned Vehicles inventory of fixed assets

for period of 3/12-25/2021

- \*2. Receive and file *restitution check list from Odyssey* submitted by Collections Improvement Program
- \*3. Receive and file *refund check list from Odyssey* submitted by the District Clerk
- \*4. Receive and file *summary of bi-weekly personnel movements pay period #6, March 4 - 17, 2021* submitted by Human Resources
- \*5. Receive and file *Galveston County Personal Bond 2020 Data Review* submitted by Personal Bond/Collections Office
- \*6. Receive and file *Galveston County Justice System Modernization Project annual report for March 2020 to March 2021* submitted by Commissioner, Precinct 3
- \*7. Receive and file *order modifying Disaster Pay Policy during COVID-19 Disaster* submitted by the County Judge
- \*8. Consideration of *approval of the hiring of Thomas J. "Jay" Wooten as Chief of the Galveston County Misdemeanor Mental Health Public Defenders Office* submitted by Commissioner, Precinct 3
- \*9. Consideration of a *resolution for W.C.I.D. #8 and staff in recognition of their performance during Winter Storm Uri* submitted by Commissioner, Precinct 2
- \*10. Consideration of *approval of a Fair Housing Month resolution set forth April 2021* submitted by Grants Administration
- \*11. Consideration of *approval of an engagement of counsel based on 2020 census* submitted by County Judge
- \*12. Consideration of *approval of a grant funded agreement with National Screening Center for the drug and alcohol testing program used by Galveston County Veterans Treatment Court* submitted by the County Judge
- \*13. Consideration of *approval of a professional services contract with The Meadows Mental Health Policy Institute for Texas to provide project management for the implementation phase of the system improvement recommendations from the justice system assessment presented to county officials during Phase 1 of the project* submitted by the County Judge
- \*14. Consideration of *approval to execute a new specialty area user group contract/agreement with the Texas Cloud Busters for maintenance and use of the Kitty Hawk Model Plane Flying Field at Jack Brooks Park* submitted by the Parks & Cultural Services Department
- \*15. Consideration of *approval to execute a new specialty area user group contract/agreement with the Jack Brooks Disc Golf Club for maintenance and use of*

*the Disc Golf Courses at Jack Brooks Park submitted by the Parks & Cultural Services Department*

- \*16. *Consideration of approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for It Takes A Tribe Kickball for use of the Quonset Covered Pavilion at Runge Park for their annual It Takes A Tribe Kickball Tournament Fundraiser on Saturday, May 15, 2021, presented by the Parks & Cultural Services Department*
- \*17. *Consideration of approval for Bomgar remote support/virtual appliance software renewal with Carahsoft submitted by Information Technology*
- \*18. *Consideration of approval for EMC Unity 350F SAN support renewal with Unique Digital submitted by Information Technology*
- \*19. *Consideration of approval for TechShare magistration software as a service fee with Tyler Technologies submitted by Information Technology*
- \*20. *Consideration of approval for public web agreement and fees with Granicus submitted by Information Technology*
- \*21. *Consideration of request of tax refunds in excess of \$2,500.00 submitted by the Tax Assessor/Collector*
- \*22. *Request for waiver or refund of penalty and interest due to clerical errors submitted by the Tax Assessor/Collector*
- \*23. *Consideration for authorization to dispose of salvage or surplus property submitted by the Purchasing Agent*
- \*24. *Consideration for authorization to donate surplus supplies to St. Vincent's House submitted by the Purchasing Agent*
- \*25. *Consideration for authorization to extend the contract for RFP #B182008, Self-Funded Workers Compensation Administration submitted by the Purchasing Agent*
- \*26. *Consideration for authorization to request formal solicitations for two (2) restroom trailers on behalf of the Parks and Cultural Services Department submitted by the Purchasing Agent*
- \*27. *Consideration for authorization to cancel the contract for road signs and materials on behalf of the Road & Bridge Director and to issue a re-bid for these materials submitted by the Purchasing Agent*
- \*28. *Consideration for authorization to utilize Texas Local Government Cooperative Purchasing Program in lieu of competitive bidding for Cisco upgrade proposal and to engage in contract on behalf of the Information Technology Department submitted by the Purchasing Agent*
- \*29. *Consideration of approval to submit 2017 Edward Byrne Memorial Justice Assistance Grant - NIBIN Initiative application to the Office of the Governor - Criminal Justice*

Division and authorize County Judge to sign supporting resolution as submitted by Grants Administration

- \*30. Consideration of approval for Task Order #7 for GrantWorks, Inc. to provide grant administration of HMGP generator projects through the DR-4332-0236 Texas Division of Emergency Management (TDEM) submitted by Grants Administration
- \*31. Consideration of approval of the following budget amendments submitted by Professional Services:
  - a. 21-078-0405-A  
Road & Bridge - Request transfer from General Fund County Engineer Software Licensing & Maintenance account to Road and Bridge Administration Software Licensing & Maintenance account to assist in funding ERSI/GRS software, which is used by both departments
  - b. 21-079-0405-B  
District Attorney - Request salary increase of General Fund District Attorney's Vacant Position 54 (Attorney III) in order to hire a more experienced candidate
  - c. 21-080-0405-C  
Veteran's Services - Request transfer from General Fund Veteran's Services Travel and Conference account to Veteran's Services Software Licensing and Maintenance account for the purchase of VetPro software
- \*32. Consideration of approval of Countryside Commercial subdivision replat submitted by Platting & Right-of-Way
- \*33. Consideration of approval of application from Alvaro Schleh for a partial replat of Lots 11 - 14, Block 190 San Leon Townsite submitted by Platting & Right-of-Way
- \*34. Consideration of authorizing County Engineer to submit grant application to H-GAC for planning study for Cemetery Road submitted by County Engineer
- \*35. Consideration of approval of Texas City Seawall permit to Florida Gas Transmission Company, LLC to access the Texas City Hurricane Levee road for access to their pipeline submitted by the County Engineer
- \*36. Consideration of a Texas City Seawall permit to City of Texas City for replacement of the Bay Street Park pedestrian bridge near the hurricane levee submitted by the County Engineer
- \*37. Consideration of authorizing the County Judge to sign request of release of funds and certification for the CDBG Round 1 project "Lauderdale Ramp and Dock" submitted by the County Engineer
- \*38. Consideration of authoring the County Judge to sign affidavit of posting for the CDBG Round 1 project "Lauderdale Ramp and Dock" submitted by the County Engineer

- \*39. [Consideration of approval of road opening request #227 from Michael Hilzendager for 17th Street, North of FM 517 submitted by The County Engineer](#)

**Action Agenda**

40. **Purchasing**

- a. [Consideration of approval of awarding the following:](#)
1. [RFP #B211027 COVID-19 Vaccine Contact Center & Related Services](#)

41. **General Counsel**

- a. **Break into Executive Session:**
- b. **Executive Session: Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to each of the following items:**
1. [21-CV-0347; Kelly Stevenson-Cotton v. Galveston County, Texas, et al in the 10th Judicial District Court of Galveston County, Texas](#)
  2. [Dennis Reynard Benson Claim/Demand](#)
  3. [Contractual issues with the Children's Center](#)
  4. [Interlocal agreements regarding the operation of the Galveston County Health District](#)
- c. **Reconvene into Regular Meeting**

**Adjourn**

**WORKSHOP AGENDA**

1. [Mobile home development in unincorporated Galveston County in the area of Santa Fe \(Countryside\) submitted by Commissioner, Pct. 2](#)

**Appearances before Commissioners Court**

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to

speaking before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.

**Executive Sessions**

The Galveston County Commissioners Court may recess into closed meeting (Executive Session) on any item listed on this agenda if the Executive Session is authorized under the Open Meetings Act pursuant to one or more of the following exceptions: Tex. Gov't Code §§ 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding a prospective gift or donation), 551.074 (personnel matters), 551.0745 (personnel matters affecting County advisory body), 551.076 (deliberation regarding security devices or security audits), and/or 551.087 (deliberations regarding economic development negotiations). The Presiding Officer of the Commissioners Court shall announce the basis for the Executive Session prior to recessing into Executive Session. However, the Commissioners Court may only enter into the Executive Session on any agenda item for which a separate Executive Session has not been separately posted if, prior to conducting the Executive Session, a majority of the Commissioners Court votes to go into Executive Session. This motion requirement does not apply to any agenda item that has been previously noticed to constitute or include an Executive Session.

\*\*\*

## MINUTES

BE IT REMEMBERED, That on April 5, 2021, Commissioners Court of Galveston County, Texas, met at a regular meeting with the following present:

Mark Henry, County Judge

Darrell A. Apffel, Commissioner Precinct 1

Joe Giusti, Commissioner Precinct 2

Stephen D. Holmes, Commissioner Precinct 3

Kenneth Clark, Commissioner Precinct 4

Dwight D. Sullivan, County Clerk by Brandy Chapman, Chief Deputy

### CALL TO ORDER

Call to Order by Judge Henry at 9:34 A.M. at the Galveston County Courthouse.

### INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Clark led the Court in the Pledge of Allegiance.

The Invocation was given by Commissioner Holmes.

### PUBLIC COMMENT

No public comment.

### CONSENT AGENDA

- \*1. Submitted by the Auditor's Office:
  - a. Approval of the accounts payable checks dated 3/29/21 and 4/5/21
  - b. Order for payroll period ending 3/31/21 bi-weekly #7
  - c. Order for supplemental payroll period ending 3/31/21 bi-weekly #7
  - d. Pursuant to Local Government Code 111.0106 certification of funds from Guardian Insurance
  - e. Receive and file Rosenberg Library - 2021 Budget - 2020 Audit
  - f. Internal audit report of the Justice of the Peace, Precinct 1 for period of 1/1-

12/31/2020 with response letter from Honorable Gregory Rikard, dated 3/25/2021

- g. Internal audit report of the District Clerk's Registry and Trust Audit for period of 1/1-12/31/2020 with response letter from Honorable John D. Kinard, dated 3/22/2021
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- \*5. Receive and file *Galveston County Personal Bond 2020 Data Review* submitted by Personal Bond/Collections Office
- \*6. Receive and file *Galveston County Justice System Modernization Project annual report for March 2020 to March 2021* submitted by Commissioner, Precinct 3

Motion to approve consent agenda item 6 only by County Judge Henry, seconded by Commissioner Holmes.

Passed: 5-0

Aye: County Judge Henry, Commissioner Appfel, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- \*7. Receive and file *order modifying Disaster Pay Policy during COVID-19 Disaster* submitted by the County Judge
- \*8. Consideration of *approval of the hiring of Thomas J. "Jay" Wooten as Chief of the Galveston County Misdemeanor Mental Health Public Defenders Office* submitted by Commissioner, Precinct 3
- \*9. Consideration of a *resolution for W.C.I.D. #8 and staff in recognition of their performance during Winter Storm Uri* submitted by Commissioner, Precinct 2
- \*10. Consideration of *approval of a Fair Housing Month resolution set forth April 2021* submitted by Grants Administration
- \*11. Consideration of *approval of an engagement of counsel based on 2020 census* submitted by County Judge



Motion to approve consent agenda item 11 only by County Judge Henry, seconded by Commissioner Giusti.

Passed: 4-1

Aye: County Judge Henry, Commissioner Apffel, Commissioner Giusti, Commissioner Clark  
Nay: Commissioner Holmes

- \*12. Consideration of approval of a grant funded agreement with National Screening Center for the drug and alcohol testing program used by Galveston County Veterans Treatment Court submitted by the County Judge
- \*13. Consideration of approval of a professional services contract with The Meadows Mental Health Policy Institute for Texas to provide project management for the implementation phase of the system improvement recommendations from the justice system assessment presented to county officials during Phase 1 of the project submitted by the County Judge
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- \*21. Consideration of request of tax refunds in excess of \$2,500.00 submitted by the Tax Assessor/Collector

- \*22. [Request for waiver or refund of penalty and interest due to clerical errors submitted by the Tax Assessor/Collector](#)
- \*23. [Consideration for authorization to dispose of salvage or surplus property submitted by the Purchasing Agent](#)
- \*24. [Consideration for authorization to donate surplus supplies to St. Vincent's House submitted by the Purchasing Agent](#)
- \*25. [Consideration for authorization to extend the contract for RFP #B182008, Self-Funded Workers Compensation Administration submitted by the Purchasing Agent](#)
- \*26. [Consideration for authorization to request formal solicitations for two \(2\) restroom trailers on behalf of the Parks and Cultural Services Department submitted by the Purchasing Agent](#)
- \*27. [Consideration for authorization to cancel the contract for road signs and materials on behalf of the Road & Bridge Director and to issue a re-bid for these materials submitted by the Purchasing Agent](#)
- \*28. [Consideration for authorization to utilize Texas Local Government Cooperative Purchasing Program in lieu of competitive bidding for Cisco upgrade proposal and to engage in contract on behalf of the Information Technology Department submitted by the Purchasing Agent](#)
- \*29. [Consideration of approval to submit 2017 Edward Byrne Memorial Justice Assistance Grant - NIBIN Initiative application to the Office of the Governor - Criminal Justice Division and authorize County Judge to sign supporting resolution as submitted by Grants Administration](#)
- \*30. [Consideration of approval for Task Order #7 for GrantWorks, Inc. to provide grant administration of HMGP generator projects through the DR-4332-0236 Texas Division of Emergency Management \(TDEM\) submitted by Grants Administration](#)
- \*31. [Consideration of approval of the following budget amendments submitted by Professional Services:](#)
  - a. [21-078-0405-A](#)  
[Road & Bridge - Request transfer from General Fund County Engineer Software Licensing & Maintenance account to Road and Bridge Administration Software Licensing & Maintenance account to assist in funding ERSI/GRS software, which is used by both departments](#)
  - b. [21-079-0405-B](#)  
[District Attorney - Request salary increase of General Fund District Attorney's Vacant Position 54 \(Attorney III\) in order to hire a more experienced candidate](#)

Motion to approve consent agenda item 31b only by County Judge Henry, seconded by Commissioner Apffel with amendment to take the funds from Budgeted Reserves.

Passed: 5-0

Aye: County Judge Henry, Commissioner Apffel, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- c. [21-080-0405-C](#)  
[Veteran's Services - Request transfer from General Fund Veteran's Services Travel and Conference account to Veteran's Services Software Licensing and Maintenance account for the purchase of VetPro software](#)

- \*32. [Consideration of approval of Countryside Commercial subdivision replat submitted by Platting & Right-of-Way.](#)

Motion by County Judge Henry, seconded by Commissioner Clark that the Galveston County Commissioners Court will recess into a closed meeting executive session on item 32 for the following exceptions: Texas Local Government Code Section 551.071, Consultation with Attorney regarding the Countryside Commercial subdivision replat submitted by Platting & Right-of-Way and defer the item until such time as executive session has been held.

Passed: 5-0

Aye: County Judge Henry, Commissioner Apffel, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

Motion to approve consent agenda item 32 only by County Judge Henry, seconded by Commissioner Holmes.

Passed: 5-0

Aye: County Judge Henry, Commissioner Apffel, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

- \*33. [Consideration of approval of application from Alvaro Schleh for a partial replat of Lots 11 - 14, Block 190 San Leon Townsite submitted by Platting & Right-of-Way.](#)
- \*34. [Consideration of authorizing County Engineer to submit grant application to H-GAC for planning study for Cemetery Road submitted by County Engineer](#)
- \*35. [Consideration of approval of Texas City Seawall permit to Florida Gas Transmission Company, LLC to access the Texas City Hurricane Levee road for access to their pipeline submitted by the County Engineer](#)

- \*36. [Consideration of a Texas City Seawall permit to City of Texas City for replacement of the Bay Street Park pedestrian bridge near the hurricane levee submitted by the County Engineer](#)
- \*37. [Consideration of authorizing the County Judge to sign request of release of funds and certification for the CDBG Round 1 project "Lauderdale Ramp and Dock" submitted by the County Engineer](#)
- \*38. [Consideration of authoring the County Judge to sign affidavit of posting for the CDBG Round 1 project "Lauderdale Ramp and Dock" submitted by the County Engineer](#)
- \*39. [Consideration of approval of road opening request #227 from Michael Hilzendager for 17th Street, North of FM 517 submitted by The County Engineer](#)

Motion to approve consent agenda items 1 - 39 by County Judge Henry, seconded by Commissioner Giusti with the exception of item(s): 6, 11, 31b, 32. (Agenda items 6, 11, 31b and 32 voted on separately.)

Passed: 5-0

Aye: County Judge Henry, Commissioner Apffel, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

#### **ACTION AGENDA**

#### **40. Purchasing**

##### **a. Consideration of approval of awarding the following:**

- 1. [RFP #B211027 COVID-19 Vaccine Contact Center & Related Services](#)

Motion by County Judge Henry, seconded by Commissioner Giusti that authorization be granted to enter contract negotiations with Mammoth Tech.

Passed: 5-0

Aye: County Judge Henry, Commissioner Apffel, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

#### **41. General Counsel**

##### **a. Break into Executive Session:**

Break into Executive Session at 9:59 A.M.

- b. **Executive Session: Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to each of the following items:**
1. 21-CV-0347; Kelly Stevenson-Cotton v. Galveston County, Texas, et al in the 10th Judicial District Court of Galveston County, Texas
  2. Dennis Reynard Benson Claim/Demand
  3. Contractual issues with the Children's Center
  4. Interlocal agreements regarding the operation of the Galveston County Health District
- c. **Reconvene into Regular Meeting**

Reconvene into Regular Meeting at 10:41 A.M.

**ADJOURN**

Commissioners Court adjourned at 10:42 A.M. on Monday, April 5, 2021.

# **Exhibit 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY JAMES  
and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS, and  
HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston County  
Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

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DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in  
his official capacity as Galveston County  
Judge, and DWIGHT D. SULLIVAN, in  
his official capacity as Galveston County  
Clerk

*Defendants.*

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**DEFENDANTS’ RESPONSE TO THE UNITED STATES’  
FIRST SET OF REQUESTS FOR ADMISSIONS**

Pursuant to Federal Rule of Civil Procedure 36, Defendants Galveston County, Texas, the Galveston County Commissioners Court, County Judge Mark Henry, and County Clerk Dwight Sullivan (“Defendants”) hereby answer Plaintiff U.S. Department of Justice’s First Requests for Admission, which were served on March 22, 2023.

**GENERAL STATEMENT AND OBJECTIONS**

Defendants make the following general objections to Plaintiff’s Requests for Admission, which apply to each request regardless of whether the general objections are expressly incorporated into the specific objections below:

1. Defendants object to the extent that Plaintiff’s definitions and instructions purport to impose obligations different from or additional to the requirements of the Federal Rules of Civil Procedure, or to limit the discretion of responding parties under the Federal Rules of Civil Procedure.



2. Defendants object to the Requests for Admission to the extent they are overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.
3. Defendants object to the Requests for Admission to the extent they seek to elicit information or evidence otherwise protected by the attorney-client privilege, the work-product privilege, the legislative privilege, or any other applicable privilege recognized under Texas or federal law.
4. Defendants object to the Requests for Admission to the extent they seek to elicit information that is in the public domain or already in Plaintiffs' possession, and therefore of no greater burden for Plaintiff than for Defendants to obtain.
5. Defendants object to the Requests for Admission to the extent they seek publicly available information, statements, or documents that speak for themselves and require neither an admission nor a denial from any party.
6. Defendants object to the Requests for Admission to the extent they seek data not within their possession, custody, or control, and should be directed to a different party or third-party.
7. Only to the extent that Federal Rule of Civil Procedure 36(a)(4) would be construed as requiring an admission or denial and that an objection alone is not sufficient, Defendants deny each Request for Admission. Otherwise, Defendants stands on their General Objections, the following Objections to Definitions and Objections to Instructions, and the below-stated specific objections without expressly admitting or denying any Request for Admission.

**OBJECTIONS TO DEFINITIONS**

Defendants make the following objections to the “Definitions” section of Plaintiff’s Requests for Admission, which apply to each request regardless of whether these objections are expressly incorporated into the specific objections below:

1. Defendants object to Plaintiff’s definitions to the extent they seek to impose any requirements or obligations in addition to or different from those in the Federal Rules of Civil Procedure, the Local Rules of this Court, any stipulation or agreement of the parties, any order of this Court, or any other rules applicable to this action.

**OBJECTIONS TO INSTRUCTIONS**

Defendants make the following objections to the “Instructions” section of Plaintiff’s Requests for Admission, which apply to each request regardless of whether these objections are expressly incorporated into the specific objections below:

1. Defendants object to Plaintiff’s instructions to the extent they seek to impose any requirements or obligations in addition to or different from those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, any stipulation or agreement of the parties, any order of this Court, or any other rules applicable to this action.

**RESPONSES AND OBJECTIONS**

**Request Number 1:** Admit that Galveston County is a political and geographical subdivision of the State of Texas, located in southeast Texas on the Gulf of Mexico and borders Harris, Brazoria, and Chambers Counties.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006).

Notwithstanding this objection, Defendants admit.

**Request Number 2:** Admit that the Galveston County Commissioners Court consists of a county judge, elected at-large, who serves as the presiding officer, and four commissioners elected from single-member districts, called “precincts,” to serve four-year, staggered terms.

**ANSWER:** Admit, to the extent that Commissioners serve their full, four-year terms. But Defendants note that if a vacancy occurs in one of the Commissioners Court seats, then the County Judge appoints someone to fill the vacancy until the next scheduled general election. Otherwise denied.

**Request Number 3:** Admit that all members of the Galveston County Commissioners Court vote on all matters and are elected in partisan elections with a majority-vote requirement in the party primary.

**ANSWER:** Defendants object to this Request because the phrase “vote on all matters” is vague and overly broad, and therefore Defendants deny that portion of the Request at this time. Defendants admit that “all members of the Galveston County Commissioners Court ... are elected in partisan elections with a majority-vote requirement in the party primary.”

**Request Number 4:** Admit that the 2020 Census P.L. 94-171 redistricting data set reported that Galveston County had a total population of 350,682 persons.

**ANSWER:** Admit.

**Request Number 5:** Admit that according to the 2020 Census P.L. 94-171 redistricting data set, and the Office of Management and Budget’s “Guidance on Aggregation and Allocation of Data on Race for use of Civil Rights Monitoring and Enforcement (OMB Bulletin 00-02) (March 9, 2000), which is appended to these requests as Attachment A, Galveston County’s 2020 Census

population consisted of 191,358 (54.6%) persons who were non-Hispanic White, 88,636 (25.3%) persons who were Hispanic, and 45,637 (13.0%) who were non-Hispanic Black. The 2020 census data also indicated that the County has a total voting age population of 267,382, of whom 155,020 (58.0%) were non-Hispanic White, 60,159 (22.5%) are Hispanic, and 33,341 (12.5%) were non-Hispanic Black.

**ANSWER:** Admit.

**Request Number 6:** Admit that the 2016-2020 American Community Survey (ACS) estimated Galveston County had a citizen voting age population of 239,305, of whom 151,450 (63.3%) were non-Hispanic White, 45,950 (19.2%) were Hispanic, and 30,510 (12.7%) were non-Hispanic Black.

**ANSWER:** Admit.

**Request Number 7:** Admit that Exhibit 0028 to the deposition of Darrel Apffel is an accurate depiction of the Galveston County Commissioners Court plan that was in effect from 2012 to 2021.

**ANSWER:** Defendants object to “accurate depiction” as vague and are unable to ascertain whether the image referred to is the correct, as-enacted Commissioners Court precinct map in effect from 2012 to 2021. Therefore, denied.

**Request Number 8:** Admit that the tables below accurately present the demographic data for the four commissioners court precincts in the 2012 Galveston County Commissioners Court plan, according to the 2020 Census and the 2016-2020 ACS estimates.

**Galveston County Commissioners Court (In effect 2012-2021)**

PCT.	TOTAL POPULATION				DEV (%)	VOTING AGE POPULATION			
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)		TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)
1	85,408	50,769 (59.4)	6,491 (7.6)	22,280 (26.1)	-2.58	65,748	41,774 (63.5)	4,583 (7.0)	14,934 (22.7)
2	95,596	58,916 (61.6)	8,608 (9.0)	21,319 (22.3)	9.04	73,739	47,895 (65.0)	6,031 (8.2)	14,634 (19.9)
3	79,931	24,010 (30.0)	25,143 (31.5)	27,129 (33.9)	-8.83	61,278	20,755 (33.9)	18,869 (30.8)	18,741 (30.6)
4	89,747	57,663 (64.3)	5,395 (6.0)	17,908 (20.0)	2.37	66,617	44,596 (66.9)	3,858 (5.8)	11,850 (17.8)

PCT.	CITIZEN VOTING AGE POPULATION ESTIMATES				
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)	NHBLACK + HISP (%)
1	61,465	41,428 (67.4)	4,536 (7.4)	11,798 (19.2)	26.6
2	70,060	47,183 (67.4)	5,897 (8.4)	12,207 (17.4)	25.8
3	56,182	20,455 (36.4)	18,722 (33.3)	13,819 (24.6)	57.9
4	62,971	44,188 (70.2)	3,705 (5.9)	9,939 (15.8)	21.7

**ANSWER:** Defendants object to this request as asking for information analyzed by experts in this case, not Defendants, including ACS estimates. Therefore, deny.

**Request Number 9:** Admit that the four commissioners at the time the Galveston County Commissioners Court adopted the 2021 redistricting plan in November 2021 and at the time when the United States filed its complaint in this case on March 24, 2022, were: Darrell Apffel, who represents Precinct 1 and has served on the commissioners court since 2016; Joseph Giusti, who represents Precinct 2 and has served on the commissioners court since 2014; Stephen Holmes, who represents Precinct 3 and has served on the commissioners court since 1999; and Kenneth Clark, who represented Precinct 4 and served on the commissioners court since 1998.

**ANSWER:** Admit.

**Request Number 10:** Admit that at the time the 2021 Galveston County Commissioners Court redistricting plan was adopted, Black and Hispanic voters constituted a majority of the voting age population in only one commissioner court precinct, in Commissioner Court Precinct 3.

**ANSWER:** Defendants object to this Request as requesting information analyzed by experts in this case, not defendants. Accordingly Defendants deny the Request at this time.

**Request Number 11:** Admit that the first Black member of the Galveston County Commissioners Court was Wayne Johnson, who represented Precinct 3 from 1988 to 1999 and was followed by Stephen Holmes, who was appointed in 1999, and who has served continuously for Precinct 3 since then.

**ANSWER:** Admit.

**Request Number 12:** Admit that except for Commissioner Frank Carmona, who served as a commissioner from 1971 to 1990, no other Black or Hispanic individual represented a Galveston County Commissioners Court precinct in which white persons constituted a majority of the voting age population until the appointment of Robin Armstrong to represent Precinct 4 in May 2022, following the death of Commissioner Kenneth Clark.

**ANSWER:** Defendants lack sufficient information to admit or deny, and therefore deny the Request.

**Request Number 13:** Admit that the Galveston County Commissioners Court is responsible for determining and approving the boundaries of the four precincts in the commissioners court and for redrawing the four justice of the peace and constable precincts, which are not coterminous with the commissioners court precincts.

**ANSWER:** Denied.

**Request Number 14:** Admit that from 1975 through 2013, as a political subdivision of the State of Texas, Galveston County was covered under Section 4 of the Voting Rights Act and was required to comply with the requirements of Section 5 of the Voting Rights Act before implementing any change affecting voting, including redistricting plans.

**ANSWER:** Defendants object to this request as requesting a legal conclusion. Defendants admit Galveston County was previously required to obtain judicial or administrative preclearance under the VRA before implementing a redistricting plan, and that Galveston County complied with such requirements. Otherwise, denied.

**Request Number 15:** Admit that on March 17, 1992, the U.S. Department of Justice interposed an objection under Section 5 of the Voting Rights Act to Galveston County's submission of its 1991 redistricting plan for justice of the peace and constable districts.

**ANSWER:** Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity.

**Request Number 16:** Admit that US0000003-4 is a true and correct copy of the March 17, 1992, letter by which the Department of Justice informed Galveston County officials that it was interposing an objection under Section 5 of the Voting Rights Act to the 1991 redistricting plan for justice of the peace and constable districts.

**ANSWER:** Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity and the document speaks for itself.

**Request Number 17:** Admit that private plaintiffs in *Hoskins v. Hannah*, 3:92-cv-12, ECF No. 61 (S.D. Tex. Aug. 19, 1992), obtained a consent judgment and order directing the County to create two justice of the peace and constable districts in which Black and Hispanic residents would constitute a majority of the voting age population.

**ANSWER:** Defendants object to this Request on the ground that the order entered by the Court in *Hoskins v. Hannah*, 3:92-cv-12, ECF No. 61 (S.D. Tex. Aug. 19, 1992) speaks for itself. Defendants are not required to admit to a particular characterization of a document, especially

when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003).

Defendants therefore deny the Request at this time.

**Request Number 18:** Admit that US0005864-66 is a true and correct copy of the criteria that Galveston County adopted following the release of the 2000 Census to guide the development of proposed redistricting plans of the commissioners court precincts and to establish procedures for public participation in the redistricting process.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants also object to this Request on the ground that the document speaks for itself. Admit that US0005864-66 is a true and correct copy. Otherwise denied.

**Request Number 19:** Admit that DEFS00015166-15169 is a true and correct copy of a resolution drafted, but not adopted, that proposed a set of criteria for the 2011 redistricting of the Galveston County Commissioners Court.

**ANSWER:** Denied. Plaintiff’s characterization that the document in question was “drafted, but not adopted ... for the 2011 redistricting of the Galveston County Commissioners Court” is not correct.

**Request Number 20:** Admit that during the 2011 Galveston County Commissioners Court redistricting process, the commissioners court did not consider nor vote on the drafted redistricting criteria.

**ANSWER:** Denied.

**Request Number 21:** Admit that during the 2011 Galveston County Commissioners Court redistricting process, the commissioners court did not adopt any redistricting criteria.



**ANSWER:** Defendants object to the Request because the phrase “did not adopt any redistricting criteria” is vague and the Request does not specify any document that is the subject of the Request. Defendants therefore deny the Request at this time.

**Request Number 22:** Admit that during the 2011 redistricting cycle, the Galveston County Commissioners Court held public hearings related to its redistricting, that began at 6:00 p.m. or later on the following dates and locations: (a) on August 16, 2011, in Santa Fe, (b) on August 17, 2011, in Crystal Beach; (c) on August 22, 2011, in Texas City; (d) on August 23, 2011, in the City of Galveston; and (e) on August 30, 2011, in the City of Galveston.

**ANSWER:** Admit.

**Request Number 23:** Admit that US0000017-21 is a true and correct copy of the March 5, 2012, letter by which the Department of Justice informed Galveston County officials that it was interposing an objection under Section 5 of the Voting Rights Act to the 2011 commissioners court redistricting plan.

**ANSWER:** Admit the document is a true and correct copy of a March 5, 2012 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

**Request Number 24:** Admit that US0000017-21 is a true and correct copy of the March 5, 2012, letter by which the Department of Justice informed county officials it was interposing an objection under Section 5 of the Voting Rights Act to the 2011 reduction of the number of justice of the peace/constable districts as well as the redistricting plan to elect those officials.

**ANSWER:** Admit the document is a true and correct copy of a March 5, 2012 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

**Request Number 25:** Admit that on November 14, 2011, several county residents filed a lawsuit against Galveston County and County Judge Mark Henry in this Court challenging the

commissioners court redistricting plan adopted in 2011 and sought declaratory and injunctive relief under both Sections 2 and 5 of the Voting Rights Act, 52 U.S.C. 10301 and 10304. *See Petteway v. Galveston Cnty.*, 3:11-cv-00511 (S.D. Tex. 2011).

**ANSWER:** Defendants object to the Request because the Complaint filed on November 14, 2011 in *Petteway v. Galveston Cnty.*, 3:11-cv-00511 (S.D. Tex. 2011) speaks for itself.

Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Defendants therefore deny the Request at this time.

**Request Number 26:** Admit that on January 20, 2012, a three-judge court in *Petteway v. Galveston County* issued a preliminary injunction under Section 5 of the Voting Rights Act, prohibiting Galveston County from implementing any of the Galveston County redistricting plans then under Section 5 review by the Department of Justice, including redistricting plans for the commissioners court and justice of the peace and constable districts. *Petteway v. Galveston Cnty.*, 3:11-cv-00511, ECF No. 45 (S.D. Tex. Jan. 20, 2012).

**ANSWER:** Defendants object to the Request because the preliminary injunction issued by the Court in *Petteway v. Galveston Cnty.*, 3:11-cv-00511, ECF No. 45 (S.D. Tex. Jan. 20, 2012) speaks for itself. Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Defendants therefore deny the Request at this time.

**Request Number 27:** Admit that on March 22, 2012, Galveston County adopted and submitted a revised commissioners court redistricting plan to the Department of Justice for review under Section 5 of the Voting Rights Act in which Commissioners Precinct 3 remained a district in which Black and Hispanic residents constituted a majority of the voting age population.

**ANSWER:** Admit.

**Request Number 28:** Admit that US0001819 is a true and correct copy of the March 23, 2012, letter by which the Department of Justice informed County officials that no objection under Section 5 of the Voting Rights Act would be interposed to the revised commissioners court plan the Galveston County Commissioners Court adopted and submitted for review on March 22, 2012.

**ANSWER:** Admit the document is a true and correct copy of a March 23, 2012 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

**Request Number 29:** Admit that on March 23, 2012, the United States District Court for Southern District of Texas permanently enjoined Galveston County from implementing any plans for the 2012 elections that had not been precleared under Section 5. *Petteway v. Galveston Cnty.*, 3:11-cv-00511, ECF No. 69 at 2 (S.D. Tex. Mar. 23, 2012).

**ANSWER:** Defendants object to the Request as incomplete and because the pleadings, including the subsequent appellate opinion and take-nothing judgment against Plaintiffs speak for themselves. Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Therefore denied.

**Request Number 30:** Admit that on August 19, 2013, the Galveston County Commissioners Court enacted a new redistricting plan that reduced the number of justice of the peace districts from eight to four and eliminated two of the three justice of the peace districts where Black and Hispanic residents constituted a majority of the voting age population.

**ANSWER:** Admit in part. Defendants are not able to ascertain whether the justice of the peace districts were in areas “where Black and Hispanic residents constituted a majority of the voting

age population” on August 19, 2013. Defendants therefore deny that portion of the Request at this time.

**Request Number 31:** Admit that the Galveston County Commissioners Court posted the proposed justice of the peace plan on the County’s website on August 16, 2013. Three days later, on August 19, 2013, the plan was approved at a special session of the commissioners court with Mark Henry, who was County Judge, and Commissioners Ryan Dennard, Kevin D. O’Brien, and Kenneth Clark voting in favor of the plan, and Commissioner Stephen Holmes voting against the plan.

**ANSWER:** Admit.

**Request Number 32:** Admit that during the 2013 Galveston County justice of the peace and constable redistricting process, the Galveston County Commissioners Court did not articulate or adopt any redistricting criteria.

**ANSWER:** Defendants object to the Request because the phrase “did not articulate or adopt any redistricting criteria” is vague and the Request does not specify any document that is the subject of the Request. Defendants therefore deny the Request at this time.

**Request Number 33:** Admit that during the 2013 Galveston County justice of the peace and constable redistricting process, except for one public meeting held on August 19, 2013, when the Galveston County Commissioners Court adopted a plan, the commissioners court did not hold any additional meetings for the public to consider and comment on the proposed justice of the peace and constable redistricting plans.

**ANSWER:** Admit.

**Request Number 34:** Admit that pursuant to agenda item number 10 for the April 5, 2021, commissioners court meeting, the County began the post-2020 Census redistricting process by

“consider[ing] . . . approval of an engagement of counsel based on 2020 census.” Commissioner Stephen Holmes voted against this hiring action.

**ANSWER:** Admit that the Commissioners Court approved retaining outside redistricting counsel at an April 5, 2021 meeting and that Commissioner Holmes voted against this. Otherwise, denied.

**Request Number 35:** Admit that by August 12, 2021, the United States Bureau of the Census released P.L. 94-171 data that was suitable for jurisdictions, including Galveston County, to redistrict electoral districts.

**ANSWER:** Defendants admit that on “August 12, 2021, the United States Bureau of the Census released P.L. 94-171 data.” Otherwise, denied.

**Request Number 36:** Admit that during redistricting cycles for commissioners court precincts prior to the 2021 cycle, the Galveston County Commissioners Court set forth dates and times for public meetings across the County to give residents a clear timeline for consideration of proposed plans.

**ANSWER:** Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Defendants further object to the Request on the ground that it is vague in its reference to a “clear timeline for consideration of proposed plans.” Defendants lack the knowledge to admit or deny as written, and therefore deny.

**Request Number 37:** Admit that the Galveston County Commissioners Court did not adopt a timeline to complete the 2021 commissioners court redistricting process.

**ANSWER:** Defendants object to the Request because the phrase “did not adopt a timeline” is vague and the Request does not specify any document that is the subject of the Request.

Defendants therefore deny the Request at this time.

**Request Number 38:** Admit that the Galveston County Commissioners Court did not articulate or adopt any criteria during the 2021 commissioners court redistricting process.

**ANSWER:** Defendants object to the Request because the phrase “did not articulate or adopt any redistricting criteria” is vague and the Request does not specify any document that is the subject of the Request. Defendants therefore deny the Request at this time.

**Request Number 39:** Admit that Defendants and/or their staff took no steps to create a commissioners court redistricting plan between August 12, 2021, and the first telephone conference call related to redistricting for commissioners court precincts among Dale Oldham, Paul Ready, Commissioner Darrell Apffel, and County Judge Mark Henry that occurred on September 8, 2021.

**ANSWER:** Defendants object to the Request because the phrase “took no steps to create a commissioners court redistricting plan” is vague and misrepresents what occurred, and the Request does not specify any document that is the subject of the Request. Defendants further object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants admit that Dale Oldham, Paul Ready, Commissioner Darrell Apffel, and County Judge Mark Henry held a conference call on September 8, 2021. Otherwise, denied.

**Request Number 40:** Admit that during the 2021 commissioners court redistricting process, Dale Oldham met with Commissioner Stephen Holmes on four occasions, the first of which took place on September 20, 2021.

**ANSWER:** Admit.

**Request Number 41:** Admit that on September 23, 2021, Commissioner Stephen Holmes provided Dale Oldham with his views as to changes to Commissioner Court Precinct 3 that Commissioner Stephen Holmes believed to be necessary and appropriate.

**ANSWER:** Defendants admit that Commissioner Holmes met with redistricting counsel on September 20, 2021 and September 23, 2021. Defendants object to the Request on the ground that it seeks the admission of information that is protected by the attorney-client privilege and/or the work product doctrine. Defendants therefore deny the Request at this time.

**Request Number 42:** Admit that on October 19, 2021, Dale Oldham presented Commissioner Stephen Holmes with two proposed plans, Map 1 and Map 2, but neither plan reflected any of the views, nor included any of the changes to Commissioner Court Precinct 3, that Commissioner Stephen Holmes had relayed to Dale Oldham on September 23, 2021.

**ANSWER:** Defendants object to the Request on the ground that it seeks the admission of information that is protected by the attorney-client privilege and/or the work product doctrine. Defendants therefore deny the portion of the Request regarding any information that may have been exchanged between Commissioner Stephen Holmes and Dale Oldham on September 23, 2021. Defendants admit only that “on October 19, 2021, Dale Oldham presented Commissioner Stephen Holmes with two proposed plans, Map 1 and Map 2.” Otherwise, denied.

**Request Number 43:** Admit that between the April 5, 2021, Galveston County Commissioners Court meeting and the November 12, 2021, special session there were no commissioners court

meetings, executive sessions, workshops, or public hearings relating to the redistricting process or during which redistricting was discussed, including, but not limited to, discussion of any proposed commissioners court redistricting plans.

**ANSWER:** Defendants admit that the Commissioners Court did not hold in-person public meetings relating to redistricting between April 6, 2021 and November 11, 2021, and that the proposed maps were available for viewing and public comment online at the Galveston County website between October 29, 2021 and November 12, 2021. Defendants object to the term “workshops” because it is vague and undefined. Otherwise, denied.

**Request Number 44:** Admit that during redistricting cycles for Galveston County commissioners court precincts prior to 2021, once proposed plans were created, they were made available for public review.

**ANSWER:** Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Admit that the County has made proposed redistricting plans available for public review and comment once they are created, and did so in the 2021 redistricting cycle, but Defendants lack the knowledge to ascertain exactly how and when plans were made available once they were created during all redistricting processes prior to the 2020-2021 cycle, and therefore deny the Request to that extent at this time.

**Request Number 45:** Admit that on October 29, 2021, Galveston County posted images to its website of the draft commissioners court redistricting plans, Map 1 and Map 2, along with an online information form for public comment, but without any demographic data regarding the population characteristics of the proposed commissioner precincts.



**ANSWER:** Defendants object to the Request on the ground that the phrase “demographic data regarding the population characteristics of the proposed commissioner precincts” is vague, and therefore, Defendants deny that portion of the Request. Defendants admit that Galveston County first posted interactive Map Proposals 1 and 2 to its website for public comment on October 29, 2021. Defendants admit that, as early as November 3, 2021, the maps available on the website also included data overlays of voting precinct data and municipal boundaries within the County.

**Request Number 46:** Admit that DEFS00031054 is a true and correct copy of the October 29, 2021, Facebook post in which County Judge Mark Henry expressed a desire for a “much-needed coastal district” in the Galveston County commissioners court redistricting plan then under consideration.

**ANSWER:** Admit that DEFS00031054 is a true and correct copy of an October 29, 2021, Facebook post by County Judge Mark Henry and that the document speaks for itself. Otherwise, denied.

**Request Number 47:** Admit that during redistricting cycles for Galveston County Commissioners Court precincts prior to the 2021 cycle, the public meetings that took place were held in multiple locations across the County, such as on the Bolivar Peninsula, the City of Galveston, Santa Fe, Texas City, and League City.

**ANSWER:** Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Defendants lack the knowledge to ascertain whether and where public meetings were scheduled during all redistricting processes prior to the 2020-2021 cycle, and therefore deny the Request at this time.

**Request Number 48:** Admit that the online form posted on the County’s website on October 29, 2021, was the only opportunity for Galveston County residents to provide their views on

redistricting plans prior to the November 12, 2021, special session at which the Galveston County Commissioners Court approved the final commissioners court redistricting plan.

**ANSWER:** Denied. County Commissioners were available to receive feedback about redistricting at all times during the 2020-2021 redistricting cycle, and in fact did receive communications from residents and advocacy groups about redistricting.

**Request Number 49:** Admit that on November 12, 2021, two weeks after the proposed plans, Map 1 and Map 2, were posted on the County's website, the Galveston County Commissioners Court held a special session at 1:30 PM to consider and vote on the proposed plans.

**ANSWER:** Admit.

**Request Number 50:** Admit that Galveston County provided no other means for County residents to provide public comments on Map 1 and Map 2 aside from for an online comment portal and a single special session held on November 12, 2021.

**ANSWER:** Defendants deny the request at this time. Defendants made themselves available to receive feedback about redistricting at all times during the 2020-2021 redistricting cycle, and in fact did receive feedback from residents and advocacy groups about Map Proposals 1 and 2 by means other than the online comments portal and the November 12<sup>th</sup> special meeting.

**Request Number 51:** Admit that prior to the November 12, 2021, special session, Commissioner Stephen Holmes was never provided with a full set of demographic information, at the voting precinct level with racial breakdowns of total population and voting age population for any draft maps or maps, including Map 1 and Map 2, under consideration during the 2021 redistricting cycle.

**ANSWER:** Defendants object to this request as asking for information beyond their knowledge, namely, what Commissioner Holmes received and when. Defendants admit that they worked

collaboratively with Commissioner Holmes to provide all information and data he requested throughout the 2020-2021 redistricting process. This includes data and information that was provided to him: (1) in September 2021 by Paul Ready, the County's general counsel, and (2) in October 2021 by Nathan Sigler, the County's GIS Specialist. Otherwise, denied.

**Request Number 52:** Admit that during redistricting cycles for commissioners court precincts prior to the 2021 cycle, the Galveston County Commissioners Court held multiple public hearings on redistricting that began at 6:00 p.m. or later.

**ANSWER:** Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Defendants lack the knowledge to ascertain whether and when public meetings were scheduled during all redistricting processes prior to the 2020-2021 cycle, and therefore deny the Request at this time.

**Request Number 53:** Admit that the Galveston County Commissioners Court usually holds meetings at the Galveston County Courthouse, located at 722 Moody Avenue, Galveston, Texas, and that location was available on November 12, 2021.

**ANSWER:** Defendants deny the Request at this time because it mischaracterizes the customary practice for the scheduling of Commissioners Court meetings. The Commissioners Court's regular meetings take place at the 722 Moody Avenue Galveston County Courthouse. Special meetings typically take place at the Calder Road Annex in League City – including the special meeting that occurred on November 12, 2021.

**Request Number 54:** Admit that the meeting room at the Galveston County Courthouse can seat approximately 250 people, with the ability to add additional seating in the meeting room as well as standing room along the walls of the meeting room, if necessary, and the parking garage at the county courthouse can fit approximately 400 to 500 vehicles.

**ANSWER:** Denied

**Request Number 55:** Admit that the Galveston County Courthouse has a sound system with a microphone at each commissioner's seat.

**ANSWER:** Admit.

**Request Number 56:** Admit that County Judge Mark Henry determined the November 12, 2021, special session of the Galveston County Commissioners Court would be held at the League City Annex Building, also known as the Calder Road Annex, rather than at the Galveston County Courthouse in the City of Galveston.

**ANSWER:** Denied

**Request Number 57:** Admit that County Judge Mark Henry's decision to move the Galveston County Commissioners Court special session on November 12, 2021, to the Calder Road Annex followed a similar decision by him in 2020 to hold a meeting of the Galveston County Commissioners Court at the Calder Road Annex regarding the removal of a Confederate statute on courthouse grounds.

**ANSWER:** Defendants deny the Request at this time because it mischaracterizes the customary practice for the scheduling of Commissioners Court special meetings. Commissioners Court special meetings take place at the Calder Road Annex in League City – including the special meeting referenced in the Request.

**Request Number 58:** Admit that the Calder Road Annex is at 174 Calder Road, League City, Texas, near the Harris County border, and is approximately 27 miles away from the Galveston County Courthouse located at 722 Moody Avenue in the City of Galveston.

**ANSWER:** Admit.

**Request Number 59:** Admit that the Calder Road Annex meeting room can seat approximately 65 to 75 people and some of the location's 60 parking spaces were blocked off due to an ongoing construction project at the site at the time of November 12, 2021, special session.

**ANSWER:** Defendants object to the request as compound. Denied.

**Request Number 60:** Admit there is neither a sound system nor an individual microphone for each commissioner in the meeting room at the Calder Road Annex and no microphones for the public were provided at the November 12, 2021, special session.

**ANSWER:** Denied as written.

**Request Number 61:** Admit there were approximately 150 to 200 people in attendance in the November 12, 2021, Galveston County Commissioners Court special session, but there was no overflow room to accommodate them.

**ANSWER:** Denied.

**Request Number 62:** Admit that, according to the video of the November 12, 2021, Galveston County Commissioners Court special session available on the County's website, some of the community members who were lined up in the hallways voiced concerns about their inability to hear what was being said, including if they were being called to speak.

**ANSWER:** Defendants lack sufficient information to admit or deny, so deny same. Defendants maintain that every individual who requested to speak was able to do so at the meeting.

Defendants deny the request because it misstates that community members were unable to hear if they were called on. Throughout the special meeting, County employees called out into the hallway when community members who had signed up to speak were asked to make their statements.

**Request Number 63:** Admit that according to video of the November 12, 2021, Galveston County Commissioners Court special session, County Judge Mark Henry started the special session by warning that constables were in the room and that he would have the constables remove the attendees who were stating that they could not hear him.

**ANSWER:** The recording of the meeting speaks for itself. Defendants admit that no one was removed from the meeting at any time.

**Request Number 64:** Admit that Galveston County gave members of the public only 72 hours of notice of the November 12, 2021, Galveston County Commissioners Court special session, which is the minimum required under state law.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.”

*United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Admit that the November 12, 2021 meeting was properly noticed under Texas law and its timing was due to the time constraints imposed by law and the delayed release of Census data in a usable format.

Otherwise, denied.

**Request Number 65:** Admit that according to the video of the November 12, 2021, Galveston County Commissioners Court special session, 36 members of the public spoke at the special session, of which 35 opposed both Map 1 and Map 2.

**ANSWER:** The recording of the meeting speaks for itself. Defendants deny the Request’s characterization that “35 [of those comments] opposed both Map 1 and Map 2” because most of the speakers never referenced Map Proposal 1 or 2. Otherwise, denied.

**Request Number 66:** Admit that during the November 12, 2021, Galveston County Commissioners Court special session Commissioner Stephen Holmes offered two alternative

plans in which Commissioners Precinct 3 was comprised of a combined Black and Hispanic voting age population of over 50 percent, but none of the other commissioners present either moved to consider or to vote on either of Commissioner Stephen Holmes' alternative plans.

**ANSWER:** The recording of the meeting speaks for itself. The Request mischaracterizes the events that transpired at the meeting. In his remarks, Commissioner Holmes referred to two maps that he purportedly had brought to the meeting, but he never "offered" the maps for the Commissioners Court's consideration nor did he provide them to other commissioners before the meeting, ask to include them on the County website or on the November 12, 2021 agenda, or make a motion for those maps to be considered. Defendants also deny the Request because they have no way of ascertaining whether the maps Commissioner Holmes purportedly had with him at the meeting included a "Precinct 3 [which] was comprised of a combined Black and Hispanic voting age population of over 50 percent." Otherwise, denied.

**Request Number 67:** Admit that Map 1 and Map 2 were the only two maps that the Galveston County Commissioners Court considered during the November 12, 2021, special session.

**ANSWER:** Defendants object to this request as vague. The recording of the meeting speaks for itself. Otherwise, denied.

**Request Number 68:** Admit that according to the video of the November 12, 2021, Galveston County Commissioners Court special session, no one, including Defendants, provided any justification or rationale for the changes made to Precinct 3 in Map 1 or Map 2.

**ANSWER:** Admit that there was no discussion about specific changes to Precinct 3. Otherwise, denied.

**Request Number 69:** Admit that the Galveston County Commissioners Court approved proposed Map 2 with a vote of 3-1, and County Judge Mark Henry and Commissioners Joseph

Giusti and Darrell Apffel voted in favor, while Commissioner Stephen Holmes voted against Map 2. Commissioner Kenneth Clark was absent.

**ANSWER:** Admit.

**Request Number 70:** Admit that DEFS00011896 is an accurate depiction of the Galveston County Commissioners Court redistricting plan that was adopted by the Commissioners Court on November 12, 2021.

**ANSWER:** Admit.

**Request Number 71:** Admit that the tables immediately below accurately present the demographic data for the four commissioners court precincts in the 2021 redistricting plan, according to the 2020 Census and the 2016-2020 ACS estimates.

**Galveston County Commissioners Court (Adopted November 12, 2021)**

PCT.	TOTAL POPULATION				DEV (%)	VOTING AGE POPULATION			
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)		TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)
1	87,689	48,169 (54.9)	9,342 (10.7)	24,445 (27.9)	0.02	66,641	39,306 (59.0)	6,613 (9.9)	16,404 (24.6)
2	87,697	47,460 (54.1)	12,663 (14.4)	22,725 (25.9)	0.03	71,389	41,421 (58.0)	9,511 (13.3)	16,431 (23.0)
3	88,111	50,534 (57.4)	6,895 (7.8)	22,573 (25.6)	0.5	64,704	38,952 (60.2)	4,959 (7.7)	14,908 (23.0)
4	87,185	45,195 (51.8)	16,737 (19.2)	18,893 (21.7)	-0.6	64,648	35,341 (54.7)	12,258 (19.0)	12,416 (19.2)

PCT.	CITIZEN VOTING AGE POPULATION ESTIMATES				
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)	NHBLACK + HISP (%)
1	62,357	38,990 (62.5)	6,562 (10.5)	13,070 (21.0)	31.5
2	66,504	40,966 (61.6)	9,374 (14.1)	12,748 (19.2)	33.3
3	59,710	38,111 (63.8)	4,802 (8.0)	11,606 (19.4)	27.5
4	62,107	35,187 (56.7)	12,120 (19.5)	10,338 (16.7)	36.2

**ANSWER:** Defendants object to this request as vague, as “the demographic data” is not specified. Defendants further object to this request as asking about information for which they



cannot admit or deny the accuracy, and instead which is used and/or analyzed by experts in this case. Therefore, denied.

**Request Number 72:** Admit that moving voting precinct 218 from Commissioner Precinct 2 to Commissioner Precinct 3 as both existed in the plan in place between 2012 and 2021 would have resulted in a combined Black and Hispanic citizen voting age population percentage of over 56% in an illustrative Commissioner Precinct 3 under the 2020 Census and the 2016-2020 ACS estimates with a total population deviation among the commissioners court precincts of less than ten percent under the 2020 Census.

**ANSWER:** Defendants object to the Request on the ground that it seeks the admission of a legal conclusion, namely whether or not a hypothetical map would satisfy the “majority-minority rule” for compliance with the Voting Rights Act. *See Bartlett v. Strickland*, 556 U.S. 1, 17 (2009). Defendants further object to this request as asking about information used and/or analyzed by experts in this case. Accordingly, Defendants deny the Request at this time.

**Request Number 73:** Admit that only five of the 26 voting precincts that comprised Commissioners Court Precinct 3 in the plan in place from 2012 to 2021 are found in their entirety in Commissioners Court Precinct 3 in the plan adopted on November 12, 2021.

**ANSWER:** Admit.

**Request Number 74:** Admit that voting precinct 336 was included in Commissioners Court Precinct 3 in the plan in place from 2012 to 2021 and split between Commissioners Court Precincts 1 and 4 in the plan adopted on November 12, 2021.

**ANSWER:;** Admit.

**Request Number 75:** Admit that since at least 1998, the Galveston County Commissioners Court precincts have not included a single commissioners court precinct that contains the entirety of the County’s coastline.

**ANSWER:** Admit.

**Request Number 76:** Admit that since at least 2001, Bolivar Peninsula has never been placed in the same commissioners court precinct as the City of Galveston in a commissioners court redistricting plan.

**ANSWER:** Admit.

**Request Number 77:** Admit that for over the past three decades Black and Hispanic persons have constituted a majority of the voting age population in prior versions of Galveston County Commissioners Court Precinct 3 and have consistently elected a minority county commissioner during that time.

**ANSWER:** Defendants object to this request as asking about information used and/or analyzed by experts in this case. Defendants further object to the Request on the ground that it is not relevant to the claims and defenses in this litigation, since citizen voting age population (not “voting age population”) is the proper measure for purposes of determining compliance with the Voting Rights Act. Defendants further object to the Request because the phrase “past three decades” is vague. Defendants deny the proposition that only “Black and Hispanic persons ... have consistently elected a minority county commissioner” in Precinct 3 as incorrect and unsubstantiated. Otherwise, denied.

**Request Number 78:** Admit that the 2021 adopted plan for the Galveston County Commissioners Court eliminates the sole commissioners court precinct in which Black and Hispanic residents constitute a majority of the voting age population.

**ANSWER:** Defendants object to the Request on the ground that it seeks the admission of a legal conclusion, namely whether or not the adopted plan satisfies the “majority-minority rule” for compliance with the Voting Rights Act. *See Bartlett v. Strickland*, 556 U.S. 1, 17 (2009).

Defendants further object to the Request on the ground that it is not relevant to the claims and defenses in this litigation, since citizen voting age population (not “voting age population”) is the proper measure for purposes of determining compliance with the Voting Rights Act.

Accordingly, Defendants deny the Request at this time.

**Request Number 79:** Admit that as of March 24, 2022, the only three elected county officeholders in Galveston County who were Black were Precinct 3 Commissioner Stephen Holmes, Precinct 3 Constable Derreck Rose, and Precinct 3 Justice of the Peace Billy A. Williams, Jr., all of whom were elected from electorates in which Black and Hispanic residents constituted a majority of the voting age population.

**ANSWER:** Denied. As of March 24, 2022, more than three elected County officeholders were black.

**Request Number 80:** Admit that the Galveston County Commissioners Court adopted the 2021 redistricting plan for the commissioners court one day before the candidate filing period for the March 2022 primary election began on November 13, 2021.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Notwithstanding this objection, Defendants admit only that the Commissioners Court adopted the 2021 redistricting plan on November 12, 2021.

**Request Number 81:** Admit that, since September 1, 2011, Tex. Election Code § 172.023(a)-(b) has required that the candidate-filing period for the March primary election to be held the following year must be set to begin on “the 30th day before the date of the regular filing deadline,” and end on “the second Monday in December of an odd-numbered year,” in other words, between November 13, 2021, and December 13, 2021 for the March 2022 primary election.

**ANSWER:** Defendants object to this request as asking about a question of law which is improper in a discovery request to a party. Therefore, denied.

**Request Number 82:** Admit that, prior to November 2021, the members of the Galveston County Commissioners Court were aware of, or had access to, Tex. Election Code § 172.023(a)-(b) setting the candidate-filing period for the March 2022 primary election.

**ANSWER:** Defendants object to this request as asking about a question of law which is improper in a discovery request to a party. Defendants admit that they were kept apprised of any applicable candidate filing periods or changes thereto from various sources, including the Texas Secretary of State. Otherwise, denied.

**Request Number 83:** Admit that as of November 2021, all then-members of the Galveston County Commissioners Court had run for elected office at least once by filing for candidacy during the candidate-filing period set forth in Tex. Election Code § 172.023(a)-(b).

**ANSWER:** Defendants object to this request as asking about a question of law which is improper in a discovery request to a party. Defendants admit that then-members of the Commissioners Court had run for elected office at least once by following applicable guidelines and laws for filing for candidacy. Otherwise, denied.

**Request Number 84:** Admit that since 1976, Galveston County and the political subdivisions within it have been the subject of six objection letters under Section 5 of the Voting Rights Act issued by the Department of Justice. US00000001-00000021.

**ANSWER:** Defendants admit that “Galveston County and the political subdivisions within it have been the subject of six objection letters under Section 5 of the Voting Rights Act issued by the Department of Justice.” However, Defendants deny that the documents referenced in the Request are true and correct copies of the letters stating those objections and deny the statements made therein. After a reasonable inquiry into the accuracy of the documents in question, Defendants are unable to ascertain or corroborate their authenticity. Otherwise denied.

**Request Number 85:** Admit that US0000001-2 is a true and correct copy of the March 10, 1976, letter by which the Department of Justice informed Texas City officials that it was interposing an objection under Section 5 of the Voting Rights Act to the numbered post provision governing the election of City Commissioners in Texas City.

**ANSWER:** Defendants object to the Request on the ground that this document is in Plaintiff’s custody or control, and therefore, it is Plaintiff’s burden to authenticate it. Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Otherwise, denied.

**Request Number 86:** Admit that US0000005-7 is a true and correct copy of the December 14, 1992, letter by which the Department of Justice informed Galveston City officials that it was interposing an objection under Section 5 of the Voting Rights Act to the change in the method of electing the city council from at large to four from single member districts and two at large by numbered posts for concurrent terms; the districting plan; the elimination of the majority vote requirement for city council and mayoral elections; the shortening of mayoral and council terms

from three years to two years; the change in maximum number of consecutive terms from two to three; and the implementation schedule for the City of Galveston.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity, and the document speaks for itself.

**Request Number 87:** Admit that US0000008-12 is a true and correct copy of the December 14, 1998, letter by which the Department of Justice informed Galveston City officials that it was interposing an objection under Section 5 of the Voting Rights Act to amendments to the city charter that provided for a change in the method of election for the city council from six single-member districts to four single-member districts and two at large with numbered posts, a change from a plurality to a majority vote requirement, and redistricting criteria for the City of Galveston.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity, and the document speaks for itself.

**Request Number 88:** Admit that US0000013-16 is a true and correct copy of the October 3, 2011, letter by which the Department of Justice informed Galveston City officials that it was

declining to withdraw the 1998 objection to the charter amendments that provided for a change in the method of election for the city council.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Admit the document is a true and correct copy of an October 3, 2011 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

**Request Number 89:** Admit that in 2019, two White City of Galveston police officers on horseback led a Black man on a rope down a street after his arrest, leading to an apology from the police chief and a change in the police department’s arrest policy.

**ANSWER:** Defendants object to the Request on the ground that it mischaracterizes the event in question by failing to include important details. Moreover, Defendants lack sufficient knowledge about policies which the City of Galveston Police Department may or may not have adopted. Defendants therefore deny the Request at this time.

**Request Number 90:** Admit that that Hurricane Ike that significantly damaged the City of Galveston’s public housing complexes in 2008 and led to the demolition of 569 units in the complexes that sustained the most damage.

**ANSWER:** Admit that Hurricane Ike was a devastating storm that sent 110 mile-per-hour winds and 12-to-15-foot storm surges across Galveston Island and the Bolivar Peninsula, impacted virtually all residents of Galveston County, caused hundreds of deaths, destroyed and damaged homes, and caused Galveston Island to close to returning residents for over a week. Galveston County had no role in the administration of public housing in the City of Galveston after

Hurricane Ike. Defendants lack sufficient knowledge to admit or deny the allegations about the number of public housing units referenced. Defendants therefore deny the Request at this time.

**Request Number 91:** Admit that DEFS00031248 is a true and correct copy of a Facebook post depicting a flyer distributed during the 2020 primary election for Galveston County tax assessor, a position that has no responsibilities related to immigration.

**ANSWER:** Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants cannot admit or deny the authenticity of a depiction of a flyer that is not Defendants’ document. Moreover, Defendants deny the Request at this time because the document in question is not a Facebook post, and because the document only depicts a thumbnail image attached to a news article (but is not a “true and correct copy” of the flyer in question). Therefore, denied.

Date: April 21, 2023

**HOLTZMAN VOGEL BARAN  
JOSEFIAK & TORCHINSKY LLC**

/s/ Dallin B. Holt

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2023, I served the foregoing via email on all counsel of record in this case.

*Dallin B. Holt*

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Dallin B. Holt

# **Exhibit 3**

# 2020 Census Timeline of Important Milestones

The count is now complete, and the U.S. Census Bureau is processing the data, making sure that everyone is counted once, only once, and in the right place. Here's a look at some of the key dates:

## 2019

- **January – September:** The Census Bureau opened more than 200 area census offices across the country. These offices supported and managed the census takers who worked all over the country to conduct the census.
- **August – October:** Census workers visited areas that have experienced a lot of change and growth to ensure that the Census Bureau's address list is up to date. This process is called address canvassing, and it helped in making sure everyone received an invitation to participate in the census.

## 2020

- **January 21:** The Census Bureau started counting the population in remote Alaska. The count officially began in the rural Alaskan village of Toksook Bay.
- **March 12:** The Census Bureau opened its phone lines and online self-response tool, allowing the public to begin submitting responses to the 2020 Census. Households began receiving official Census Bureau mail inviting them to respond to the 2020 Census online, by phone, or by mail. Additional reminders were sent throughout the summer.

- **April 1:** The Census Bureau released 2020 Census results nationwide. By this date, most households had received an invitation to participate in the 2020 Census. Once the invitation arrived, people responded for their home in one of three ways: online, by phone, or by mail. When they responded, they told the Census Bureau where they lived as of April 1, 2020.

**Related Information**

2020 Census Results [2020results]

## 2020 Census Operational Adjustments Due to COVID-19

Stay up to date on operational changes made in response to the COVID-19 crisis.



[/programs-surveys/decennial-census/decade/2020/planning-management/operational-adjustments.html]

## 2021

- **April 26:** The Census Bureau released 2020 Census apportionment results, the first results for the 2020 Census. On the same day, the Census Bureau also released operational quality metrics comparing the census results to other population benchmarks as well as a variety of operational quality metrics.
- **May 28:** The Census Bureau released additional operational quality metrics on the 2020 Census. These metrics provide further insight into how housing units were enumerated and include information on occupied and vacant housing units and the size of occupied units.
- **August 12:** States received the data they may use to begin redistricting. The Census Bureau also shared this information with the public. However, the data is in a format that requires additional handling and software to extract familiar tables. COVID-19-related delays and prioritizing the delivery of the apportionment results delayed our original redistricting data delivery plan.
- **September 16:** The Census Bureau delivered the final redistricting data

toolkit to all states and the public. This included digital tools that provide access to an integrated software browsing tool for official recipients, as well access to the online Data Explorer tool for both official recipients and the public.

## 2022 and Beyond

- **March 10, 2022:** The Census Bureau released the initial results from the 2020 Post-Enumeration Survey (PES) program to measure coverage error in the 2020 Census. The first release provides estimates of population coverage overall and for important demographic groups for the nation.
- **May 31, 2022:** The Census Bureau began the 2020 Post-Census Group Quarters Review (PCGQR) as a one-time operation for governmental units in the United States and Puerto Rico to request that the U.S. Census Bureau review the population counts of group quarters they believe were not correctly counted as of April 1, 2020. This operation was created in response to public feedback received on the Count Question Resolution [<https://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/evaluate/cqr.html>] operation about counting group quarters' populations during the unprecedented challenges posed by the COVID-19 pandemic.
- The Census Bureau plans to release additional 2020 Census results. Learn more on the About 2020 Census Data Products [</programs-surveys/decennial-census/decade/2020/planning-management/release/about-2020-data-products.html>] page.
- The Census Bureau will also continue to evaluate the quality of the 2020 Census. Learn more on the 2020 Census Data Quality [</programs-surveys/decennial-census/decade/2020/planning-management/process/data-quality.html>] page.

## About 2020 Census Data Products

Information on 2020 Census results, including more detailed population and household statistics.



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[/programs-surveys/decennial-census/decade/2020/planning-management/release/about-2020-data-products.html]

## 2020 Census Data Quality

We check the quality of our work every step of the way. When we release data, we make sure they meet our quality standards.



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[/programs-surveys/decennial-census/decade/2020/planning-management/process/data-quality.html]

# Exhibit 4



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY,\*  
ET AL., \*  
\*  
PLAINTIFFS, \*  
\* CASE NO. 3:22-CV-00057  
VS. \*  
\*  
GALVESTON COUNTY, ET AL.,\*  
\*  
DEFENDANTS. \*

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF  
DARRELL APFFEL  
JANUARY 5, 2023

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF DARRELL  
APFFEL, produced as a witness at the instance of  
the PLAINTIFF(S), and duly sworn, was taken in the  
above-styled and numbered cause on JANUARY 5, 2023,  
from 9:17 A.M. to 6:01 P.M., before AMY PRIGMORE,  
CSR, in and for the State of Texas, reported by  
stenographic means, at the offices of GREER HERZ &  
ADAMS, One Moody Plaza 18th Floor, Galveston,  
Texas, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record  
or attached hereto.

A P P E A R A N C E S

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20  
21 ALSO PRESENT:  
Ray Burchette, Videographer

22  
23  
24  
25

1 and, if necessary, redraw the Galveston  
2 Commissioners Court precinct maps?

3 A. Yes.

4 Q. I'm going to refer to this as the 2021  
5 redistricting process, to -- for clarity.

6 Did Galveston County undertake any steps,  
7 either in advance of the 2020 census results --  
8 excuse me, let me restate.

9 Did Galveston County undertake any steps in  
10 advance of the 2020 census results to consider  
11 whether any changes needed to be made to the then  
12 existing precinct maps?

13 A. No. As I recall, we were waiting for the  
14 census to -- to know the population.

15 Q. As far as you understood, no action needed  
16 to be taken before the census came out?

17 A. As far as I understood, yes.

18 Q. Would you please describe what steps the  
19 county took in reacting to the 2020 census results?

20 A. I don't even remember when they came out or  
21 what reaction there was.

22 Q. Okay. One moment.

23 MS. VALL-LLOBERA: Could we take  
24 just a four-minute break?

25 THE WITNESS: Let's just wait here.

1 everything.

2 I think that we all expect, as fellow  
3 commissioners, to filter out, and -- and if we --  
4 but certainly, everyone has the right to present  
5 anything they want.

6 Q. (BY MS. VALL-LLOBERA) The 2020 census data  
7 came out in August 2021, correct?

8 A. Did you give me a month there? I'm sorry.

9 Q. August 2021.

10 A. I don't recall that. But I know that we  
11 were waiting -- we had approved the contract, and  
12 we were waiting for census data.

13 Q. What actions did you take with regards to  
14 redistricting, between the approval of that  
15 contract with Mr. Oldham, and when the census data  
16 came out?

17 A. Nothing.

18 Q. What awareness did you have of Mr. Oldham  
19 working on redistricting?

20 A. None.

21 Q. Did you have any conversations with  
22 Mr. Oldham regarding that -- excuse me.

23 Did you have any conversations with  
24 Mr. Oldham after the contract was signed, before  
25 the census data came out?

1 A. Not that I recall, no.

2 Q. Did you discuss the letter with the other  
3 commissioners?

4 A. No, not that I recall.

5 Q. Why not?

6 A. No reason. I mean, like I said, I was -- I  
7 believed that we -- we were doing -- we were taking  
8 care of business.

9 Q. Did you review the redistricting criteria  
10 that was recommended in this letter?

11 A. Not -- I mean, ish, yes. I see stuff like  
12 this coming from the League of Women Voters much  
13 like your lawsuit. It's your opinion of what  
14 should have been, versus what has to be.

15 Q. What do you understand -- what's your  
16 understanding of what has to be, with regards to  
17 redistricting?

18 A. That you take the census data, and you look  
19 at population and you equal the -- the precincts  
20 within a 5 percent of -- I think that it's not a  
21 margin of error -- differential, and you draw maps  
22 accordingly.

23 Q. Did the Commissioners Court adopt  
24 redistricting criteria?

25 A. I don't know what -- what that means.

1 Specifically -- no. I mean, I've told you  
2 everything we did. So, are you saying did we --  
3 did someone draft a redistricting criteria that we  
4 voted on? No.

5 Q. You mentioned a margin of 5 percent.

6 Where -- where do you get that knowledge  
7 from?

8 A. I don't -- I don't know. And maybe I'm  
9 incorrect. Maybe I'm incorrect. But that's what I  
10 seem to recall, was that there was a -- you had to  
11 get all of the precincts within 5 percent of one  
12 another, on numbers.

13 MS. VALL-LLOBERA: I would like to  
14 move on to Tab 1, to introduce Tab 1 as the next  
15 exhibit. So introducing Apffel Exhibit 16.

16 (Exhibit 16 is marked.)

17 Q. (BY MS. VALL-LLOBERA) This is May -- excuse  
18 me. This is a May 24, 2011, e-mail, from Roxann  
19 Lewis to Mark Henry, with the subject, resolution  
20 you needed typed.

21 Have I read that correctly?

22 A. I wasn't paying attention. What are -- or  
23 Galveston County resolution adopting criteria? Is  
24 that what you read? What did you read? Are you --

25 Q. So this is a May 24, 2011, e-mail, from



1 Q. I believe earlier, you -- let me rephrase.  
2 Here's a written document listing out some  
3 factors, which I have been referring to as  
4 redistricting criteria.

5 A. Uh-huh.

6 Q. Did the -- did you have any kind of guiding  
7 documents like this, during the 2021 redistricting  
8 process?

9 A. And the answer was no, we -- that I know of,  
10 we didn't adopt -- this is what I would have  
11 envisioned, when I gave you my answer about, we --  
12 the court didn't adopt anything. Excuse me.

13 And this says this was for use in the 2011  
14 process. So I don't know of one for...

15 Q. Okay. Would you agree that -- excuse me.  
16 But it would be fair to say that -- excuse  
17 me.

18 I would like to return to the previous  
19 exhibit, which is the League of Women Voters  
20 letter, in Exhibit 15, right? Oh, Exhibit 15.

21 So this letter also contained a proposed  
22 timeline, and I would like to turn your attention  
23 to page 3 of the exhibit.

24 Did you review this timeline, when the  
25 League -- Ms. Swanson sent this?

1 told the deadline is this day, to approve a map.  
2 And it was just thrown on us, quickly.

3 MS. VALL-LLOBERA: I would like to  
4 introduce the next exhibit. While that's  
5 getting -- I'm sorry. It's going to be Tab 21.  
6 But a couple of follow-ups.

7 Q. (BY MS. VALL-LLOBERA) So you -- you  
8 mentioned the end of the year. So --

9 A. So I'm guessing it was just the end of the  
10 year. But there was a timeline that was beyond  
11 what was handed down quickly by the -- I think it  
12 came from the legislature.

13 Q. Who -- did -- did any -- do you recall any  
14 specific person communicating to you a timeline  
15 that comported with the end of the year?

16 A. No. I was -- no.

17 Q. Okay. And between your Justice of the Peace  
18 and commissioner, you know, campaigns, you ran for  
19 office several times, right?

20 A. Yes.

21 Q. And you're aware there was candidate filings  
22 deadlines?

23 A. Yes.

24 Q. Which -- which -- and those deadlines  
25 precede the actual election date, or race day,

1 right?

2 A. I think it's December. It's in December.

3 Q. So December for a March race, let's say?

4 A. Yes.

5 Q. Okay. So -- so if there is a March primary,  
6 you usually have to file by December?

7 A. I believe December 1st is the first day to  
8 file. And I don't know if it's 20 -- the 31st  
9 or -- yeah, but --

10 Q. And do you know --

11 A. -- the filing deadline is over in December  
12 for the March primary.

13 Q. So you are familiar with, you know,  
14 deadlines proceeding actual races, correct?

15 A. Actual what?

16 Q. The actual -- actual election dates, right?

17 A. Yes.

18 Q. Okay.

19 A. And I think -- maybe it was December 1st,  
20 the day -- the first day to file to run, was what  
21 I -- we thought the date was going to be.

22 And as I recall, the legislature upped it by  
23 45 days, so that they could redraw -- adopt --  
24 people could adopt maps and get the -- the  
25 precincts redrawn in time for a December 1st

1 hindrance that I had.

2 Q. So, would it be fair to say it was your idea  
3 to eliminate Bolivar from Precinct 1?

4 A. It was a -- it was an idea, that -- I don't  
5 know if I was the first to float it or not. But  
6 what it did was create a Gulf Coast district that  
7 became really intriguing to everybody.

8 Q. Could you be more specific on who the idea  
9 of a coastal precinct was intriguing to?

10 A. Well, I say everybody. I'm just meaning  
11 that was the map that ultimately was -- that --  
12 well, both of them -- I think both of those maps  
13 were Gulf Coast districts.

14 So, it was -- so it just kind of happened,  
15 in the -- in the equalization of the population.  
16 And then it would -- it became a, well, this is  
17 a -- this is a great idea because of all of the  
18 coastal issues.

19 And then the judge took it. And I'm sure  
20 you've seen he put the -- when he posted the maps  
21 on, and he proposed -- he -- what's the word, not  
22 proposed -- supported Map 1 for that reason.

23 Q. All right. I would like to look at those  
24 proposed maps with you.

25 MS. VALL-LLOBERA: And that's going

1           A. I believe Tyler Drummond -- you know, the  
2 Judge's office, and his staff.

3           Q. And were they -- who was reviewing the  
4 comments?

5           A. I believe Tyler Drummond, and the Judge's  
6 staff, Zach Davidson.

7           Q. Did you review the comments that -- excuse  
8 me.

9                        Did you review all the comments that were  
10 submitted through the website?

11           A. Drop the word all, and maybe some. But not  
12 all.

13           Q. Did you review any of the comments that were  
14 submitted through the website?

15           A. Yes.

16           Q. How did you personally get access to the  
17 public comments that was submitted?

18           A. They were printed, and on a -- top of a file  
19 cabinet in the judge's office. And they were  
20 keeping track of them.

21           Q. How did you select which ones to read?

22           A. I just read through them. I would read  
23 through them.

24           Q. Did anybody give you a selection of public  
25 comments to read?

1 good law enforcement.

2 And all of those things are the same  
3 everywhere else.

4 Q. I'll ask a different way.

5 Do any industries exist on Galveston Island?

6 A. If you -- if you call UTMB industry, then,  
7 yes. That's what I -- and the port, the cruise  
8 ships.

9 Q. Do any similar industries exist on Bolivar  
10 Peninsula?

11 A. Pure tourism.

12 Q. Following the release of the 2020 census  
13 data, as we discussed earlier, did the  
14 Commissioners Court hold any public hearings to  
15 address the population of a single coastal  
16 district?

17 A. Define public hearings.

18 Q. Any hearing in which any set or individual  
19 commissioner discussed this issue with members of  
20 the public.

21 A. The placement of the maps on the Galveston  
22 County Web page and the comment period thereafter,  
23 to me, was a public -- was a public meeting.

24 Q. Can you think of any others?

25 A. The meeting when we adopted the -- the map.

1 Q. Okay. Are you aware of any commissioners  
2 creating surveys or polls to determine the public's  
3 interest in establishing a coastal district,  
4 following the release of the 2020 census data?

5 A. No.

6 Q. Are you aware of any county entity  
7 commissioning surveys or polls to gauge the  
8 public's interest in establishing a coastal  
9 district?

10 A. No.

11 Q. Based on your experience, what are some  
12 drawbacks of having a single coastal precinct on  
13 the Commissioners Court?

14 A. I can't think of any.

15 Q. Let me see one second.

16 Has anyone -- Commissioner Apffel?

17 A. Yes, I'm listening.

18 Q. Has anyone communicated any drawbacks of a  
19 single coastal district to you?

20 A. No.

21 Q. Shifting gears a little bit, what factors  
22 contribute to whether a Commissioners Court meeting  
23 is held at the county courthouse versus the Calder  
24 Road annex?

25 A. What I have observed is the unwritten rule,

# Exhibit 5



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, \*  
et al., \*

Plaintiffs, \*

VS. \*

Case No. 3:22-cv-00057

GALVESTON COUNTY, et al., \*  
Defendants. \*

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF  
JOSEPH GIUSTI  
JANUARY 6, 2023  
(Reported Remotely)

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF JOSEPH  
GIUSTI, produced as a witness at the instance of the  
United States and duly sworn, was taken via  
videoconference in the above-styled and numbered cause  
on the 6th day of January, 2023, from 9:23 a.m. to  
6:01 p.m., before Marsha Yarberry, Certified Shorthand  
Reporter in and for the State of Texas, reported by  
machine shorthand, in Galveston, Texas, pursuant to the  
Federal Rules of Civil Procedure.

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Mr. Clint Thomas, Concierge (Via Zoom)  
Mr. Josh Stivers, Videographer (Via Zoom)

1 Q. And that's something that they're --

2 MS. OLALDE: It's in the process, yes.

3 Q. (By Mr. Gear) So let's change subjects and  
4 talk about the 2021 redistricting process and what, if  
5 any, type of training you received. So let me start  
6 off by asking you what, if any, experience do you have  
7 with redistricting prior to the 2021 redistricting  
8 process.

9 A. None.

10 Q. So take me through the steps you took to  
11 prepare for the 2021 commissioners court redistricting  
12 cycle.

13 A. Basically in the hiring of the firm to do our  
14 redistricting I just, of course, voted for that, and  
15 that -- that was the majority of it, honestly, to allow  
16 them to do their job.

17 Q. So was any individual or group training  
18 provided to the commissioners court?

19 A. Not that I recall, no.

20 Q. Such as training on map software?

21 A. No.

22 Q. Were you provided with map software?

23 A. No.

24 Q. Did you have an occasion to review any  
25 materials related to the prior redistricting cycle,

1 such as the 2011-2012 cycle?

2 A. No, sir.

3 Q. Did you take time or did you have an occasion  
4 to review any materials related to previously adopted  
5 redistricting criteria?

6 A. No, sir.

7 Q. Were you aware that redistricting criteria had  
8 been previously adopted during prior commissioner court  
9 redistricting cycles?

10 A. Not -- no, not aware of it, I guess.

11 Q. And when you say you guess, what do you mean?

12 A. I don't know.

13 MR. GEAR: Zach, can we pull up  
14 Exhibit 1?

15 MS. OLALDE: Is that two copies, or is  
16 that one?

17 MR. GEAR: It's one copy. I'm sorry.

18 MS. OLALDE: No worries.

19 MR. GEAR: I only made three copies. Let  
20 me know when it pops up on your computer.

21 MS. OLALDE: Do you want me to change his  
22 view so that he sees it on his computer, or did you  
23 want -- because he's got the paper in front of him.

24 MR. GEAR: Sure. Whatever works best for  
25 you.

1 Avoiding any discussions you may have had with your  
2 attorneys, did you discuss the hiring of Dale Oldham  
3 with anyone else?

4 A. No.

5 Q. So following the hiring of Dale Oldham -- and  
6 I believe we pinned down the date around April 5th of  
7 2021 -- were you involved in any communications  
8 regarding establishing guidelines for the commissioners  
9 court redistricting process?

10 MS. OLALDE: Objection; asked and  
11 answered.

12 Go ahead.

13 THE WITNESS: Not that I recall.

14 Q. (By Mr. Gear) I believe we talked about  
15 criteria.

16 A. Yes.

17 Q. And I'm asking you about guidelines related to  
18 timing now. Does that change your answer at all?

19 A. It would have been just when asked probably by  
20 Mr. Oldham.

21 Q. And the -- that discussion took place during  
22 the meetings that you've identified?

23 A. Yes.

24 Q. And were there any discussions related to  
25 guidelines for redistricting -- the 2021 redistricting

1 process that were discussed in public, in a public  
2 commissioners court meeting?

3 A. Not that I recall.

4 Q. Were there any guidelines related to the  
5 timing of the commissioners court redistricting process  
6 that were formally adopted as a resolution by the  
7 commissioners court?

8 MS. OLALDE: Objection; form.

9 Go ahead.

10 THE WITNESS: Not that I recall.

11 Q. (By Mr. Gear) Were there any guidelines that  
12 were reduced to writing by the commissioners court?

13 A. Not that I recall.

14 Q. Can you explain what, if any, guidelines for  
15 the 2021 redistricting process were discussed amongst  
16 the commissioners?

17 MS. OLALDE: Objection to the extent your  
18 question calls for any response that would reveal  
19 discussions with Mr. Oldham or in executive session.  
20 Otherwise you can answer.

21 MR. GEAR: Again, we reserve the -- our  
22 right to raise the argument that attorney-client  
23 privilege does not apply to Mr. Oldham.

24 Q. (By Mr. Gear) But if you can answer --

25 A. That I don't recall.



1 Q. So just to be clear, your answer has been you  
2 don't recall if any guidelines were reduced to writing.  
3 Does that mean they weren't reduced to writing?

4 MS. OLALDE: Objection; asked and  
5 answered.

6 THE WITNESS: It means I don't recall.

7 Q. (By Mr. Gear) So in 2021 were you or your  
8 staff involved in a nonpublic communication with the  
9 commissioners court staff related to the adoption of  
10 redistricting criteria?

11 A. Not that I recall.

12 Q. In 2021 was there any public discussion by the  
13 commissioners court related to adopting redistricting  
14 criteria?

15 A. The really only public discussions I remember  
16 is when the approval occurred, that -- the day of that  
17 meeting, the special meeting. That's --

18 Q. So you're talking about the November 12th --

19 A. November, yes, sir.

20 Q. -- 2021 special session?

21 A. Yes, sir.

22 Q. Where the commissioners court plan was  
23 adopted?

24 A. Yes, sir.

25 Q. And what redistricting criteria was discussed

1 A. Yes, sir.

2 Q. Correct? And you were a candidate in the 2022  
3 primary, correct?

4 A. Yes, sir.

5 Q. And as a candidate for the 2022 primary, were  
6 you aware of the Texas law that specifies that the  
7 dates that candidates must apply for the office they  
8 are running for -- were you aware of the dates that the  
9 candidates must apply by when they're running for  
10 office?

11 A. Yes, sir.

12 Q. And do you know approximately what those dates  
13 were?

14 A. For commissioner it was sometime I want to say  
15 December 11th maybe of that year.

16 Q. And so you were aware of those candidate  
17 qualifying dates, correct?

18 A. Yes, roughly.

19 Q. And did you discuss the candidate qualifying  
20 period with any of the other commissioners prior to  
21 receiving the email from the Secretary of State I  
22 believe you testified to?

23 A. No, sir.

24 Q. Would you agree that the redistricting plan  
25 would have had to have been completed prior to the

1 candidate qualifying period?

2 MS. OLALDE: Objection; form.

3 THE WITNESS: Yes.

4 Q. (By Mr. Gear) And so the existence of a  
5 deadline to pass a redistricting plan was not a  
6 surprise to you?

7 MS. OLALDE: Objection; asked and  
8 answered.

9 THE WITNESS: The deadline that we  
10 received -- I'm sorry. Ask again.

11 Q. (By Mr. Gear) So you were -- you were aware  
12 of the candidate qualifying period.

13 A. Yes, sir.

14 Q. And were you aware that the redistricting plan  
15 had to be completed prior to that candidate qualifying  
16 period?

17 MS. OLALDE: Same objection.

18 THE WITNESS: I would assume that it  
19 would have to be unless they moved the election.

20 Q. (By Mr. Gear) Okay. And I'm sorry if I asked  
21 this, but we are kind of running back through this. Do  
22 you know what that candidate -- candidate qualifying  
23 period was when you were running for commissioner in  
24 2022?

25 MS. OLALDE: Same objection.

1 A. I don't recall.

2 Q. Were there any public workshops where the  
3 community was allowed to participate prior to the  
4 release of the 2020 census data related to the  
5 redistricting?

6 A. I don't think so, no. I don't recall, but no.

7 Q. So would you agree that providing public  
8 hearings before the release of the census would have  
9 provided an opportunity for citizens to present  
10 relevant testimony concerning their local preferences  
11 for redistricting changes?

12 MS. OLALDE: Objection; form.

13 THE WITNESS: Before the release of the  
14 census I don't -- I don't think we could have really  
15 known much at that point as far as what was going to  
16 change.

17 Q. (By Mr. Gear) So would you agree that  
18 providing public hearings before the release of the  
19 census would have provided an opportunity for citizens  
20 to present relevant testimony concerning their  
21 communities of interest?

22 A. Yes.

23 Q. Would you agree that providing public hearings  
24 before the release of the census data would have  
25 promoted public awareness of the commissioners court

1 redistricting process?

2 A. Yes.

3 Q. And so did you participate in any  
4 communications with anyone regarding the decision to  
5 conduct only one special session during the  
6 redistricting process?

7 A. No.

8 Q. How was that decision made to conduct one  
9 special session? And I'm talking about the  
10 November 12th, 2021.

11 A. Based on --

12 MS. OLALDE: Objection. Objection; form.  
13 You can answer.

14 THE WITNESS: Based on, like I said,  
15 timing to when we received maps and when we were told  
16 it had to be done.

17 Q. (By Mr. Gear) And who would have made that  
18 ultimate decision?

19 A. Judge Henry.

20 Q. And did you participate in any discussions  
21 related to when the special session would take place?

22 A. Other than maybe receiving a phone call to ask  
23 my availability, no.

24 Q. And who else was on that phone call?

25 A. It would have just been myself and maybe one

1 we're interviewing people that we're hiring, we'll only  
2 have two of us in the room.

3 Q. (By Mr. Gear) And so when those individual  
4 meetings take place, is there an effort to inform  
5 commissioners who weren't present about what was  
6 discussed in those meetings?

7 A. No.

8 Q. Why not?

9 A. Because then that would be violating the  
10 letter of it, I believe.

11 Q. So during the 2021 redistricting process, you  
12 met twice with Dale Oldham and others. Are you aware  
13 of the dates or were you made aware of the dates where  
14 other commissioners met with Mr. Oldham?

15 A. I want to say they were the same time, same  
16 basic dates. Exact times I'm not positive about.

17 Q. So changing the subject matter, I wanted to  
18 talk a bit about the concept of coastal precincts.  
19 From 2014 to 2021, 2014 being the date that you were  
20 elected, what, if any, public communications were you  
21 aware of related to supporting the creation of a  
22 coastal precinct?

23 MS. OLALDE: Objection; form.

24 THE WITNESS: Not aware of any.

25 Q. (By Mr. Gear) Was the commissioners court

1 involved in any communications from 2014 to 2021  
2 related to the creation of a coastal precinct?

3 A. Not that I'm aware of.

4 Q. Were you involved with any of the  
5 commissioners in private communications regarding the  
6 creation of a coastal precinct between 2014 and 2021?

7 A. Are we talking prior to the maps coming out?

8 Q. Let me restate my question just so we're  
9 clear.

10 So I'm asking you for a date range, 2014,  
11 when you were elected, to 2021, when the maps were  
12 ultimately adopted. Were you involved in any private  
13 discussions with any of the other commissioners on the  
14 court related to the creation of a coastal precinct?

15 MS. OLALDE: I'm going to object and ask  
16 the witness not to answer with respect to any  
17 attorney-client privilege or to any work product,  
18 shared communications.

19 And otherwise you can answer.

20 THE WITNESS: Not that I recall.

21 Q. (By Mr. Gear) Was there any records of any  
22 kind distributed by any of the county commissioners  
23 related to the creation of a coastal precinct between  
24 2014 to 2021?

25 A. Not that I recall.

1 Q. Were there any written proposals or analysis  
2 developed by the commissioners court as a result of --  
3 related to the concept of the creation of a coastal  
4 precinct?

5 MS. OLALDE: Objection; form.

6 Q. (By Mr. Gear) Do you understand my question?

7 A. Not that I recall.

8 Q. So was any type of analysis ever done by the  
9 commissioners court regarding the development of a  
10 coastal precinct?

11 MS. OLALDE: Objection; form.

12 And to the extent your answer would  
13 contain any attorney-client privilege or attorney work  
14 product information or communication, I would instruct  
15 you not to answer, but otherwise you may answer.

16 THE WITNESS: Not that I recall.

17 Q. (By Mr. Gear) So based on your knowledge,  
18 have there been any surveys or public polls conducted  
19 by the commissioners court to determine the interest in  
20 establishing a coastal precinct?

21 A. Not that I recall.

22 Q. So during the 2021 redistricting process, did  
23 you engage in any communications with elected officials  
24 in the City of Galveston related to the creation of a  
25 coastal precinct?



1 A. No, sir.

2 Q. Did you engage in any communications with  
3 elected officials from the Bolivar Peninsula related to  
4 the creation of a coastal precinct?

5 A. No, sir.

6 Q. Did you engage in any communications with the  
7 Galveston Chamber of Commerce related to the creation  
8 of a coastal precinct? And again I'm talking about  
9 this 2021.

10 A. Right. No, sir.

11 Q. Did you engage in any communications with the  
12 Bolivar Peninsula related to the creation of a coastal  
13 precinct?

14 MS. OLALDE: Objection; asked and  
15 answered.

16 THE WITNESS: No, sir.

17 Q. (By Mr. Gear) And I may repeat questions from  
18 time to time, and that's not intentional. It's not an  
19 attempt to throw you off. And feel free to tell me if  
20 you believe you've answered the question before.

21 So during the 2021 redistricting process,  
22 did the commissioners court as a whole engage in any  
23 communications with elected officials from any of the  
24 cities in the City of Galveston related to the creation  
25 of a coastal precinct?

1 A. No, sir.

2 Q. Do you have any personal knowledge of any  
3 commissioner or staff -- or their staff engaging in  
4 communications with elected officials in any of the  
5 cities in Galveston related to the creation of a  
6 coastal precinct?

7 A. No, sir.

8 Q. Do you have any personal knowledge of any  
9 commissioner or their staff engaging in communications  
10 with any Chambers of Commerce from the various cities  
11 in Galveston County related to the creation of a  
12 coastal precinct?

13 A. No, sir.

14 MR. GEAR: Could we put up Exhibit 5,  
15 please, Zach?

16 Q. (By Mr. Gear) I'll give you a chance to look  
17 at this document. For the record, this is a news  
18 article, Political Buzz, that's titled Does the Coast  
19 Want a Single, and then it's from Daily News, the  
20 Galveston -- Galveston County, Texas. And do you see  
21 the date on that document?

22 A. November 10th.

23 Q. November 10th, 2021. So in the first  
24 paragraph of this document it talks about the creation  
25 of a coastal precinct perhaps for the first time in

1 checked -- I looked at it early on before there were  
2 many comments there.

3 Q. Do you have an idea of how many comments  
4 ultimately were received by that portal?

5 A. I do not know.

6 Q. When you said you reviewed a few, do you have  
7 a general idea how many of the comments you actually  
8 reviewed?

9 A. Probably 15.

10 Q. So of those 15 comments, can you tell me how  
11 many expressed support for Map 1?

12 A. Out of 15, just in my head, no, because I  
13 would be guessing.

14 Q. Okay. Out of those 15 comments, can you  
15 testify how many opposed Map 2?

16 A. I want to say they were pretty evenly split  
17 as, you know, in favor of and against as a total.

18 Q. So at some point you -- you said there were  
19 many comments, so at some point you stopped looking at  
20 the portal?

21 A. Yes, sir.

22 Q. And why did you stop looking at the portal?

23 A. They were repetitive of what was being said.  
24 Like I said, it seemed to be going pretty evenly split.

25 Q. So I believe -- and correct me if I'm wrong,

1 Q. Did it have a polling location?

2 A. I think Carver Park was a polling location.

3 Q. Okay. And is -- with the polling location is  
4 there a voting precinct that's associated with that  
5 polling location?

6 A. Can you --

7 Q. Am I saying that correctly?

8 A. No, I don't think so. Can you clarify?

9 Q. So the polling locations generally have voting  
10 precincts in them, correct?

11 A. Well, they -- one polling location usually  
12 handles several precincts.

13 Q. Okay. And do you know what precincts the  
14 Carver Park polling place handled?

15 A. I do not, because since we changed our system  
16 several years ago anyone anywhere in the county can  
17 vote anywhere. So if you're at work on the north side  
18 of the county you can go vote there. It doesn't make a  
19 difference where you are.

20 Q. So under the prior plan, Exhibit 9, were you  
21 aware that Precinct 3 had a majority-minority black and  
22 Hispanic voting age population?

23 A. Yes.

24 Q. And under the prior plan were you aware that  
25 that majority-minority black Hispanic voting age

1 population was in place since Commissioner Holmes was  
2 appointed to the commissioner's position?

3 A. No, sir, I guess I never knew really when.

4 Q. Were you aware that the black and Hispanic  
5 voting age population also had a majority black and  
6 Hispanic registered voter population in Precinct 3  
7 under the prior plan?

8 A. Yes.

9 Q. Did you discuss the fact that precinct --  
10 strike that.

11 During the 2021 redistricting process,  
12 did you have any discussions with any of the  
13 commissioners regarding Precinct 3 being a majority  
14 black and Hispanic voting age population?

15 MS. OLALDE: I am going to object. And I  
16 understand that the question is "did you," and I just  
17 want to make sure that the witness understands not to  
18 reveal any privileged communications or work product  
19 that was discussed in any meetings.

20 MR. GEAR: And I will first say that I  
21 asked you, "Did you have discussion with  
22 commissioners?"

23 And I will renew our objection and  
24 preserve our right to challenge any -- any  
25 communication that took place with Dale Oldham because

# **Exhibit 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

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DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge, and DWIGHT D.  
SULLIVAN, in his official capacity as  
Galveston County Clerk

*Defendants.*

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**EXPERT REPORT OF ANTHONY E. FAIRFAX  
ON BEHALF OF THE UNITED STATES OF AMERICA**



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## I. Introduction

1. I have been retained by counsel representing the United States in this lawsuit to draw and analyze an Illustrative Plan that uses a “least change”<sup>1</sup> approach. I use the 2012-2021 Galveston County, Texas, commissioners court redistricting plan as the basis for a “least change” Illustrative Plan that adheres to traditional redistricting criteria and satisfies the first precondition of *Thornburg v. Gingles* (“*Gingles*”)<sup>2</sup>.

## II. Background

2. In 2011, the Galveston County commissioners court redrew its precincts with the proposed plan eliminating the only majority-minority commissioner precinct (Commissioner Precinct 3). Pursuant to Section 5 of the Voting Rights Act (“VRA”), the Attorney General of the United States objected to the County’s proposed map. Subsequently, in 2012, the commissioners court revised the map and adopted a plan that maintained a majority-minority commissioner precinct (Commissioner Precinct 3).
3. In 2021, during the most recent decennial redistricting cycle, the Galveston County commissioners court once again redrew its commissioner precincts with a proposed plan that eliminated the only majority-minority commissioner precinct (Commissioner Precinct 3).  
During the redistricting process, the commissioners court conducted one hearing to receive

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<sup>1</sup> “A least change plan is one in which makes only the most minimally required line changes to satisfy equal population requirements.” Grofman, Bernard and Cervas, Jonathan, *The Terminology of Districting* (March 30, 2020). Available at SSRN: <https://ssrn.com/abstract=3540444> or <http://dx.doi.org/10.2139/ssrn.3540444>; *Wright v. City of Albany*, 306 F Supp 2d 1228, 1237 (MD Ga. 2003).

<sup>2</sup> *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)

input from the public for its proposed maps. On November 12, 2021, the commissioners court adopted that plan.

4. On March 24, 2022, the United States filed a complaint challenging the 2021 Galveston County commissioners court redistricting plan. The complaint challenged the plan “as a violation of Section 2 of the Voting Rights Act because it results in Black and Hispanic citizens not having an equal opportunity to participate in the political process and to elect their candidates of choice and was adopted, in part, for a discriminatory purpose.”<sup>3</sup>

### **III. Qualifications**

5. I received a Bachelor of Science degree in Electrical Engineering (BSEE) from Virginia Tech in 1982 and a Master of Geospatial Information Science and Technology (MGIST) degree from North Carolina State University in 2016.
6. Currently, I am a demographic and mapping consultant and the CEO/Principal Consultant of CensusChannel LLC. As a consultant working on redistricting issues over the last thirty years, I have developed nearly one thousand redistricting plans during the last four decennial redistricting cycles. I have drawn redistricting plans for jurisdictions of all sizes, from statewide plans to plans for small municipalities. In the course of my career, I have also had the opportunity to draw and analyze many plans for jurisdictions within multiple states throughout the country. In addition, during that timeframe, I have provided consulting services for numerous non-profit and public-sector groups centering on redistricting plan development, analysis, and training.

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<sup>3</sup> <https://www.justice.gov/opa/press-release/file/1486821/download>

7. Throughout the redistricting cycles, I have provided services and/or training for several notable national and regional organizations including: the American Civil Liberties Union (ACLU), Campaign Legal Center (CLC), Congressional Black Caucus Institute (CBC Institute), Louisiana Legislative Black Caucus (LLBC), NAACP, NAACP Legal Defense Fund (NAACP LDF), Power Coalition for Equity and Justice, Southern Coalition for Social Justice (SCSJ), and Southern Echo.
8. Recently, I was hired by the NAACP LDF to develop an illustrative redistricting plan for the *Robinson v. Ardoin*, No. 3:22-cv-00211 (M.D. La.) court case. The illustrative plan included two majority-Black congressional districts rather than one that was included in the state legislature's approved plan. The illustrative plan, report, and testimony provided evidence of the first precondition in *Gingles* in proving the dilution of Black voting strength in violation of Section 2 of the VRA. The effort included plan development, expert report, rebuttal report, and testimony.
9. In 2021, I was hired by the ACLU to develop an illustrative redistricting plan in *Arkansas State Conference NAACP v. Arkansas Board of Apportionment*, No. 4:21-cv-01239 (E.D. Ark.). The illustrative plan included five additional majority-Black House districts beyond those in the Board of Apportionment plan. The plan, report, and testimony provided evidence of the first precondition *Gingles* in proving the dilution of Black<sup>4</sup> voting strength in violation of Section 2 of the VRA. The overall effort included plan development, expert report, rebuttal report, and testimony.

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<sup>4</sup> The term "Black" refers to Black or African American.

10. Prior to this round of redistricting, I was hired by the CLC to develop illustrative redistricting plans, associated expert reports, depositions, and provide testimony in *Holloway v. City of Virginia Beach*, No. 2:18-cv-00069 (E.D. Va.). The Illustrative plans included two majority Latino<sup>5</sup>, Black and Asian (LBA) combined coalition districts to provide evidence of the first precondition in *Gingles* for the city of Virginia Beach, VA. Ultimately, for the remedial phase, I developed a plan which included three majority Latino, Black, and Asian coalition districts for the city of Virginia Beach, VA.
  
11. Also, prior to the 2020 redistricting cycle, I was hired by the City of Everett, Washington, to perform the duties of Districting Master. I was tasked with assisting the city's Redistricting Commission with developing its first districting plan. The city moved from a seven-member at-large voting system to five single-member districts and two members elected at-large. As Districting Master, I shepherded the commission through the entire plan development process as they successfully developed the city's districting system.
  
12. In addition to the above noted litigation in Arkansas, Louisiana, and Virginia, I have testified and provided depositions as a redistricting expert in North Carolina and Texas. I provided testimony with a focus on demographic and mapping analysis in federal and state court cases. This included: *Covington v. North Carolina* (North Carolina), *NC NAACP v. State of North Carolina* (North Carolina), *Wright v. North Carolina* (North Carolina) *Perez v. Perry* (Texas), and *Perez v. Abbott* (Texas).

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<sup>5</sup> The terms "Hispanic" or "Latino" may be used interchangeably throughout this report.

13. My redistricting and geographic information system (GIS) experience and detailed work as an expert are contained within my attached resume (See Appendix A). I am being compensated at a rate of \$200 per hour for my work on this case.

#### **IV. Software, Data, and Technical Process Utilized**

14. The software utilized to develop the Illustrative Plan was Maptitude for Redistricting (“Maptitude”) by Caliper Corporation. Maptitude for Redistricting is one of the leading redistricting software applications utilized by consultants, major non-profit groups, and governmental entities.<sup>6</sup> The software includes the Census 2020 tabular (“PL94-171”) and map data for Galveston County, TX, that was utilized during the map-drawing process.

15. ESRI’s<sup>7</sup> ArcGIS’s ArcMap application was used to generate county and district maps for the Illustrative and 2012-2021<sup>8</sup> plans.

16. Several datasets were acquired and utilized during this effort:

- a) The 2010 and 2020 census data for the total population were obtained from Caliper Corporation’s datasets for Galveston County, TX.<sup>9</sup>
- b) The geographic boundaries for the 2012 Galveston County commissioner precincts were obtained from Galveston County through discovery. An updated shapefile of the Galveston County Voting Districts (“VTDs”) was also obtained through discovery in this case.
- c) To evaluate district configurations, I downloaded the most recent race/ethnicity citizenship data from the Redistricting Data Hub.<sup>10</sup> This included the 2020 5-Year American

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<sup>6</sup> See <https://www.caliper.com/mtrnews/clients.htm> for Maptitude for Redistricting’s client list.

<sup>7</sup> ESRI, the creator of the “shapefile,” is one of the leading GIS corporations in the world.

<sup>8</sup> The Galveston County commissioners court plan that was in place from 2012 through November 12, 2021, is referred to throughout this report as the “2012-2021 Plan” or the “previous plan.”

<sup>9</sup> Caliper Corporation provides 2020 Census Data (PL94-171 data) in a format readable for their software, Maptitude for Redistricting. The population data are identical to the data provided by the Census Bureau.

<sup>10</sup> The Redistricting Data Hub is a non-partisan project of the Fair Representation in Redistricting Initiative and operates as an independent and autonomous project, overseen by the Fair Representation in Redistricting advisory

Community Survey (ACS) Citizen Voting Age Population (CVAP) dataset at the block-group level for Galveston County, TX.<sup>11</sup>

- d) In order to review the CVAP data at various geographic levels for the Illustrative and 2012-2021 Plans, I utilized Maptitude for Redistricting's disaggregation/aggregation process.<sup>12</sup> The disaggregation/aggregation process is an accepted industry process when evaluating citizenship data or other data that is not provided at the census block or other levels. Once the disaggregation/aggregation process was completed, estimated CVAP data were available for review at the block level (as well as other Census levels).

## V. Summary of Opinions

17. A summary of my conclusions and opinions includes the following:

- a) Galveston County has seen growth in the combined Black and Latino population such that it comprised 38.29% of the County's total population in 2020. Also, in 2020, the Not Hispanic White Alone ("Anglo") population decreased to less than 55% of the County's total population.
- b) It is possible to draw a "least change" Illustrative Plan that adheres to traditional redistricting criteria, contains a majority Black and Latino coalition commissioner precinct, and satisfies the first precondition of *Thornburg v. Gingles*. The Illustrative Plan performs as well or better<sup>13</sup> than the previously enacted 2012-2021 Plan when comparing traditional redistricting criteria (See Appendices).
- c) Galveston County's Black and Latino population is sufficiently large and geographically compact to constitute a majority of the voting age and citizen voting age population in one of the commissioner precincts in a plan that adheres to traditional redistricting criteria. The Illustrative Plan easily meets the first precondition of *Gingles*.

## VI. Methodology

18. First, I obtained the relevant data to recreate the 2012-2021 Plan for the commissioners court precincts for Galveston County. The 2012-2021 Plan was reconstructed using the Maptitude

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committee. It aggregates various Census data into a readily available format for download through a central website. See <https://www.redistrictingdatahub.org>.

<sup>11</sup> See <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

<sup>12</sup> Disaggregation apportions a population to a lower geographic area from a higher geographic area using a percentage of a matching population field at both geographic levels. In this instance, voting age population was used as the weighted variable to apportion amounts to census blocks. Aggregation sums up the lower-level results to all other higher geographic levels that are to be used. Maptitude also includes a pure geographic disaggregation/aggregation process based on area size, an approach not appropriate to this analysis.

<sup>13</sup> The Illustrative Plan performs better than the 2012-2021 Plan for compactness.

application and the shapefile that was provided to me by the United States' counsel, who obtained the files through discovery from the county. Maptitude was also utilized to develop the Illustrative Plan.

19. The preliminary analysis included a review of the County's Anglo (Not Hispanic or Latino White Alone), Black or African American ("Black"), and Hispanic or Latino ("Latino") populations over the 2010 and 2020 decennial censuses as well as the latest ACS data. The populations were analyzed by reviewing the total population, voting age population ("VAP"), and Citizen Voting Age Population ("CVAP") for the County.<sup>14</sup>
20. When considering race and ethnicity, the U.S. Department of Justice's (DOJ) guidance on aggregating race and ethnicity for Section 2 of the VRA was followed.<sup>15</sup> PL94-171 Census data fields that follow the DOJ guidance on race and ethnicity aggregation are included with the Maptitude dataset. Throughout this report analysis, the term Black refers to the DOJ guidance aggregation of Black or African American race categories.
21. The Hispanic or Latino population counts consist of all persons who, regardless of any race selected on the census survey, identified as Hispanic or Latino. The Black population counts consist of all persons who selected Not Hispanic Black Alone<sup>16</sup> plus Not Hispanic Black/White.<sup>17</sup> To determine the total coalition population for Galveston County, Black and

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<sup>14</sup> Citizen voting age population includes persons who are citizens above the age of 18 years. CVAP data is typically provided by the American Community Survey.

<sup>15</sup> See <https://www.justice.gov/opa/press-release/file/1429486/download> The DOJ's guidance reflects the Office of Management Budget (OMB) Bulletin NO. 00-02 on "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Enforcement." [https://www.whitehouse.gov/wp-content/uploads/2017/11/bulletins\\_b00-02.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/11/bulletins_b00-02.pdf)

<sup>16</sup> The Alone category includes only surveyed persons who selected one race (e.g., single race White, etc.).

<sup>17</sup> For the Galveston County analysis, the Black population equates to those persons who selected Not Hispanic and Black or African American, either singly or in combination with White. Other two or more race categories did not exceed the one percent threshold and were not aggregated.



Latino populations were summed together.<sup>18</sup> For the Anglo population, the Not Hispanic White Alone race category was used. In addition to the total population fields, the same DOJ aggregation guidance was used for VAP.

22. The 2012-2021 Plan was used as a starting point for the development of the Illustrative Plan. The 2012-2021 Plan contained four single-member commissioner precincts. Three of the commissioner precincts were majority Anglo, while one commissioner precinct was majority Black and Latino.
23. When creating the Illustrative Plan, I used the “least change” approach to develop the plan. The least change approach makes the minimal number of changes necessary to bring the plan within acceptable population deviation<sup>19</sup> and adhere to traditional redistricting criteria. Core retention<sup>20</sup> analysis was performed to verify the minimal change in commissioner precinct configuration.
24. After developing the Illustrative Plan, the plan was evaluated to determine whether it satisfied the first precondition of *Gingles*.<sup>21</sup> The first precondition of *Gingles* requires demonstration that the minority population is sufficiently numerous and geographically compact to enable the creation of at least one single-member majority-minority district. Thus,

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<sup>18</sup> Throughout this report the term Black and Latino denotes a combined population of Black and Latino persons.

<sup>19</sup> The “One person, one vote” principle of the Fourteenth Amendment’s Equal Protection Clause directs that county commissioner districts be equally populated. The courts have ruled that county commissioner districts should be held under a “substantial” equality standard. Courts have accepted an overall population deviation of up to 10% between the lowest and highest populated districts. A series of Supreme Court cases helped define the equal population criteria, beginning with: *Baker v. Carr*, 369 U.S. 186 (1962); *Gray v Sanders*, 372 U.S. 368 (1963); and *Wesberry v. Sanders*, 376 U.S. 1 (1964).

<sup>20</sup> Core retention provides the population retained or moved from a baseline plan to the modified plan.

<sup>21</sup> See *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

analysis was performed to determine whether the Illustrative Plan met the two components of the first precondition of *Gingles*.

25. To supplement the report, I generated data reports that summarized the plan's performance on traditional redistricting criteria and generated maps (using 2020 Census Data)<sup>22</sup> presenting the geographic results. Finally, my findings and conclusions are presented and discussed below.

## **VII. Demographic Profile of the County of Galveston, TX**

### **A. Galveston County, TX – Total Population**

26. According to the decennial censuses of 2010 and 2020, Galveston County's total population grew from 291,309 to 350,682 persons—an increase of 59,373 or 20.38%— between 2010 and 2020. (See Table 1).

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<sup>22</sup> The final maps were generated using ESRI's ArcGIS application.

**Table 1 – Total Population by Race/Ethnicity (2010 - 2020) for Galveston, TX**

Race/Ethnicity	2010		2020		Inc/Dec	
	#	%	#	%	#	%
Total Pop	291,309	100.00%	350,682	100.00%	59,373	20.38%*
<b>Black</b>	<b>40,332</b>	<b>13.85%</b>	<b>45,637</b>	<b>13.01%</b>	<b>5,305</b>	<b>-0.83%</b>
<b>Latino</b>	<b>65,270</b>	<b>22.41%</b>	<b>88,636</b>	<b>25.28%</b>	<b>23,366</b>	<b>2.87%</b>
Anglo	172,652	59.27%	191,358	54.57%	18,706	-4.70%
American Indian	1,052	0.36%	1,036	0.30%	-16	-0.07%
Asian	8,515	2.92%	12,202	3.48%	3,687	0.56%
Pacific Islander	128	0.04%	223	0.06%	95	0.02%
Some Other Race	426	0.15%	1,455	0.41%	1,029	0.27%
<b>Black and Latino</b>	<b>105,602</b>	<b>36.25%</b>	<b>134,273</b>	<b>38.29%</b>	<b>28,671</b>	<b>2.04%</b>

Note: Excluding Black, race categories are Not Hispanic Alone (Single Race). Black includes the aggregation of Black race categories, specifically Not Hispanic Black Alone plus Not Hispanic Black/White. Latino is Hispanic or Latino of all races. Rounding errors may exist in the table.

\*The increase in total population from 2010 to 2020

Source: U.S. Census Bureau PL94-171 data for 2010 & 2020

27. The Latino population grew from 65,270 to 88,636 (22.41% to 25.28%), while the Black population increased by 5,305 persons from 40,332 to 45,637 persons (13.85% to 13.01%).

The combined Black and Latino population increased as well. The Black and Latino population grew by 28,671 persons, from 105,602 in 2010 to 134,273 in 2020. The percentage of the Black and Latino combined population increased from 36.25% to 38.29%.

28. In addition, the Anglo population increased from 172,652 persons in 2010 to 191,358 persons in 2020; however, it decreased in the percentage of the total population from 59.27% to 54.57% (See Table 1).

B. Galveston County, TX – Voting Age Population

29. According to the decennial censuses of 2010 and 2020, Galveston County’s voting age population grew from 217,142 to 267,382 persons - an increase of 50,240 or 23.14% - between 2010 and 2020 (See Table 2).

**Table 2 – Voting Age Population by Race/Ethnicity (2010 - 2020) for Galveston, TX**

Race/Ethnicity	2010		2020		Inc/Dec	
	#	%	#	%	#	%
Total VAP	217,142	100.00%	267,382	100.00%	50,240	23.14%*
<b>Black VAP</b>	<b>28,716</b>	<b>13.22%</b>	<b>33,341</b>	<b>12.47%</b>	<b>4,625</b>	<b>-0.76%</b>
<b>Latino VAP</b>	<b>42,649</b>	<b>19.64%</b>	<b>60,159</b>	<b>22.50%</b>	<b>17,510</b>	<b>2.86%</b>
Anglo VAP	136,259	62.75%	155,020	57.98%	18,761	-4.77%
American Indian VAP	842	0.39%	868	0.32%	26	-0.06%
Asian VAP	6,427	2.96%	9,707	3.63%	3,280	0.67%
Pacific Islander VAP	103	0.05%	182	0.07%	79	0.02%
Some Other Race VAP	281	0.13%	1,023	0.38%	742	0.25%
<b>Black and Latino VAP</b>	<b>71,365</b>	<b>32.87%</b>	<b>93,500</b>	<b>34.97%</b>	<b>22,135</b>	<b>2.10%</b>

Note: Excluding Black, race categories are Not Hispanic Alone (Single Race). Black includes the aggregation of Black race categories, specifically Not Hispanic Black Alone plus Not Hispanic Black/White race. Latino is Hispanic or Latino of all races. Rounding errors may exist in the table.

\*The increase in total population from 2010 to 2020

Source: U.S. Census Bureau PL94-171 data for 2010 & 2020

30. The Latino voting age population (“HVAP”) grew from 42,649 to 60,159 (19.64% to 22.50%), while the Black VAP (“BVAP”) increased by 4,625 persons from 28,716 to 33,341 persons (13.22% to 12.47%). The combined Black and Latino population increased as well. The Black and Latino population grew by 22,135, from 71,365 in 2010 to 93,500 in 2020. The percentage of the Black and Latino combined population increased from 32.87% to 34.97%.

31. In addition, the Anglo VAP (“WVAP”) increased from 136,259 persons in 2010 to 155,020 persons in 2020; however, the total Anglo VAP decreased by 4.77% from 62.75% in 2010 to 57.98% in 2020 (*See* Table 2).

C. Galveston County, TX – Citizen Voting Age Population

32. Reviewing the 2020 5-Year ACS data<sup>23</sup> shows that the Latino CVAP (“HCVAP”) for Galveston, TX was 45,950 persons or 19.20% of the total CVAP (*See* Table 3).

**Table 3 – CVAP by Race/Ethnicity (2020 5-Year ACS) for Galveston County, TX**

Race/Ethnicity	2020	
	#	%
Total CVAP	239,305	100.00%
<b>Black CVAP</b>	<b>30,510</b>	<b>12.75%</b>
<b>Latino CVAP</b>	<b>45,950</b>	<b>19.20%</b>
Anglo CVAP	151,450	63.29%
American Indian CVAP	685	0.29%
Asian CVAP	6,860	2.87%
Pacific Islander CVAP	45	0.02%
<b>Black and Latino CVAP</b>	<b>76,460</b>	<b>31.95%</b>

Note: Race categories are Not Hispanic Alone (Single Race). Latino is Hispanic or Latino of all races. All data are county-level 2020 5-Year ACS and not block-level aggregations from Maptitude.

Source: U.S. Census Bureau 2020 5-Year ACS data

33. The Black CVAP (“BCVAP”) was 30,510 or 12.75%, and Anglo CVAP (“WCVAP”) was 151,450 with 63.29% of the CVAP. The combined Black and Latino CVAP was 76,460, with 31.95% of the total CVAP.

<sup>23</sup> The 2020 and 2019 1 Year ACS data for Galveston, TX did not include Black CVAP and thus those datasets were not used for county CVAP comparison.

**VIII. The Illustrative Plan**

**A. Introduction**

34. The Illustrative Plan was developed using the “least change” approach (See Figure 1).

Therefore, minimal changes were made to the previous plan to bring the plan within acceptable population deviation.

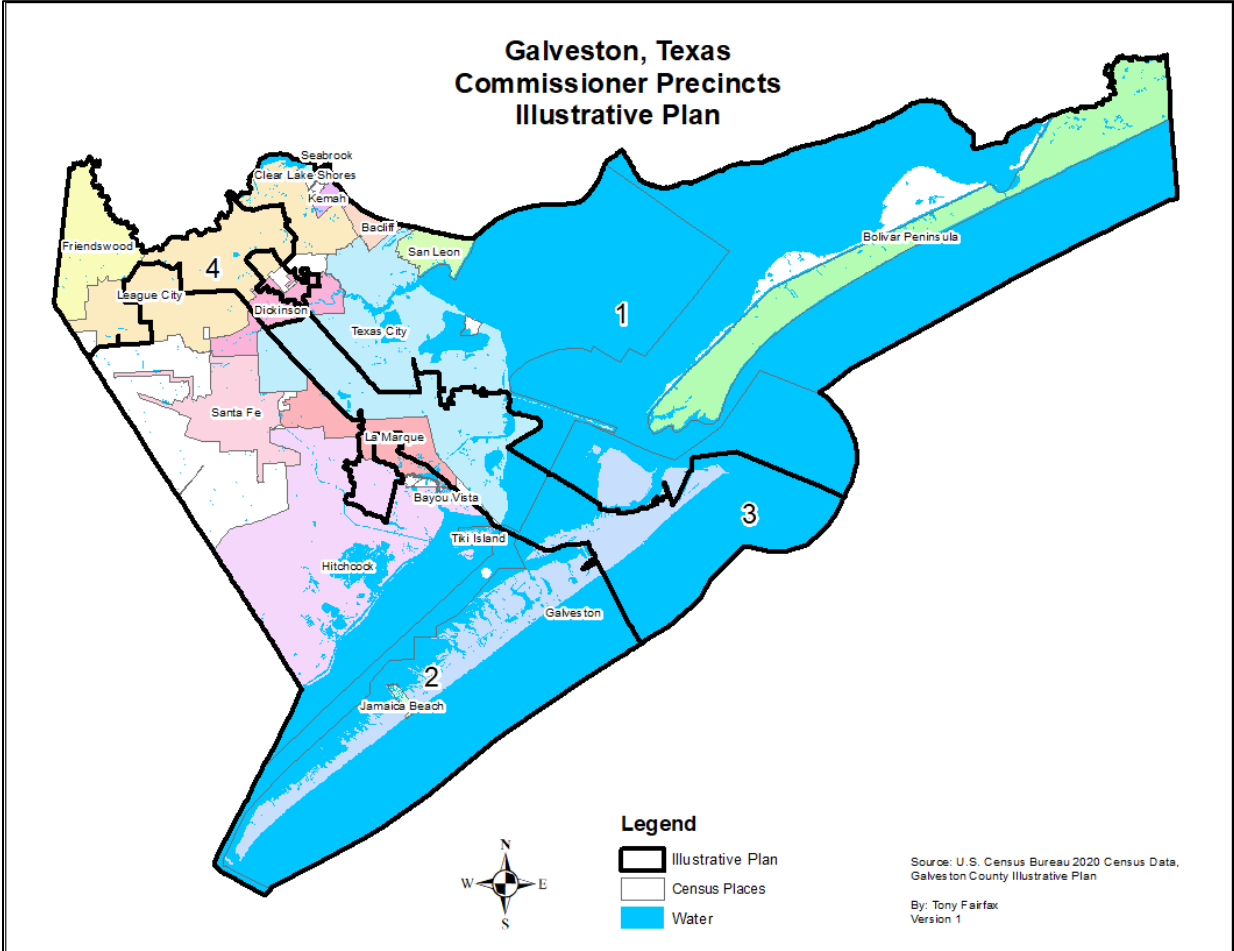


Figure 1 – Illustrative Plan for Galveston County Commissioner Precincts

35. In addition, the Illustrative Plan is only intended for demonstrative purposes.<sup>24</sup> There are other least change and non-least change plan alternatives that could be used that adhere to federal, state, and traditional redistricting criteria and satisfy the first precondition of *Gingles*.

36. The 2012-2021 Plan and the Illustrative Plan utilize a single-member, four commissioner precinct scheme. Besides the number of commissioner precincts, Galveston County does not appear to have adopted any written redistricting criteria for plan development. However, it is expected and desired that the County plans, at a minimum, adhere to the one person, one vote principle established by the Fourteenth Amendment's Equal Protection Clause. This principle directs districts to be equally populated. The Illustrative Plan was developed to adhere to this criterion.

B. Adhering to the Equal Population Criteria – One-Person, One-Vote

37. Adherence to equally populating the commissioner precincts requires them to be configured within an acceptable range of the “ideal population” size using the 2020 Census data. The ideal population size for Galveston County is 87,671 for each commissioner precinct (*See* Table 4)<sup>25</sup>. Reviewing the overall population deviation<sup>26</sup> (or absolute overall range) from the ideal of the 2012-2021 Plan using 2020 Census Data shows a deviation of 15,665 or 17.87%

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<sup>24</sup> It should be understood that many variations of this plan could be generated that incorporate additional political and community desires while adhering to federal and state redistricting criteria, and contain a majority Black and Latino coalition commissioner precinct to satisfy the first precondition of *Gingles*.

<sup>25</sup> The ideal population size is calculated by dividing the County's 2020 total population of 350,682 by the number of commissioner precincts, which is four (4).

<sup>26</sup> The population deviation of a commissioner precinct is calculated by subtracting the district or commissioner precinct population from the ideal population size. The population deviation percentage is calculated by dividing the resultant population deviation by the ideal population size. The overall population deviation percentage of a plan is obtained by adding the deviation percentage of the most populated precinct and the absolute value of the least populated. For example, the chart above shows Commissioner Precinct 2's population is 9.04% higher than the ideal and Precinct 3's population 8.83% below the ideal, resulting in a total deviation of 17.87%.

of the ideal. 17.87% exceeds the generally accepted 10% overall population deviation for county commissioner plans. The courts have ruled that county districts should be held under a “substantial” equality standard. The courts have accepted, for local jurisdictions, an overall population deviation of up to 10% between the lowest and highest populated districts.<sup>27</sup>

**Table 4 – Galveston County 2012-2021 Plan’s Population Deviation  
Using 2020 Census Data**

<b>Comm. Precinct</b>	<b>Population</b>	<b>Ideal Population</b>	<b>Deviation</b>	<b>% Deviation</b>
1	85,408	87,671	-2,263	-2.58%
2	95,596	87,671	7,925	9.04%
3	79,931	87,671	-7,740	-8.83%
4	89,747	87,671	2,076	2.37%
Overall Plan			15,665	17.87%

Source: 2012-2021 Plan data extracted from Maptitude for Redistricting reports

38. Since the starting configuration for the Illustrative Plan was the 2012-2021 Plan<sup>28</sup>, the plan was modified to bring the commissioner precincts within acceptable overall population deviation. Also, this was achieved using the “least change” approach. That is to say, reducing the overall population deviation to under 10% using minimal change and adhering to traditional redistricting criteria.

39. Reviewing the 2012-2021 Plan reveals that the highest overpopulated Commissioner Precinct 2 is adjacent to the lowest populated Commissioner Precinct 3. Therefore, to achieve

<sup>27</sup> The acceptable overall population deviation of 10% for local jurisdictions was reaffirmed in the Supreme Court case of *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016).

<sup>28</sup> The shapefile of the 2012-2021 commissioners court plan (as well as the 2021 Adopted Plan) provided by the County does not align exactly with census block geography. Consequently, during the plan recreation process using the Maptitude software, some of the 2020 census blocks were not assigned to a commissioner precinct. There were nine nonpopulated census blocks that were unassigned to a commissioner precinct. These census blocks were assigned to the same commissioner precinct that its VTD was assigned to. Six of the census blocks were in the Seabrook Area, one was on the west side of Texas City, another was Bolivar Peninsula water block on its west side, and one water block in Hitchcock.



minimal change, it only requires an exchange of VTD(s) between these two commissioner precincts in order to achieve acceptable overall population deviation.<sup>29</sup>

40. Bringing the 2012-2021 Plan's overall population deviation within an acceptable range of 10% requires an exchange of only one VTD from Commissioner Precinct 2 to Commissioner Precinct 3. There are at least two options for the movement of a single VTD that would cure malapportionment. The option selected was the reassignment of VTD 218 in the City of Galveston originally contained within Commissioner Precinct 2 in the 2012-2021 Plan (*See* Figure 2). VTD 218 was chosen primarily because shifting it brings the overall plan population deviation within the acceptable 10% and makes the Commissioner Precinct and plan more compact than other observed options.<sup>30</sup>

41. As Figure 3 shows, VTD 218 is added to Commissioner Precinct 3. Thus, 4,628 persons are added to Commissioner Precinct 3 and reduces Commissioner Precinct 2 by the same. By moving VTD 218, Commissioner Precinct 2's overpopulation is reduced to 3,297 (3.76%), and Commissioner Precinct 3 is underpopulated by 3,112 (-3.55%). The result is an overall population deviation of the Illustrative Plan of 6,409 or 7.31% of the ideal population size (*See* Table 5).

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<sup>29</sup> The deviations of the other commissioner precincts (1 and 4) were low enough to not require changing.

<sup>30</sup> Multiple options were observed including a similar single VTD exchange which shifts VTD 223 and also brings the plan with an acceptable deviation of under 10% overall. However, shift VTD 223 creates a plan less compact than shifting VTD 218.

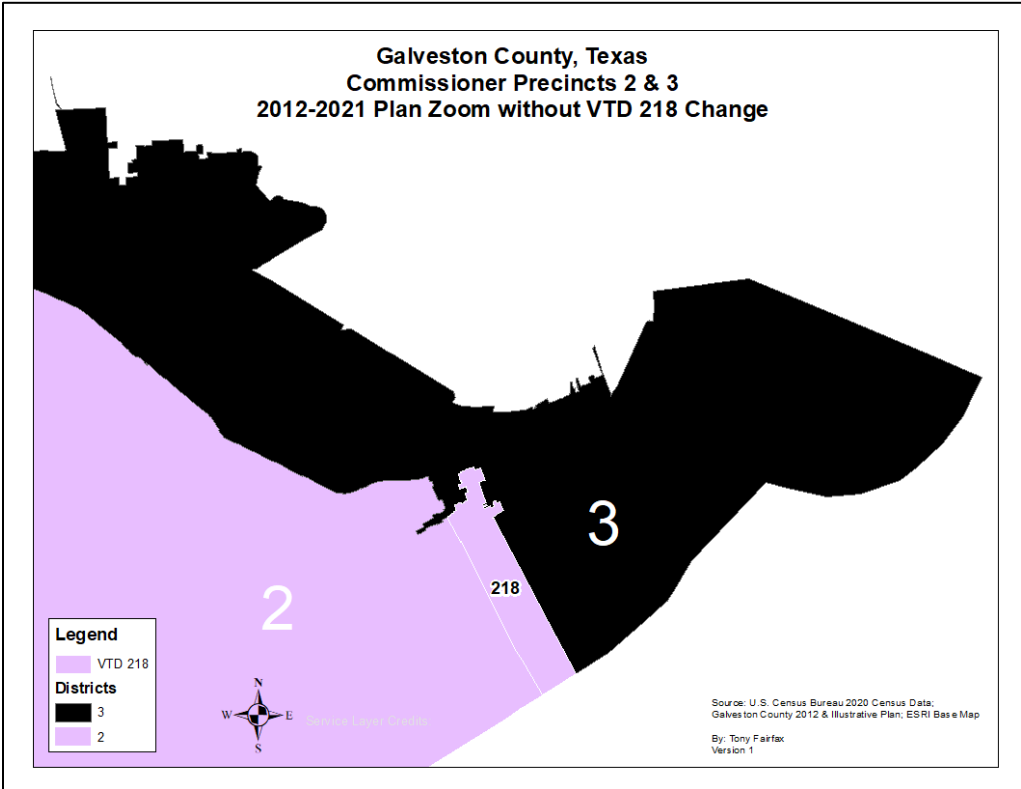


Figure 2 – 2012-2021 Plan Zoom with VTD 218

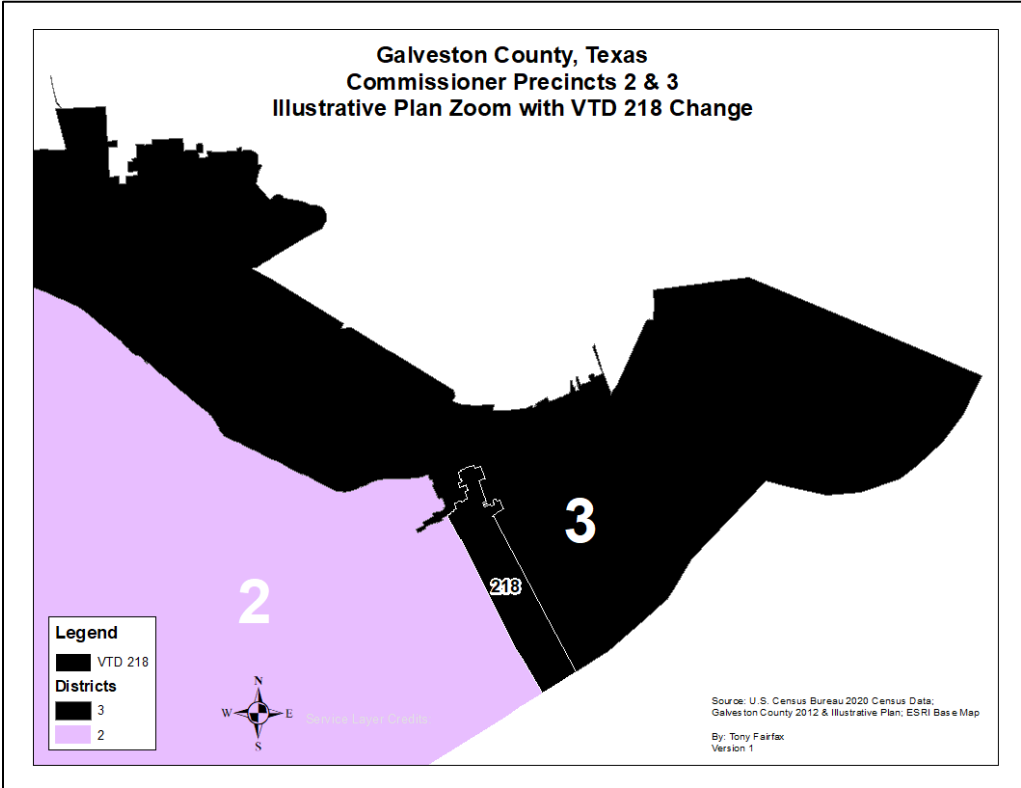


Figure 3 – Illustrative Plan Zoom of with VTD 218 added

**Table 5 – Galveston County Illustrative Plan’s Population Deviation  
Using 2020 Census Data**

<b>Comm. Precinct</b>	<b>Population</b>	<b>Ideal Population</b>	<b>Deviation</b>	<b>% Deviation</b>
1	85,408	87,671	-2,263	-2.58%
2	90,968	87,671	3,297	3.76%
3	84,559	87,671	-3,112	-3.55%
4	89,747	87,671	2,076	2.37%
Overall Plan			6,409	7.31%

Source: Illustrative Plan data extracted from Maptitude for Redistricting reports

C. Adhering to Traditional Redistricting Criteria

42. Although Galveston County does not appear to have any specific criteria for developing redistricting plans, the Illustrative Plan adheres to traditional redistricting criteria. Reviewing several traditional redistricting criteria shows that the Illustrative Plan performs at the same level or better (in regards to compactness) than the 2012-2021 Plan (*See Appendices*).

43. In addition, because of the “least change” approach, the Illustrative Plan performs excellently in preserving district cores. The Illustrative Plan’s Commissioner Precinct 3 has 94.53% of the population originating with the 2012-2021 Plan’s Commissioner Precinct 3. Commissioner Precincts 1, 2, and 4 have 100% of the population originating from the correlating 2012-2021 Plan’s commissioner precincts (*See Appendix C – Core Retention*)

**IX. Illustrative Plan – Satisfying the First Precondition of *Gingles***

44. The *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986) case established that the plaintiffs in a VRA Section 2 minority vote dilution case must show that the minority group “is sufficiently large and geographically compact to form a majority in a single-member district.” The Illustrative Plan meets both components of the first precondition of *Gingles*.

A. Satisfying *Gingles*' Sufficiently Large Component

45. The first component of the precondition of *Gingles* requires demonstrating that one or more majority-minority districts can be developed in which the minority population is “sufficiently large” to constitute a majority.<sup>31</sup> In the context of this analysis, this means showing the creation of one or more majority-Black and Latino commissioner precincts within Galveston County. The term “majority” has been reaffirmed to mean greater than 50% VAP for the minority population within the district.<sup>32</sup> In some circumstances, evidence of the minority group being greater than 50% CVAP may also be required.<sup>33</sup>

46. According to 2020 Census data, Galveston County consisted of a Black and Latino VAP that was 34.97% (*See* Table 2). In addition, the 2020 5-Year ACS data yielded a Black and Latino CVAP percentage of 31.95% (*See* Table 3).

47. The Illustrative Plan, as with the 2012-2021 Plan, includes one majority-Black and Latino commissioner precinct (using VAP and CVAP). *See* Table 6 for Commissioner Precinct 3 data.

**Table 6 – VAP & CVAP Demographics for Illustrative Plan’s Commissioner Precinct 3**

<b>Comm. Pct 3</b>	<b>TTL VAP/ CVAP</b>	<b>Anglo</b>	<b>Anglo %</b>	<b>Latino</b>	<b>Latino %</b>	<b>Black</b>	<b>Black %</b>	<b>BlkLat</b>	<b>BlkLat %</b>
VAP	65,074	22,920	35.22%	19,894	30.57%	19,147	29.42%	39,041	59.99%
CVAP	57,864	24,637	42.58%	14,099	24.37%	17,816	30.79%	31,914	55.15%

Note: The Anglo and Black VAP and CVAP are Not Hispanic Alone (Single Race) categories. BlkLat is Black and Latino summed together. Latino is Hispanic or Latino all races. Rounding errors may exist in the table.

Source: U.S. Census Bureau 2020 Census Data & 2020 5-Yr ACS Data extracted from Maptitude for Redistricting reports

<sup>31</sup> *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

<sup>32</sup> *Bartlett v. Strickland*, 556 U.S. 1 (2009)

<sup>33</sup> *Valdespino v. Alamo Heights Indep. Sch. Dist.*, 168 F.3d 848, 852 (5th Cir. 1999) (“[T]his court has required vote dilution claimants to prove that their minority group exceeds 50% of the relevant population”); *see also id.* at 850.

48. According to 2020 Census data, Commissioner Precinct 3 of the Illustrative Plan has an WVAP of 22,920 (35.22%), HVAP of 19,894 (30.57%), and a BVAP of 19,147 (29.42%). The Black and Latino VAP is 39,041 (59.99%).

49. Table 6 shows that according to the 2020 5-Year ACS data, Commissioner Precinct 3 of the Illustrative Plan has an WCVAP of 24,637 (42.58%), HCVAP of 14,099 (24.37%), and a BCVAP of 17,816 (30.79%). The Black and Latino CVAP is 31,914 (55.15%).

50. The data shows that Commissioner Precinct 3 is majority Black and Latino, measured by both VAP and CVAP. Finally, the results of the demographic analysis clearly show that the Illustrative Plan satisfies the “sufficiently large” component of the first precondition of *Gingles*.

B. Satisfying *Gingles*’ Geographically Compact Component

51. The second component of the first *Gingles* precondition is to show that the majority-minority district is “geographically compact.” Various measures have been developed to quantify the compactness of a district or a plan.

52. Compactness refers to the irregular shape or dispersion of the district boundary lines.

Geographic compactness can be demonstrated by analyzing statistical compactness measures.<sup>34</sup> Many compactness measures, such as the ones used in this report, are developed such that the resultant value exists between 0 and 1, whereby the closer the value is to 1, the more compact the district.

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<sup>34</sup> Compactness measures quantify the geographic shape of the districts as compared to a designated perfectly compact shape, such as a circle.

53. I used three of the most widely used measures to determine compactness: Reock, Polsby-Popper, and Convex Hull (area).<sup>35</sup> As mentioned above, each of these measures indicates a more compact commissioner precinct as the value moves closer to 1. The Illustrative Plan has mean values of 0.29 for Reock, 0.19 for Polsby-Popper, and 0.62 for Convex Hull. Commissioner Precinct 3 of the Illustrative Plan produces the values of 0.16 for Reock, 0.10 for Polsby-Popper, and 0.49 for the Convex Hull (*See* Table 7). The overall compactness measures for the Illustrative Plan range from 0.16 to 0.39 for Reock, 0.10 to 0.30 for Polsby-Popper, and 0.49 to 0.73 for Convex Hull (*See* Appendix C - Compactness).
54. Reviewing the compactness measures of a particular plan alone provides some context to the compactness of the plan. However, a comparative analysis with one or more plans is desired when determining whether a plan is sufficiently compact. Preferably, a plan should be compared to the previously enacted plan that has been approved. Thus, Table 7 presents the compactness measures of the Illustrative Plan and the 2012-2021 Plan in three different ways.
55. A primary way of comparing compactness between different plans is to compare the mean or average of the measures. For example, when comparing the plans' compactness mean, the Illustrative Plan performs equally in two measures and better than the 2012-2021 Plan in one of the three measures (*See* Table 7).

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<sup>35</sup> *Maptitude for Redistricting* documentation defines the compactness measures: 1) Reock: “[T]he Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district.” 2) Polsby-Popper: “The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter:  $4pArea/(Perimeter^2)$ .” 3) Convex Hull: “[The Convex Hull Test] computes only a ratio of the area of the district to the area of the convex hull of the district, without regard to population within the areas.” Convex Hull is routinely referred to as a “rubber-band” enclosure or polygon.

**Table 7 – Galveston County, TX 2012-2021 Plan/Illustrative Plan Compactness Measures**

Commissioner Precinct	2012-2021 Plan Reock	Illustrative Plan Reock	2012-2021 Plan Polsby-Popper	Illustrative Plan Polsby-Popper	2012-2021 Plan Convex Hull	Illustrative Plan Convex Hull
1	0.28	0.28	0.23	0.23	0.69	0.69
2	0.39	0.39	0.28	<b>0.30</b>	0.71	<b>0.73</b>
3	0.16	0.16	0.09	<b>0.10</b>	0.48	<b>0.49</b>
4	0.34	0.34	0.14	0.14	0.55	0.55
Mean	0.29	0.29	0.19	0.19	0.61	<b>0.62</b>

Source: Galveston County Illustrative Plan data from Maptitude for Redistricting Compactness Report

56. When comparing the plans using a district-by-district comparison shows that the Illustrative Plan is more compact for two commissioner precincts using Polsby-Popper and Convex Hull (Commissioner Precincts 2 and 3). However, when comparing all of the other commissioner precincts and measurements, the Illustrative Plan is equally as compact as the 2012-2021 Plan (Commissioner Precincts 1 and 4).
57. Reviewing the majority Black and Latino Commissioner Precinct 3 for the Illustrative Plan shows that it is more compact than the 2012-2021 Plan using Polsby-Popper and Convex Hull. The Illustrative Plan is equally compact using the Reock measurement.
58. Analyzing the compactness measurements for all commissioner precincts overall indicates that the Illustrative Plan is more compact than the 2012-2021 Plan. Finally, the compactness analysis results clearly show that the Illustrative Plan satisfies the “Geographically Compact” component of the first precondition of *Gingles*.

## **X. Conclusions**

59. Galveston County, Texas, has seen growth in the Black and Latino combined population such that it stands at well over a third of the county's total population (38.29%) in 2020. Also, in 2020, the County's Anglo population decreased to less than 55% of the total population.
60. Galveston County's Black and Latino VAP increased from 2010 to 2020 as well and now stands over a third of the total VAP. During the same period, the Anglo VAP decreased significantly. In addition, according to 2020 Census data, Galveston County had a Black and Latino VAP of 34.97%, and the 2020 5-Year ACS shows a Black and Latino CVAP percentage of 31.95%.
61. The Illustrative Plan adheres to commonly used traditional redistricting principles such as equal population, contiguity, compactness, as well as not affecting the political subdivision splits or respect to communities of interest that exist in the 2012-2021 plan. In fact, the Illustrative Plan performs better than that plan on two redistricting criteria (equal population and compactness).
62. Given the analysis and results of the Illustrative Plan, I conclude that the Black and Latino population in Galveston County is sufficiently large and geographically compact to create a single-member majority-Black and Latino coalition commissioner precinct that adheres to traditional redistricting criteria. In addition, the Illustrative Plan satisfies the first precondition of *Gingles*. Finally, using the "least change" approach, the Illustrative Plan has shown that a majority-Black and Latino commissioner precinct can be drawn without race predominating the map-making process.



63. In addition, while considering configuration options for the Illustrative Plan, other designs evidently exist that contain a majority-Black and Latino commissioner precinct and adhere to traditional redistricting criteria. Thus, I also conclude that other County commissioner precinct plans can be generated that adhere to traditional redistricting criteria, contain a majority-Black and Latino commissioner precinct, and satisfy the first precondition of *Gingles*.

## **XI. Appendices**

64. The following appendices are included with this report:

- Appendix A - Resume of Anthony E. Fairfax
- Appendix B - Maps of the Illustrative and 2012-2021 Commissioners Court Plans
- Appendix C - Redistricting Criteria Comparison Reports (Standard Maptitude Data Reports – Illustrative and 2012-2021 Commissioners Court Plans)

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of January 2023.

  
\_\_\_\_\_  
ANTHONY E. FAIRFAX

## **Appendix A**

### **Resume of Anthony E. Fairfax**

## Anthony “Tony” Fairfax

16 Castle Haven Road, Hampton, Virginia 23666

Office Telephone: (757) 838-3881

Email: fairfax@censuschannel.com

### Experience Highlights:

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- Demographic, Geographic & Voter Data Analysis
- Multiple GIS Software/Census Data Skillsets
- Redistricting Plan Development & Analysis
- Redistricting Expert Reports & Testimony
- Redistricting Presentations & Training
- ESRI ArcGIS Map Applications & Dashboards
- Maptitude for Redistricting Proficiency
- Professional Presentations/Training Experience

### Education:

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Master of Geospatial Information Science and Technology (2016)  
North Carolina State University, Raleigh, North Carolina

Graduate Certificate in Geographic Information Systems (2016)  
North Carolina State University, Raleigh, North Carolina

Bachelor of Science Degree in Electrical Engineering (1982)  
Virginia Tech, Blacksburg, Virginia

### Work Experience:

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#### **CensusChannel LLC, Hampton, VA (2009 - Present)**

CEO & Principal Consultant - Providing overall project management and operations as well as primary consulting services for clients. Also responsible for customer acquisition and support. Core tasks include GIS-centered services centering on: redistricting support (extensive use and analysis of traditional redistricting principles); demographic/socioeconomic, geographic, and voting data; GIS, Census Data, and Redistricting training; GIS data processing/conversion; expert redistricting plan development, analysis, depositions, testimony, and training. Major clientele and projects include:

- **Town of Cheverly, MD (2022 – Present)** – Providing advice, consultation, and redistricting plan development services as redistricting consultant to the town. Efforts center on developing new districting plans for the town.
- **My Brother’s Keeper Alliance, Chicago, IL (2022 – Present)** – Providing demographic and socioeconomic analysis of select neighborhood communities.
- **City of Baltimore, MD Office of Council President (2022)** – Provided advice, consultation, and redistricting plan development services as redistricting consultant to the city’s Office of Council President. Efforts center on the alternative development of districting plans for the city.
- **The ACLU, New York, NY (2021 - 2022)** – Providing expert plan development services centering on the states of Alabama and Arkansas.
- **The Power Coalition, New Orleans, LA (2021 - 2022)** - Providing technical advice and input for building an equitable redistricting process in Louisiana for communities, legislators, and organizations. Providing analysis and plan alternatives for Louisiana state legislative House and Senate districts where Black voters could elect a candidate of choice.

- **Crescent City Media Group, New Orleans, LA (2021)** – Provided redistricting training to the PreRedistricting Lab. Training centered on various educational presentations and hands-on sessions to community leaders and local/state legislators.
- **NAACP Legal Defense Fund (LDF), New York, NY (2020 – 2022)** - Provided redistricting development and analysis of various district configurations for city, county, and state-level plans.
- **Crowd Academy [an SCSJ sponsored effort], Durham, NC (2020 - 2021)** - Provided redistricting training and support. Training centered on presentations on “How the Lines are Drawn” which focuses on pre-plan development and plan development activities of redistricting. The target attendee included individuals in Georgia, North Carolina, South Carolina, Tennessee, and Texas. The effort also includes providing mentorship to Academy Fellows and Academy Mentors.
- **City of Everett, WA, Everett, WA (2020)** – Provided advice, consultation, and mapping services as Districting Master to the city of Everett, WA’s Districting Commission. Efforts centered on the development of the city’s first districting plan. Also assisted with answering questions at public forums and developed an ArcGIS web map application for public access of all plans.
- **NAACP, Baltimore, MD (2018 - Present)** – Providing GIS consulting services via the NAACP (as fiscal agent) to the *Racial Equity Anchor Collaborative* (consisting of the Advancement Project, APIA Health Forum, Demos, Faith in Action, NAACP, National Urban League, NCAI, Race Forward, and Unidos US). Efforts include the development of the Racial Equity 2020 Census Data Hub. The Data Hub utilized ESRI’s Hub Cloud platform, that centralized web maps, mapping applications, and dashboards into a common platform that enabled collaborative partners to locate hard-to-count areas by major race or ethnicity.
- **Southern Echo, Jackson, MS (2018 - Present)** – Providing Map related educational products pertaining to the state of Mississippi. Also provided redistricting training sessions to Southern Echo partners throughout the south. Also provided GIS data, maps, and training to Southern Echo, community leaders, stakeholders, and subsequently in the field to groups working in the following states; Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Texas. Specifically, deliverables include map-centered projects centering on education, GOTV, and redistricting.
- **Campaign Legal Center, Washington, DC (2018 –2021)** – Developed illustrative redistricting plans, associated expert reports, depositions, and testimony in the *Holloway v City of Virginia Beach* court case. The Illustrative plans included two majority Hispanic, Black, and Asian combined districts for the purpose of providing evidence of the first prong in *Gingles* for the city of Virginia Beach.
- **Southern Coalition for Social Justice [SCSJ], Durham, NC (2015 - 2018)** - Provided several expert reports, depositions, and testimony for multiple redistricting court cases in North Carolina. Testimony, depositions, and reports included numerous plans at the congressional, state Senate, state House, and local jurisdiction level. Analyses covered certain district characteristics, including population deviation, political subdivision splits, partisan performance, and incumbent effect analysis.
- **The Rehab Crew, Durham, NC (2017)** - Provided geospatial & demographic analysis as well as website development and the creation of a proprietary application for the use of targeting real estate investment properties.
- **Congressman G.K. Butterfield, NC (2016 & 2021)** - Developed several congressional district plan alternatives for the State of North Carolina. Provided analyses on alternative district configurations.

- **Alabama Democratic Conference (ADC), Montgomery, AL (2015 - 2016)** - Developed state Senate and House redistricting plans for the state of Alabama in response to the *ADC v Alabama* court case. Also, provided a series of thematic maps depicting areas added from the previous plan to the enacted plan, displaying concentrations of African American voters that were added to the enacted plan.
- **Net Communications, Tallahassee, FL (2014 - 2015)** - Generated offline mapping and online web services (ArcGIS.com) of client's energy company's resources and organizational assets. Mapping included demographic, socioeconomic, and other resources of the energy company.
- **National NAACP Office of General Counsel, Baltimore, MD (2012 - 2013)** - Provided project management and developmental support for the creation of a final report for the NAACP National Redistricting Project. Provided planning, organizing, supplemental writing, and interfacing with graphics entity for the complete development of the final report.
- **Congressional Black Caucus Institute (CBC Institute), Washington, DC (2011 - 2012)** - Provided contract duties as the Project Director and Consulting Demographer for the CBC Institute's Redistricting Project. Provided project management, redistricting plan development, review, analysis, advice, and answers to various questions pertaining to redistricting plans, principles, and processes. Focus included districts where Black voters could elect a candidate of choice.
- **Mississippi NAACP, Jackson, MS (2011)** - Developed state Senate plans and analyzed enacted plans that were developed by the State Court.
- **African American Redistricting Collaborative (AARC) of California, Los Angeles, CA (2011)** - Provided demographic and redistricting contracted services. Responsible for developing congressional, state Senate, and state assembly plans for the collaborative. Special focus was given to the southern Los Angeles area (SOLA) and the Bay Area region. In addition to plan development, several socioeconomic maps were developed to show various communities of interest commonalities.

Also, developed a demographic profile using maps and reports of California's congressional, state Senate, and state Assembly districts for the purpose of preparing for the redistricting plan development process by identifying areas of growth throughout the state. The profiles included data from the American Community Survey (ACS) 2005-2009 and the 2010 Census.

- **The Advancement Project, Washington, DC (2011)** - Provided redistricting plan development services and training. Included was the development of a base map for a new seven (7) district plan in New Orleans that was further developed by community groups in Louisiana. The second effort included training a staff person on the use of Maptitude for Redistricting as well as on various redistricting scenarios.
- **Louisiana Legislative Black Caucus (LLBC), Baton Rouge, LA (2011)** - Provided redistricting plan development services. Responsibilities included supporting the Caucus members' efforts to develop state House, state Senate, and congressional redistricting plans. Developed or analyzed over eighty different redistricting plans. The effort also included testifying in front of the Louisiana Senate and Governmental Affairs committee.
- **Community Policy Research & Training Institute (One Voice), Jackson, MS (2011)** - Developed Mississippi State Senate plan along with appropriate reports and large-scaled map.
- **National Black Caucus of State Legislators (NBCSL), Washington, DC (2010)** - Provided services as the Project Director for a 2010 census outreach effort. Developed proposal and managed personnel to generate and execute a strategy to utilize Black state Senate and House legislators to place targeted posters in select hard-to-count (HTC) areas throughout the country.

- **Duke University's Center for REGSS & SCSJ, Durham, NC (2010 - 2011)** - Contracted to serve as one of two Project Coordinators to support an expert preparation workshop hosted by Duke University's REGSS and the SCSJ.

Project Coordinator duties included developing, managing, and providing hands-on training for the Political Cartographer's side of a week-long intensive "redistricting expert" preparation workshop. The workshop trained 18 political cartographers from various parts of the country on all aspects of redistricting plan development and principles. Also, two hands-on redistricting scenarios were created to train large audiences on the plan development process.

### **Democracy South, Virginia Beach, VA (2004 - 2008)**

Senior Technical Consultant - Provided technical, GIS mapping, data analysis, and management support for several projects and civic engagement-related efforts. Major project efforts included:

- Senior Technical Consultant for the National Unregistered Voter Map. Developed a web-based interactive map that allowed visitors to view state/county level information pertaining to the number of unregistered voters (2009)
- Co-Director of the Hampton Roads Missing Voter Project (a nonpartisan nonprofit voter engagement effort to increase voter participation with a focus on underrepresented population groups). The effort covered the seven major Independent cities in Hampton Roads. Responsibilities included co-managing the overall civic engagement effort and was solely responsible for integrating and processing Catalist voter data into targeting maps and walk lists for all focus areas. Directly Responsible for overseeing the operations in Hampton, Newport News, Portsmouth, and Suffolk, Virginia (2008)
- Senior Technical Consultant for Civic Engagement Efforts. Provided telephone technical voter database support to 17 USAction state partners in 2004; and 12 USAction state partners in 2006. Trained client on VBASE voter data software; Performed voter data conversion; and voter targeting assistance.

### **Congressional Black Caucus Institute, Redistricting Project, Washington D.C. (2001 - 2003)**

Consulting Demographer - Provided services that included the development, review, and analysis of over 75 congressional district plans. Responsible for all setup and configuration of hardware and GIS software and performed all development and analyses of redistricting plans. Congressional district plans were developed for 22 states. Also, performed as a redistricting expert advisor in a consolidated U.S. District Court Voting Rights case in Alabama.

### **National Voter Fund, Washington, D.C. (2000)**

GIS Consultant (in a consulting partnership of Hagens & Fairfax) - Developed hundreds of precinct targeting maps for a civic engagement effort designed to increase the turnout in the November 2000 election. Efforts included: geocoding voter data, census data integration, and precinct mapping.

### **Norfolk State University, Poli. Science & Computer Science Dept., Norfolk, Virginia (1996 - 2001)**

Adjunct Faculty - Provided instruction to students for BASIC Programming, Introduction to Computer Science, and Computer Literacy courses.

### **GeoTek. Inc. (formally GIS Associates), Virginia Beach, VA (1992 - 1995)**

Consultant and Co-owner - Provided geodemographic research and analysis; client technical & training support; hardware/software system installation; and redistricting manual/ brochure development. Major clients and tasks included:

- New York City Housing Authority - Redistricting Training
- Maryland State Office of Planning - Redistricting Tech Support
- City of Virginia Beach, VA Planning Dept. - Redistricting Training/Tech Support
- City of Norfolk, VA Registrar - Redistricting Training/Tech Support
- City of Chesapeake, VA Registrar - Precinct Realignment

**Norfolk State University, Political Science Dept., Norfolk, Virginia (1991 - 1999)**

GIS Consultant - Provided a variety of geographic and demographically related tasks. Major Redistricting related tasks included:

- Installed and operated the LogiSYS ReapS software that was used to perform the bulk of redistricting plans. Performed the intricate ReapS processing of the U.S. Census Bureau Topographically Integrated Geographic Encoded Referencing (TIGER) line files, Public Law 94-171 (PL94-171) demographic data, and the STF socioeconomic data series.
- Developed over 200 hundred redistricting plans, located in over 60 jurisdictions, in the states of Florida, Louisiana, North Carolina, Texas, and Virginia. Developed plans from city/county to legislative to congressional district.
- Traveled to and trained several university faculty personnel on setting up and utilizing the ReapS redistricting system. Also, trained on redistricting plan development principles.

Major GIS-related tasks included:

- Performed a study commissioned by the U.S. Department of Transportation to analyze the ethnic differences in commuting behavior. This study extensively utilized the Summary Tape File 3 A (STF3 A) and Public Microdata Sample (PUMS) data to locate, map, and report the frequency and average travel time to and from work for: Miami, FL MSA; Kansas City, MO-KS MSA; and Detroit, MI MSA.
- Performed a study funded by the City of Norfolk, VA, and NSU School of Business that determined and analyzed the trade area of a section located in Norfolk, VA. Major duties included: geocoding customer addresses, producing address point maps, and developing demographic reports for the project.
- Performed a study commissioned by the U.S. Department of Housing and Urban Development (HUD) to revitalize a neighborhood located in Norfolk, VA. The purpose of the GIS component was to first establish a socioeconomic base-line then track the progress of the revitalized area as well select surrounding areas. Geocoded address locations, generated point as well as demographic thematic maps, and produced reports of the target areas.
- Provided demographic analysis of proposed newly incorporated areas in Florida for local Florida civic organizations.

**Cooperative Hampton Roads Org. for Minorities in Engineering, Norfolk, VA (1991 - 1992)**

Computer Consultant - Designed and developed a menu-driven student database, used to track hundreds of minority Junior High and High School students that were interested in pursuing science or engineering degrees.

**Norfolk State University, School of Education, Norfolk VA (1990 - 1991)**

Technical Consultant/Computer Lab Manager- Provided a variety of support to include hardware and software installation; faculty workshops; course instruction; Network Administrator; and technical support.

### **Engineering and Economics Research (EER) Systems (1989)**

Technical Consultant - Coordinated and participated in writing, editing, and formatting technical test documents; central role in the development of the Acceptance Test Procedures for the initial phase of a multi-million dollar Combat Maneuver Training Complex (CMTC) in Hohenfels, Germany; the final review and editing of all test documentation.

### **Executive Training Center (ETC). Newport News, VA (1988 - 1989)**

Vice President & Co-founder - Managed over 11 part-time and full-time employees; assisted in developing and implementing company policies; performed the duties of the Network Administrator for a Novell-based computer training network; and taught several courses by substituting for instructors when necessary.

### **Engineering & Economics Research (EER) Systems. Newport News, VA (1986 - 1987)**

Hardware Design Engineer and Electronics Engineer - Provided engineering and select project management support for the development of the following million/multi-million dollar project efforts:

- Baseline Cost Estimate (BCE) to be used in the procurement of the Combat Maneuver Training Complex - Instrumentation System (CMTC-IS)
- Operational and Maintenance (O&M) Support Plan at the National Training Center (NTC)
- Quality Assurance Surveillance Plan for the O&M Support Plan at the NTC; Configuration Management Plan for CMTC
- Requirements Operational Capabilities (ROC) Analysis for an instrumentation System at the U.S. Army Ranger School, Georgia;
- ROC Analysis for an Instrumentation System at Fort Chaffee, Arkansas;
- Suggested Statement of Work for the Digital Data Entry Device (DDED); and the Concept Formulation Package and Requirements Definition to Support interface and integration of Red Flag at the NTC:
- Phase II of a multi-million dollar GIS-based concept test demonstration. Performing as Assistant Test Director (ATD) - liaison between the Government Director Army Ranges and Targets (DART) personnel and EER Systems' personnel; and assumed the role of Test Director when required (1987).
- Suggested Statement of Work (SOW) for a \$1 million procurement of Multivehicle Player Units (MVPUs) at the NTC. Performed as Project Task Manager for a team of engineers, computer programmers, and technical support personnel in the development of a position location player unit for the Army (1986).

### **Teledyne Hastings-Raydist, Hampton, VA (1982 - 1986)**

Hardware Design Engineer - Designed and developed custom flow and vacuum measuring products; Project Manager for the production and completion of a \$.25 million flow measuring system; Electrical Engineer - Chiefly responsible for developing special products for customers.



## **Major Litigation Clients & Testimony Related Efforts:**

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### **Election Law Clinic at Harvard Law School, Cambridge, MA (2022)**

Developed an expert report that contained a series of thematic and demographic map and table analyses for the Jacksonville Branch of the NAACP et al v. City of Jacksonville et al redistricting court case. The map and table analysis related to Jacksonville, FL's city council enjoined and proposed redistricting plans. The analysis and report included various aspects that define plan differences such as: core retention by race/ethnicity; compactness measurements; population deviation; district configurations using silhouettes; splits of neighborhoods; and population density.

### **NAACP LDF, New York, New York, NY (2022 - Present)**

Developed an illustrative redistricting plan and associated expert report for the *Robinson v. Ardoin* redistricting court case. The illustrative plan included a second additional majority Black district as opposed to the State's plan. The plan, report and testimony provided evidence of the first prong in *Gingles* in proving dilution of Black voting strength in violation of Section 2 of the Voting Rights Act (VRA). The effort included plan development, expert report, rebuttal report, and testimony.

### **ACLU, New York, New York, NY (2021 – Present)**

Developed an illustrative redistricting plan and associated expert report for the *Arkansas State Conference NAACP v. Arkansas Board of Apportionment* preliminary injunction case. The illustrative plan included five additional majority Black districts as opposed to the Board of Apportionment plan. The plan, report and testimony provided evidence of the first prong in *Gingles* in proving dilution of Black voting strength in violation of Section 2 of the Voting Rights Act (VRA). The effort included plan development, expert report, rebuttal report, and testimony.

### **Campaign Legal Center, Washington, DC (2018 – 2020)**

Developed multiple illustrative redistricting plans and associated expert reports for *Latasha Holloway v City of Virginia Beach* court case. The illustrative Plans included two majority Hispanic, Black, and Asian combined (Coalition) districts for the purpose of providing evidence of the first prong in *Gingles* in the section 2 court case. The effort included an additional rebuttal, supplemental report, deposition, and testimony.

### **Virginia NAACP, Richmond, VA (2018)**

Developed a statewide remedial plan for *Bethune-Hill v. Virginia State Bd. of Elections*. The plan corrected 11 unconstitutional racial gerrymandered state House districts in the Richmond, Peninsula, and Southside Hampton Roads areas.

### **Southern Coalition for Social Justice (SCSJ), Durham, NC (2018)**

Developed a demonstrative remedial redistricting plan and associated expert report as well as provided a deposition for *North Carolina State Conference of NAACP Branches v. Lewis Wake County Superior Court* case. The demonstrative remedial plan corrected the two Wake County, N.C. House Districts declared by a federal court to be racially gerrymandered districts (HD33 & HD38). The expert report provided a narrative that not only discussed my results but also provided insight for the Court on how a map drawer would reasonably go about fixing racially gerrymandered districts and still comply with the state constitution's prohibition on mid-decade redistricting.

### **Texas NAACP, San Antonio, TX, (2017)**

Provided expert report, deposition, and testimony for the *Perez v. Abbott* US Federal District Court Case. Analyses focused on certain redistricting criteria, including population deviation, compactness, political subdivision splits, and communities of interest for congressional and House plans. Additional analysis was performed on demographic projections for certain congressional and State House districts.

**Southern Coalition for Social Justice (SCSJ), Durham, NC (2015 - 2016)**

Provided expert testimony, deposition, and expert report for the *City of Greensboro v The Guilford County Board of Elections* U.S. District Court Case. Deposition and report included several district plans for the city council of Greensboro, NC, and analyzed certain characteristics, including population deviation, political subdivision splits, partisan performance, and incumbent effect analysis.

Provided expert testimony and report for the *Covington v North Carolina* federal redistricting court case. The testimony included analysis from *Dickson v Rucho* (also *NAACP v North Carolina*) of compactness on state legislative House and Senate districts.

Provided expert testimony and report for the *Wright v North Carolina* federal redistricting court case. The testimony and report included analysis of population deviation, compactness, partisan impact, and incumbent residences for county commission and school board plans.

**Alabama Democratic Conference (ADC), Montgomery, AL (2015 - 2016)**

Developed Senate and House redistricting plans for the state of Alabama for the *ADC v Alabama* court case. Provided deposition on the creation of the plan. Also, generated a series of thematic maps depicting areas added from the previous benchmark plan to the enacted plan, displaying concentrations of African American voters that were added to the enacted plan.

**Southern Coalition for Social Justice (SCSJ), Durham, NC (2014)**

Provided expert testimony, report, and deposition for the federal redistricting court case, *Perez v. Perry* of Texas. The report included an analysis of population extrapolations and projections for several submitted plans for select congressional and House districts.

**North Carolina NAACP, Raleigh, NC (2012)**

Provided expert opinions and analysis in an affidavit for the *NC NAACP v. State of North Carolina* federal redistricting case (later *Dickson v Rucho*). The affidavit included an examination of compactness measurements pertaining to the Congressional, State Senate, and State House "Benchmark" plans, several approved plans, and several legislative submitted plans. The report also contained county splits for the target districts.

**Southern Coalition for Social Justice (SCSJ), Durham, NC (2011)**

Provided expert opinions and analysis in an affidavit for the *Moore v. State of Tennessee* redistricting case. The affidavit included an analysis of county splits comparing State Senate "Benchmark" plans, the approved plan, and several legislative submitted plans.

**Texas NAACP, San Antonio, TX (2011)**

Provided expert report, deposition, and testimony for the federal redistricting court case *Perez v. Perry*. Testimony covered the evaluation of traditional redistricting criteria of the Congressional and House-approved plans compared to several proposed or legislative submitted plans.

**Louisiana Legislative Black Caucus, Baton Rouge, LA (2011)**

Provided expert testimony in front of the Senate and Governmental Affairs committee. Testimony included the analysis of two redistricting plans comparing ideal population deviation, political subdivision splits (Parishes), and compactness ratios. Also, developed a redistricting plan and testified in front of the House and Governmental Affairs in support of a new majority-minority (African American) congressional district in Louisiana.

**Morrison & Foerster LLP, Los Angeles, CA (2004)**

Provided expert report on several state Senate plans for the *Metts v. Murphy* Rhode Island court case. The report contained analyses of communities of interest areas that were not included in the state's enacted plan of the only majority-minority district.

**Congressional Black Caucus Institute, Redistricting Project, Washington D.C. (2002)**

Performed as the redistricting mapping expert for Congressman Hilliard in a consolidated U.S. District redistricting court case in Alabama (*Montiel v. Davis* and *Barnett v. Alabama*). Developed the submitted plan and provided advice to legal counsel for the court case.

**Council of Black Elected Democrats (COBED) New York State, New York, NY (2002)**

Performed as one of the redistricting experts (*Allen v Pataki/Rodriguez v Pataki*) by developing several New York State congressional district plans that were presented by COBED.

**Miami-Dade, Florida (1993)**

Provided expert technical redistricting support as one-half of the Expert Master's Team for the remedial Plan (*Meek v. Metropolitan Dade County*). Developed over 50 commissioner district plans for the county as well as the final adopted Plan for the metro Dade County.

**NAACP Legal Defense and Educational Fund (LDEF), New York, NY (1993)**

Provided expert technical support for the *Shaw v. Reno* Supreme Court case (via Norfolk State University). Analyzed and compared various compactness ratios for congressional districts throughout the U.S. The results were compared to the 12<sup>th</sup> congressional district of North Carolina. Also, developed several alternative congressional district plans.

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**Major GIS/Demographic/Redistricting Training and Presentations:**

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**Southern Echo (2021)**

Presented multiple training sessions (11 planned) on various aspects of redistricting. Included both presentations and ultimately hands-on (Dave's Redistricting)

**Crowd Academy (2020 – 2021)**

Presented multiple Training sessions (>25) that center on "How the lines are Drawn" which focuses on the plan development activities of redistricting.

**Crescent City Media Group (2021)**

Presented ten three-hour-long training sessions on various aspects of redistricting. Included both presentations and hands-on (Maptitude for Redistricting)

**NAACP LDF/MALDEF Expert Convening (2021)**

Provided multiple sessions to potential future experts on expert report development, giving depositions, and providing testimony.

**SIF Voting Rights Convening (2021)**

Presented on a panel the unique aspects and issues pertaining to the 2020 round of redistricting.

## **Major GIS/Demographic/Redistricting Training and Presentations (cont.):**

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### **SIF Voting Rights Convening (2020)**

Presented on a panel various preparatory aspects and questions that should be addressed prior to the development of plans.

### **Delta Days in the Nation's Capital, Washington, DC (2020)**

Provided panel presentation on suggested efforts in preparation for the next round of redistricting. Plenary presentation to several hundred Delta Sigma Theta (DST) sorority sisters throughout the country.

### **William and Mary, Williamsburg, VA (2019)**

Presented lecture to the GIS and Districting course students centering on improving as well as potential adverse trade-offs from improvements of the adopted redistricting plan chosen by the special masters of the *Bethune-Hill v. Virginia State Bd. of Elections* redistricting case.

### **Southern Echo, Jackson, Mississippi (2019)**

Provided detailed training/presentation (3 hours) on various aspects of redistricting. Topics included: Relevant redistricting court cases, traditional redistricting criteria, and redistricting data.

### **William and Mary, Williamsburg, VA (2018)**

Presented lecture to the GIS and Districting course students centering on aspects of the *Bethune-Hill v. Virginia State Bd. of Elections* redistricting case. Discussion pertained to how to develop a plan that corrected the 11 unconstitutional racial gerrymandered states House districts.

### **Congressional Black Caucus Institute, Washington, DC (2016)**

Presented at the annual legislative conference in Tunica, MS. Presented the election demographic analysis for the 2016 presidential and Senate elections. Panel also included Congressman Cedrick Richmond (L.A.), Congressman Sanford Bishop (G.A.), and Professor Spencer Overton.

### **Coalition of Black Trade Unionists (CBTU), Chicago, IL (2015)**

Presented at the annual CBTU conference on the election panel that included Congressman Al Green (TX) and Congressman Bobby Rush (I.L.).

### **Nobel Women's Initiative, Washington, DC (2015)**

Presented on a panel at the annual conference in San Diego, CA, on the upcoming 2020 census.

### **Tennessee NAACP, Nashville, TN (2011)**

Provided redistricting training session on the mapping and demographic aspects of Redistricting.

### **Congressional Black Caucus Institute, Washington, DC (2002 - 2012, 2014)**

Presented "The Demographics of Campaigns" twelve times at the institute's annual political campaign "Boot Camp." The presentation covers how to locate and utilize demographic data for political campaigns.

### **Congressional Black Caucus Foundation (CBCF), Washington, DC (2011)**

Presented as one of the panelists at the "Judge A. Leon Higginbotham" Braintrust at the CBC Annual Legislative Conference. The panel was moderated by Congressman Mel Watt.

### **The Advancement Project, Washington, DC (2011)**

Trained staff GIS person on Maptitude for Redistricting as well as on redistricting scenarios.

### **National Association for the Advancement of Colored People, Baltimore, MA (2011)**

Provided training session on "Redistricting Mapping Overview" at the organization's national redistricting training seminar for state and local chapters.

## **Major GIS/Demographic/Redistricting Training and Presentations (cont.):**

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### **Congressional Black Caucus Institute, Washington, DC (2010)**

Presented at the annual CBC Institute conference in Tunica, MS (The panel included Congressman John Lewis and Congressman Jim Clyburn). Outlined two critical issues that would surface in the 2010 round of redistricting: 1) Prison-based Gerrymander; and 2) The use of Citizen Voting Age Population (CVAP).

### **Community Census and Redistricting Institute (CCRI), Durham, NC (2010)**

Developed, managed, and provided hands-on training for the Political Cartographer's side of a week-long intensive "redistricting expert" preparation workshop. The workshop trained 18 political cartographers on all aspects of plan development.

### **North Carolina University's Center for Civil Rights, Chapel Hill, NC (2010)**

Provided presentation on "Redistricting Laws & GIS" at the *Unfinished Work* conference. The presentation outlined the evolution of major redistricting laws and GIS and their impact on minority representation.

### **NAACP Legal Defense Fund AIRLIE Conference, AIRLIE, VA (2010)**

Provided training using hands-on "paper" redistricting scenarios to voting rights advocates on developing a plan without the use of computers.

### **Young Elected Officials, Los Angeles, CA (2010)**

Provided training using hands-on "paper" redistricting scenarios to young legislators on developing a plan without the use of computers.

### **Young Elected Officials, Alexandria, VA (2010)**

Provided overview training on the major aspects of redistricting to young legislators.

### **North Carolina University's Center for Civil Rights, Chapel Hill, NC (2006)**

Provided presentation on "Congressional Elections Won by African Americans Race & Ethnicity District Perspective (1960 - 2004)" at the *Who Draws the Lines? The Consequences of Redistricting Reform for Minority Voters* conference.

### **Howard University - Continuing Education - HBCU GIS Workshop, Washington, DC (2002)**

Provided presentation on redistricting and the use Maptitude for Redistricting to faculty members of Historically Black Colleges and Universities (HBCUs).

### **Norfolk State University Redistricting Project Training Workshops (1991 - 1998)**

Provided redistricting training to the following:

- Alabama State University, Montgomery, Alabama
- Albany State University, Albany, Georgia
- Florida A & M, Tallahassee, Florida
- National Conference of Black Political Scientists, Atlanta, Georgia Conference
- Norfolk State University, Norfolk, Virginia
- North Carolina A & T State University, Greensboro, North Carolina
- North Carolina Central University, Durham, North Carolina
- Southern University, Baton Rouge, Louisiana
- Williams College, Williamstown, Massachusetts

## Major GIS/Redistricting/Voter Data Software Experience:

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- ArcGIS - GIS Software - Primary GIS Software after 2012 ([ESRI](#))
- ArcGIS Online – Including Story Maps & Web Application Builder ([ArcGIS.com](#))
- GRASS GIS – Open Source GIS ([OSGeo](#))
- Maptitude for Redistricting - Primary Redistricting software, since 2001 ([Caliper](#))
- ESRI Redistricting Online - Beta Tester ([ESRI](#))
- Public Mapping Project – Initial Advisory Board Member ([an open source online software](#))
- GIS Plus (the precursor to Maptitude Software in the mid to late 1990s) - User ([Caliper](#))
- ReapS Redistricting and Reapportionment System - Redistricting software, 1990s ([LogiSYS](#))
- Voter Activation Network System [NPGVAN](#)
- Voterlistonline.com Aristotle software [Aristotle](#)

## GIS Skillset/Coding Languages:

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- |                       |                        |              |
|-----------------------|------------------------|--------------|
| • Geocoding Data      | • Suitability Analysis | • Python     |
| • Linear Referencing  | • Image Classification | • PostgreSQL |
| • Digital Cardinality | • ArcGIS Web Services  |              |
| • Spatial Statistics  | • pdAdmin              |              |

## ESRI Training Certificates:

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- Learning ArcGIS Desktop (for ArcGIS 10) - 24 hrs training
- Turning Data into Information Using ArcGIS 10 - 18 hrs training
- Basics of Raster Data (for ArcGIS 10) - 3 hrs training
- Using Raster Data for Site Selection (for ArcGIS 10) - 3 hrs training
- Working with Geodatabase Domains and Subtypes in ArcGIS - 3 hrs training
- Network Analysis Using ArcGIS - 3 hrs training

## Publications:

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### Books

- *An Introduction to the Presidential Trend*, Statistical Press, March 2015
- *The Presidential Trend*, Statistical Press, December 2013
- *A Step by Step Guide to Using Census 2000 Data*, MediaChannel LLC, March 2004. Also included was a companion CD-ROM (sold through various Census-related workshops and training sessions and used in a political science course).

### Manuals

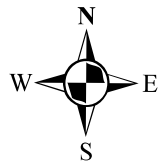
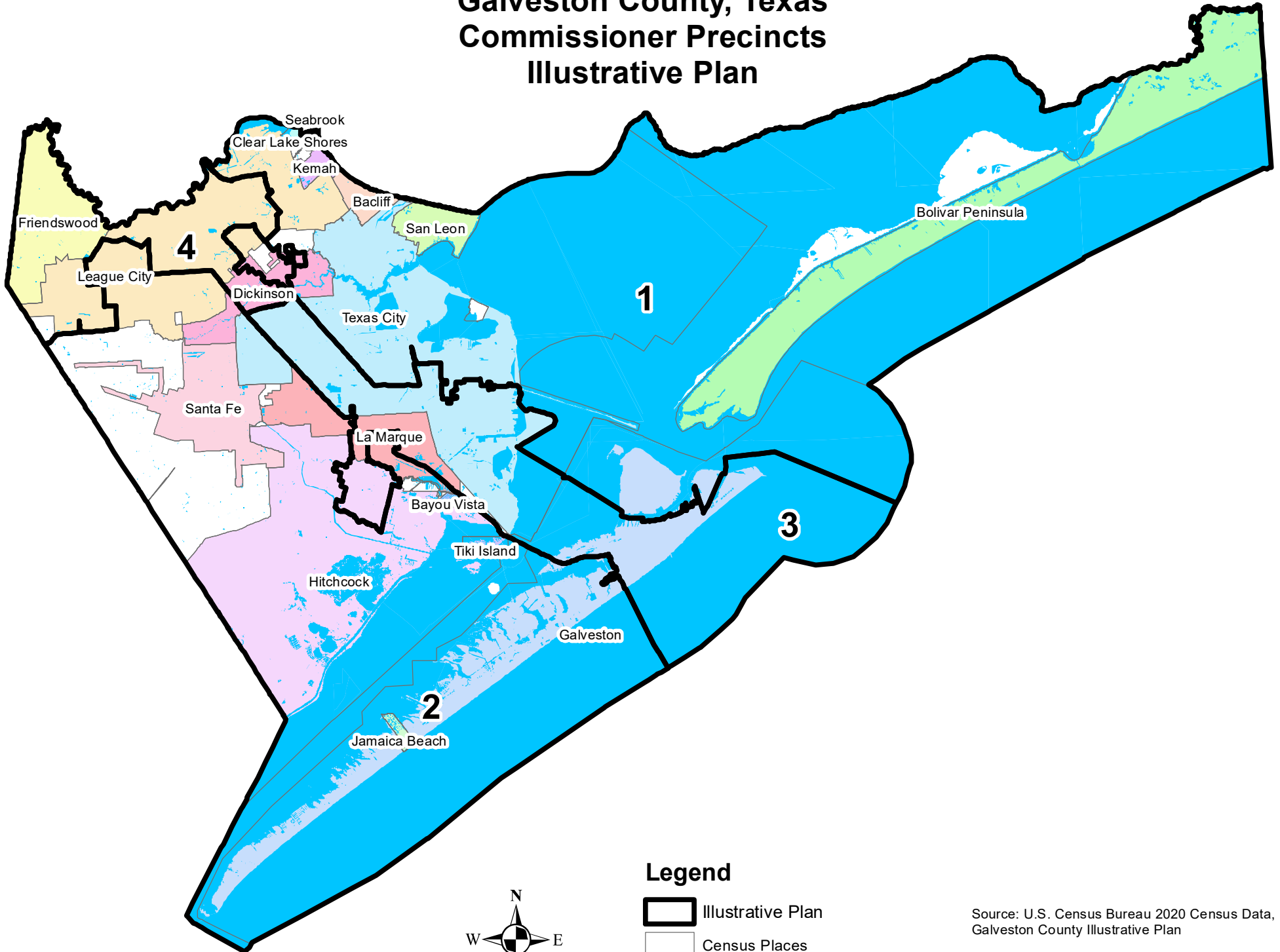
- *A Beginner's Guide To Using Census 2000 Data*, November 2002 (Co-authored- developed for the U.S. Census Bureau's Census Information Centers)

### Articles




- "Precision Voter Targeting: GIS Maps Out a Strategy," Geo Info Systems, November 1996 (Co-authored one of the first articles published on using modern-day GIS for voter targeting).

**Appendix B**  
Maps of the Illustrative and  
2012-2021 Commissioner Plans

# Galveston County, Texas Commissioner Precincts Illustrative Plan



### Legend

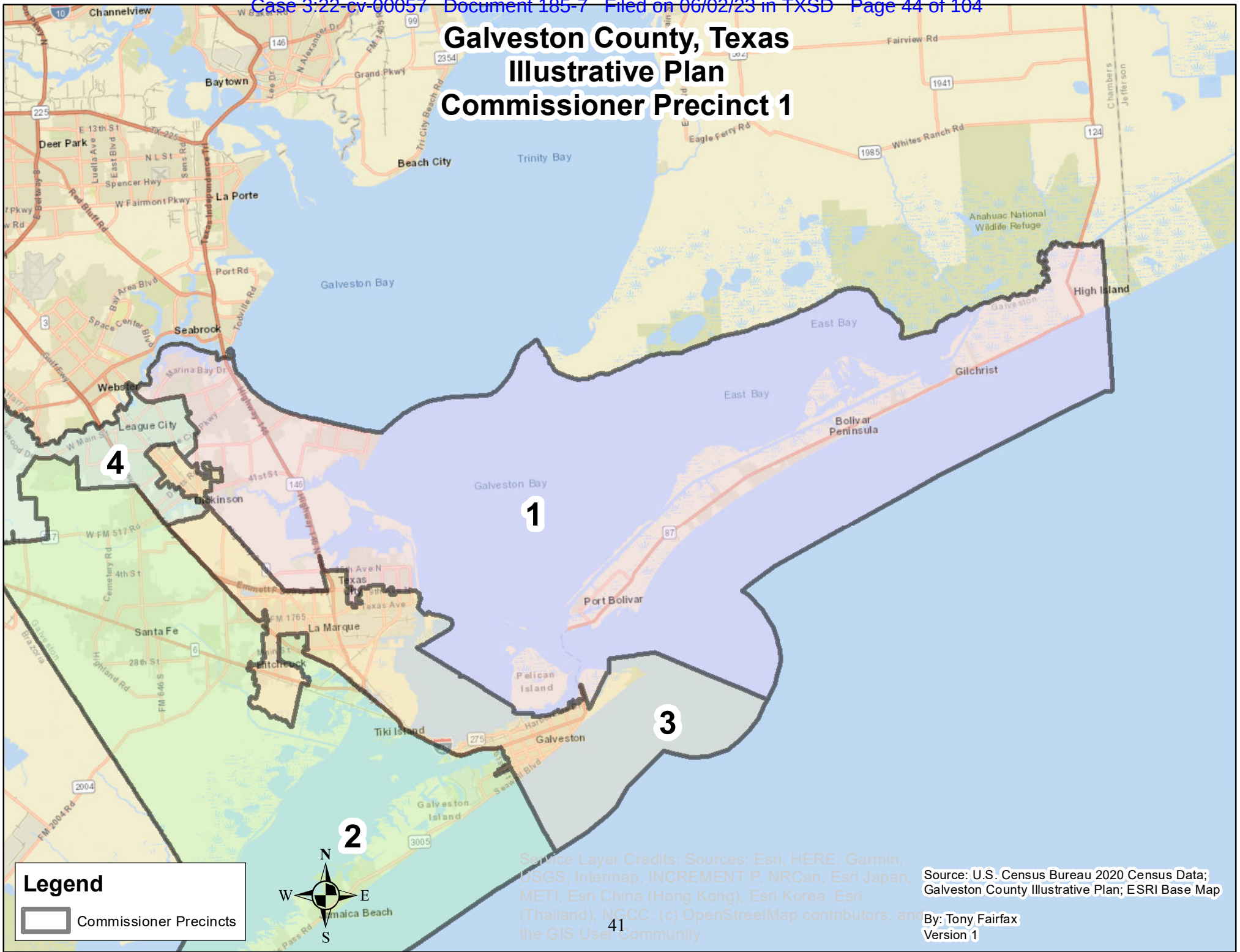
-  Illustrative Plan
-  Census Places
-  Water

Source: U.S. Census Bureau 2020 Census Data,  
Galveston County Illustrative Plan

By: Tony Fairfax  
Version 1



# Galveston County, Texas Illustrative Plan Commissioner Precinct 1



**Legend**  
 [Black outline] Commissioner Precincts

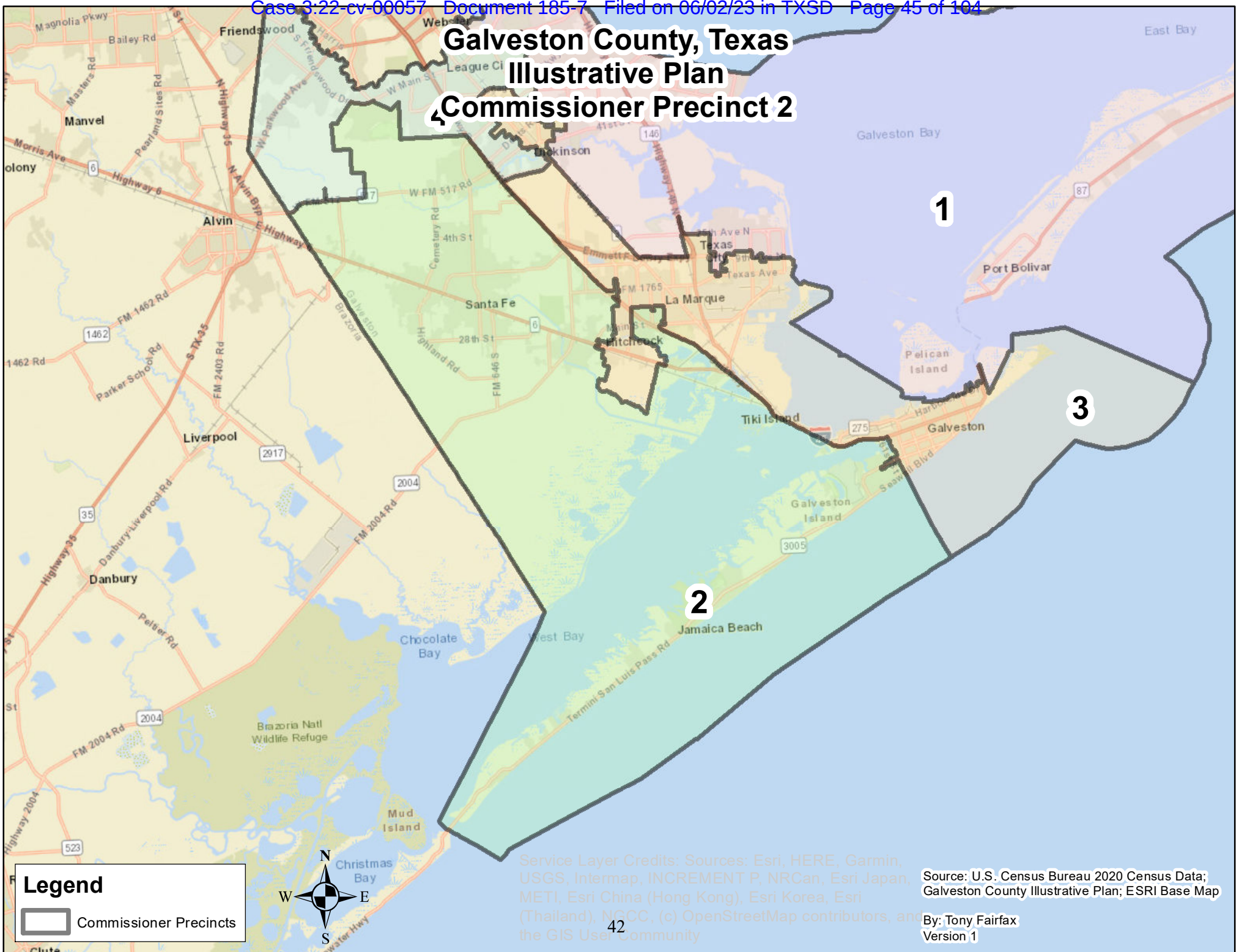


Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Source: U.S. Census Bureau 2020 Census Data; Galveston County Illustrative Plan; ESRI Base Map

By: Tony Fairfax  
Version 1

# Galveston County, Texas Illustrative Plan Commissioner Precinct 2

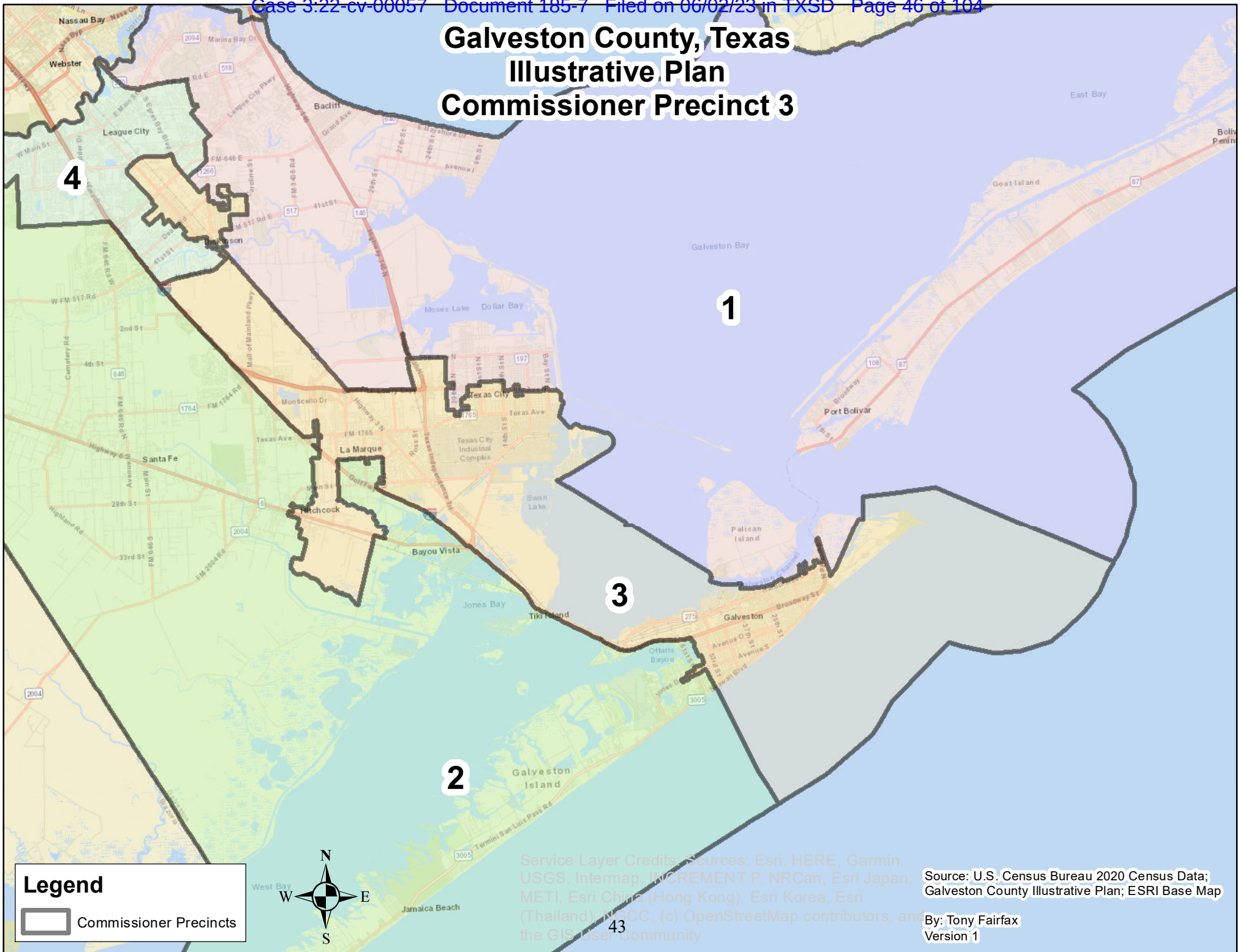


Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community


Source: U.S. Census Bureau 2020 Census Data; Galveston County Illustrative Plan; ESRI Base Map

By: Tony Fairfax  
Version 1

# Galveston County, Texas Illustrative Plan Commissioner Precinct 3



## Legend

 Commissioner Precincts

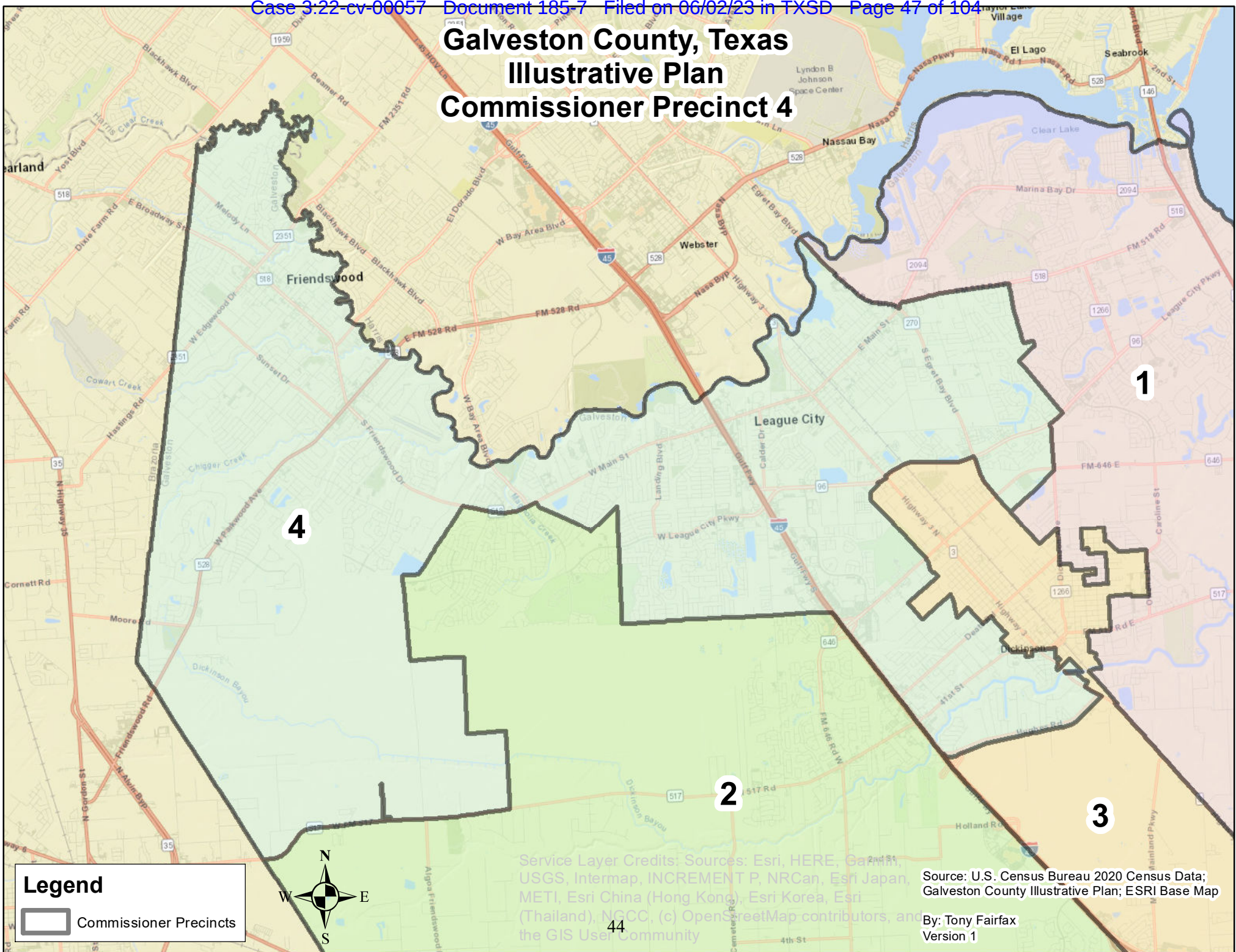


Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NTT-DC, (c) OpenStreetMap contributors, and the GIS User Community


Source: U.S. Census Bureau 2020 Census Data; Galveston County Illustrative Plan; ESRI Base Map

By: Tony Fairfax  
Version 1

# Galveston County, Texas Illustrative Plan Commissioner Precinct 4



### Legend

 Commissioner Precincts

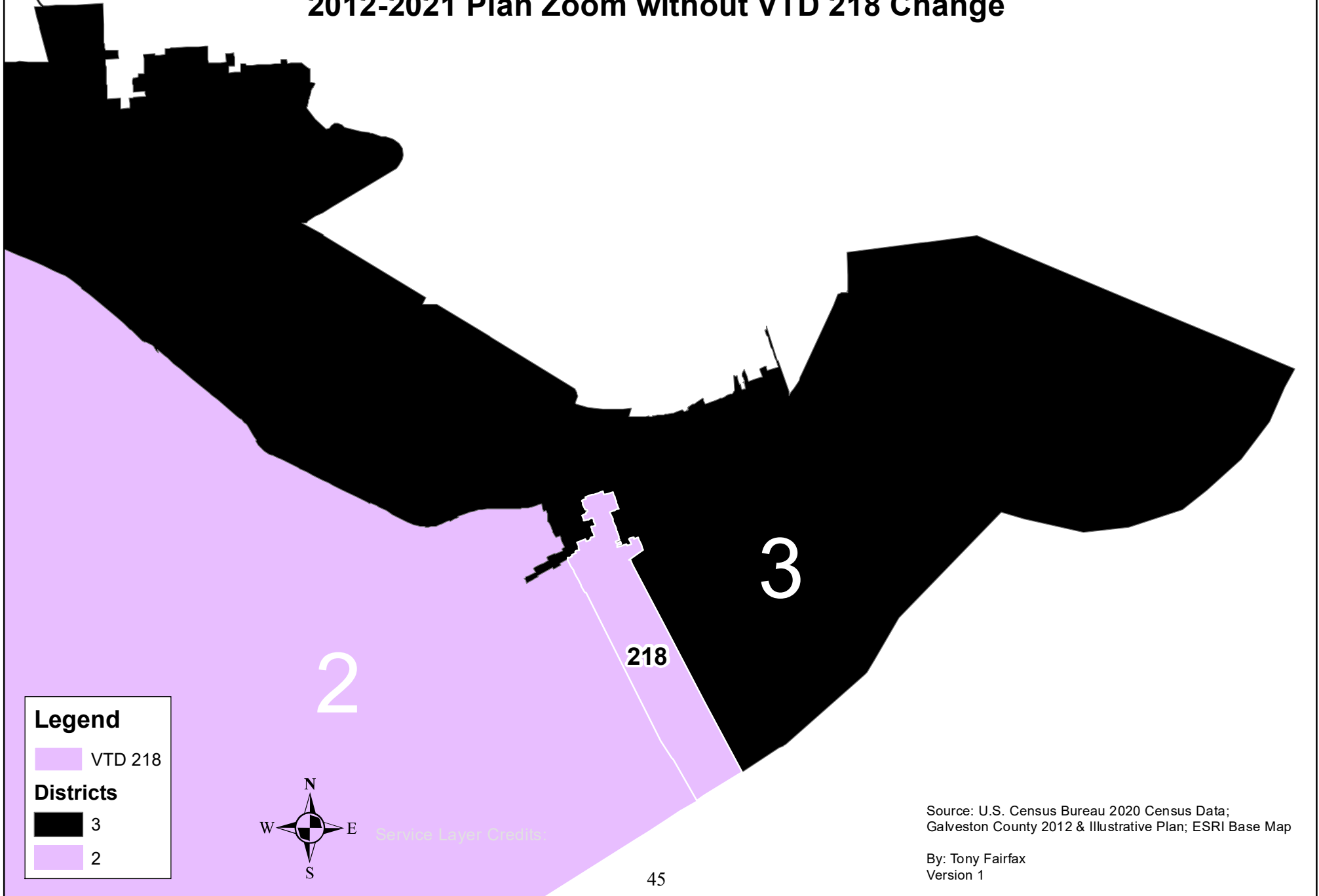


Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

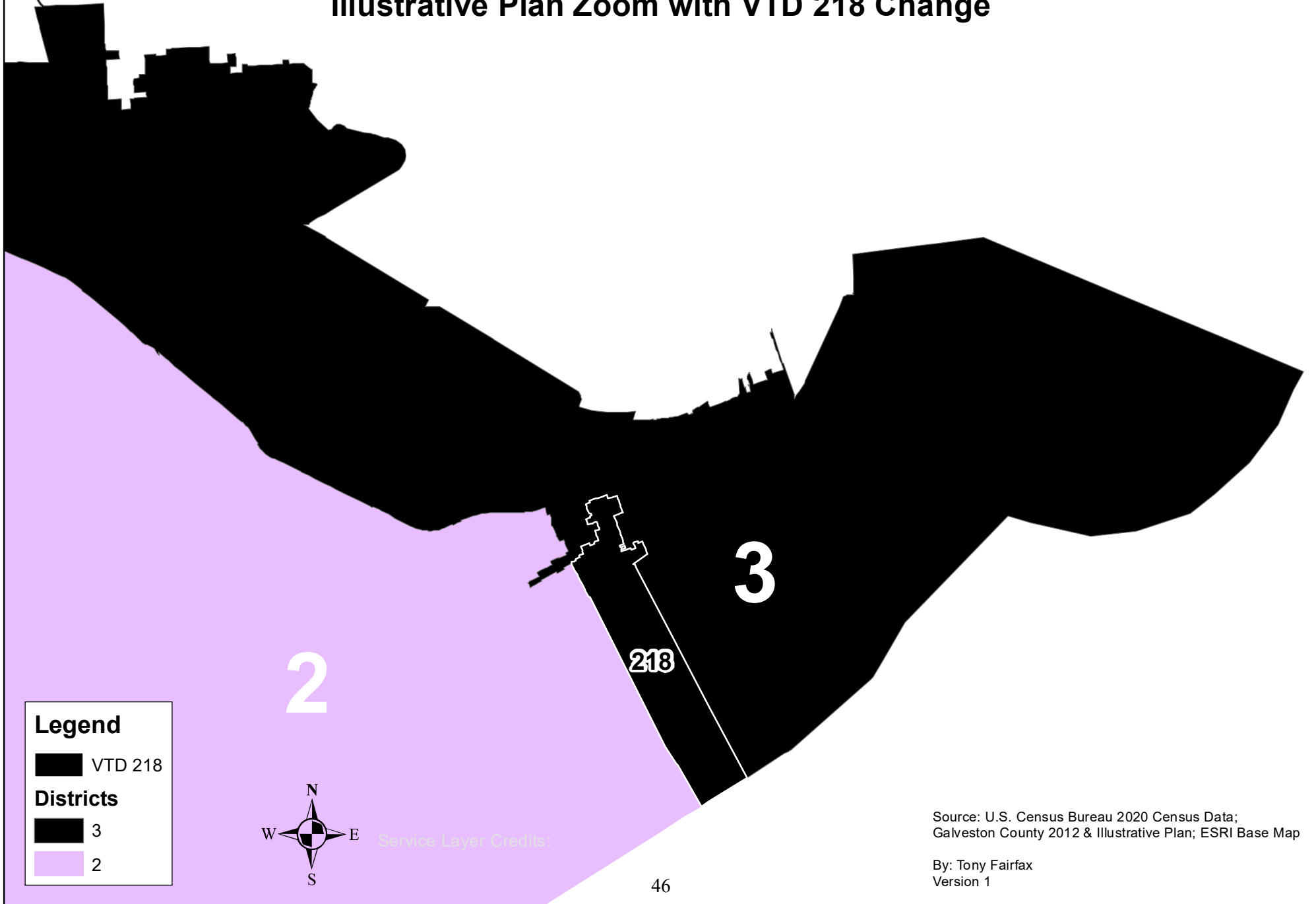
Source: U.S. Census Bureau 2020 Census Data; Galveston County Illustrative Plan; ESRI Base Map

By: Tony Fairfax  
Version 1

# Galveston County, Texas Commissioner Precincts 2 & 3 2012-2021 Plan Zoom without VTD 218 Change



# Galveston County, Texas Commissioner Precincts 2 & 3 Illustrative Plan Zoom with VTD 218 Change



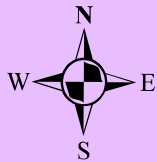
### Legend

■ VTD 218

### Districts

■ 3

■ 2

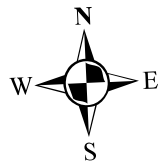
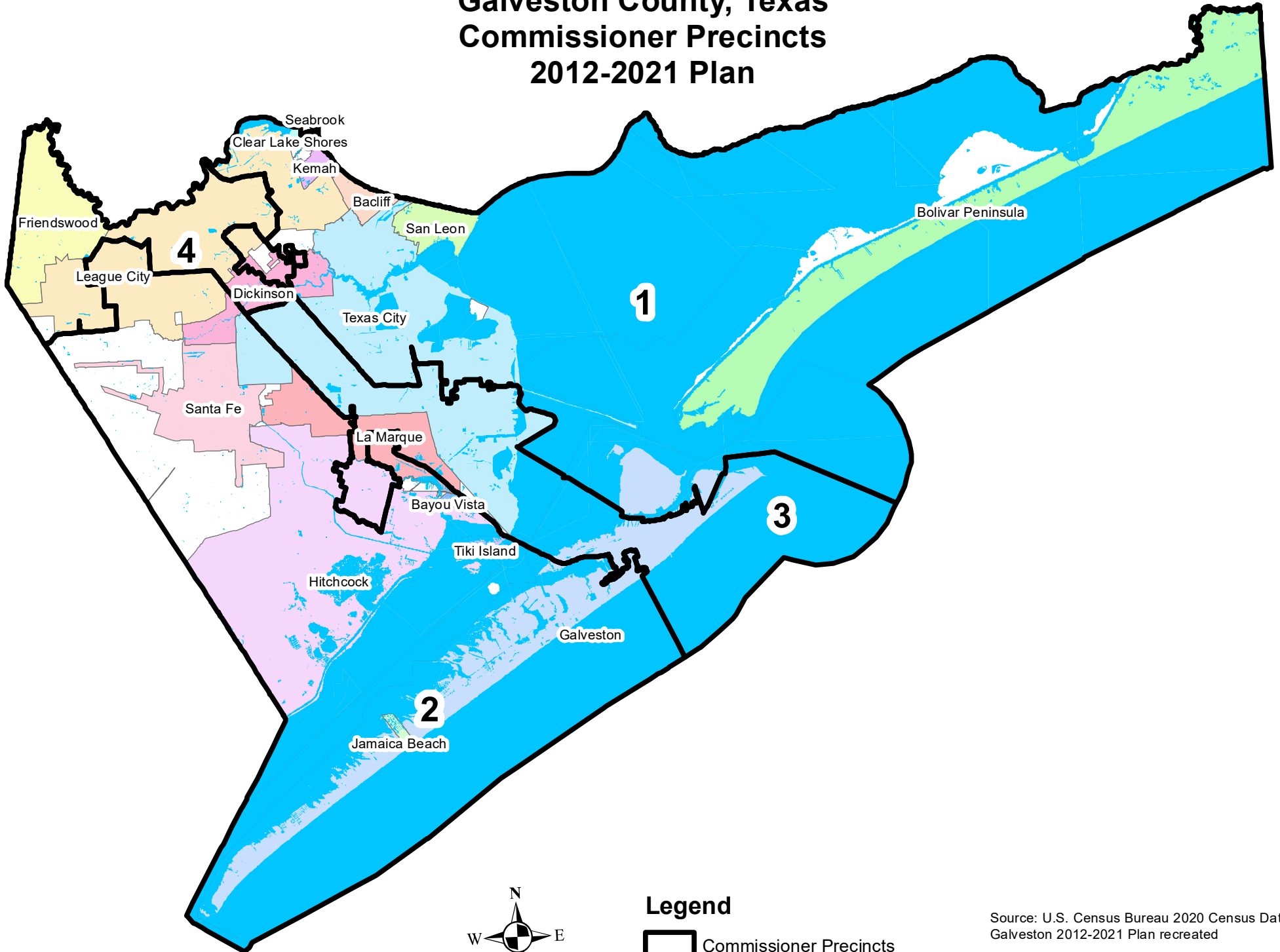


Service Layer Credits:



Source: U.S. Census Bureau 2020 Census Data;  
Galveston County 2012 & Illustrative Plan; ESRI Base Map

By: Tony Fairfax  
Version 1

# Galveston County, Texas Commissioner Precincts 2012-2021 Plan



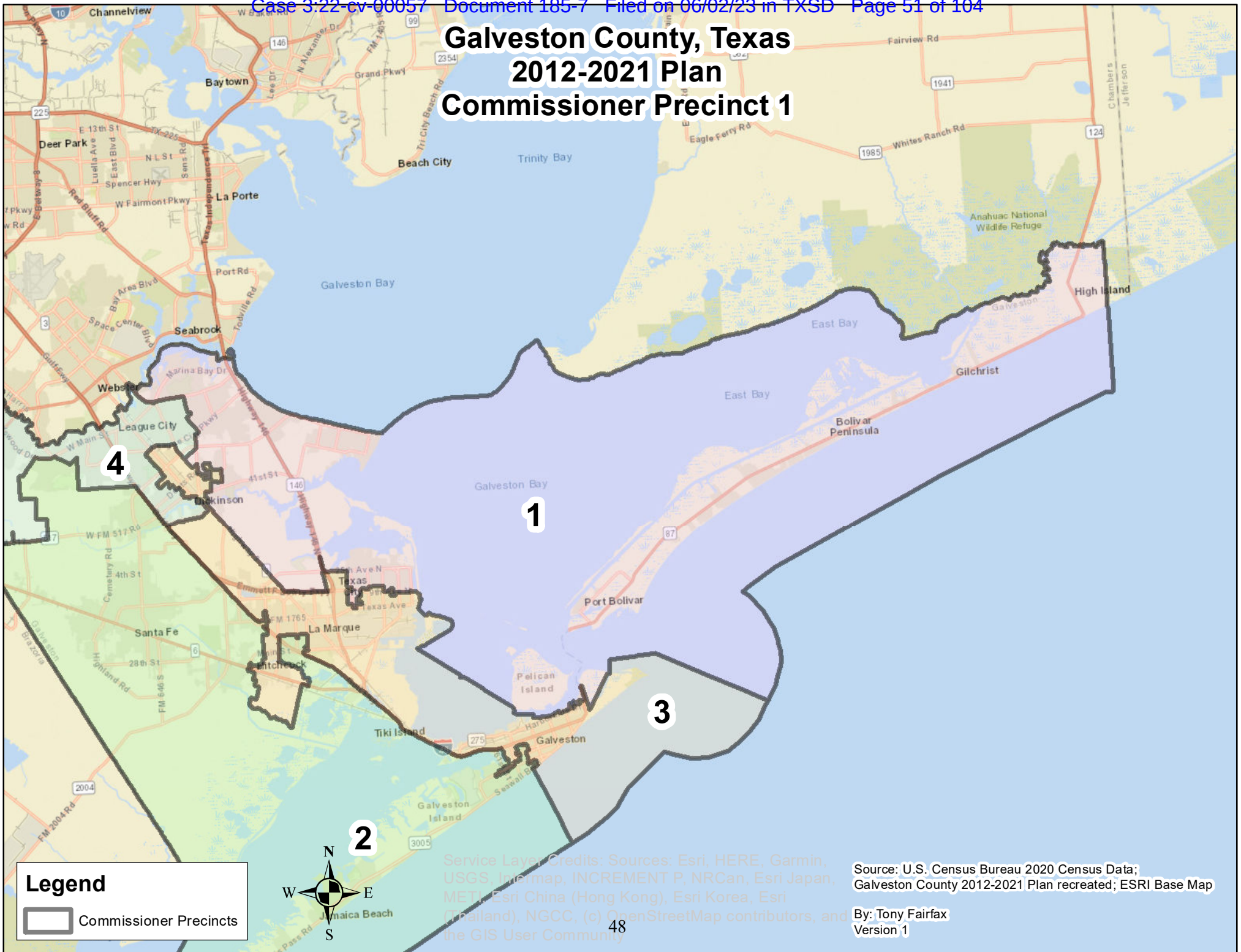
### Legend

-  Commissioner Precincts
-  Water


Source: U.S. Census Bureau 2020 Census Data,  
Galveston 2012-2021 Plan recreated

By: Tony Fairfax  
Version 1

# Galveston County, Texas 2012-2021 Plan Commissioner Precinct 1



## Legend

 Commissioner Precincts



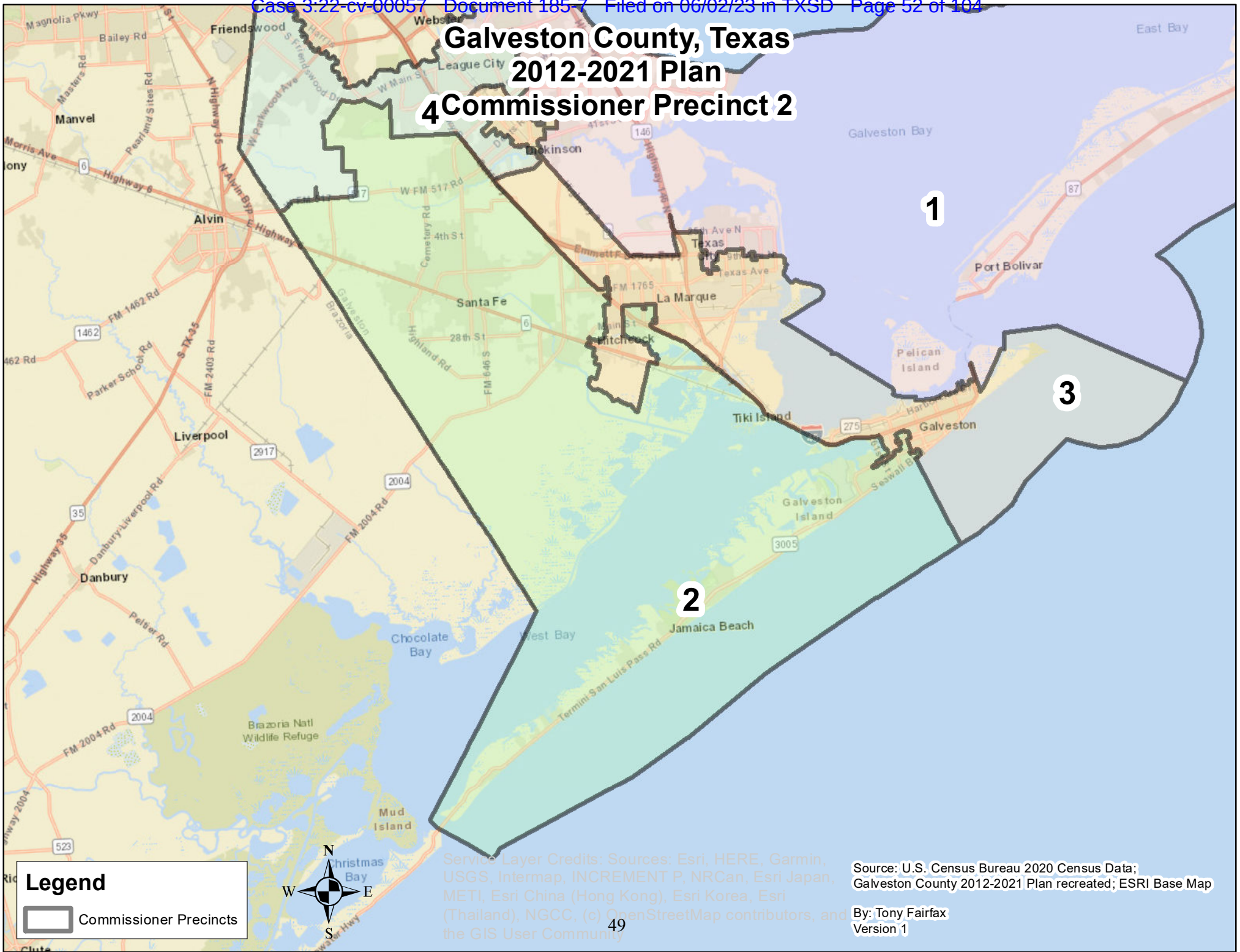
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Source: U.S. Census Bureau 2020 Census Data; Galveston County 2012-2021 Plan recreated; ESRI Base Map

By: Tony Fairfax  
Version 1



# Galveston County, Texas 2012-2021 Plan 4 Commissioner Precinct 2



### Legend

 Commissioner Precincts

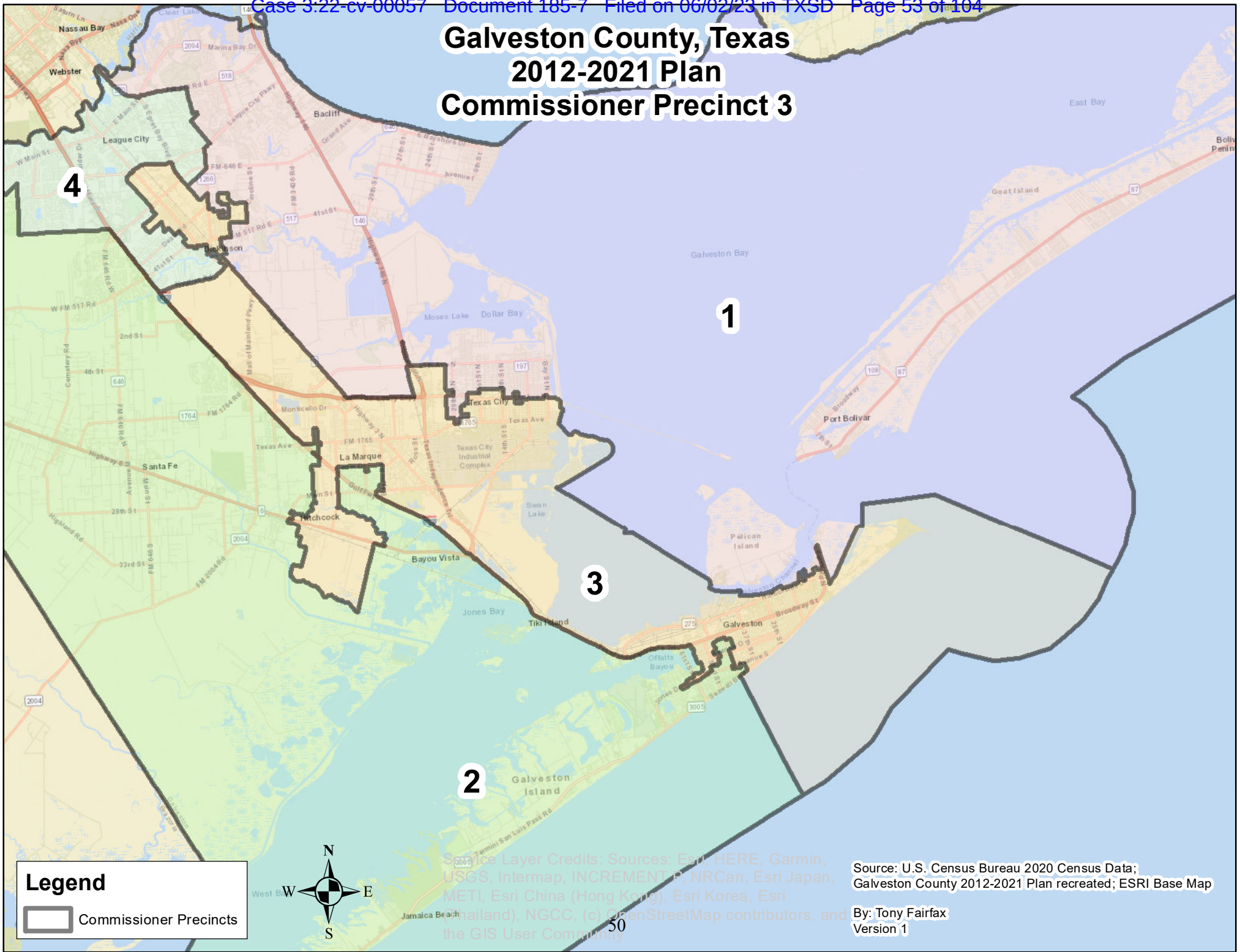


Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

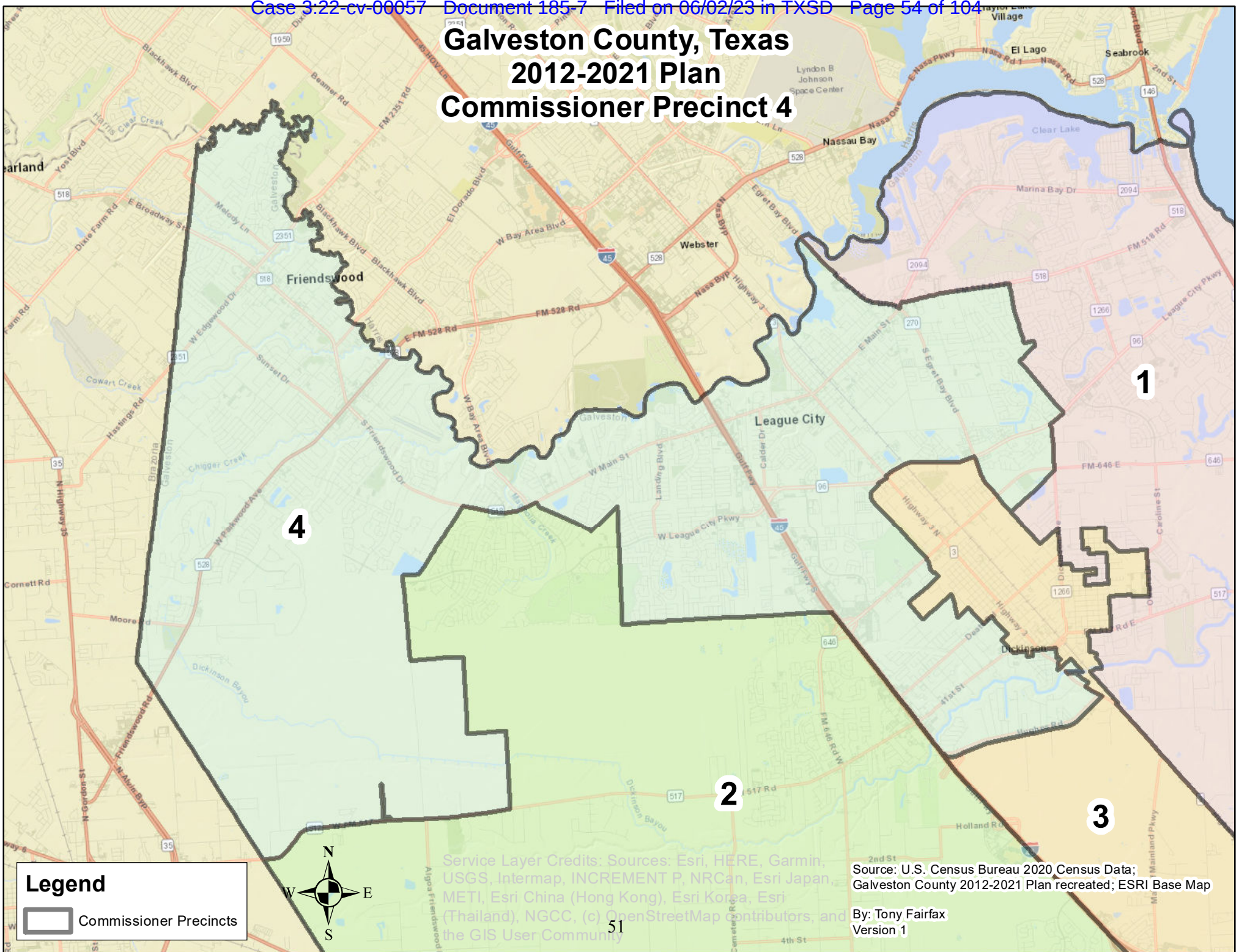
Source: U.S. Census Bureau 2020 Census Data; Galveston County 2012-2021 Plan recreated; ESRI Base Map

By: Tony Fairfax  
Version 1

# Galveston County, Texas 2012-2021 Plan Commissioner Precinct 3



# Galveston County, Texas 2012-2021 Plan Commissioner Precinct 4



### Legend

 Commissioner Precincts



Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Source: U.S. Census Bureau 2020 Census Data; Galveston County 2012-2021 Plan recreated; ESRI Base Map

By: Tony Fairfax  
Version 1

## **Appendix C**

### **Redistricting Criteria Comparison Reports**

#### **Standard Maptitude Data Reports**

**(Illustrative and 2012-2021 Commissioners Court Plans)**

1. Total Pop
2. Voting Age Population
3. Citizen Voting Age Population
4. Core Retention (Illustrative Only)
5. Contiguity
6. Compactness
7. VTD Splits
8. Census Places Splits
9. Landmark Splits
10. Census Places

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Population Summary

Thursday, December 22, 2022

11:33 PM

District	Population	Deviation	% Devn.	[Hispanic Origin]	NH_Wht	NH_DOJ_Blak	BlkLatTTL
1	85,408	-2,263	-2.58%	22,280	50,769	6,491	28,771
2	90,968	3,297	3.76%	19,787	56,467	8,210	27,997
3	84,559	-3,112	-3.55%	28,661	26,459	25,541	54,202
4	89,747	2,076	2.37%	17,908	57,663	5,395	23,303

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 84,559 to 90,968

Ratio Range: 0.08

Absolute Range: -3,112 to 3,297

Absolute Overall Range: 6,409

Relative Range: -3.55% to 3.76%

Relative Overall Range: 7.31%

Absolute Mean Deviation: 2,687.00

Relative Mean Deviation: 3.06%

Standard Deviation: 2,737.96

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Population Summary

Thursday, December 22, 2022

11:34 PM

District	Population	Deviation	% Devn.	[% Hispanic Origin]	[% NH_Wht]	[% NH_DOJ_Blak]	[BlkLatTTL%]
1	85,408	-2,263	-2.58%	26.09%	59.44%	7.6%	33.69%
2	90,968	3,297	3.76%	21.75%	62.07%	9.03%	30.78%
3	84,559	-3,112	-3.55%	33.89%	31.29%	30.2%	64.1%
4	89,747	2,076	2.37%	19.95%	64.25%	6.01%	25.97%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 84,559 to 90,968

Ratio Range: 0.08

Absolute Range: -3,112 to 3,297

Absolute Overall Range: 6,409

Relative Range: -3.55% to 3.76%

Relative Overall Range: 7.31%

Absolute Mean Deviation: 2,687.00

Relative Mean Deviation: 3.06%

Standard Deviation: 2,737.96

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Population Summary

Thursday, December 22, 2022

11:35 PM

District	Population	Deviation	% Devn.	[18+_Pop]	[H18+_Pop]	[NH18+_Wht]	[NH18+_DOJ_Blk]	BlkLat18
1	85,408	-2,263	-2.58%	65,748	14,934	41,774	4,583	19,517
2	90,968	3,297	3.76%	69,943	13,481	45,730	5,753	19,234
3	84,559	-3,112	-3.55%	65,074	19,894	22,920	19,147	39,041
4	89,747	2,076	2.37%	66,617	11,850	44,596	3,858	15,708

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 84,559 to 90,968

Ratio Range: 0.08

Absolute Range: -3,112 to 3,297

Absolute Overall Range: 6,409

Relative Range: -3.55% to 3.76%

Relative Overall Range: 7.31%

Absolute Mean Deviation: 2,687.00

Relative Mean Deviation: 3.06%

Standard Deviation: 2,737.96

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Population Summary

Thursday, December 22, 2022

11:36 PM

District	Population	Deviation	% Devn.	[18+_Pop]	[% H18+_Pop]	[% NH18+_Wht]	[% NH18+_DOJ_Blak]	[BlkLat18%]
1	85,408	-2,263	-2.58%	65,748	22.71%	63.54%	6.97%	29.68%
2	90,968	3,297	3.76%	69,943	19.27%	65.38%	8.23%	27.5%
3	84,559	-3,112	-3.55%	65,074	30.57%	35.22%	29.42%	59.99%
4	89,747	2,076	2.37%	66,617	17.79%	66.94%	5.79%	23.58%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range:	84,559 to 90,968
Ratio Range:	0.08
Absolute Range:	-3,112 to 3,297
Absolute Overall Range:	6,409
Relative Range:	-3.55% to 3.76%
Relative Overall Range:	7.31%
Absolute Mean Deviation:	2,687.00
Relative Mean Deviation:	3.06%
Standard Deviation:	2,737.96



User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Population Summary

Tuesday, January 10, 2023

9:47 PM

District	Population	Deviation	% Devn.	CVAP_TOT20	CVAP_HSP20	CVAP_WHT20	CVAP_BLK20	BlkLatCVP20
1	85,408	-2,263	-2.58%	60,618	12,166	41,189	5,299	17,465
2	90,968	3,297	3.76%	63,557	10,222	45,266	5,372	15,595
3	84,559	-3,112	-3.55%	57,864	14,099	24,637	17,816	31,914
4	89,747	2,076	2.37%	57,286	9,475	40,358	3,219	12,694

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 84,559 to 90,968

Ratio Range: 0.08

Absolute Range: -3,112 to 3,297

Absolute Overall Range: 6,409

Relative Range: -3.55% to 3.76%

Relative Overall Range: 7.31%

Absolute Mean Deviation: 2,687.00

Relative Mean Deviation: 3.06%

Standard Deviation: 2,737.96

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Population Summary

Tuesday, January 10, 2023

9:49 PM

District	Population	Deviation	% Devn.	CVAP_TOT20	CVAP_HSP20	CVAP_WHT20	CVAP_BLK20	[BlkLatCVP20 %]
1	85,408	-2,263	-2.58%	60,618	20.07%	67.95%	8.74%	28.81%
2	90,968	3,297	3.76%	63,557	16.08%	71.22%	8.45%	24.54%
3	84,559	-3,112	-3.55%	57,864	24.37%	42.58%	30.79%	55.15%
4	89,747	2,076	2.37%	57,286	16.54%	70.45%	5.62%	22.16%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range:	84,559 to 90,968
Ratio Range:	0.08
Absolute Range:	-3,112 to 3,297
Absolute Overall Range:	6,409
Relative Range:	-3.55% to 3.76%
Relative Overall Range:	7.31%
Absolute Mean Deviation:	2,687.00
Relative Mean Deviation:	3.06%
Standard Deviation:	2,737.96

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Core Constituencies

Thursday, December 22, 2022

11:42 PM

From Plan: **Galveston TX CP 2012 Plan**

### Plan: Galveston TX CP Illustrative Plan, District 1 -- 85,408 Total Population

	Population	[18+_Pop]	[H18+_Pop]	[NH18+_Wht]	[NH18+_DOJ_BlK]
Dist. 1	85,408 (100.00%)	65,748 (100.00%)	14,934 (100.00%)	41,774 (100.00%)	4,583 (100.00%)
Total and % Population		65,748 (76.98%)	14,934 (17.49%)	41,774 (48.91%)	4,583 (5.37%)

### Plan: Galveston TX CP Illustrative Plan, District 2 -- 90,968 Total Population

	Population	[18+_Pop]	[H18+_Pop]	[NH18+_Wht]	[NH18+_DOJ_BlK]
Dist. 2	90,968 (100.00%)	69,943 (100.00%)	13,481 (100.00%)	45,730 (100.00%)	5,753 (100.00%)
Total and % Population		69,943 (76.89%)	13,481 (14.82%)	45,730 (50.27%)	5,753 (6.32%)

### Plan: Galveston TX CP Illustrative Plan, District 3 -- 84,559 Total Population

	Population	[18+_Pop]	[H18+_Pop]	[NH18+_Wht]	[NH18+_DOJ_BlK]
Dist. 2	4,628 (5.47%)	3,796 (5.83%)	1,153 (5.80%)	2,165 (9.45%)	278 (1.45%)
Dist. 3	79,931 (94.53%)	61,278 (94.17%)	18,741 (94.20%)	20,755 (90.55%)	18,869 (98.55%)
Total and % Population		65,074 (76.96%)	19,894 (23.53%)	22,920 (27.11%)	19,147 (22.64%)

### Plan: Galveston TX CP Illustrative Plan, District 4 -- 89,747 Total Population

	Population	[18+_Pop]	[H18+_Pop]	[NH18+_Wht]	[NH18+_DOJ_BlK]
Dist. 4	89,747 (100.00%)	66,617 (100.00%)	11,850 (100.00%)	44,596 (100.00%)	3,858 (100.00%)
Total and % Population		66,617 (74.23%)	11,850 (13.20%)	44,596 (49.69%)	3,858 (4.30%)

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Contiguity Report

Friday, December 23, 2022

12:17 AM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Measures of Compactness Report

Thursday, December 22, 2022

1:33 PM

	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
Sum	N/A	N/A	N/A
Min	0.16	0.10	0.49
Max	0.39	0.30	0.73
Mean	0.29	0.19	0.62
Std. Dev.	0.10	0.09	0.11
<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
1	0.28	0.23	0.69
2	0.39	0.30	0.73
3	0.16	0.10	0.49
4	0.34	0.14	0.55

## Measures of Compactness Report

---

Galveston TX CP Illustrative PI

### Measures of Compactness Summary

<b>Reock</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Polsby-Popper</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Area / Convex Hull</b>	The measure is always between 0 and 1, with 1 being the most compact.

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Political Subdivision Splits Between Districts

Friday, December 23, 2022

12:17 AM

Number of subdivisions not split:

County	0
Voting District	78

Number of subdivisions split into more than one district:

County	1
Voting District	14

Number of splits involving no population:

County	0
Voting District	15

### Split Counts

#### *County*

Cases where an area is split among 4 Districts: 1

#### *Voting District*

Cases where an area is split among 2 Districts: 13

Cases where an area is split among 3 Districts: 1

County	Voting District	District	Population
<i>Split Counties:</i>			
Galveston TX		1	85,408
Galveston TX		2	90,968
Galveston TX		3	84,559
Galveston TX		4	89,747
<i>Split VTDs:</i>			
Galveston TX	000172	1	1,069
Galveston TX	000172	3	0
Galveston TX	000225	2	3,715
Galveston TX	000225	3	0
Galveston TX	000276	2	3,095
Galveston TX	000276	3	0
Galveston TX	000309	2	0
Galveston TX	000309	3	138
Galveston TX	000311	1	0
Galveston TX	000311	3	4,883
Galveston TX	000330	2	0
Galveston TX	000330	3	5,357
Galveston TX	000334	2	0
Galveston TX	000334	3	2,594
Galveston TX	000338	1	0
Galveston TX	000338	3	9,063
Galveston TX	000399	3	733
Galveston TX	000399	4	0

**Political Subdivision Splits Between Districts**

Galveston TX CP Illustrative PI

<b>County</b>	<b>Voting District</b>	<b>District</b>	<b>Population</b>
Galveston TX	000453	1	0
Galveston TX	000453	3	0
Galveston TX	000453	4	9,217
Galveston TX	000454	3	0
Galveston TX	000454	4	7,221
Galveston TX	000482	2	0
Galveston TX	000482	4	407
Galveston TX	000488	2	0
Galveston TX	000488	4	6,205
Galveston TX	001051	1	824
Galveston TX	001051	3	0



User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Communities of Interest (Landscape, 11x8.5)

Friday, December 23, 2022

12:18 AM

Census Place	District	Population	%
Dickinson TX	1	4,942	23.7
Dickinson TX	2	4,022	19.3
Dickinson TX	3	6,241	29.9
Dickinson TX	4	5,642	27.1
Galveston TX	1	1,511	2.8
Galveston TX	2	17,564	32.7
Galveston TX	3	34,620	64.5
Hitchcock TX	2	4,707	64.5
Hitchcock TX	3	2,594	35.5
La Marque TX	2	8,512	47.2
La Marque TX	3	9,518	52.8
League City TX	1	32,828	29.4
League City TX	2	24,918	22.3
League City TX	3	750	0.7
League City TX	4	53,369	47.7
Texas City TX	1	20,940	40.4
Texas City TX	2	2,882	5.6
Texas City TX	3	28,076	54.1
Texas City TX	4	0	0.0

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP Illustrative PI

<b>Census Place</b>	<b>-- Listed by District</b>	
	Population	%
Dickinson TX (part)	4,942	23.7
Galveston TX (part)	1,511	2.8
League City TX (part)	32,828	29.4
Seabrook TX	0	0.0
Texas City TX (part)	20,940	40.4

---

<b>District 1 Totals</b>	<b>81,867</b>	
Dickinson TX (part)	4,022	19.3
Galveston TX (part)	17,564	32.7
Hitchcock TX (part)	4,707	64.5
La Marque TX (part)	8,512	47.2
League City TX (part)	24,918	22.3
Texas City TX (part)	2,882	5.6

---

<b>District 2 Totals</b>	<b>79,287</b>	
Dickinson TX (part)	6,241	29.9
Galveston TX (part)	34,620	64.5
Hitchcock TX (part)	2,594	35.5
La Marque TX (part)	9,518	52.8
League City TX (part)	750	0.7
Texas City TX (part)	28,076	54.1

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<b>District 3 Totals</b>	<b>81,799</b>	
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## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP Illustrative PI

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	Population	%
Dickinson TX (part)	5,642	27.1
League City TX (part)	53,369	47.7
Texas City TX (part)	0	0.0

---

**District 4 Totals**                      **89,506**

## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP Illustrative PI

---

### Summary Statistics

Number of Census Place not split	11
Number of Census Place split	6
Number of Census Place split in 2	2
Number of Census Place split in 3	1
Number of Census Place split in 4	3
Total number of splits	19

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Communities of Interest (Landscape, 11x8.5)

Friday, December 23, 2022

1:10 PM

Landmark Area	District	Population	%
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**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP Illustrative PI

Landmark Area	-- Listed by District	
	Population	%
Bayou Golf Course	0	0.0
<b>District 1 Totals</b>	<b>783</b>	
North Deer Is	0	0.0
South Deer Is	0	0.0
<b>District 2 Totals</b>	<b>73</b>	
University of Texas Medical Colg	0	0.0
<b>District 3 Totals</b>	<b>858</b>	
<b>District 4 Totals</b>	<b>52</b>	

## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP Illustrative PI

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### Summary Statistics

Number of Landmark Area not split	13
Number of Landmark Area split	3
Number of Landmark Area split in 2	3
Total number of splits	6

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Communities of Interest (Landscape, 11x8.5)

Friday, December 23, 2022

1:05 PM

Census Place	District	Population	%
Bacliff TX	1	9,677	100.0
Bayou Vista TX	2	1,763	100.0
Bolivar Peninsula TX	1	2,769	100.0
Clear Lake Shores TX	1	1,258	100.0
Dickinson TX	1	4,942	23.7
Dickinson TX	2	4,022	19.3
Dickinson TX	3	6,241	29.9
Dickinson TX	4	5,642	27.1
Friendswood TX	4	30,495	100.0
Galveston TX	1	1,511	2.8
Galveston TX	2	17,564	32.7
Galveston TX	3	34,620	64.5
Hitchcock TX	2	4,707	64.5
Hitchcock TX	3	2,594	35.5
Jamaica Beach TX	2	1,078	100.0
Kemah TX	1	1,807	100.0
La Marque TX	2	8,512	47.2
La Marque TX	3	9,518	52.8
League City TX	1	32,828	29.4
League City TX	2	24,918	22.3
League City TX	3	750	0.7



**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP Illustrative PI

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Census Place	District	Population	%
League City TX	4	53,369	47.7
San Leon TX	1	6,135	100.0
Santa Fe TX	2	12,735	100.0
Seabrook TX	1	0	0.0
Texas City TX	1	20,940	40.4
Texas City TX	2	2,882	5.6
Texas City TX	3	28,076	54.1
Texas City TX	4	0	0.0
Tiki Island TX	2	1,106	100.0

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP Illustrative PI

<b>Census Place</b>	<b>-- Listed by District</b>	
	Population	%
<b><i>District 1</i></b>		
Bacliff TX	9,677	100.0
Bolivar Peninsula TX	2,769	100.0
Clear Lake Shores TX	1,258	100.0
Dickinson TX (part)	4,942	23.7
Galveston TX (part)	1,511	2.8
Kemah TX	1,807	100.0
League City TX (part)	32,828	29.4
San Leon TX	6,135	100.0
Seabrook TX	0	0.0
Texas City TX (part)	20,940	40.4
<b>District 1 Totals</b>	<b>81,867</b>	

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP Illustrative PI

	Population	%
<b><i>District 2</i></b>		
Bayou Vista TX	1,763	100.0
Dickinson TX (part)	4,022	19.3
Galveston TX (part)	17,564	32.7
Hitchcock TX (part)	4,707	64.5
Jamaica Beach TX	1,078	100.0
La Marque TX (part)	8,512	47.2
League City TX (part)	24,918	22.3
Santa Fe TX	12,735	100.0
Texas City TX (part)	2,882	5.6
Tiki Island TX	1,106	100.0
<b>District 2 Totals</b>	<b>79,287</b>	
<b><i>District 3</i></b>		
Dickinson TX (part)	6,241	29.9
Galveston TX (part)	34,620	64.5
Hitchcock TX (part)	2,594	35.5
La Marque TX (part)	9,518	52.8
League City TX (part)	750	0.7
Texas City TX (part)	28,076	54.1
<b>District 3 Totals</b>	<b>81,799</b>	

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP Illustrative PI

	Population	%
<b><i>District 4</i></b>		
Dickinson TX (part)	5,642	27.1
Friendswood TX	30,495	100.0
League City TX (part)	53,369	47.7
Texas City TX (part)	0	0.0
<b>District 4 Totals</b>	<b>89,506</b>	

## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP Illustrative PI

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### Summary Statistics

Number of Census Place not split	11
Number of Census Place split	6
Number of Census Place split in 2	2
Number of Census Place split in 3	1
Number of Census Place split in 4	3
Total number of splits	19

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Population Summary

Friday, December 23, 2022

1:58 PM

District	Population	Deviation	% Devn.	[Hispanic Origin]	NH_Wht	NH_DOJ_Blk	BlkLatTTL
1	85,408	-2,263	-2.58%	22,280	50,769	6,491	28,771
2	95,596	7,925	9.04%	21,319	58,916	8,608	29,927
3	79,931	-7,740	-8.83%	27,129	24,010	25,143	52,272
4	89,747	2,076	2.37%	17,908	57,663	5,395	23,303

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 79,931 to 95,596

Ratio Range: 0.20

Absolute Range: -7,740 to 7,925

Absolute Overall Range: 15,665

Relative Range: -8.83% to 9.04%

Relative Overall Range: 17.87%

Absolute Mean Deviation: 5,001.00

Relative Mean Deviation: 5.70%

Standard Deviation: 5,747.70

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Population Summary

Friday, December 23, 2022

1:59 PM

District	Population	Deviation	% Devn.	[% Hispanic Origin]	[% NH_Wht]	[% NH_DOJ_Blak]	[BlkLatTTL%]
1	85,408	-2,263	-2.58%	26.09%	59.44%	7.6%	33.69%
2	95,596	7,925	9.04%	22.3%	61.63%	9%	31.31%
3	79,931	-7,740	-8.83%	33.94%	30.04%	31.46%	65.4%
4	89,747	2,076	2.37%	19.95%	64.25%	6.01%	25.97%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 79,931 to 95,596

Ratio Range: 0.20

Absolute Range: -7,740 to 7,925

Absolute Overall Range: 15,665

Relative Range: -8.83% to 9.04%

Relative Overall Range: 17.87%

Absolute Mean Deviation: 5,001.00

Relative Mean Deviation: 5.70%

Standard Deviation: 5,747.70

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Population Summary

Friday, December 23, 2022

2:00 PM

District	Population	Deviation	% Devn.	[18+_Pop]	[H18+_Pop]	[NH18+_Wht]	[NH18+_DOJ_Blak]	BlkLat18
1	85,408	-2,263	-2.58%	65,748	14,934	41,774	4,583	19,517
2	95,596	7,925	9.04%	73,739	14,634	47,895	6,031	20,665
3	79,931	-7,740	-8.83%	61,278	18,741	20,755	18,869	37,610
4	89,747	2,076	2.37%	66,617	11,850	44,596	3,858	15,708

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 79,931 to 95,596

Ratio Range: 0.20

Absolute Range: -7,740 to 7,925

Absolute Overall Range: 15,665

Relative Range: -8.83% to 9.04%

Relative Overall Range: 17.87%

Absolute Mean Deviation: 5,001.00

Relative Mean Deviation: 5.70%

Standard Deviation: 5,747.70



User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Population Summary

Friday, December 23, 2022

2:01 PM

District	Population	Deviation	% Devn.	[18+_Pop]	[% H18+_Pop]	[% NH18+_Wht]	[% NH18+_DOJ_Blak]	[BlkLat18%]
1	85,408	-2,263	-2.58%	65,748	22.71%	63.54%	6.97%	29.68%
2	95,596	7,925	9.04%	73,739	19.85%	64.95%	8.18%	28.02%
3	79,931	-7,740	-8.83%	61,278	30.58%	33.87%	30.79%	61.38%
4	89,747	2,076	2.37%	66,617	17.79%	66.94%	5.79%	23.58%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range:	79,931 to 95,596
Ratio Range:	0.20
Absolute Range:	-7,740 to 7,925
Absolute Overall Range:	15,665
Relative Range:	-8.83% to 9.04%
Relative Overall Range:	17.87%
Absolute Mean Deviation:	5,001.00
Relative Mean Deviation:	5.70%
Standard Deviation:	5,747.70

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Population Summary

Wednesday, January 11, 2023

11:54 AM

District	Population	Deviation	% Devn.	CVAP_TOT20	CVAP_HSP20	CVAP_WHT20	CVAP_BLK20	BlkLatCVP20
1	85,408	-2,263	-2.58%	60,618	12,166	41,189	5,299	17,465
2	95,596	7,925	9.04%	66,888	11,116	47,324	5,704	16,819
3	79,931	-7,740	-8.83%	54,534	13,205	22,579	17,484	30,689
4	89,747	2,076	2.37%	57,286	9,475	40,358	3,219	12,694

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range: 79,931 to 95,596

Ratio Range: 0.20

Absolute Range: -7,740 to 7,925

Absolute Overall Range: 15,665

Relative Range: -8.83% to 9.04%

Relative Overall Range: 17.87%

Absolute Mean Deviation: 5,001.00

Relative Mean Deviation: 5.70%

Standard Deviation: 5,747.70

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Population Summary

Wednesday, January 11, 2023

11:56 AM

District	Population	Deviation	% Devn.	CVAP_TOT20	CVAP_HSP20	CVAP_WHT20	CVAP_BLK20	[BlkLatCVP20 %]
1	85,408	-2,263	-2.58%	60,618	20.07%	67.95%	8.74%	28.81%
2	95,596	7,925	9.04%	66,888	16.62%	70.75%	8.53%	25.15%
3	79,931	-7,740	-8.83%	54,534	24.21%	41.4%	32.06%	56.28%
4	89,747	2,076	2.37%	57,286	16.54%	70.45%	5.62%	22.16%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range:	79,931 to 95,596
Ratio Range:	0.20
Absolute Range:	-7,740 to 7,925
Absolute Overall Range:	15,665
Relative Range:	-8.83% to 9.04%
Relative Overall Range:	17.87%
Absolute Mean Deviation:	5,001.00
Relative Mean Deviation:	5.70%
Standard Deviation:	5,747.70

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Contiguity Report

Friday, December 23, 2022

2:10 PM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Measures of Compactness Report

Thursday, December 22, 2022

1:12 PM

	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
Sum	N/A	N/A	N/A
Min	0.16	0.09	0.48
Max	0.39	0.28	0.71
Mean	0.29	0.19	0.61
Std. Dev.	0.10	0.09	0.11
<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
1	0.28	0.23	0.69
2	0.39	0.28	0.71
3	0.16	0.09	0.48
4	0.34	0.14	0.55

## Measures of Compactness Report

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Galveston TX CP 2012 Plan

### Measures of Compactness Summary

<b>Reock</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Polsby-Popper</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Area / Convex Hull</b>	The measure is always between 0 and 1, with 1 being the most compact.

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Political Subdivision Splits Between Districts

Friday, December 23, 2022

2:13 PM

Number of subdivisions not split:

County	0
Voting District	78

Number of subdivisions split into more than one district:

County	1
Voting District	14

Number of splits involving no population:

County	0
Voting District	15

### Split Counts

#### *County*

Cases where an area is split among 4 Districts: 1

#### *Voting District*

Cases where an area is split among 2 Districts: 13

Cases where an area is split among 3 Districts: 1

County	Voting District	District	Population
<i>Split Counties:</i>			
Galveston TX		1	85,408
Galveston TX		2	95,596
Galveston TX		3	79,931
Galveston TX		4	89,747
<i>Split VTDs:</i>			
Galveston TX	000172	1	1,069
Galveston TX	000172	3	0
Galveston TX	000225	2	3,715
Galveston TX	000225	3	0
Galveston TX	000276	2	3,095
Galveston TX	000276	3	0
Galveston TX	000309	2	0
Galveston TX	000309	3	138
Galveston TX	000311	1	0
Galveston TX	000311	3	4,883
Galveston TX	000330	2	0
Galveston TX	000330	3	5,357
Galveston TX	000334	2	0
Galveston TX	000334	3	2,594
Galveston TX	000338	1	0
Galveston TX	000338	3	9,063
Galveston TX	000399	3	733
Galveston TX	000399	4	0

**Political Subdivision Splits Between Districts**

Galveston TX CP 2012 Plan

<b>County</b>	<b>Voting District</b>	<b>District</b>	<b>Population</b>
Galveston TX	000453	1	0
Galveston TX	000453	3	0
Galveston TX	000453	4	9,217
Galveston TX	000454	3	0
Galveston TX	000454	4	7,221
Galveston TX	000482	2	0
Galveston TX	000482	4	407
Galveston TX	000488	2	0
Galveston TX	000488	4	6,205
Galveston TX	001051	1	824
Galveston TX	001051	3	0



User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Communities of Interest (Landscape, 11x8.5)

Friday, December 23, 2022

2:19 PM

Census Place	District	Population	%
Dickinson TX	1	4,942	23.7
Dickinson TX	2	4,022	19.3
Dickinson TX	3	6,241	29.9
Dickinson TX	4	5,642	27.1
Galveston TX	1	1,511	2.8
Galveston TX	2	22,192	41.3
Galveston TX	3	29,992	55.9
Hitchcock TX	2	4,707	64.5
Hitchcock TX	3	2,594	35.5
La Marque TX	2	8,512	47.2
La Marque TX	3	9,518	52.8
League City TX	1	32,828	29.4
League City TX	2	24,918	22.3
League City TX	3	750	0.7
League City TX	4	53,369	47.7
Texas City TX	1	20,940	40.4
Texas City TX	2	2,882	5.6
Texas City TX	3	28,076	54.1
Texas City TX	4	0	0.0

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP 2012 Plan

<b>Census Place</b>	<b>-- Listed by District</b>	
	Population	%
Dickinson TX (part)	4,942	23.7
Galveston TX (part)	1,511	2.8
League City TX (part)	32,828	29.4
Seabrook TX	0	0.0
Texas City TX (part)	20,940	40.4

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<b>District 1 Totals</b>	<b>81,867</b>	
Dickinson TX (part)	4,022	19.3
Galveston TX (part)	22,192	41.3
Hitchcock TX (part)	4,707	64.5
La Marque TX (part)	8,512	47.2
League City TX (part)	24,918	22.3
Texas City TX (part)	2,882	5.6

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<b>District 2 Totals</b>	<b>83,915</b>	
Dickinson TX (part)	6,241	29.9
Galveston TX (part)	29,992	55.9
Hitchcock TX (part)	2,594	35.5
La Marque TX (part)	9,518	52.8
League City TX (part)	750	0.7
Texas City TX (part)	28,076	54.1

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<b>District 3 Totals</b>	<b>77,171</b>	
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## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP 2012 Plan

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	Population	%
Dickinson TX (part)	5,642	27.1
League City TX (part)	53,369	47.7
Texas City TX (part)	0	0.0

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**District 4 Totals**                      **89,506**

## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP 2012 Plan

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### Summary Statistics

Number of Census Place not split	11
Number of Census Place split	6
Number of Census Place split in 2	2
Number of Census Place split in 3	1
Number of Census Place split in 4	3
Total number of splits	19

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Communities of Interest (Landscape, 11x8.5)

Friday, December 23, 2022

2:12 PM

Landmark Area	District	Population	%
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**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP 2012 Plan

Landmark Area	-- Listed by District	
	Population	%
Bayou Golf Course	0	0.0
<b>District 1 Totals</b>	<b>783</b>	
North Deer Is	0	0.0
South Deer Is	0	0.0
<b>District 2 Totals</b>	<b>73</b>	
University of Texas Medical Colg	0	0.0
<b>District 3 Totals</b>	<b>858</b>	
<b>District 4 Totals</b>	<b>52</b>	

## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP 2012 Plan

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### Summary Statistics

Number of Landmark Area not split	13
Number of Landmark Area split	3
Number of Landmark Area split in 2	3
Total number of splits	6

User: Tony Fairfax

Plan Name: Galveston TX CP 2012 Plan

Plan Type: Commissioner Precincts

## Communities of Interest (Landscape, 11x8.5)

Friday, December 23, 2022

2:20 PM

Census Place	District	Population	%
Bacliff TX	1	9,677	100.0
Bayou Vista TX	2	1,763	100.0
Bolivar Peninsula TX	1	2,769	100.0
Clear Lake Shores TX	1	1,258	100.0
Dickinson TX	1	4,942	23.7
Dickinson TX	2	4,022	19.3
Dickinson TX	3	6,241	29.9
Dickinson TX	4	5,642	27.1
Friendswood TX	4	30,495	100.0
Galveston TX	1	1,511	2.8
Galveston TX	2	22,192	41.3
Galveston TX	3	29,992	55.9
Hitchcock TX	2	4,707	64.5
Hitchcock TX	3	2,594	35.5
Jamaica Beach TX	2	1,078	100.0
Kemah TX	1	1,807	100.0
La Marque TX	2	8,512	47.2
La Marque TX	3	9,518	52.8
League City TX	1	32,828	29.4
League City TX	2	24,918	22.3
League City TX	3	750	0.7



**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP 2012 Plan

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Census Place	District	Population	%
League City TX	4	53,369	47.7
San Leon TX	1	6,135	100.0
Santa Fe TX	2	12,735	100.0
Seabrook TX	1	0	0.0
Texas City TX	1	20,940	40.4
Texas City TX	2	2,882	5.6
Texas City TX	3	28,076	54.1
Texas City TX	4	0	0.0
Tiki Island TX	2	1,106	100.0

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP 2012 Plan

<b>Census Place</b>	<b>-- Listed by District</b>	
	Population	%
<b><i>District 1</i></b>		
Bacliff TX	9,677	100.0
Bolivar Peninsula TX	2,769	100.0
Clear Lake Shores TX	1,258	100.0
Dickinson TX (part)	4,942	23.7
Galveston TX (part)	1,511	2.8
Kemah TX	1,807	100.0
League City TX (part)	32,828	29.4
San Leon TX	6,135	100.0
Seabrook TX	0	0.0
Texas City TX (part)	20,940	40.4
<b>District 1 Totals</b>	<b>81,867</b>	

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP 2012 Plan

	Population	%
<b><i>District 2</i></b>		
Bayou Vista TX	1,763	100.0
Dickinson TX (part)	4,022	19.3
Galveston TX (part)	22,192	41.3
Hitchcock TX (part)	4,707	64.5
Jamaica Beach TX	1,078	100.0
La Marque TX (part)	8,512	47.2
League City TX (part)	24,918	22.3
Santa Fe TX	12,735	100.0
Texas City TX (part)	2,882	5.6
Tiki Island TX	1,106	100.0
<b>District 2 Totals</b>	<b>83,915</b>	
<b><i>District 3</i></b>		
Dickinson TX (part)	6,241	29.9
Galveston TX (part)	29,992	55.9
Hitchcock TX (part)	2,594	35.5
La Marque TX (part)	9,518	52.8
League City TX (part)	750	0.7
Texas City TX (part)	28,076	54.1
<b>District 3 Totals</b>	<b>77,171</b>	

**Communities of Interest (Landscape, 11x8.5)**

Galveston TX CP 2012 Plan

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	Population	%
<b><i>District 4</i></b>		
Dickinson TX (part)	5,642	27.1
Friendswood TX	30,495	100.0
League City TX (part)	53,369	47.7
Texas City TX (part)	0	0.0
<b>District 4 Totals</b>	<b>89,506</b>	

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## Communities of Interest (Landscape, 11x8.5)

Galveston TX CP 2012 Plan

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### Summary Statistics

Number of Census Place not split	11
Number of Census Place split	6
Number of Census Place split in 2	2
Number of Census Place split in 3	1
Number of Census Place split in 4	3
Total number of splits	19

# Exhibit 7

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY JAMES  
and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS, and  
HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

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Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston County  
Judge,

*Defendants.*

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Civil Action No. 3:22-cv-93

DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

§  
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§

Civil Action No. 3:22-cv-117

*Plaintiffs,* §  
§  
§  
v. §  
§  
GALVESTON COUNTY, TEXAS, §  
HONORABLE MARK HENRY, in §  
his official capacity as Galveston County §  
Judge, and DWIGHT D. SULLIVAN, in §  
his official capacity as Galveston County §  
Clerk §  
*Defendants.* §  
§

**DEFENDANTS’ SECOND SUPPLEMENTAL AND  
AMENDED RESPONSES TO THE UNITED STATES’ FIRST  
SET OF INTERROGATORIES**

**PRELIMINARY STATEMENT AND GENERAL  
OBJECTIONS**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendants Galveston County, Texas, the Galveston County Commissioners Court, and County Judge Mark Henry (collectively “Defendants”) respond to Plaintiff U.S. Department of Justice’s (“Plaintiff”) First Set of Interrogatories to Defendants.

**GENERAL STATEMENT AND OBJECTIONS**

Defendants make the following general objections to Plaintiff’s First Set of Interrogatories, which apply to each interrogatory regardless of whether the general objections are expressly incorporated into the specific objections below:

1. Defendants object to the extent that Plaintiff’s definitions and instructions purport to impose obligations different from or additional to the requirements of the Federal Rules of Civil Procedure, or to limit the discretion of responding parties under the Federal Rules of Civil Procedure.
2. Defendants object to the First Set of Interrogatories to the extent they are overly broad,



unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.

3. Defendants object to the First Set of Interrogatories to the extent they seek to elicit information or evidence otherwise protected by the attorney-client privilege, the work-product privilege, the legislative privilege, or any other applicable privilege recognized under Texas or federal law.
4. Defendants object to the First Set of Interrogatories to the extent they seek to elicit information that is in the public domain or already in Plaintiff's possession, and therefore of no greater burden for Plaintiff than for the Defendants to obtain.
5. Defendants object to the First Set of Interrogatories to the extent they seek publicly available information, statements, or documents that speak for themselves and require neither a response nor a denial from any party.
6. Defendants object to the First Set of Interrogatories to the extent that they seek data or information not within their possession, custody, or control, and should be directed to a different party or third-party.
7. Unless otherwise specified, Defendants stand on their General Objections, the following Objections to the Definitions, Objections to the Instructions, and the below-stated specific objections without expressly admitting or denying any fact.

### **OBJECTIONS TO THE DEFINITIONS**

Defendants make the following objections to the "Definitions" section of Plaintiff's First Set of Interrogatories, which apply to each request regardless of whether these objections are expressly incorporated into the specific objections below:

1. Defendants object to Plaintiff's definitions to the extent that they seek to impose any requirements or obligations in addition to or different from those in the Federal Rules of

Civil Procedure, the Local Rules of this Court, any stipulation or agreement of the parties, any order of this Court, or any other rules applicable to this action.

### **OBJECTIONS TO THE INSTRUCTIONS**

Defendants make the following objections to the “Instructions” section of Plaintiff’s First Set of Interrogatories, which apply to each interrogatory regardless of whether these objections are expressly incorporated into the specific objections below:

1. Defendants object to Plaintiff’s instructions to the extent they seek to impose any requirements or obligations in addition to or different from those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, any stipulation or agreement of the parties, any order of this Court, or any other rules applicable to this action.
2. Defendants object to the instructions to the extent they purport to require answers based on information in the possession of hundreds of employees, staff, members, officers, directors, agents, or representatives—both “current” and “former”—who happen to have at one time been associated with any of the Defendants.

### **RESPONSES TO INTERROGATORIES**

#### **Interrogatory No. 1**

Identify all factors that the Galveston County Commissioners Court considered in adopting the 2021 redistricting plan.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants do not have any facial objections to this interrogatory. Defendants reserve the right to supplement this response with objections that are based upon a further review of

the documents.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 1 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants state that the Galveston County Commissioners Court considered the following factors in adopting the 2021 redistricting plan:

1. The first factor considered was compliance with the requirements under the Fourteenth Amendment to the U.S. Constitution and the Voting Rights Act. In particular, the most important factor in crafting the redistricting lines for the Commissioners Court precincts was the equalization of population and to make the four Commissioners Court precincts geographically sound. The northern portion of Galveston County experienced substantial growth during the previous decade and this caused a population imbalance among the four Commissioners Court precincts. The population imbalance needed to be corrected. For example, Commissioners Court Precinct 3 was already underpopulated under the 2012-2021 map. The population growth in the northern part of the county made Commissioners Court Precinct 3 even more underpopulated. The Commissioners Court wanted to correct this population imbalance and account for the substantial growth in the northern part of the county.
2. The second factor that the Commissioners Court considered was unified

representation on Galveston Island and the Bolivar Peninsula. Under the Commissioners Court precinct map from 2012 to 2021, Galveston Island and the Bolivar Peninsula was carved into three Commissioners Court precincts. This caused confusion among the residents of Galveston Island and the Bolivar Peninsula as residents did not know which Commissioner to contact for constituency service purposes. Having Galveston Island and the Bolivar Peninsula under one Commissioner would help both the residents of the Island and Peninsula and the Commissioners Court in addressing the unique issues presented in those locations. DEFS00003811. Additionally, it was important to unify Galveston Island itself and to unify the Island with the Bolivar Peninsula, which are the primary areas involving projects administered by the Texas General Land Office, so that one office, and one Commissioner, can handle the unique issues presented on the Island and Peninsula, such as dune and general environmental protection and conservation, seawall maintenance, beach erosion, and problems posed by oil and gas wellheads.

3. The third factor considered was the compactness of the Commissioners Court precincts. The Commissioners wanted a map that was geographically compact. The goal was to have a map that made geographical sense, a geographically sound map. There was a sense that the prior map looked gerrymandered.
4. The fourth factor considered was minimizing the splitting of voting precincts.
5. The fifth factor considered was once factors one through four were achieved, the Commissioners wanted a precinct that included their residence.
6. The sixth factor considered by Commissioners was the partisan composition of their districts.

**Second Supplemental Answer:** Without waiving any of the objections stated above, Defendants incorporate all previous answers to this Interrogatory and add the following:

In addition to the six factors referenced above, Judge Henry and the Commissioners also wanted to adopt a map that would be clear and easy to understand by the public. As Commissioner Giusti testified in his deposition, the Commissioners Court precinct boundaries under the Benchmark Plan were confusing “as to where precincts started and where they ended.” Giusti Dep. 53:17-19. Adopting Commissioner Precinct lines that made it easier for the public to know what precinct they lived in was therefore a priority.

**Interrogatory No. 2**

For each factor identified in response to Interrogatory No. 1, describe in detail how the 2021 redistricting plan serves that factor.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants object that this interrogatory is a contention interrogatory. Defendants object that it calls for the information protected under the attorney-work product doctrine. Defendants will respond to this interrogatory by the close of discovery.

Defendants further object to the extent Interrogatory No. 2 exceeds the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 2 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to

an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants state that Galveston County's 2021 redistricting plan serves the above factors identified in response to Interrogatory No. 1 in the following ways:

When the Commissioners Court began redistricting, the current map in effect from 2012-2021 had a population deviation of 17.9%. This was largely due to the substantial increase in population in the northern part of the county. The Commissioners Court needed to adjust the map to reflect the substantial shifts in population and to correct the population imbalance. The enacted map successfully achieves the first factor because it equalizes the population among the four Commissioners Court precincts. The current population deviation in the enacted map is 1.1%. See DEFS00011898. This map has a lower population deviation than Map Proposal 1 which had a population deviation of 2.5%. See DEFS00011898. The enacted map also accounts for the substantial increase of the population in the northern part of the county.

The enacted map successfully achieves the second factor because it unites Galveston Island with itself and also unites the Island and Bolivar Peninsula into one Commissioners Court precinct, Commissioners Court Precinct 2. Under the prior map, Galveston Island and Bolivar Peninsula were split into Commissioners Court Precincts 1, 2, and 3. Additionally, Map Proposal 1 still split Galveston Island and the Bolivar Peninsula into two Commissioners Court precincts, namely Commissioners Court Precincts 2 and 3. Reducing the split from three to one maintains the community of interest on Galveston Island and Bolivar Peninsula.

The enacted map successfully achieves compactness, the third factor, because it visually

makes sense and looks less like a gerrymander than the 2012 map. For example, the current map does not carve out and separate the middle of Galveston Island from its eastern and western regions.

The enacted map successfully achieves the fourth factor because it splits nine voting precincts out of a total 96 precincts. The enacted map had the same number of splits as Map Proposal 1.

The enacted plan successfully achieves the fifth factor because the Commissioners live in each of their Commissioners Court precincts.

Finally, the enacted plan, to some extent as a consequence of achieving these other factors, reflects the partisan composition of Galveston County. It is therefore the more favorable option of the two.

**Second Supplemental Answer:** Without waiving any of the objections stated above, Defendants incorporate all previous answers to this Interrogatory and add the following, based on the analysis provided by Defendants' expert Dr. Mark Owens in his amended report of March 31, 2023:

With respect to the third factor identified in response to Interrogatory 1 above, the enacted plan achieves compactness because it takes into account the shifts in population and demographics reflected in the 2020 U.S. Census. Meanwhile, Map Proposal 1 and all of the illustrative plans presented by Plaintiffs' experts during discovery fail to account for those shifts and instead try to connect pockets of Black and Latino voters at the expense of creating a compact Commissioner Precinct 3.

The reality is that Census blocks in Galveston County with the highest Black Citizen Voting Age Population ("BCVAP") percentage (i.e., those where the BCVAP is greater than

46%) are concentrated in the northern and southern portions of the county. Expert Report of Mark Owens, at 12. The distance from the northern-most census blocks with high BCVAP concentration to the southern-most census blocks with high BCVAP concentration on Galveston Island is 21 miles, point to point. *Id.* Regarding the county's Hispanic Citizen Voting Age Population ("HCVAP"), the heaviest populated Latino Census blocks (where HCVAP is greater than 46%) are concentrated in the northeast and southeastern portions of the County. Latino voters are not highly concentrated in the central portion of Galveston County. *Id.* at 7. The same is true for the county's voting tabulation districts ("VTD"): the most heavily Hispanic VTDs are concentrated in the northwest corner of the county around Dickenson and League City and the southeast portion of the county near the Gulf Coast of Galveston City, a distance of 24.8 miles. *Id.* at 8.

**Interrogatory No. 3**

Identify and describe in detail each redistricting proposal, including any map, whether partial or complete, or in any other format, that would have resulted in the modification of any boundary of any commissioners court precinct in the previous plan, either publicly or privately considered or supported on or after January 1, 2020, by any member of the Galveston County Commissioners Court, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to the control of any member of the commissioners court, and explain the reasons, justifications, and rationales, for any such support.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants object that this interrogatory, particularly the portion that requires



a description of any redistricting plan that was “privately considered,” requires breaching the Texas Speech or Debate Clause privilege and the deliberative process privilege. It also requires breaching the attorney-client privilege if a redistricting proposal was privately considered with counsel. Defendants object to the term “would have” as vague and ambiguous. Defendants are unsure how something “would have resulted in a modification”—it either did or did not result in a modification. Defendants are not required to answer Interrogatories in a hypothetical setting.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

**First Supplemental Objection:** In addition to the objections outlined above, Defendants assert that the content of the conversations with Mr. Oldham and Mr. Ready identified in the First Supplemental Answer below are privileged and protected under the attorney-client privilege. The content of these communications is also protected under the legislative privilege doctrine and the deliberative process privilege.

Defendants also assert that the conversations held between attorneys at Holtzman Vogel, Mr. Oldham, and Mr. Bryan are protected under the attorney-client privilege and the attorney work-product doctrine.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 3 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:**

There were three maps considered by agents of the Commissioners Court and not disseminated to or shared with the Commissioners. The law firm of Holtzman Vogel was officially retained on April 5, 2021. See DEFS00011720 – DEFS00011722. Holtzman Vogel was retained to “provide legal representation and advice regarding redistricting in Galveston County, Texas, including provision of a technical expert to draw the map. The firm will be associated with Dale Oldham, P.C. in representation on this matter.”

On or about October 15, 2021, Holtzman Vogel began working with Thomas Bryan to serve as a technical expert to assist Mr. Oldham in the provision of legal advice. See DEFS00011236. Thomas Bryan prepared three initial maps at the direction of Dale Oldham for the primary purpose of assisting Mr. Oldham in conducting legal analysis and rendering legal advice to the Commissioners. These three maps were created on or about October 17, 2021.

The first maps that were shown to the Galveston County Commissioners were named Map Proposal 1 and Map Proposal 2. Mr. Bryan drew the first draft of Map Proposals 1 and 2 on or about October 19, 2021. On or about October 19, 2021, upon information and belief, Mr. Oldham met in person with the Commissioners and showed Map Proposals 1 and 2 to the Commissioners while Mr. Bryan participated remotely. Mr. Oldham solicited feedback from each Commissioner. Each Commissioner met with Mr. Oldham either separately or in pairs of two. If the latter, and upon information and belief, Commissioner Holmes and Commissioner Giusti reviewed the maps together and, at a separate time, Commissioner Clark and Commissioner Apffel reviewed the maps together. This information was used to formulate Mr. Oldham’s legal opinions about what was and what was not feasible. This information was then used to instruct Mr. Bryan in adjusting these two map proposals. See DEFS00016942; DEFS00011245; DEFS00011246; DEFS00011032 – DEFS00011033.

On or about October 21, 2021, Dale Oldham, Tom Bryan, and Phil Gordon held a Zoom call to conduct legal analysis of Mr. Bryan's updated versions of Map Proposal 1 and Map Proposal 2. The title for the meeting was "Take 2." See DEFS00011247, DEFS00011248. Mr. Oldham and Mr. Gordon provided legal analysis of the maps.

On October 22, 2021, Dale Oldham, Paul Ready, Thomas Bryan, Zach Davidson, and Jedd Webb held a Zoom conference call to discuss the Commissioners Court precinct redistricting process. See DEFS00018655. On the same day, there appears to have been a Zoom conference call between Commissioner Holmes and Jedd Webb, also to discuss redistricting. See DEFS00016263. Additionally, there appears to have been a Zoom call between Commissioner Clark and Mr. Webb to discuss redistricting. See DEFS00011695.

On or about October 26, 2021, at the direction of Mr. Oldham, Mr. Bryan completed a second draft of Map Proposal 1 and Map Proposal 2. This was shared with redistricting counsel and counsel to Galveston County, Paul Ready. See DEFS00011258 – DEFS00011263.

On October 28, 2021, a Zoom call was held between Tom Bryan, Dale Oldham and Phil Gordon with updated Map Proposal 1 and Map Proposal 2 boundaries. This meeting was held so Mr. Oldham and Mr. Gordon could conduct legal analysis on the proposed maps to ensure both maps were compliant with U.S. constitutional, federal, and Texas legal requirements. See DEFS00011289. Thereafter, on or about October 28, 2021, redistricting counsel submitted both updated Map Proposal 1 and Map Proposal 2 to Galveston County's general counsel Paul Ready. DEFS00011893. This is ultimately what was submitted to Galveston County's GIS Engineering Technician Nathan Sigler for placement on the Galveston County website.

**Second Supplemental Answer:** Without waiving any of the objections stated above, Defendants incorporate all previous answers to this Interrogatory and add the following:

On October 15, 2021, Mr. Bryan exchanged emails and had a telephone conversation with Holtzman Vogel attorneys Phillip Gordon and Jason Torchinsky. That same day, at their direction and request, Mr. Bryan prepared two analytical spreadsheets for the primary purpose of assisting Mr. Gordon and Mr. Torchinsky in rendering legal advice to the County about the Commissioners Court redistricting process. The next day, on October 16, 2021, Mr. Bryan advised Mr. Gordon and Mr. Torchinsky of his progress and requested a meeting with them to discuss his findings. The three of them proceeded to meet with Mr. Oldham. Then, at the direction of Mr. Oldham, Mr. Bryan developed the three draft maps on October 17, 2021 referenced above.

Regarding the two map proposals that were submitted to Nathan Sigler for placement on the Galveston County website: PDF versions of those maps were posted on the website on October 29, 2021. Then, starting on November 3, 2021, interactive versions of Map proposals 1 and 2 were made publicly available on the website. These interactive maps included overlays of the County's then-current voting precincts as well as the boundary lines for municipalities within the County.

**Interrogatory No. 4**

Identify and describe in detail every meeting, including telephone conversations and executive sessions, between or among members of the Galveston County Commissioners Court, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to the control of any member of the commissioners court between January 1, 2020, and November 13, 2021, during which redistricting was discussed, including for each such meeting, whether the meeting was held in-person or virtually (*e.g.*, over the telephone or through video conference), the individual(s) who were invited to the meeting, the individual(s) who attended the meeting, and the subject matter discussed during the meeting.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to

interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants object that this interrogatory, particularly the portion that requires a detailed description of conversations in executive sessions, requires violating attorney-client privilege. Conversations about redistricting held in executive sessions are to confer with counsel for the commission. Tex. Gov't. Code §551.071. Additionally, this request requires breaching the Texas Speech or Debate Clause privilege and the deliberative process privilege.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

**First Supplemental Objection:** In addition to the objections outlined above, Defendants assert that the content of the conversations with Mr. Oldham and Mr. Ready identified in the First Supplemental Answer below are privileged and protected under the attorney-client privilege. The content of these communications is also protected under the legislative privilege doctrine and the deliberative process privilege.

Defendants also assert that the conversations held between attorneys at Holtzman Vogel, Mr. Oldham, and Mr. Bryan are protected under the attorney-client privilege and the attorney work-product doctrine.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 4 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and

supplement this interrogatory as document review progresses.

**First Supplemental And Amended Answer:** Defendants are aware of the following meetings that are responsive to Interrogatory No. 4:

The 2021 Commissioners Court redistricting process proceeded in three stages.

The first stage of meetings concerned the retention of redistricting counsel, Dale Oldham. On December 16, 2020, there was a telephone conference call between Dale Oldham, Galveston County's general counsel Paul Ready, Judge Henry and his Chief of Staff Tyler Drummond to discuss engaging Mr. Oldham's services as redistricting counsel for the 2021 Commissioners Court redistricting cycle. See DEFS00018648 – DEFS00018649; DEFS00018650 – DEFS00018652. Approximately five weeks later on January 25, 2021, at its regularly scheduled meeting, the Galveston County Commissioners Court considered whether to approve engagement of redistricting counsel based on the 2020 census. See DEFS00027726 – DEFS00027735 (Agenda Item 64(e)). There then appears to have been a telephone conference on or about April 20, 2021 between Paul Ready and Dale Oldham to discuss the legal requirements of Section 2 of the Voting Rights Act. See DEFS00018653 – DEFS00018654.

The second stage of redistricting began on or about August 30, 2021 and went through late September of 2021. During this stage of the 2021 redistricting, Mr. Oldham had telephone conferences with each Commissioner and County Judge Henry. Mr. Oldham used these conference calls as part of his fact-finding to develop a map that complied with the U.S. Constitution and federal law. These telephone conference calls also helped Mr. Oldham provide legal advice to the Commissioners through the redistricting process. These calls lasted approximately 45 minutes to one hour.

The first of these telephone conference calls was held on September 8, 2021 at

approximately 10am between Dale Oldham, Paul Ready, Commissioner Apffel, Tyler Drummond, and Judge Henry regarding redistricting. See DEFS00011031.

The second conference call was held on September 13, 2021 at 10am. This telephone conference call was held between Mr. Oldham, Mr. Ready, and Commissioner Joseph Giusti. See DEFS00011029 – DEFS00011030; DEFS00015162; DEFS00017099 – DEFS00017100.

The third telephone conference call was held on September 16, 2021 at 10am. This telephone conference call was between Mr. Oldham, Paul Ready, and Commissioner Ken Clark. DEFS00011693; DEFS00011694.

The fourth telephone conference call was held on September 20, 2021 at 4pm with Commissioner Stephen Holmes, Mr. Oldham, and Paul Ready. See DEFS00016260; DEFS00016258.

Lastly, there was an additional follow-up call between Commissioner Holmes, Mr. Oldham, and Paul Ready on September 23, 2021 at 4pm. See DEFS00016261; DEFS00016262.

Then the Commissioners Court redistricting entered the third phase. On or about October 15, 2021, Thomas Bryan, an expert demographer, began working with Holtzman Vogel to provide technical assistance to Mr. Oldham. See DEFS00011236 – DEFS00011237.

On October 17, 2021, there were two Zoom meetings held between Mr. Oldham, Thomas Bryan, Jason Torchinsky, an attorney at Holtzman Vogel, and Phil Gordon, an attorney at Holtzman Vogel. The first Zoom call was to provide legal advice and conduct legal deliberations with Mr. Bryan to assist Mr. Bryan in drawing the maps. See DEFS00011238 – DEFS00011240. Mr. Bryan and Mr. Oldham held a follow-up discussion later that day at 4:15pm. DEFS00011241 – DEFS00011244. Additionally, on or about October 18, 2021, Mr. Bryan drew the first iterations of Map Proposal 1 and Map Proposal 2, originally called a Minimum Change Plan (Map Proposal

1) and an Optimal Geo Plan (Map Proposal 2).

On or about October 19, 2021, upon information and belief, Mr. Oldham conducted meetings with each of the Commissioners to show them drafts of Map Proposal 1 and Map Proposal 2. See DEFS00016142; DEFS00011246; DEFS00011032 – DEFS00011033. Upon information and belief, Mr. Oldham met in person with each Commissioner while Mr. Bryan appeared remotely. Upon information and belief, Mr. Oldham and Mr. Bryan displayed both Map Proposals 1 and 2 to each Commissioner. See DEFS00011245 . Mr. Oldham solicited feedback from each Commissioner which assisted Mr. Oldham in formulating his legal opinions in continuing the redistricting process. Additionally, the Commissioners met with Mr. Oldham either individually or in groups of two. If the latter, and upon information and belief, Commissioner Holmes and Commissioner Giusti reviewed the maps together and, at a separate time, Commissioner Clark and Commissioner Apffel reviewed the maps together.

On October 21, 2021, Dale Oldham, Tom Bryan, and Phil Gordon held two Zoom calls to conduct legal analysis of Mr. Bryan’s updated versions of Map Proposal 1 and Map Proposal 2. The first call was at 2:30pm central time. The second Zoom call was at approximately 5:30pm central time. The title for the second meeting was “Take 2.” See DEFS00011247; DEFS00011248 . Mr. Oldham and Mr. Gordon provided legal analysis of the maps.

On October 22, 2021, Dale Oldham, Paul Ready, Thomas Bryan, Zach Davidson, and Jedd Webb held a Zoom conference call to discuss the Commissioners Court precinct redistricting process. See DEFS00018655. On the same day, there appears to have been a Zoom conference call between Commissioner Stephen Holmes and Jedd Webb, also to discuss redistricting. See DEFS00016263. Additionally, there appears to have been a Zoom call between Commissioner Clark and Mr. Webb to discuss redistricting. (497638).

On or about October 26, 2021, at the direction of Mr. Oldham, Mr. Bryan completed a



second draft of Map Proposal 1 and Map Proposal 2. This was shared with redistricting counsel and general counsel to Galveston County, Paul Ready. See DEFS00011258-DEFS00011260.

On October 28, 2021, a Zoom call was held between Tom Bryan, Dale Oldham and Phil Gordon with updated Map Proposal 1 and Map Proposal 2 boundaries. This meeting was held so Mr. Oldham and Mr. Gordon could conduct legal analysis on the proposed maps to ensure both maps were compliant with U.S. constitutional, federal, and Texas legal requirements. See DEFS00011289. Thereafter, on or about October 28, 2021, redistricting counsel submitted both updated Map Proposal 1 and Map Proposal 2 to Galveston County's general counsel Paul Ready. See DEFS00011893. This is ultimately what was submitted to Nathan Sigler for placement on the Galveston County website.

On November 1, 2021, Nathan Sigler and Dale Oldham scheduled a Zoom call. Upon information and belief, this call concerned the verification of what was posted to the website. See DEFS00020441 - DEFS00020442; DEFS00018662 – DEFS00018664.

On November 3, 2021, Judge Henry and his Chief of Staff Tyler Drummond met to discuss scheduling a special meeting to vote on the proposed plans. See DEFS00017104 – DEFS00017105.

Finally, on November 12, 2021, the Galveston County Commissioners Court held a special meeting to deliberate and vote on the proposed plans. The public was afforded an opportunity to attend and provide public comment on Map Proposal 1 and Map Proposal 2. Once everyone at the meeting who wanted to speak had spoken, the Commissioners voted 3-1 to adopt Map Proposal 2. See DEFS00011470 – DEFS00011473.

**Second Supplemental Answer:** Without waiving any of the objections stated above, Defendants incorporate all previous answers to this Interrogatory and add the following:

With regard to the beginning of Mr. Bryan's work with Holtzman Vogel and Mr. Oldham, Defendants respectfully refer to and incorporate their Second Supplemental Response to Interrogatory No. 3 (describing the communications Mr. Bryan had with redistricting counsel on October 15 and 16, 2021).

**Interrogatory No. 5**

Identify and describe in detail every meeting, including telephone conversations, between redistricting counsel and any member of the Galveston County Commissioners Court, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to the control of any member of the commissioners court between January 1, 2020, and November 13, 2021, including for each such meeting, whether the meeting was held in-person or virtually (*e.g.*, over the telephone or through video conference), the individual(s) who were invited to the meeting, the individual(s) who attended the meeting, and the subject matter discussed during the meeting.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants object to this interrogatory in that it expressly asks for a detailed description of all meetings between redistricting counsel and any member of the Galveston County Commissioners Court. These conversations are protected under the attorney-client privilege and the attorney work-product doctrine.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Defendants reserve the right to supplement this response with objections that are based upon

a further review of the documents.

**First Supplemental Objection:** In addition to the objections outlined above, Defendants assert that the content of the conversations with Mr. Oldham and Mr. Ready identified in the First Supplemental Answer below are privileged and protected under the attorney-client privilege. The content of these communications is also protected under the legislative privilege doctrine and the deliberative process privilege.

Defendants also assert that the conversations held between attorneys at Holtzman Vogel, Mr. Oldham, and Mr. Bryan are protected under the attorney-client privilege and the attorney work-product doctrine.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 5 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants respectfully refer Plaintiffs to their answer in Interrogatory No. 4.

**Interrogatory No. 6**

Identify and describe in detail every meeting between any member of the Galveston County Commissioners Court and any Galveston County employee, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to the control of any member of the commissioners court, between January 1, 2020, and November 13, 2021, during which redistricting was discussed, including for each such meeting, whether the meeting was held in-person or virtually (*e.g.*, over the telephone or through video conference), the

individual(s) who were invited to the meeting, the individual(s) who attended the meeting, and the subject matter discussed during the meeting.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Accordingly, Defendants object that this interrogatory requires descriptions of meetings that are protected under the Speech or Debate Clause privilege or the deliberative process privilege. Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

**First Supplemental Objection:** In addition to the objections outlined above, Defendants assert that the content of the conversations with Mr. Oldham and Mr. Ready identified in the First Supplemental Answer below are privileged and protected under the attorney-client privilege. The content of these communications is also protected under the legislative privilege doctrine and the deliberative process privilege.

Defendants also assert that the conversations held between attorneys at Holtzman Vogel, Mr. Oldham, and Mr. Bryan are protected under the attorney-client privilege and the attorney work-product doctrine.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 6 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022,

telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants respectfully refer Plaintiffs to their answers in Interrogatory Nos. 4 and 5.

**Interrogatory No. 7**

Identify and describe in detail every meeting between redistricting counsel and any Galveston County employee, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to the control of any member of the Galveston County Commissioners Court between January 1, 2020, and November 13, 2021, including for each such meeting, whether the meeting was held in-person or virtually (*e.g.*, over the telephone or through video conference), the individual(s) who were invited to the meeting, the individual(s) who attended the meeting, and the subject matter discussed during the meeting.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Accordingly, Defendants object that this request calls for a detailed description of conversations held between Galveston County redistricting counsel and Galveston County employees. These conversations are protected under the attorney-client privilege and the attorney work-product doctrine. Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

**First Supplemental Objection:** In addition to the objections outlined above, Defendants

assert that the content of the conversations with Mr. Oldham and Mr. Ready identified in the First Supplemental Answer below are privileged and protected under the attorney-client privilege. The content of these communications is also protected under the legislative privilege doctrine and the deliberative process privilege.

Defendants also assert that the conversations held between attorneys at Holtzman Vogel, Mr. Oldham, and Mr. Bryan are protected under the attorney-client privilege and the attorney work-product doctrine.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 7 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants respectfully refer Plaintiffs to their answers in Interrogatory Nos. 4, 5, and 6.

**Interrogatory No. 8**

Identify and describe in detail all the factors that were considered by any member of the Galveston County Commissioners Court or any Galveston County employee, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to the control of any member of the commissioners court in conducting the special session, including, but not limited to, the date, the time, the location, the set-up (*e.g.*, arrangement of chairs and sound system), security, and the duration of the special session.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to

interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants object that this request calls for a detailed description of conversations held between Galveston County redistricting counsel and Galveston County employees. These conversations are protected under the attorney-client privilege and the attorney work-product doctrine.

Defendants object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 1 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants state that the following issues and factors were considered in scheduling and conducting the special session:

The Secretary of State's notice dated November 1, 2021, imposed on Galveston County a deadline that was unexpected. The Secretary of State required counties to submit their local redistricting maps by November 13, 2021. Between November 1, 2021 and November 13, 2021, there were no regularly scheduled meetings. The Commissioners Court's regularly scheduled meeting was held on November 1, 2021 and then again on November 15, 2021. Thus, by the time the County learned of the November 13, 2021 deadline, it was too late to hold a regularly scheduled meeting. Thus, because of the timing, the Commissioners Court was required to adopt

its new map at a special session.

Thus, the date that allowed the public sufficient time to submit public comments concerning Map Proposal 1 and Map Proposal 2, and that could also accommodate the Commissioners' schedules, was November 12, 2021. November 12, 2021 was the earliest the Commissioners Court could meet to satisfy the November 13, 2021 deadline, satisfy the three-days special meeting notice requirement, and have a quorum of the Commissioners Court.

As shown in Defendants' Motion to Dismiss, it is standard practice to hold special meetings at the Calder Road Annex in League City. It would have been an aberration to hold the meeting anywhere else. (ECF No. 46 at 6–7; ECF No. 47 at 6–7; ECF No. 48 at 5–6). In fact, every other special meeting called in 2021 was held at the Calder Road Annex location. *Id.* Other than checking the availability of Judge McCumber's courtroom, there was no additional consideration of where the November 12, 2021 special meeting would take place. See DEFS00017101 – DEFS00017102.

It is also standard practice for the Constable's office to provide security at any public meeting held at the Calder Road Annex. See DEFS00018619-DEFS00018621; DEFS00018615 – DEFS00018618 . Because the Calder Road Annex is located in Constable Precinct 4, that is the Constable's office in charge of security for that building. It is also standard practice for the Galveston County Sheriff's Office to provide security at public meetings held at the Galveston County Moody Courthouse.

The Constables and Galveston County Commissioners' Court staff also ensured that everyone who wanted to speak at the meeting was able to speak. This was accomplished by Galveston County Commissioners' Court staff and Constables informing people in the hallway, in the courtroom, and in the overflow room that if they wanted to speak to please sign the sign-in sheet. Everyone who wanted to speak was able to speak.



The room was organized in the same manner as it is for Commissioners Court meetings. The chairs were arranged the same way and the sound system was arranged the same way. There was also an overflow room with a TV screen for people to watch the proceedings. Unfortunately, due to the construction, the television connection to the overflow room was not as reliable as in prior meetings.

**Second Supplemental Answer:** Without waiving any of the objections stated above, Defendants incorporate all previous answers to this Interrogatory and add the following:

With regard to the selection of a date for the special meeting: Judge Henry, Tyler Drummond, and Paul Ready initially identified November 9, 2021 as the day to hold a hearing about the Commissioners Court precinct map. However, on November 6, 2021 (the date that notice of the meeting was required to be posted), it became clear that the draft order and technical documents were still under review and being finalized. It was therefore determined that the special meeting be postponed. On November 9, 2021, once all the materials were ready for the Commissioners Court to consider and vote on, Judge Henry's employees published the agenda for the special meeting with three days advance notice as required by law. The earliest the meeting could have occurred was on November 12, 2021.

**Interrogatory No. 9**

Identify and describe in detail all the factors used to determine the placement of voting precinct 336 in the 2021 redistricting plan, including the basis for splitting it among several commissioners court precincts.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 9 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:**

Upon information and belief, it appears that voting precinct 336 was split for perhaps two reasons. First, voting precinct 336 is already naturally split by the presence of State Highway 3. Second, voting precinct 336 was overpopulated. The population of voting precinct 336 was then split into what is now voting precincts 196 and 436. These two voting precincts are located in Commissioners Court precincts 1 and 4 respectively.

**Interrogatory No. 10**

Identify and describe in detail the communities of interest, if any, that are shared between voting precinct 336 and any of the other voting precincts that comprise commissioners court precincts 1 and 4 in the 2021 redistricting plan.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants object to the extent Plaintiff has exceeded the permissible number of

interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 10 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Defendants continue to investigate the claims and defenses in this case. Defendants will amend their response to this interrogatory before the close of discovery.

**Second Supplemental Answer:** Without waiving any of the objections stated above, Defendants incorporate all previous answers to this Interrogatory and add the following, based on the analysis provided by Defendants' expert Dr. Mark Owens in his amended report of March 31, 2023:

Under the Benchmark Plan, voting precinct 336 resided entirely within Commissioners Court Precinct 3. That Commissioners Court Precinct combined a population of 14,159 Black citizens of voting age ("BCVAP") who resided in the center and southern portion of the County, with a small northern peninsula of 1,151 BCVAP residents in Dickinson. The distance from the south of voting precinct 336 to the north of voting precinct 340, which were both in Commissioner Precinct 3, was approximately 10 miles. It is clear that drawing these communities into one Commissioner Precinct did not make sense. Additionally, the population of voting precinct 336 was approximately 6,000 people and needed to be split in order to account for shifts in population across the County. Finally, as mentioned in response to Interrogatory 9, voting precinct 336 also had Highway 3 running through it, so splitting it along that physical boundary

made sense.

Notwithstanding the foregoing response, Defendants reserve the right to amend these interrogatories in light of additional depositions that are still open as of the date of this submission.

**Interrogatory No. 11**

Identify and describe in detail all efforts that Defendants, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to their control undertook to provide County residents with the opportunity to express their views or provide comments and/or suggestions relating to the 2020-2021 redistricting process for the Galveston County Commissioners Court, including any efforts to publicize redistricting proposals, the specific information provided regarding each such proposal, the factors that Defendants considered in determining the most effective manner in which to convey that information to County residents, the dates on which the information was provided, and the format in which such information was made available to County residents (*e.g.*, shape files, static images).

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 11 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022,

telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants state that during the entire 2020-2021 redistricting cycle (and especially in 2021), they received email communications from citizens and groups (e.g., the League of Women Voters of the Bay Area, the Texas Civil Rights Project) detailing their recommendations for redistricting the Commissioners Court Precincts. See DEFS00011034 – DEFS00011039. This feedback was cataloged and considered by the Commissioners as well as County employees and vendors throughout the map-drawing process, as well as when the decision was made to adopt the current map.

Additionally, on October 29, 2021, Defendants distributed Map Proposal 1 and Map Proposal 2 for posting on the County’s webpage, specifically for review and consideration by the public. These maps were posted in reviewable formats (PDF images and later, on or around November 3, 2021, the corresponding shapefiles). See DEFS00011887 – DEFS00011892; DEFS00018656 – DEFS00018661. Throughout the time that these Map Proposals were made available to the public, Defendants also established and maintained an online portal through which citizens and groups would be able to submit their comments and recommendations on the proposed maps. These comments were cataloged and considered by the Commissioners as well as County employees and vendors in the weeks leading up to when the decision was made to adopt the current map. Galveston County employees Tyler Drummond, Nathan Sigler, and Zach Davidson were involved in placing Map Proposal 1 and Map Proposal 2 on the Galveston County website and providing an opportunity for Galveston County residents to provide feedback.

Finally, at the beginning of November 2021, Defendants noticed a meeting of the Commissioners Court where individuals and groups would be able to provide verbal public

comments on the maps that were proposed and posted on the County's webpage. Galveston County allows people to sign up for alerts so that they can receive immediate notifications when new meetings are announced. That meeting was held on November 12, 2021, at which time Defendants made themselves available to listen to and consider comments made on the proposed maps by several individuals and representatives of interested organizations. Galveston County Judge's employee Linda Liechty was walking the hallways at the Calder Hall Annex ensuring that everyone who wanted to speak had signed the sign-up sheet so that they could speak. These comments were recorded and reviewed by the Commissioners as well as County employees and vendors as the final decision was made to adopt the current map.

**Interrogatory No. 12**

Identify and describe in detail all the factors that were considered with respect to the decision to post graphic depictions of Maps 1 and 2 on the Galveston County website, including every individual involved in the decision to post the depictions, the date the decision was made, the date the depictions were posted, the level of access and degree of interactivity of the depictions afforded to members of the public, the number of unique visitors to view the depictions on the county website, the date(s) any updates or changes were made to the posted depictions, what those updates or changes were, and the dates that the depictions were removed from the County website.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 12 at

this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022 telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants state that they decided to post Map Proposal 1 and Map Proposal 2 on the County webpage in order to provide the public an opportunity to review the work product of the Commissioners Court and all County employees and vendors who were involved in the redistricting process. Defendants also wished to receive and consider the public's feedback on that work product, so that they would be able to make adjustments to the proposals if needed, and so that they could make a well-informed decision about which map to adopt. The proposed maps were prepared by County employees and vendors, and were posted online in accessible formats (i.e. PDF images and shapefiles) by County employees. See DEFS00011887 –DEFS00011892. The maps were first posted to the County webpage on or about October 29, 2021 in PDF format only. See DEFS00011901 – DEFS00011902. A few days later, on or about November 3, 2021, the website was updated, and the shapefiles were placed on the website in an accessible format. Galveston County does not know the number of unique visitors to that webpage. Zach Davidson, Nathan Sigler, and Tyler Drummond were involved in placing the maps on the website and providing means for the public to submit comment.

The public comments were produced at DEFS00003314-3781.

**Interrogatory No. 13**

List, in rank order of importance, a detailed description of those factors, including, but not limited to, policy or administrative considerations or legal requirements that the Galveston County

Commissioners Court considered when adopting the 2021 redistricting plan.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 13 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants respectfully refer Plaintiffs to Defendants' First Supplemental Answer to Interrogatory No. 1.

**Interrogatory No. 14**

Identify every individual appointed or elected to the Galveston County Commissioners Court since January 1, 1999, and for each individual, include the individual's name, race, and ethnicity, term(s) of service, and the commissioners court precinct that the individual represents/represented.

**Objection:** Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.



Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

**Answer:**

Without waiving any of the objections stated above, Defendants state the following:

1. County Judge

- a. Mark Henry: First elected in 2010, and re-elected in 2014 and 2018. He won re-election in 2022, and his next term begins January 1, 2023. Race/ethnicity is White.
- b. James D. Yarbrough: First elected in 1994, and re-elected in 1998, 2002, and 2006. He was defeated by Mark Henry in 2010, and his term expired on January 1, 2011. Race/ethnicity is White.

2. Commissioner Precinct 1

- a. Darrell Apffel: First elected in 2016, and was re-elected in 2020. His current term expires January 1, 2025. Race/ethnicity is White.
- b. Ryan Dennard: Elected in 2012 and served only one term. His term expired January 1, 2017. Race/ethnicity is White
- c. Patrick Doyle: First elected in 2004, and was re-elected in 2008. He did not seek re-election thereafter, and his term expired on January 1, 2013. Race/ethnicity is White.
- d. Eddie Barr: First elected in 1988, and was re-elected in 1992, 1996, and 2000. He did not seek re-election thereafter, and his term expired on January 1, 2005. Race/ethnicity is White.

3. Commissioner Precinct 2

- a. Joe Giusti: First elected in 2014, and re-elected in 2018. He won re-election in 2022, and his next term begins January 1, 2023. Race/ethnicity is White.
  - b. Kevin O'Brien: First elected in 2010, and was defeated in 2014. His term expired on January 1, 2015. Race/ethnicity is White.
  - c. Bryan Lamb: First elected in 2006, and was defeated in 2010. His term expired on January 1, 2011. Race/ethnicity is White.
  - d. Eddie Janek: First elected in 1990, and was re-elected in 1994, 1998 and 2002. He did not seek re-election thereafter, and his term expired on January 1, 2007. Race/ethnicity is White.
4. Commissioner Precinct 3
- a. Stephen D. Holmes: First appointed in 1999, and was re-elected in 2000, 2004, 2008, 2012, 2016, and 2020. His current term expires on January 1, 2025. Race/ethnicity is African-American.
5. Commissioner Precinct 4
- a. Robin Armstrong: First appointed in 2022, and won re-election in 2022 (his next term begins on January 1, 2023). Race/ethnicity is African-American.
  - b. Ken Clark: First elected in 1998, and was re-elected in 2002, 2006, 2010, 2014, 2018, and 2020. He died while in office on May 8, 2022. Race/ethnicity is White.

**Interrogatory No. 15**

Identify and describe in detail every lawsuit filed since January 1, 2000, in federal or state court in which a claim of race, color, or language minority discrimination was made against Galveston County, including against any member of the Galveston County Commissioners Court in their official capacity. For each such lawsuit state the caption, the civil action number, the court in which

it was filed, the date the complaint was filed, and the citation of any opinion or order, whether published or unpublished.

**Objection:** Per the meet and confer conference call held on October 13, 2022 with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants object to this interrogatory as overly broad and unduly burdensome. Defendants also object that the information sought is equally available to Plaintiff.

Galveston County does not have a centralized database that stores all lawsuits filed against the county. Lawsuits filed against the county are sent to various law firms in Galveston County. To respond to this interrogatory, counsel will need to request that multiple outside law firms search their files going back twenty-two years for lawsuits against Galveston County or its officials, and ask those firms to review each suit to ascertain whether the claim involved discrimination based upon race, color, or language minority. Then, counsel will need to use publicly available databases to research the outcomes in these cases and draft a summary. This is overly broad and unduly burdensome. The request is also not proportional to the needs of the case.

These lawsuits are public filings and accessible using publicly available commercial databases such as LexisNexis and Westlaw.

Defendants further object to the extent Plaintiff has exceeded the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

**Answer:** Defendants do not have sufficient information to answer Interrogatory No. 15 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to

an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022 telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

**First Supplemental Answer:** Without waiving any of the objections stated above, Defendants state that, per the agreement reached between all Parties during the October 13, 2022 telephone conference, they have searched for any documents relating to any lawsuits in which a claim of race, color, or language minority discrimination was made against Galveston County. As counsel for Defendants stated in email correspondence with all Parties on October 26, 2022, all lawsuits against the County are served on the County Judge, and Defendants have now reviewed all documents and data from Judge Mark Henry and his staff. Any documents related to the lawsuits described in this interrogatory have been produced in response to Plaintiff's amended Request for Production No. 14.

**Interrogatory No. 16**

List every election, whether an election for a federal office, an election for a statewide office, or a local election, held in Galveston County since January 1, 2010, including, but not limited to, every primary, primary runoff, general, and special election, regardless of whether the election was contested.

**Answer:**

Defendants have produced all data and canvassing reports for Galveston County elections going back to the year 2006. Please see Bates numbers:

1. For 2010: DEFS00001842 - DEFS00001964; DEFS00002601 – DEFS00002603.
2. For 2012: DEFS00000005 - DEFS00000161; DEFS00002599 - DEFS00002600;  
DEFS00003064 - DEFS00003083.

3. For 2014: DEFS00000162 - DEFS00000164; DEFS00000201 - DEFS00000726;  
DEFS00002571 - DEFS00002598; DEFS00003063.
4. For 2016: DEFS00000727 - DEFS00000943.
5. For 2018: DEFS00002471 - DEFS00002516; DEFS00002606 - DEFS00002875.
6. For 2020: DEFS00000944.

DATE: April 21, 2023

Respectfully Submitted,

HOLTZMAN VOGEL BARAN  
TORCHINSKY & JOSEFIK PLLC

GREER, HERZ & ADAMS, L.L.P.

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*Counsel for Defendants*

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2023, I served the foregoing via email on all counsel of record in this case.

/s/ Dallin B. Holt  
Dallin B. Holt

**CERTIFICATION**

I declare under penalty of perjury, pursuant to the laws of the United States of America, that the foregoing is true and correct. Executed on April 21, 2023.

Galveston County, Galveston County Commissioners Court, Honorable Mark Henry, in his official capacity as Galveston County Judge, Dwight D. Sullivan, in his official capacity as Galveston County Clerk

By:   
Mark Henry, Galveston County Judge (in his official capacity)

# **Exhibit 8**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY )  
PETTEWAY, et al. )  
 ) Case No. 3:22-cv-00057  
VS. )  
 )  
GALVESTON COUNTY, et )  
al. )

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY  
JANUARY 17, 2023

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY,  
produced as a witness at the instance of the Plaintiff and  
duly sworn, was taken in the above styled and numbered  
cause on Tuesday, January 17, 2023, from 9:08 a.m. to  
6:07 p.m., before Janalyn Elkins, CSR, in and for the  
State of Texas, reported by computerized stenotype  
machine, via Zoom, pursuant to the Federal Rules of Civil  
Procedure and any provisions stated on the record herein.

A P P E A R A N C E S

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**Also Present:**

**DANIEL ALPIZAR (Videographer)**  
**ALEXA PASTOR (Concierge)**

1           A. Any meeting that's not the regular meeting is  
2 held in League City.

3           Q. Who decided that?

4           A. Me.

5           Q. Doesn't have to happen in League City; is that  
6 correct?

7           A. No. It can happen anywhere that we have  
8 adequate facilities and audio visual.

9           Q. Before you became county judge in 2010, do you  
10 know where the County Commissioner's Court held special  
11 meetings regularly?

12          A. No.

13          Q. So among your responsibilities, redrawing the  
14 Commissioner's Court precinct boundaries is also among  
15 your responsibilities as part of the Commissioner's  
16 Court?

17          A. Yes.

18          Q. All right. Turning back to meetings, how is it  
19 decided which topics will be covered in a particular  
20 meeting?

21          A. We put out a request to all departments and,  
22 really, elected officials if they have anything that  
23 needs to go on the agenda or any commissioner can put  
24 anything on the agenda at any time.

25          Q. And when you say, "the agenda," is that the

1 A. Right.

2 Q. What is meant by preclearance there?

3 A. Not being a lawyer, I'm going to assume that  
4 this is part of the Voting Rights Act preclearance that  
5 would have been required in 2011.

6 MS. KLEIN: Okay. So let's scroll through  
7 slowly all the way to the end, Alexa.

8 Q. (BY MS. KLEIN) And this isn't a signed  
9 version. But is there any reason you would think that  
10 this is not the version that was ultimately executed?

11 A. No, that's probably it.

12 Q. Okay. Going back to the first page, and  
13 there -- that one, two, three, third paragraph says, Joe  
14 Nixon, Trey Trainor, and Dale Oldham, attorneys at law,  
15 365 per hour.

16 Do you see that?

17 A. Yes. It's just bouncing around. I see it now.

18 Q. Those were the lawyers that worked on the  
19 Galveston County commissioner's precincts for  
20 redistricting in 2011?

21 A. That is correct.

22 Q. Okay. We can take that down.

23 Do you remember what timeline restricting  
24 of commissioner's precincts had to be completed by in  
25 the 2011 redistricting process?

1           A. It would have to have been done before the  
2 filing deadline, really the filing opening for that next  
3 election, which would have opened about November the  
4 20th maybe.

5           Q. Mid November?

6           A. Yes, in that ballpark.

7           Q. Did you also have to account for that  
8 preclearance process we talked about?

9                   MR. RUSSO: Objection, calls for  
10 speculation.

11                   THE WITNESS: I would assume so.

12           Q. (BY MS. KLEIN) Do you remember getting  
13 questions about why Galveston's submission was late in  
14 2011?

15           A. No.

16           Q. Okay. Let's pull up a document. This is Tab 8  
17 and it will be Exhibit 8.

18                   (Exhibit No. 8 was marked.)

19           Q. (BY MS. KLEIN) Do you remember the county  
20 having to ask for expedited consideration from the DOJ  
21 during the preclearance process in 2011?

22                   MR. RUSSO: Objection, asked and answered.

23                   THE WITNESS: Yeah, I mean -- I can't see  
24 the --

25           Q. (BY MS. KLEIN) If you can answer the question

1 MR. RUSSO: Objection, calls for  
2 speculation.

3 MS. KLEIN: If you could just let him --  
4 not speak over each other somehow.

5 MR. RUSSO: She's telling you to wait for  
6 me.

7 THE WITNESS: Okay.

8 Q. (BY MS. KLEIN) So you say you sought out Dale.  
9 Do you remember receiving -- Dale Oldham, rather, do you  
10 remember receiving communications from other perspective  
11 counsel for redistricting?

12 A. I do not remember getting anything else.

13 Q. Okay. Let's pull one of those documents up.  
14 This is Doc 15 and it will be Exhibit 16.

15 (Exhibit No. 16 was marked.)

16 MS. KLEIN: So Alexa, that's Tab 15.

17 Q. (BY MS. KLEIN) Just one more question on the  
18 criteria issue. I'm sorry to go back and poke around.

19 A. That's okay.

20 Q. You said, "probably." I heard you say,  
21 "probably." Is there any reason you can think of that  
22 you would need census numbers first before drafting up a  
23 set of criteria to guide the redistricting process?

24 MR. RUSSO: Object. Calls for speculation.  
25 Misstates the record. It's vague and ambiguous.

1 THE WITNESS: No. I think -- you're saying  
2 do I need census data if we are going to adopt criteria,  
3 do we need to wait for census data, the answer to that,  
4 I guess, would be no.

5 Q. (BY MS. KLEIN) All right. So we have this  
6 document, Exhibit 16, pulled up. And this is an email  
7 from Dianna Martinez to you dated February 18, 2020,  
8 correct?

9 A. Correct.

10 Q. And Dianna Garza-Martinez is your office  
11 coordinator, correct?

12 A. That is correct.

13 Q. Let's scroll to the second page. And this is a  
14 letter attached, it says -- stamped with received  
15 February 14, 2020. The heading is Allison, Bass &  
16 Magee, LLP. The letter itself is dated February 6, 2020  
17 and it is addressed to you, correct?

18 A. It is.

19 Q. Did I get any of that wrong?

20 A. You got it correct.

21 Q. And the subject line is, Commissioner's Court  
22 Precinct Redistricting, right?

23 A. Correct.

24 Q. Do you remember getting this letter?

25 A. I specifically don't remember, but I'm sure I



1 you didn't?

2 A. After -- as long as -- to me, as long as we  
3 joined Bolivar, Galveston, and that's really it, then  
4 the rest of the lines are not that important.

5 Q. And we'll get into this more later. But that  
6 concept of having a coastal precinct, did you share any  
7 other -- strike that.

8 Did you have at the beginning of this  
9 redistricting process in August any other conceptual  
10 preferences other than this coastal precinct?

11 A. Not really.

12 MS. KLEIN: Okay. This is a good time for  
13 us to stop if folks want to get lunch.

14 MR. RUSSO: No worries.

15 VIDEOGRAPHER: The time is 12:35. Off the  
16 record.

17 (Brief recess.)

18 VIDEOGRAPHER: The time is 1:36. Back on  
19 the record.

20 Q. (BY MS. KLEIN) Judge Henry, other than the  
21 issue of the privilege with your -- with your counsel,  
22 did you discuss your testimony here today with anybody  
23 else?

24 A. No.

25 Q. Did you talk about issues unrelated to

1 these were shown to me.

2 Q. What about a new -- did you ever ask -- so you  
3 never asked for a map other than this one?

4 A. The 2.

5 Q. For Map Proposal 2, you liked this when you saw  
6 it, right?

7 A. I liked the fact that it got us one coastal  
8 precinct.

9 Q. But you liked -- you didn't -- you didn't ask  
10 for the other lines to change. You must have been --  
11 you must have liked the other maps, right? Sorry. You  
12 didn't ask for the other precinct lines to change. You  
13 must have liked -- been satisfied at least with where  
14 the other precinct lines were, right?

15 A. Again, the precinct lines are far more  
16 important to the precinct commissioners than they are to  
17 me.

18 Q. But to answer my question, you must have at  
19 least been satisfied with them if you --

20 A. As long as they said that they complied with  
21 the population -- population adjustment and all the  
22 state and federal laws, that was fine.

23 Q. You were aware from the 2011 litigation,  
24 weren't you, that Precinct 3 was the only  
25 majority/minority district in the whole county, right?

1 A. Yes.

2 MR. RUSSO: Objection, speculation and  
3 calls for a legal conclusion.

4 Go ahead.

5 Q. (BY MS. KLEIN) And your answer is yes?

6 A. My answer is I was probably told that, yes.

7 Q. And you had even seen -- we talked about that  
8 preclearance letter, you know, with the preclearance  
9 letter had those tables. You had seen those, right?

10 A. Back in 2011?

11 Q. At some time before the 2021 process you had  
12 seen that preclearance letter with those --

13 A. Back in 2011, yeah.

14 Q. Okay. All right. Did you ever use an  
15 interactive version of this map?

16 A. No.

17 Q. Going onto this website, scroll again, I want  
18 you to tell me if you see any kind of data about the  
19 maps posted.

20 A. The boundaries and the precinct number.

21 Q. So the benchmark map, the preexisting map, that  
22 wasn't on here, right?

23 A. I don't know what a benchmark map is.

24 Q. When I say benchmark I mean the map that was in  
25 place in 2012 to 2021 until this map, the new one was

1 A. To some extent, I suppose.

2 Q. And -- I mean, it's benchmark Precinct 3,  
3 right? Commissioner Holmes' prior district?

4 A. That would --

5 MR. RUSSO: I'm going to object, vague and  
6 ambiguous. But I don't understand the question.

7 But go ahead you can answer if you  
8 understand.

9 THE WITNESS: Are you saying -- obviously,  
10 the previous Precinct 3 elected a Democrat. Is that  
11 what you're asking?

12 Q. (BY MS. KLEIN) I'm asking whether your  
13 awareness was that -- you know, you've said that you  
14 were aware benchmark Precinct 3 was majority/minority,  
15 right?

16 A. Correct.

17 Q. So that means that a lot of the Galveston's  
18 minority, and specifically Black and Latino community,  
19 was in the old Precinct 3, right?

20 A. I do not --

21 MR. RUSSO: Object, calls for speculation.  
22 Misstates prior testimony.

23 THE WITNESS: Yeah, I don't know if it's  
24 true or not.

25 Q. (BY MS. KLEIN) It was majority. It was

1           A. Do I remember doing that specifically, no. But  
2 my belief is I probably would have done that. That's  
3 something I would have done.

4           Q. And where would you have done that? You  
5 mentioned Facebook and we saw that Facebook post  
6 earlier. Is there anywhere else?

7           A. We have a Twitter feed that I have never even  
8 seen before. Facebook, Twitter is probably going to be  
9 the primary possibilities.

10          Q. To your knowledge, was there any instruction to  
11 the public about when they had to post a public comment  
12 by for it to be read by the Commissioner's Court?

13          A. I don't remember. If it's not on here, I don't  
14 remember.

15          Q. And any public comments that came in, what  
16 happened to them after they were submitted?

17          A. They were collected, compiled, and sorted by  
18 probably Jed at that time.

19          Q. Did you review the comments that were  
20 submitted?

21          A. I reviewed a few. But they -- they were --  
22 they were significant. There were a lot of them. And  
23 then I got the final tally at the end.

24          Q. When you say "a few," can you estimate about  
25 how many?

1 A. Less than a dozen.

2 Q. How did you choose which ones you were going to  
3 review?

4 A. Honestly, it's when I sat down at that time,  
5 whatever the next ones to come flowing in, that's how.

6 Q. And they were sent to your email directly or  
7 somebody compiled them and sent them to you?

8 A. They would have been forwarded on.

9 Q. From -- by whom?

10 A. It may have been automatic. But if not, it  
11 would have been either Jed or Zach.

12 Q. Do you know how many comments your office had  
13 received by the time you had issued notice of the  
14 November 12, 2021 special meeting?

15 A. I knew at the time. It seems like it was 500  
16 or 515, in that ballpark.

17 Q. What about -- strike that.

18 You -- so you mentioned you received an  
19 overall breakdown. And do you recall that you shared  
20 that breakdown during the November 12, 2021 hearing?

21 A. I did.

22 Q. Do you remember the breakdown?

23 A. Exactly, no. As I recall, it was about two to  
24 one favoring Map 2.

25 Q. And you -- do you remember saying in a hearing

1 Q. Were you not allowed to have special meetings  
2 at the county seat courthouse?

3 A. No. We're allowed to have them.

4 Q. Is -- when -- where did you end up having -- so  
5 did Judge McCumber's courtroom, did that work out for  
6 you?

7 A. Yes. But apparently not on the 9th. And to  
8 this -- right now I do not know why the 9th didn't work,  
9 but it didn't, but we did use it on the 12th.

10 Q. And is that courtroom -- is that the Calder  
11 Annex, so it's the same place?

12 A. Yes, correct.

13 Q. And is that -- how big is that courtroom?

14 A. I think it seats 60 or -- it's been completely  
15 demolished now. But at the time it seated 60 to 70.

16 Q. What about the regular county seat courtroom,  
17 how many folks does that hold?

18 A. Probably 100.

19 Q. So it's bigger?

20 A. Slightly.

21 Q. What about microphones, did the -- I will call  
22 it the Calder Annex.

23 A. Okay.

24 Q. Did that have microphones?

25 A. Yes.

1           A. Well, this email may have gone out after 1:30  
2 p.m., but, again, the notification down on the island by  
3 posting at the courthouse would have occurred before  
4 that.

5           Q. How do you know that?

6           A. How do I know what?

7           Q. How do you know that it occurred before  
8 1:30 p.m.?

9           A. I trust my staff, I guess.

10          Q. Why did it occur right at -- I mean, did it  
11 occur right at 1:30 or earlier in the morning?

12          A. I don't know.

13          Q. When did you know that the special meeting was  
14 going to be on November 12th?

15          A. I don't know. Obviously, we had tried for the  
16 9th and for whatever reason that didn't work. So we  
17 must have posted on the 9th for the 12th.

18          Q. When did you learn that the 9th wasn't going to  
19 work?

20          A. I do not know. I assume it would be in these  
21 notes somewhere, but I don't recall what the reasoning  
22 was.

23          Q. Are you aware of regular -- whether the regular  
24 meeting room at the courthouse was available at any time  
25 in the days leading up to the November 12th hearing?



1           A. I assume it would be. If it helps at all,  
2 every commissioner lives within five minutes of Calder  
3 Annex. They all prefer Calder.

4           Q. I understand that. But you never confirmed  
5 whether the larger space would have been available,  
6 right?

7           A. There was no need.

8           Q. You mentioned that people were waiting out in  
9 the hallway, though, in the Calder Annex, right?

10          A. Correct.

11          Q. And you had set up -- you had set up a specific  
12 website so that people could provide comment just for  
13 this issue, right?

14          A. Correct.

15          Q. And you testified earlier that's not typical?

16          A. That's correct.

17          Q. And in the last redistricting cycle, there were  
18 five sessions of public input in addition to the census  
19 meeting on August 2nd and then the vote meeting on  
20 August 30th where you also heard public comment; is that  
21 right?

22          A. Yes.

23          Q. And based on that, you had an understanding  
24 that redistricting is something that, you know, public  
25 input can happen at large volumes compared to other

1 five public hearings that's listed on this table on  
2 page 9 of Exhibit 9. And the first one of the five  
3 public meetings occurred on August 15th of 2011. Do you  
4 see that?

5 A. Yes.

6 Q. And why was it scheduled to start at 7:00 p.m.?

7 A. I assume to give people --

8 MR. RUSSO: Objection, calls for  
9 speculation.

10 THE WITNESS: People could come after work  
11 if they wanted to come.

12 Q. (BY MS. JAYARAMAN) I think you testified  
13 earlier that your office was in charge of setting the  
14 dates and times for these five public hearings; is that  
15 right?

16 A. Could have been, yes.

17 Q. Okay. And so why was this first public --  
18 first of the five public hearings scheduled to take  
19 place at the Calder Road Annex?

20 A. I don't know. I mean, we would be limited on  
21 places we could have it again because we have to record  
22 everything and there would be limits as to where we  
23 could set up recording equipment and comply with, you  
24 know, state law for the meetings.

25 Q. And to your recollection, did everyone who

# Exhibit 9



Office of the Harris County Attorney Newsroom  
CHRISTIAN D. MENEFFEE

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### Commissioner Precinct Redistricting

### Join the Discussion

### Learn More About Redistricting

### Public Submissions

### Plan Proposals

### \*Adopted Redistricting Plan

### Proposed Plan for New Election Precinct Boundaries

### Adopted Plan for New Election Precincts

A series of meetings to get public input about the commissioner precinct redistricting plan will be held. All members of the public will be welcome to attend, whether in-person or virtually.

During the meetings, members of the public are invited to provide testimony about their communities, including neighborhoods, schools, places of worship, public services, commercial centers, and other unique features.

The schedule to adopt a Redistricting Plan for Harris County Commissioner Precincts is as follows:

• **August 12:** The United States Census Bureau released its final Decennial Census data in legacy format. You can find the data here: <https://www.census.gov/programs-surveys/decennial-census.html>. Harris County has started processing and tabulating that data for use in redistricting plans.

• **August 31:** At a public meeting on this date, Harris County will provide analysis of the data received from the United States Census Bureau. This will also be the first meeting where Harris County will take public input regarding redistricting plans. This meeting will begin at 6 pm and will be held virtually. To view a recording of this meeting, please see here: <https://harriscountytx.new.swagit.com/videos/136282>.

• **September 22:** To take public input regarding redistricting plans, Precinct 2 Commissioner Garcia will host a Harris County Commissioner Court Redistricting public meeting that will begin at 6 p.m. at the North East STEM Academy Gymnasium located at 10918 1/2 Bentley St, Houston, TX 77093. To view a recording of this meeting, please see here: <https://harriscountytx.new.swagit.com/videos/140078>.

• **September 29:** To take public input regarding redistricting plans, Precinct 1 Commissioner Ellis will host a Harris County Commissioner Court Redistricting public meeting that will begin at 6 p.m. at TSU Jesse H. Jones School of Business, Room JHJ 113 located at 3100 Cleburne Street, Houston, TX 77004. To view a recording of this meeting, please see here: <https://harriscountytx.new.swagit.com/videos/140953>.

• **October 5:** To take public input regarding redistricting plans, Precinct 3 Commissioner Ramsey will host a Harris County Commissioner Court Redistricting public meeting that will begin at 6 p.m. at the Steve Radack Community Center, 18650 Clay Road, Houston, TX 77084. To view a recording of this meeting, please see here: <https://harriscountytx.new.swagit.com/videos/141172>.

• **October 6:** To take public input regarding redistricting plans, Precinct 4 Commissioner Cagle will host a Harris County Commissioner Court Redistricting public meeting that will be begin at 6 p.m. at the Charles Bender Performing Arts Center, located at 611 Higgins Street, Humble, TX 77338. To view a recording of this meeting, please see here: <https://harriscountytx.new.swagit.com/videos/141224>.

• **October 7:** To take public input regarding redistricting plans, Precinct 4 Commissioner Cagle will host a Harris County Commissioner Court Redistricting public meeting that will begin at 6 p.m. at the Met Church – Student Center, located at 12903 Jones Road, Houston, TX 77070. To view a recording of this meeting, please see here: <https://harriscountytx.new.swagit.com/videos/141311>.

• **October 21:** At a public meeting on this date, Harris County Commissioners Court will discuss and consider Harris County Commissioners Court Redistricting Plan Proposals and take public comment regarding redistricting plans. This meeting will begin at 4 pm at Harris County Commissioners Court, 1001 Preston Street, Suite 934, Houston, TX 77002. To view a recording of this meeting, please see here: <https://harriscountytx.new.swagit.com/videos/142126>.

• **October 26:** At a public meeting on this date, Harris County Commissioners Court will discuss and consider Harris County Commissioners Court Redistricting Plan Proposals and take public comment regarding redistricting plans. A redistricting plan will be eligible for adoption at this meeting. This meeting will begin at 10 am at Harris County Commissioners Court, 1001 Preston Street, Suite 934, Houston, TX 77002. To view a recording of this meeting please see here: <https://harriscountytx.new.swagit.com/videos/142351>

• **October 28:** At a public meeting on this date, Harris County Commissioners Court will discuss and consider Harris County Commissioners Court Redistricting Plan Proposals and take public comment regarding redistricting plans. This meeting will begin at 12:30 pm at Harris County Commissioners Court, 1001 Preston Street, Suite 934, Houston, TX 77002. The following redistricting plan was adopted at this meeting: [http://cao.harriscountytx.gov/Portals/20/Documents/Ellis%203%20\(Final\).pdf?ver=cojCdS8jRANrOFFUmA-pMQ%3d%3d](http://cao.harriscountytx.gov/Portals/20/Documents/Ellis%203%20(Final).pdf?ver=cojCdS8jRANrOFFUmA-pMQ%3d%3d). To view a recording of this meeting please see here: <https://harriscountytx.new.swagit.com/videos/142513>

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Harris County Attorney's Office



# **Exhibit 10**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY JAMES  
and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS, and  
HONORABLE MARK HENRY, in his  
official capacity as Galveston County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

---

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in his  
official capacity as Galveston County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

---

DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

*Plaintiffs,*

v.

Civil Action No. 3:22-cv-117

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in his  
official capacity as Galveston County Judge,  
and DWIGHT D. SULLIVAN, in his  
official capacity as Galveston County Clerk

*Defendants.*

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**Expert Witness Report of Max Krochmal, Ph.D.  
On Behalf of the United States of America**



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## **1. Introduction**

On November 12, 2021, the Galveston County (Texas) Commissioners Court, a legislative body, passed a redistricting ordinance that redrew the map of its single-member voting districts, called “precincts.” Immediately prior to acting, the commissioners heard dozens of public comments, nearly all of which condemned the new maps for breaking apart Precinct 3, the county’s one historic minority opportunity district. The incumbent in the district likewise denounced the change. On March 24, 2022, the United States filed suit, alleging that the plan violated Section 2 of the Voting Rights Act by denying Black and Hispanic citizens the equal opportunity to elect candidates of their own choosing.<sup>1</sup>

At the request of the United States, I have prepared the following report. It evaluates the historical background of race relations and political opportunities for Black and Hispanic residents in Galveston County and Texas as well as the specific sequence of events leading up to the change in the commissioner precincts. It further examines whether there were deviations from previous procedures throughout the redistricting process, and it seeks to explore the role of racial discrimination in the adoption of the new maps. Throughout the study, it details the ways in which African Americans and Latinx Americans experienced and responded to racial/ethnic inequities, including the relationship between the two groups.

After careful evaluation of the available evidence, I have concluded that the 2021 redistricting occurred in the context of a history of official discrimination affecting the right to vote and as well as discrimination in other aspects of life directed toward both African Americans and Latinx Americans in Galveston County and Texas, that the County Commissioners in that instance used a skeletal process to enact the new commissioners precincts, and that race appears to have been a factor in enacting the new electoral map. Finally, the evidence indicates that Black and Latinx residents of Galveston County have historically constituted a political coalition and continue to support one another’s causes and combine to elect mutually-agreeable candidates of their choosing. Although the two groups’ interests are not identical, there is substantial overlap and similarity in their historical and present-day experiences and positioning.

---

<sup>1</sup> A note on terminology: throughout this paper, I will use “African American” and “Black” interchangeably to denote all people of African descent in the U.S. Although there are Black, African-descended immigrants in the U.S., in Texas and Galveston, the vast majority of African Americans are native-born U.S. citizens, rendering this usage accurate if somewhat approximate overall. I also use “Latinx Americans,” “Latinx,” “Hispanic,” and the Census’s preferred “Hispanic/Latino” interchangeably to refer people of Latin American and Spanish Caribbean descent living in the U.S., regardless of citizenship status. I use “Mexican American” to refer specifically to Mexican-descended peoples in the U.S. in the mid-twentieth century, most but not all of whom were U.S. citizens. The term invokes the cohort described in Mario T. Garcia, *Mexican Americans: Leadership, Ideology, & Identity, 1930-1960* (New Haven: Yale University Press, 1989). I use “white,” “Anglo,” and “Anglo-American” interchangeably and in various combinations for clarity; all describe the group the Census calls “non-Hispanic whites.” Last, I use “people of color” to refer to commonalities among African Americans, Latinx Americans, Asian Americans and Pacific Islanders, Native Americans and indigenous peoples, Arab Americans, people of more than one race, and others outside the 2020 category of “non-Hispanic white.”

## **2. Qualifications & Methodology**

### **2.1. Scholarly Training and Experience**

In researching and presenting this report, I draw on my formal graduate training as well as more than a decade as a practicing, award-winning professional historian, public scholar, and university professor. I have a deep knowledge of Texas's social and political history, having written one monograph and two collaborative books centered on the overlapping histories of African Americans and Mexican Americans in the Lone Star State. My complete Curriculum Vita is attached to this report as Appendix A.

My Duke University Ph.D. dissertation focused on the above subjects and formed the foundation of my 2016 book, *Blue Texas: The Making of a Multiracial Democratic Coalition in the Civil Rights Era*. While the book's title evokes present-day political formations, the text itself centers on the historical efforts of Black, Latinx, and white civil rights and labor organizers beginning in the 1930s. It demonstrates the gradual process by which activists in all three groups came together to challenge the state's traditionally conservative and segregationist Democratic Party. After a series of setbacks, including intra-racial conflicts, African American and Mexican American civil rights activists discovered inter-racial coalitions as the secret weapons in their hitherto separate, decades-long battles against Jim Crow and "Juan Crow" (systemic, often state-sanctioned, discrimination against Latinx Americans; see below for additional information on "Juan Crow"). The book ends in the 1960s, when civil rights activists succeeded in breaking open the state's political system but also confronted the limits of independent political representation for Black and Latinx communities. Much of the book centers on voting rights—how activists engaged with voter registration despite the poll tax, how they built political capacity in their communities, and how they won a semblance of independent political representation for their long-neglected neighborhoods.<sup>2</sup>

My second book project extends these themes via a statewide oral history project and collaborative anthology, *Civil Rights in Black and Brown: Histories of Resistance and Struggle in Texas*. Based on over 500 new life history format interviews (featuring open-ended questions and lasting approximately 1-2 hours each), the book explores the meaning of civil rights among African Americans and Mexican Americans across Texas, from the large metropolitan areas to the cities of the Panhandle Plains, from along the Rio Grande to the small towns of East Texas. The interviews and accompanying archival sources provide incontrovertible evidence of the long histories of systemic racism in Texas, the presence and persistence of both Jim Crow and Juan Crow, and the equally omnipresent resistance to racial discrimination by residents in communities across the state. It unveils the centrality of state-enacted and state-sanctioned physical violence in maintaining inequality, the importance of educational equity and political opportunity to Black and Latinx communities, and a wide range of coalitions, cooperation, and at times conflict between the two groups. Our researchers for *Civil Rights in Black and Brown* conducted roughly a dozen interviews with Black and Latinx leaders in Galveston County, sources that have been consulted as part of this report.<sup>3</sup>

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<sup>2</sup> Max Krochmal, *Blue Texas: The Making of a Multiracial Democratic Coalition in the Civil Rights Era*, Justice, Power, and Politics (Chapel Hill: University of North Carolina Press, 2016).

<sup>3</sup> Max Krochmal and J. Todd Moye, eds., *Civil Rights in Black and Brown: Histories of Resistance and Struggle in Texas* (Austin: University of Texas Press, 2021). Clips from the Galveston interviews are included on the project website, the *Civil Rights*

I have also worked closely with government agencies, nonprofits, and grassroots community leaders to recover, present, and teach the histories of African Americans and Mexican Americans in Texas. One such collaboration with Fort Worth Independent School District produced another book, *Latinx Studies in the K-12 Classroom: A Practical Guide*.<sup>4</sup> Other projects led to public programs, exhibits, websites, and the creation of new archives.<sup>5</sup> My work as a public scholar has also compelled me to attend many meetings of local government bodies, giving me firsthand experience participating as a community member, and teaching me how to observe the political process. These included meetings of the Tarrant County Commissioners Court, City of Fort Worth, and Fort Worth Independent School District. I have also been a close observer and participant in state-level Texas politics.<sup>6</sup>

I spent more than a decade as a professor of history at Texas Christian University and am a former resident of Fort Worth, Texas. I am now a full professor of history at the University of New Orleans, where I also hold the Czech Republic Endowed Professorship in Justice and direct an interdisciplinary Ph.D. program in Justice Studies. The Department of Justice is compensating me for my work on this report at the rate of \$250 per hour. My compensation is not dependent upon my findings nor on the outcome of litigation, and I am free to reach any conclusions warranted by the evidence and my interpretations and scholarly training. This is my first experience serving as an expert witness for litigation, though I have long studied voting rights as part of my scholarship.

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in *Black and Brown Interview Database*, <https://crbb.tcu.edu/>, and a complete archive is available at University of North Texas Libraries, *Portal to Texas History*, <https://texashistory.unt.edu/explore/collections/CRBB/>.

<sup>4</sup> David Colón and Max Krochmal, *Latinx Studies Curriculum in K-12 Schools: A Practical Guide* (Fort Worth: Texas Christian University Press, 2022).

<sup>5</sup> For example, see Max Krochmal and Moisés Acuña Gurrola, eds., *Viva Mi Historia: The Story of Fort Worth Latino Families*, <https://holatarrantcounty.org/vivamihistoria/>. This website, now hosted by the grassroots nonprofit HOLA Tarrant County, grew out of a collaboration with the City of Fort Worth Human Relations Unit and Library and numerous local nonprofits with *Latino Americans: 500 Years of History* grant funding from the National Endowment for the Humanities and the American Library Association. It also led to the creation of a new archive at the city library, *Latino Americans: 500 Years of History*, <http://www.fortworthtexasarchives.org/digital/collection/p16084coll25>.

<sup>6</sup> This participant-observation led me to write op-eds on each of these levels of government. See Max Krochmal and J. Todd Moye, “A draft congressional map lays out one future for Texas. But there is a better path,” *Washington Post*, September 28, 2021, <https://www.washingtonpost.com/outlook/2021/09/28/draft-congressional-map-lays-out-one-future-texas-there-is-better-path/>; Max Krochmal, “If They Care About Equity, Fort Worth Schools Must Extend Virtual Learning,” *Fort Worth Weekly*, September 22, 2020, <https://www.fwweekly.com/2020/09/22/if-they-care-about-equity-fort-worth-schools-must-extend-virtual-learning/>; Max Krochmal, “Tarrant sheriff needs to give straight story on immigration program’s costs, drawbacks,” *Fort Worth Star-Telegram*, June 17, 2019, <https://www.star-telegram.com/opinion/opn-columns-blogs/article231638593.html>; Max Krochmal, “The Texas Senate Race Is Not ‘Historic,’” *Los Angeles Review of Books*, November 4, 2018, <https://lareviewofbooks.org/article/the-texas-senate-race-is-not-historic/>; “Protesters, the council and the many meanings of racism,” *Fort Worth Star-Telegram*, August 18, 2017, <http://www.star-telegram.com/opinion/opn-columns-blogs/other-voices/article168083772.html>; and Max Krochmal, “Texas Democrats must get back to their progressive roots,” *TribTalk (Texas Tribune)*, November 21, 2016, <https://www.tribtalk.org/2016/11/21/texas-democrats-must-get-back-to-their-progressive-roots/>.

## **2.2. The Historical Method**

My methodology for the present study mirrored the normal practices in my profession, guided by my graduate training at Duke and the standards of the American Historical Association.<sup>7</sup> I evaluate as much written evidence as possible, which in this case included dozens of secondary sources produced by other scholars, over three hundred newspaper articles, webpages of broadcast news outlets, minutes and agendas from the Galveston County Commissioners Court over several decades, the digitized video streams of selected commissioners' meetings, flyers and other artifacts culled from social media, archived oral history interviews, and fieldwork in Galveston County in which I drew on written sources to identify, contact, and meet informally with Black and Latinx residents, explored local public history institutions, and attended community events. I also searched in the archives of the Rosenberg Library's Galveston & Texas History Center, where I consulted vertical subject files related to Mexican-origin people in Galveston County and annual reports of the Galveston County Commissioners Court.

As historians, we are often forced to interpret events in the past based on a fragmentary documentary record. To mitigate against errors in collecting evidence, we try to find sources from a variety of authors and contexts. We cast our nets widely and try to be as comprehensive as possible everywhere that we search. The digitization of many archives and newspapers has provided newfound access to rare documents, but keyword searches also present challenges to researchers.<sup>8</sup> To avoid missing important information, when looking in newspaper databases, County Commissioners archives, and even Google searches, I used multiple search terms and experimented with various forms of language, including antiquated usages. For example, I learned that a single, simple search for "redistricting" did not return all of the news articles or Commissioners Court discussions related to the issue, so I also searched for "voting precincts" and for the names of key actors who emerged in the process, people such as Wayne Johnson, Ray Holbrook, and Mark Henry (detailed below). Still, the historical record can remain incomplete and/or inaccessible. Because I used only online databases, and not microfilm, I was unable to access the *Galveston Daily News* for the years 2000 to 2004. This leaves a gap that I was forced to fill, in part, using the *Houston Chronicle* archive, which spans 1985 to the present.

Such limitations aside, using the standards of our discipline, historians can infer, deduce, and ultimately narrate history even while some questions remain. We weigh each document or single piece of evidence fairly against other evidence and cross-reference them to check for veracity. We look for patterns to confirm historical claims, such as when a single event or theme recurs in multiple texts. We also look for deviations from patterns, for example, when a normally formulaic document includes marginal notes or other extraneous information or, in other cases, when some of the standard fields were omitted or incomplete. It is always challenging to determine the motives of historical actors; still, this is what we are trained to do. We use all the information we can gather to

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<sup>7</sup> See American Historical Association, *Statement on Standards of Professional Conduct*, updated 2019, <https://www.historians.org/jobs-and-professional-development/statements-standards-and-guidelines-of-the-discipline/statement-on-standards-of-professional-conduct>.

<sup>8</sup> For a thoughtful exploration of these challenges, along with mitigation strategies, see Lara Putnam, "The Transnational and the Text-Searchable: Digitized Sources and the Shadows They Cast," *American Historical Review* 121, no. 2 (April 2016): 377–402, <https://doi.org/10.1093/ahr/121.2.377>.

make informed, evidence-based decisions on what happened in the past and why and how events took place. We interrogate our evidence alongside and within the wider context surrounding its production, and we explore moments of contingency when events could have unfolded differently (without trading in counterfactuals). Doubts always linger, and more evidence or new readings can produce debate among fair-minded practitioners. Yet historians must work around and through the silences of the record to arrive at evidence-based claims about the past. We establish facts and interpretations based on a preponderance of sources, using a sort of qualitative algorithm to wrangle the many layers of sometimes divergent historical sources into a coherent statement of truth.<sup>9</sup>

These careful approaches—that together comprise the “historical method”—allow us to make educated, accurate claims about the causes of historical events and about continuity or change over time. This report thus uses the historical method to explore the broad histories of race and racism in Texas and Galveston County, before turning to the specific histories of redistricting and political representation on the Galveston County Commissioners Court.

### **2.3. The “Theory of Racial Formation” and the Meaning of “Racist”**

This report draws on the latest historical and social scientific research to examine the historical role of race. Scholars now agree that race is a social construction with little if any connection to biology. Humans created the concept of race and mapped it rather imperfectly onto bodies and phenotypes as part of a pair of world-historical transformations that confronted our species at the dawn of the modern age: the “discovery” of the New World by Europeans and their repopulating of it via the trans-Atlantic slave trade. Tribal divisions had long separated people, while ancestry groups remain important in scientific research. But the historical, cultural, and social process of race-making centered on ascribing meaning to perceived physical differences in order to explain the ravages of imperialism. In short, European thinkers created ideas of racial difference to justify conquest and the consequent inequality between the metropole and its colonial hinterlands, first in the periphery of Europe (such as Ireland) and then overseas. Racism is not the result of innate difference but rather the reflection of underlying social conflicts that, in turn, produced racial categories. Racism begot the races, not the other way around. Enlightenment philosophers further justified the concept of racial difference, and the color lines sharpened amidst industrialization and the expansion of European colonialism in the 19<sup>th</sup> century.

Scholars Michael Omi and Howard Winant’s “theory of racial formation” represents one of the leading academic approaches to understanding, in their words, “the sociohistorical process by which racial identities are created, lived out, transformed, and destroyed.” Taking this concept and other theories of race to heart, historians have explored the ways in which racial formation—the system of race and the racial categories themselves—have changed over time throughout U.S. history, explaining, for example, how Irish immigrants, who initially experienced marginalization in the U.S., gradually became white. The process is not unidirectional nor instantaneous. Rather, groups are racialized via a series of “racial projects” in which racial meanings or understandings of difference

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<sup>9</sup> For more on historical methods, see Thomas Andrews and Flannery Burke, “What Does It Mean to Think Historically?,” *Perspectives on History*, January 2007, <https://www.historians.org/research-and-publications/perspectives-on-history/january-2007/what-does-it-mean-to-think-historically>; William Kelleher Storey, *Writing History: A Guide for Students*, 4th edition (New York: Oxford University Press, 2012); Peter N. Stearns, *Thinking History* (New York: American Historical Association and Oxford University Press, 2004).

get attached to particular acts of organizing and distributing resources. A government could create a new policy, for example, that provides disproportionate benefits to one racial group at the expense of the other, thereby extending disparities. Omi and Winant posit that a given racial project can be understood as “racist” if it “creates or reproduces structures of domination based on racial significations and identities.” Conversely, a racial project can be understood as “anti-racist,” if it does the opposite—for example, a social movement could organize a protest that creates a new discourse on how the nation understands racial inequity. In sum, humans ascribe racial meaning to concrete actions and systems, producing race and racism as meaningful, material reality (and not mere illusion).<sup>10</sup>

Social scientific research has long demonstrated that durable racial inequality persists in the U.S. and worldwide, as measured by a wide range of social and economic factors. African Americans earn less income on average than whites, for example. Many scholars call these persistent patterns of disparities based on race “structural racism” or, when located in particular governmental, business, or educational organizations, “institutional racism.” In the language of Omi and Winant, the many disparities add up to “structures of domination based on racial significations and identities.” Reflecting these insights, in this report, I will use “racism” to signify the cumulative structural disparities that exist in U.S. racial formation—not mere individual attitudes or prejudice—and “racist” to denote a specific “racial project” that “creates or reproduces” these larger structures of inequality. I will use “racial formation” to refer to the entire process in which racial categories are created, given meaning, deployed, contested, and reformulated via racist and antiracist projects.<sup>11</sup>

#### **2.4. “Juan Crow” and Racial Formation in Texas**

Latinx Americans have often occupied an ambiguous position within U.S. racial formations that were conventionally understood in terms of Black and white. The full range of their experiences is beyond the scope of this report, but it is sufficient to note that Latin America includes a wide range of European, Indigenous, and African origin peoples and an infinite palette of phenotypes. Upon entering the U.S., most Latinx immigrants and their children were perceived as neither unambiguously Black nor white, while their foreignness became their most salient characteristic. This was true even for the occupants of the area that would become the U.S. Southwest, which previously was claimed as the northern frontier of the former New Spain (prior to 1821) and Mexico

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<sup>10</sup> Michael Omi and Howard Winant, “The Theory of Racial Formation,” in *Racial Formation in the United States*, Third (New York: Routledge, 2014), 105–36. (quotations on 109, 125, 128). Among the many deeper histories in dialogue with this concept, see Natalia Molina, *How Race Is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2014); David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991); Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1971). Also see George M. Fredrickson, *Racism: A Short History* (Princeton, N.J.: Princeton University Press, 2002).

<sup>11</sup> For further discussions on this topic, see Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America*, 4th edition (Lanham: Rowman & Littlefield Publishers, 2013); Michael K. Brown et al., *Whitenashing Race: The Myth of a Color-Blind Society* (Berkeley: University of California Press, 2003). Also see Joe R. Feagin, *Systemic Racism: A Theory of Oppression*, 1st edition (New York: Routledge, 2006).



(1821 to 1848). In any event, by the late 19<sup>th</sup> century, most Latinx people in Texas and the U.S. Southwest were of Mexican descent, and most possessed phenotypically brown skin.<sup>12</sup>

More important than their ancestry, however, were the structures of domination that surrounded them. Anglo-American settlers in Texas and the Southwest ascribed to brown Mexican Americans a series of racial meanings that together cast them as inferior and undeserving. They did so because the region depended economically upon the labor of Mexican-origin people, and like their colonial predecessors in Europe, they attached racial meaning to justify structures of inequality. Mexicans and Mexican Americans were not constructed as Black, but they were not white either. Instead, most Mexican Americans became a nonwhite Other, and they were treated differently as a result. To take just one example, Anglo-American commercial farmers perceived Mexican-origin people as uniquely adept at labor in the fields because they were deemed inherently unintelligent, docile, and hard-working. These ideas, in turn, justified the substandard company housing provided to migratory workers and the creation of separate “Mexican schools” for their children. The already scant educational offerings closed entirely when extra hands were needed in the fields for planting, hoeing, and harvesting, making the calendar for Mexican schools even shorter than their Anglo counterparts.<sup>13</sup>

The structures of domination that white Anglo-Americans developed to dominate Mexican American labor—paired with the ideas that naturalized the inequality—comprised a caste system that many historians refer to as “Juan Crow.” First coined to describe the U.S. restriction of immigration from Mexico, the term in this context instead refers to the domestic Mexican American counterpart to the system of Jim Crow, a web of practices or racial projects that deepened structural racism in the U.S. Southwest with respect to Mexican Americans, further casting them as a nonwhite racial “other.” Prominent historians have also used the term “Jaime” Crow to describe this systemic discrimination and inequity, but “Juan” remains most prominent. As I write in *Civil Rights in Black and Brown*,

Mexican Americans were confined to separate and inferior schools, segregated under-resourced neighborhoods, political disfranchisement, and the very bottom of the occupational ladder. Since South Texas farmers were subsidized in different areas by a mix of federal and state agencies . . . it is fair to say that all these aspects of Juan Crow were

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<sup>12</sup> For an introduction to racial formations in Latin America, see George Reid Andrews, *Afro-Latin America, 1800-2000* (New York: Oxford University Press, 2004); Richard Graham, ed., *The Idea of Race in Latin America, 1870-1940*, 5th Paperback Printing edition (Austin: University of Texas Press, 1990). On the ways in which Mexican ideas about race traveled to the U.S., see Benjamin H. Johnson, “The Cosmic Race in Texas: Racial Fusion, White Supremacy, and Civil Rights Politics,” *Journal of American History* 98, no. 2 (September 1, 2011): 404–19, <https://doi.org/10.1093/jahist/jar338>; Ruben Flores, *Backroads Pragmatists: Mexico’s Melting Pot and Civil Rights in the United States* (Philadelphia: University of Pennsylvania Press, 2014).

<sup>13</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987); Arnaldo De León, *They Called Them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821–1900* (Austin: University of Texas Press, 1983); Guadalupe San Miguel, *Let All of Them Take Heed: Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981* (Austin: University of Texas Press, 1987); David Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995); Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture*, American Crossroads (Berkeley: University of California Press, 1997).

created and enforced by the state, and that this, too, represented de jure segregation—despite the absence of state and local statutes mandating it. State and local governments chose where and how to build and fund schools, where to build roads or provide services such as running water and sewers, who would qualify to vote, and who would have access to paid employment or unemployment relief.

Most critically, the state determined how it would punish Mexicanos who stepped out of line. . . Mexican Americans were likewise victims of extralegal violence and state-sponsored terror.<sup>14</sup>

Structural racism thus targeted Mexican Americans across the Southwest. In Texas, Juan Crow overlapped with the Jim Crow segregation of African Americans, which likewise sought to contain and discipline agricultural workers. The state's racial formations prioritized white Anglos at the expense of both African Americans and Mexican Americans—and both groups, in turn, shaped that process through their own collective actions.<sup>15</sup>

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<sup>14</sup> Max Krochmal, “Lone Star Civil Rights: Histories, Memories, and Legacies,” in Krochmal and Moye, *Civil Rights in Black and Brown*, 4–5; Laura E. Gómez, *Manifest Destinies: The Making of the Mexican American Race*, 2nd edition (NYU Press, 2018); Albert M. Camarillo, “Navigating Segregated Life in America’s Racial Borderhoods, 1910s–1950s,” *Journal of American History* 100, no. 3 (December 2013): 645–62; José Jorge Mendoza, “Doing Away with Juan Crow: Two Standards for Just Immigration Reform,” *APA Newsletter on Hispanic/Latino Issues in Philosophy* 15, no. 2 (2015): 14–20. The usage of “Juan” by a recent Macarthur fellow indicates its growing acceptance. See Kelly Lytle Hernández, *Bad Mexicans: Race, Empire, and Revolution in the Borderlands* (New York, NY: W. W. Norton & Company, 2022). For more on state-sanctioned violence against Mexicans, Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas* (Cambridge, Mass.: Harvard University Press, 2018); William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848-1928* (New York: Oxford University Press, 2013).

<sup>15</sup> The Jim Crow system of segregation worked differently than did Juan Crow, and anti-Blackness remained foundational to U.S. and regional racial formations. African Americans and Mexican Americans often diverged in how they confronted systemic racism, with each group prioritizing its own community’s experiences and needs. The two groups typically had distinct leaders, hailed from largely separate cultures and diasporas, often lived in segregated monoracial neighborhoods, practiced different religious denominations, at times spoke different languages, and held disparate views on how to achieve equity. Yet similarities of political strategy, class, tactics, and other factors frequently brought African Americans and Mexican Americans of similar ideological persuasions together across racial and ethnic lines. Many Mexican Americans recognized the similarities between Juan Crow and Jim Crow and sought to build coalitions with African Americans, and vice-versa. For other members of both groups, distance and indifference were the norm. Still other African Americans and Mexican Americans experienced conflict with one another over resources, power, or positioning. In extreme but unrepresentative cases, a minority of Mexican American activists exhibited anti-Black prejudice and positioning while they confronted Juan Crow. For examples of coalitions, see Krochmal, *Blue Texas*; Lauren Araiza, *To March for Others: The Black Freedom Struggle and the United Farm Workers* (Philadelphia: University of Pennsylvania Press, 2013); Gordon Keith Mantler, “Black, Brown, and Poor: Martin Luther King Jr., the Poor People’s Campaign and Its Legacies” (Ph.D. diss., Duke University, 2008). On conflict, see Brian D. Behnken, *Fighting Their Own Battles: Mexican Americans, African Americans, and the Struggle for Civil Rights in Texas* (Chapel Hill: University of North Carolina Press, 2011); Neil Foley, “Becoming Hispanic: Mexican Americans and the Faustian Pact with Whiteness,” *Reflexiones*, 1997, 53–70; Neil Foley, *Quest for Equality: The Failed Promise of Black-Brown Solidarity* (Cambridge, Mass.: Harvard University Press, 2010). For more subtle rejoinders that better characterize the relationship of Mexican American activists to whiteness, see Carlos K. Blanton, “George I. Sánchez, Ideology, and Whiteness in the Making of the Mexican American Civil Rights Movement, 1930-1960,” *Journal of Southern History* 72, no. 3 (August 2006): 569–604; Carlos K. Blanton, “The Citizenship Sacrifice: Mexican Americans, the Saunders-Leonard Report, and the Politics of Immigration, 1951-1952,” *Western Historical Quarterly* 40, no. 3 (Autumn 2009): 299–320; Thomas A. Guglielmo, “Fighting for Caucasian Rights: Mexicans, Mexican Americans, and the Transnational Struggle for Civil Rights in World War II Texas,” *Journal of American History* 92, no. 4 (March 2006): 1212–37; Johnson, “The Cosmic Race in Texas.” On Mexican Americans in the Jim Crow South, see Cecilia Márquez, “Juan Crow and the Erasure of Blackness in the

### **3. Historical Background of Racial Formation in Texas**

#### **3.1. Early Texas and the Rise of Segregation**

The political entity that is now Texas began as a settler-colony of slaveholders. Scholars now agree that the area's early economic and political life centered on the cultivation of cotton by enslaved African-descended people, from its growth as a Mexican outpost (1821-1836), through the period of the Texas Republic (1836-1845), and following its annexation by the United States. White Anglo-American settlers banished indigenous peoples from the territory and relegated most Mexicans to unskilled wage labor in both the fields and the cities. After becoming a state, Texas joined the Confederate rebellion, with the explicit purpose of defending the institution of chattel slavery.<sup>16</sup>

After the rebellion's failure, and a brief period of Reconstruction, large scale planters moved to reestablish their dominion of the countryside. They devised new methods of labor control, such as sharecropping, and at the turn of the twentieth century, they developed the twin caste systems of Jim Crow and Juan Crow. Both were novel inventions aimed at establishing and maintaining white supremacy as a way of life. The new regimes included social, economic, and political dimensions. Commercial farmers created new counties to wrest power from Mexican ranchers in South Texas, while East Texas planters dominated local politics and, via malapportionment, state government. New tools such as the poll tax (enacted 1903) and all-white primary (1923) bolstered their position. The former required voters in Texas to pay an annual fee that reached \$1.25 in order to register to vote. The amount represented a substantial sum for wageworkers and sharecroppers, and its timing—due each January—meant that the tax came during a season when agricultural laborers rarely had cash on hand. Further, the triumphant Democratic Party, which had “redeemed” Texas and the rest of the “solid South” from Black- and Republican-led Reconstruction, enacted the white primary to limit participation in the Democratic Party's all-important nominating contests. Even if they could manage to pay their poll taxes, then, all Black and most Latinx voters could not cast ballots in the elections and caucuses that really mattered.<sup>17</sup>

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Latina/o South,” *Labor* 16, no. 3 (September 1, 2019): 79–85; Julie M. Weise, *Corazon de Dixie: Mexicanos in the U.S. South since 1910* (Chapel Hill: The University of North Carolina Press, 2015).

<sup>16</sup> On the settling of Texas, see Andrew J. Torget, *Seeds of Empire: Cotton, Slavery, and the Transformation of the Texas Borderlands, 1800-1850* (Chapel Hill: The University of North Carolina Press, 2015); Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821–1865* (Baton Rouge: LSU Press, 1989). On Texas's early Indigenous history and the conquest, see, for example, Juliana Barr, *Peace Came in the Form of a Woman: Indians and Spaniards in the Texas Borderlands* (Chapel Hill: University of North Carolina Press, 2007); Pekka Hamalainen, *The Comanche Empire* (New Haven: Yale University Press, 2008); Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008); F. Todd Smith, *From Dominance to Disappearance: The Indians of Texas and the Near Southwest, 1786-1859* (Lincoln: University of Nebraska Press, 2005); Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820–1875* (Norman: University of Oklahoma Press, 2005). On secession, see “A declaration of the causes which impel the State of Texas to secede from the Federal Union, February 2, 1861, Texas State Library and Archives Commission, <https://www.tsl.texas.gov/ref/abouttx/secession/2feb1861.html>.

<sup>17</sup> Randolph B. Campbell, *Grass-Roots Reconstruction in Texas, 1865-1880* (Baton Rouge: Louisiana State University Press, 1997); Carl H. Moneyhon, *Texas After the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004); Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (New York: Oxford University Press, 1978); Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986*; Darlene Clark Hine, *Black Victory: The Rise and Fall of the White Primary in Texas*, New ed. (Columbia: University of Missouri Press, 2003); O. Douglas

Beyond these political repercussions, the systems of Jim Crow and Juan Crow shaped the jobs available to Black and Latinx people; determined where they could live and which schools they could attend; subjected them to disparate policing, extralegal violence, court proceedings, incarceration, and convict-lease labor; provided differential and unequal access to healthcare and public services; and generally sought to dehumanize, dominate, and deter African Americans and Latinx Americans. The history of segregation in Texas paralleled that of other Southern and Southwestern states. Jim Crow was more visible in East Texas, while Juan Crow predominated in South Texas and West Texas. In the cities, both caste systems often converged. Indeed, as Texas modernized and urbanized in the first half of the 20th century, cities and counties passed a bevy of ordinances and enacted a series of practices to institutionalize segregation in the urban environment. The systems of Jim Crow and Juan Crow did not merely separate Black and Latinx peoples from whites but rather aimed to impose methods of racial domination that together comprised a regime of laws and customs that became deeply entrenched, shaping the life chances and opportunities available to Black and Latinx Texans across the state. No area was left untouched.<sup>18</sup>

### **3.2. Civil Rights Struggles and the Voting Rights Act**

African Americans and Latinx Americans resisted Jim Crow and Juan Crow continuously, but their efforts began to bear fruit in World War II. Black Texans under the leadership of the NAACP filed legal challenges that ultimately led to the U.S. Supreme Court, and were successful in overturning the white primary (*Smith v. Allright*, 1944) and segregation in graduate and professional schools (*Sweatt v. Painter*, 1950). They seized the wartime promise of fair employment practices to challenge persistent discrimination on the job. Mexican Americans joined in these efforts and also built a pair of organizations to advocate for their interests, the League of United Latin American Citizens (LULAC, founded in 1929), and the American G. I. Forum, a veterans' group (established 1948).<sup>19</sup>

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Weeks, "Election Laws," Handbook of Texas Online, June 12, 2010, <https://tshaonline.org/handbook/online/articles/wde01>.

<sup>18</sup> For a lengthier summary of the making of Jim Crow and Juan Crow in Texas, see Krochmal, "Lone Star Civil Rights," 3-7, in Krochmal and Moye, *Civil Rights in Black and Brown*. Also see C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 2001); Bernadette Pruitt, *The Other Great Migration: The Movement of Rural African Americans to Houston, Texas, 1900-1941* (College Station: Texas A&M University Press, 2013); William H. Chafe, Raymond Gavins, and Robert Korstad, eds., *Remembering Jim Crow: African Americans Tell About Life in the Segregated South* (New York: New Press, 2001); Leslie Brown and Anne Valk, *Living with Jim Crow: African American Women and Memories of the Segregated South* (New York: Palgrave Macmillan, 2010); Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow*, 1st ed (New York: Alfred A. Knopf, 1998); Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Pantheon, 1998); Martinez, *The Injustice Never Leaves You*; Nicholas Villanueva Jr., *The Lynching of Mexicans in the Texas Borderlands* (University of New Mexico Press, 2017); Carrigan and Webb, *Forgotten Dead*.

<sup>19</sup> For an overview of the Black and Latinx liberation struggles in Texas, see Krochmal, "Lone Star Civil Rights," 7-14, in Krochmal and Moye, *Civil Rights in Black and Brown*. Also see Merline Pitre, *In Struggle Against Jim Crow: Lulu B. White and the NAACP, 1900-1957* (College Station: Texas A&M University Press, 1999); Cynthia Orozco, *No Mexicans, Women, or Dogs Allowed: The Rise of the Mexican American Civil Rights Movement* (Austin: University of Texas Press, 2009); Emilio Zamora, *Claiming Rights and Righting Wrongs in Texas: Mexican Workers and Job Politics During World War II* (College Station: Texas A&M University Press, 2009); Gabriela González, *Redeeming La Raza: Transborder Modernity, Race, Respectability, and Rights* (New York: Oxford University Press, 2018); Benjamin Marquez, *LULAC: The Evolution of a Mexican American Political Organization*, 1st ed (Austin: University of Texas Press, 1993); Will Guzman, *Civil Rights in the Texas Borderlands: Dr. Lawrence A. Nixon and Black Activism* (University of Illinois Press, 2015); Gary M. Lavergne, *Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice*, Amazon Kindle Edition (Austin: University of Texas Press, 2010);

Members of these organizations, along with grassroots leaders in both Black and Latinx communities, banded together in a series of political coalitions as early as the 1930s. As I detail in *Blue Texas*, by the early 1960s they came together with white liberals and labor leaders in the simply named “Democratic Coalition of Texas.” To be sure, Black and Latinx Texans experienced systemic white supremacy differently, yet they consistently sought out allies across lines of race and ethnicity. They did so in both the 1950s and 1960s, when Mexican Americans were legally considered a “class apart” or “other whites,” as well as into the 1970s and beyond, when they became an “identifiable ethnic minority” for the purposes of school desegregation, antipoverty efforts, and urban policy.<sup>20</sup>

Although the systems of Jim Crow and Juan Crow were not fully dismantled by the civil rights movements of the 1960s and 1970s, the legal regime changed significantly, particularly in relation to politics. The Voting Rights Act of 1965 increased federal enforcement authority with respect to the electoral process, but despite pervasive systemic racism, neither Texas nor any of its political subdivisions were initially included under the Act’s Section 4 formula that required covered jurisdictions to preclear voting changes with the federal government. Voting discrimination based on race persisted, but ironically, the successful registration campaigns of the Democratic Coalition, the NAACP, Texas Council of Voters, and other groups had enrolled enough Black voters that the state was not subjected to the same scrutiny as other Southern states. Yet a decade later, when Congress reauthorized the Voting Rights Act in 1975, it extended the law to protect “language minorities,” including Spanish-speaking peoples of the Southwest. Activists led by the Raza Unida Party, Southwest Voter Registration Education Project, and the Mexican American Legal Defense and Education Fund (MALDEF) documented numerous cases of voter suppression, cases in which Mexican Americans were denied their equal exercise of the franchise. In coalition with African American organizations, they filed numerous lawsuits that, for the first time, created minority-opportunity districts for Black and Latinx communities in Texas.

Organizers had struggled to achieve independent political representation since the 1930s. They fielded candidates who both looked like them and spoke to their issues, but at-large elections, white bloc voting, and the poll tax and white primary had all stood in the way. They still achieved some successes by the 1960s, particularly in state legislative races. But it was the extension of the VRA in 1975 that finally added Texas to Section 4(b), the Act’s coverage formula, subjecting the state and its subdivisions to the preclearance requirements of Section 5. For the first time, Black and Latinx voters in Texas possessed meaningful rights and enjoyed the active backing of the federal government, a shift that forced most of the state’s larger cities to finally create single-member voting districts that would allow Black and Latinx voters to elect candidates of their own choosing. The late 1970s subsequently saw a substantial rise of Black and Latinx elected officials in Houston, Dallas, San Antonio, and medium- and small-sized cities across the state. In 1970, there were just 29 Black

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Michael A. Olivas, ed., *Colored Men And Hombres Aquí: Hernandez V. Texas and the Emergence of Mexican American Lawyering* (Houston: Arte Público Press, 2006); Krochmal, *Blue Texas*.

<sup>20</sup> Krochmal, *Blue Texas*; Guadalupe San Miguel, *Brown, Not White: School Integration and the Chicano Movement in Houston*, University of Houston Series in Mexican American Studies (College Station: Texas A&M University Press, 2001); Behnken, *Fighting Their Own Battles*; Foley, *Quest for Equality*; William S. Clayson, *Freedom Is Not Enough: The War on Poverty and the Civil Rights Movement in Texas* (Austin: University of Texas Press, 2010); Krochmal and Moye, *Civil Rights in Black and Brown*.

elected officials in all of Texas. By 1980, that number reached 196, a 675% increase that resulted mostly from the election of new municipal and school board officials (153 of the 196 served at that level). By 2000, 475 Black people were elected to office, yet that total still comprised just 1.7% of the total number of elected officials in Texas.<sup>21</sup>

Mexican Americans also gained increased visibility and political power following the Hart-Celler Immigration and Nationality Act of 1965, the Immigration Reform and Control Act of 1986, and parallel Mexican political and economic developments. By the 1990s, many Mexican laborers abandoned circular migration (regular travel back and forth between Mexico and the U.S.) and made permanent homes in the United States. Some gained amnesty from the 1986 law, many more naturalized via family reunification provisions, and all of their U.S.-born children are birthright citizens. Some remain undocumented. Consequently, Texas and the United States have experienced “browning.” As the *Texas Tribune* summarized the 2020 Census: “Non-Hispanic white Texans now make up just 39.8% of the state’s population — down from 45% in 2010. Meanwhile, the share of Hispanic Texans has grown to 39.3%.” Further, “Texans of color accounted for 95% of the state’s population growth” since 2010, half of it attributable to Hispanic/Latino people. African Americans comprise 11.82% of the state’s population. Taken together, Black and Latinx Texans already constitute the state’s majority.<sup>22</sup>

### **3.3. Partisan Realignment**

The struggle for Black political representation and the signing of the Voting Rights Act triggered a partisan realignment in the South and eventually nationwide. African Americans after the Civil War first exercised the franchise as Republicans, members of the party of Lincoln. The first Black Congressman of the 20<sup>th</sup> century, Oscar De Priest of Illinois, was a Republican, first elected in 1928. By 1936, African Americans rewarded Franklin D. Roosevelt for including them in the New Deal, flocking into his Democratic Party. Yet in Texas and across the South, the Democratic Party remained the province of unreconstructed segregationists, exemplified by “Dixiecrat” and the States Rights Party’s 1948 nominee for the presidency, Strom Thurmond of South Carolina. Liberal New Deal Democrats sought to unseat the segregationists and wrest control of the party across the South. In Texas in the 1960s, African Americans and Mexican Americans joined with white liberals

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<sup>21</sup> “Black elected officials in Texas, 1970-2000,” Texas Politics Project (University of Texas), [https://texaspolitics.utexas.edu/archive/html/vce/features/0503\\_03/blacks.html](https://texaspolitics.utexas.edu/archive/html/vce/features/0503_03/blacks.html) (accessed January 6, 2023); Ari Berman, *Give Us the Ballot: The Modern Struggle for Voting Rights in America* (New York: Farrar, Straus and Giroux, 2015); Maggie Rivas-Rodriguez, *Texas Mexican Americans and Postwar Civil Rights* (Austin: University of Texas Press, 2015); Benjamin Márquez, *The Politics of Patronage: Lawyers, Philanthropy, and the Mexican American Legal Defense and Educational Fund* (Austin: University of Texas Press, 2021); Juan Sepúlveda, *The Life and Times of Willie Velásquez: Su Voto Es Su Voz* (Houston: Arte Publico Press, 2003); Krochmal, *Blue Texas*.

<sup>22</sup> Alexa Ura et al, “People of color make up 95% of Texas’ population growth, and cities and suburbs are booming, 2020 census shows,” *Texas Tribune*, August 12, 2021, <https://www.texastribune.org/2021/08/12/texas-2020-census/>. Ana Raquel Minian, *Undocumented Lives: The Untold Story of Mexican Migration* (Cambridge, Massachusetts: Harvard University Press, 2018); Steve Phillips, *Brown Is the New White: How the Demographic Revolution Has Created a New American Majority*, Revised and Updated Edition (New York London: The New Press, 2018).

and labor to create the Democratic Coalition, which helped to reelect both Lyndon B. Johnson to the presidency and a liberal U.S. Senator, Ralph W. Yarborough, in 1964.<sup>23</sup>

Yet even before Johnson signed the Voting Rights Act, white conservative Democrats in the South began defecting to the Republican Party, a trend that accelerated throughout the remainder of the 20<sup>th</sup> century. African Americans, meanwhile, voted in ever greater percentages for the Democratic Party, which became known as the party of civil rights. White Southerners left *en masse*. In 1984, every Southern state voted to reelect Republican president Ronald Reagan. In 2004, white Southerners voted 70-30 in favor of Republican George W. Bush, while Black Southerners voted 90-9 in favor of his opponent, Democrat John Kerry. By 2014, Republicans controlled every governorship and state legislature in the region, and all but three U.S. Senate seats (two from Virginia, and one from Florida). The once Democratic “Solid South” is now heavily Republican.<sup>24</sup>

Race represented the most important factor in these transformations. African Americans (along with Latinx Americans) broke down the doors of the formerly all-white Democratic Party and fought to make it their own, in partnership with white liberals and trade unionists. To be sure, this demographic shift had an ideological effect on the party, even as some conservative Democrats remained in the fold and advocated “moderate” positions. At the same time, the New Right enhanced its influence in the Republican Party, shifting the party to the ideological right since 1964. Nationwide, amidst a white backlash beginning in the 1970s, both parties retreated from civil rights advocacy and instead called for “law and order” and “welfare reform,” practicing “dog-whistle politics” in order to appeal to white voters. Yet people of color still cast their lot with the Democrats, while the Republicans’ ideological positioning proved unattractive to nonwhites. According to exit polls, in Texas in 2020, 90% of African Americans, 58% of Latinx Americans, and 63% of Asian Americans voted against the incumbent Republican President Donald Trump (compared to just 33% of whites). In Texas, as across the South and nation, such polarization meant that party often served as a proxy for race.<sup>25</sup>

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<sup>23</sup> Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (Cambridge [England]: Cambridge University Press, 1990); Harvard Sitkoff, *The Struggle for Black Equality 1954-1992*, American Century Series (New York: Hill and Wang, 1993); Patricia Sullivan, *Days of Hope: Race and Democracy in the New Deal Era* (Chapel Hill: University of North Carolina Press, 1996); Joseph Crespino, *Strom Thurmond’s America: A History*, Reprint edition (New York: Hill and Wang, 2013); Krochmal, *Blue Texas*.

<sup>24</sup> Eric Schickler, *Racial Realignment: The Transformation of American Liberalism, 1932–1965* (Princeton, New Jersey: Princeton University Press, 2016); Kevin P. Phillips, *The Emerging Republican Majority*, Revised edition (Princeton: Princeton University Press, 2014).; John Woolley and Gerhard Peters, “Statistics: 1984,” *The American Presidency Project* (University of California, Santa Barbara), <https://www.presidency.ucsb.edu/statistics/elections/1984>; “U.S. President / Region: South / Exit Poll,” *CNN.com*, 2004, <http://www.cnn.com/ELECTION/2004/pages/results/states/US/P/00/epolls.3.html> (accessed January 6, 2023); Nate Cohn, “Demise of the Southern Democrat Is Now Nearly Complete,” *New York Times*, December 4, 2014, <https://www.nytimes.com/2014/12/05/upshot/demise-of-the-southern-democrat-is-now-nearly-complete.html>.

<sup>25</sup> Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton, N.J.: Princeton University Press, 2001); Ian Haney López, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class*, Illustrated edition (Oxford New York: Oxford University Press, 2015); Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, 1 edition (Cambridge, Mass.: Harvard University Press, 2016); Adam Goodman, *The Deportation Machine: America’s Long History of Expelling Immigrants* (Princeton: Princeton University Press, 2018).

## **4. Historical Background of Racial Formation in Galveston County & Environs**

### **4.1. Slavery, Industry, and Segregation**

The history of race and racism in Galveston County largely reflects this statewide story. The area grew around its county seat and port, an entrepôt for the domestic trade in enslaved people as well as the export of cotton. Although few plantations existed on Galveston Island, the city was steeped in the institution and profited from its exchange with large slave labor camps on the county's mainland. At the dawn of the Civil War, City of Galveston ordinances included special provisions for the policing of enslaved and free people of color, including a \$1.50 charge by the city marshal for each instance of whipping them (\$1 if requested by a purported owner of the enslaved), a requirement for special searches and inspections of all sea ships departing to "all ports other than those of slave states," and the enlistment of a Night Watch to enforce an evening curfew and various restrictions on enslaved peoples' waged labor, marketplace exchanges, and bearing of arms. Many of Galveston's leading citizens were intimately tied to slavery, and it occupied a central location in the city. For example, in the words of journalist Gary Cartwright, "[t]he largest slave market west of New Orleans, in fact, flourished on the Strand, operated by the mayor of Galveston, [Colonel John] S. Sydnor." Approximately 18% of the county's population was enslaved in 1860, but slavery still drove Galveston County's economy and shaped its local government. Many white residents of Galveston also endorsed the explicitly proslavery declaration of secession by which Texas joined the Confederate rebellion.<sup>26</sup>

Of course, Galveston County also became home to the war's final symbolic act of abolition, as Union troops landed on the island and read aloud the Emancipation Proclamation on June 19, 1865. Enslaved people were told that they were now and forever free. The event became a cornerstone of African American collective memory, radiating outward from Galveston and Texas, and in 2021, Juneteenth became a U.S. federal holiday. Yet the promise of equality under the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments ultimately betrayed the freedmen and freedwomen. By the end of the 19<sup>th</sup> century,

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Press, 2020). "Texas Exit Polls: How Different Groups Voted," *New York Times*, 2020, <https://www.nytimes.com/interactive/2020/11/03/us/elections/exit-polls-texas.html> (accessed January 18, 2023).

<sup>26</sup> This history would not be possible without the painstaking recovery work led by Black residents of Galveston, including the leaders and volunteers at the African-American Museum. I'm deeply indebted to their efforts. For an overview of local Black history, see Izola Ethel Fedford Collins, *Island of Color: Where Juneteenth Started*, Illustrated edition (Bloomington, Ind: AuthorHouse, 2004). For academic histories of the city and environs, see David G. McComb, *Galveston: A History* (University of Texas Press, 1986); Gary Cartwright, *Galveston: A History of the Island* (Texas Christian University Press, 1998), (quotation on 79). For additional academic research on slavery in Galveston, see Robert S. Shelton, "Slavery in a Texas Seaport: The Peculiar Institution in Galveston," *Slavery & Abolition* 28, no. 2 (August 2007): 155–68, <https://doi.org/10.1080/01440390701427990>; Robert S. Shelton, "On Empire's Shore: Free and Unfree Workers in Galveston, Texas, 1840-1860," *Journal of Social History* 40, no. 3 (Spring 2007): 717–30, <https://doi.org/10.1353/jsh.2007.0070>. For the slave codes, see W. & D. Richardson. *Galveston City Directory, 1859-1860*, book, 1859; Galveston, Texas. (<https://texashistory.unt.edu/ark:/67531/metaph636854/>; accessed December 9, 2022), University of North Texas Libraries, The Portal to Texas History, <https://texashistory.unt.edu/>; crediting Rosenberg Library, 37, 38 (quotation), 40; United States Census Bureau, *Population of the United States in 1860: Texas*, <https://www2.census.gov/library/publications/decennial/1860/population/1860a-34.pdf> (accessed December 8, 2022). For an overview of enslavement in Galveston, see Katelyn Landry, *Facing the Gulf: Learning Stories of Slavery in Galveston, 1816-1865* (Rice University and Galveston Historical Foundation), <https://digitalprojects.rice.edu/facingthegulf/> (accessed January 6, 2023).



sharecropping had emerged as the dominant labor system in the countryside, and Jim Crow reigned supreme.<sup>27</sup>

The presence of the port did provide African Americans in the City of Galveston with a degree of economic opportunity and stability that exceeded that of their inland counterparts. The all-white Screwmen's Benevolent Association, founded in 1866, eventually accommodated the threat of Black strikebreakers by forging a pact with African American stevedores, first organized as the Cotton Jammer's Association in 1879. Carried over into two segregated locals of the International Longshoremen's Union (ILA), the "fifty-fifty" plan stipulated that stevedoring would be shared among the two races, with each group of workers alternating either the ends, or the two sides, of each cargo ship. The system produced relative peace on the docks and elevated Black longshoremen to a privileged status within the African American community. They were joined in relative prosperity by other Black "labor aristocrats" such as railroad workers and the unskilled laborers in the growing petrochemical industry, and a small Black middle class of doctors, lawyers, barbers, beauticians, and teachers. These strata allowed many African Americans in Galveston County to resist and survive the worst of Jim Crow.<sup>28</sup>

Still, white supremacist segregation achieved its desired ends in Galveston County. Whites confined most African Americans to poorly-paid jobs in industry, agriculture, hospitality, tourism, and domestic service. The oil gusher at Spindletop in 1901 and the opening of the Houston Ship Channel in 1914 led to the rapid industrialization of the Upper Texas Gulf Coast. Galveston's port suffered from the competition across the bay, but the archipelago of oil and gas refineries extended to mainland Galveston County, including the massive complex in Texas City. Still, African Americans and Mexican Americans did not share equally in the boom. Systemic employment discrimination confined them to unskilled positions, often focused on dirty and dangerous tasks. World War II-era fair employment measures had little effect. Deindustrialization and plant closures later in the twentieth century deepened these spatialized patterns of segregation and inequality. Although African Americans and Mexican Americans used Title VII of the Civil Rights of 1964 to finally gain access to operative and skilled positions in industry, they typically lacked plant-wide

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<sup>27</sup> Annette Gordon-Reed, *On Juneteenth* (New York: Liveright, 2021); Elizabeth Hayes Turner, "Juneteenth: Emancipation and Memory," in *Lone Star Past: Memory and History in Texas*, ed. Gregg Cantrell and Elizabeth Hayes Turner (College Station: Texas A&M University Press, 2007), 143–75; David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2001).

<sup>28</sup> "Screwmen's Benevolent Association," Handbook of Texas Online, 1976, <https://www.tshaonline.org/handbook/entries/screwmens-benevolent-association>; James C. Maroney, "International Longshoremen's Association," Handbook of Texas Online, 1995, <https://www.tshaonline.org/handbook/entries/international-longshoremens-association>; Gregg Andrews, "Black Working-Class Political Activism and Biracial Unionism: Galveston Longshoremen in Jim Crow Texas, 1919-1921," *Journal of Southern History* 74, no. 3 (August 2008): 627–68; Joseph Abel, "Opening the Closed Shop: The Galveston Longshoremen's Strike of 1920-1921," *Southwestern Historical Quarterly* 110, no. 3 (January 2007): 316–47. On the Black middle-class in the age of Jim Crow, see Izola, *Island of Color*. For a detailed case study of the interior life of Black communities in the Age of Jim Crow, see Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2008).

seniority and were therefore the first to be let go during layoffs. Industrial jobs disappeared just as workers of color were entering more lucrative skilled and managerial positions.<sup>29</sup>

At the same time, the postwar boom in suburban single-family housing remained predominately white. Northern Galveston County grew around NASA and developed prosperous bedroom communities serving nearby Houston. Many people of color remained in historically-Black and -Latinx urban areas—Galveston’s historic Central district for African Americans, which also became home to the city’s first public housing projects, and the East End or “Tortilla Flat” cluster of Mexican Americans. Other Black and Latinx people congregated in apartments, houses vacated by fleeing whites, and new developments adjacent to heavy industry on the Mainland. Local historian Izola Collins notes that the postwar South Acre Manor development in La Marque offered “quality homes . . . to African American working people at a fraction of the cost . . . . Soon everyone was talking about the fact that a family could buy a house and land for less than you could by a lot in Galveston.” Yet such options remained limited, as many Black and Latinx residents struggled to qualify for mortgages in the face of ongoing discrimination.<sup>30</sup>

Last but not least, the gradual desegregation of schools in Galveston County, which aimed to create equal opportunity for all, instead exacerbated racial inequity. On Galveston Island, desegregation resulted in the demotion of the historically-Black Central High School into a middle school, along with a loss of Black teachers and coaches. Collins writes of her experience at Hitchcock, on the Mainland, that “[i]ntegration was a very desirable goal, but it did seem very unfair that all the transportation problems, all the discipline problems, all the academic problems had to be borne by

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<sup>29</sup> For an overview of Black employment in the region, see Ernest Obadele-Starks, *Black Unionism in the Industrial South* (Texas A&M University Press, 2000). For Latinx people, see Zamora, *Claiming Rights and Righting Wrongs in Texas*; Cletus E. Daniel, *Chicano Workers and the Politics of Fairness: The FEPC in the Southwest, 1941-1945* (Austin: University of Texas Press, 1991). This and the following section also draw on my fieldwork in Galveston County in October, 2022, and interviews from the *Civil Rights in Black and Brown Oral History Project*, including: Oral History Interview with Robert Quintero, interviewed by Sandra Enríquez and Samantha Rodriguez, July 19, 2016, Galveston, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987521/>; Oral History Interview with Cornelia Harris Banks, July 6, 2016, interviewed by Sandra Enríquez and Samantha Rodriguez, Galveston, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987489/>; Oral History Interview with Clifton Lyons and Diana O’Neal, interviewed by Sandra Enríquez and Samantha Rodriguez, June 29, 2016, Galveston, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987475/>; Oral History Interview with Sam Collins, interviewed by Sandra Enríquez and Samantha Rodriguez, June 26, 2016, Galveston, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987529/>; Oral History Interview with David O’Neal, interviewed by Sandra Enríquez and Samantha Rodriguez, July 18, 2016, Galveston, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987538/>; Oral History Interview with Lupe Mendez, interviewed by Sandra Enríquez and Samantha Rodriguez, July 6, 2016, Missouri City, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987491/>; Oral History Interview with Lillie Aleman, interviewed by Sandra Enríquez and Samantha Rodriguez, July 11, 2016, Galveston, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987503/>.

<sup>30</sup> Collins, *Island of Color*, 391. For national perspectives on housing inequity, see Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright, 2017); Keeanga-Yamahtta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: The University of North Carolina Press, 2019); Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, N.J.: Princeton University Press, 1996).

the students of color, and never the other way around.” Such observations proved apt throughout Galveston County and much of the South. For their part, many white families left urban school districts for private or suburban schools.<sup>31</sup>

#### **4.2. The Latinx Experience & Local Racial Formations**

Latinx Americans had been present in Galveston County since the colonial era. After annexation by the U.S., some Mexican-descended entrepreneurs opened restaurants, and a few, like Thomas Gonzales, thrived in the cotton-based economy, achieving entrée into the island’s elite.

Yet Juan Crow constrained Mexican Americans in Galveston County as it did statewide. Most worked as “day laborers, in private homes as domestic servants, or in various positions at hotels, restaurants, and commercial laundries.” Like African Americans, they struggled to get more lucrative jobs in industry due to employment discrimination. For example, Pedro “Pete” Enriquez returned from World War II, where he had participated in the D-Day invasion, to learn that the local telecommunications company would not give him a job because it “didn’t hire Mexicans.”<sup>32</sup> Similarly, although most Mexican American children attended white Anglo schools, they often faced discrimination, including taunting from Anglo kids and institutional practices such as academic tracking, prohibitions on speaking Spanish, and the erasure of their history, language, and culture.<sup>33</sup>

On the other hand, the relatively small numbers of Latinx Americans made segregation somewhat less rigid in Galveston County versus elsewhere in Texas, and many Mexican Americans sought inclusion in Anglo institutions. In 1949, upwardly mobile Mexican American businessmen, labor leaders, and veterans organized the county’s first LULAC chapter, which became council #151. The group advocated for equal employment and improved educational opportunities for Latinx children. The organization’s early appearances in the *Galveston Daily News* showcase the organization hosting

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<sup>31</sup> Collins, *Island of Color*, 400. On school desegregation generally, see Ansley T. Erickson, *Making the Unequal Metropolis: School Desegregation and Its Limits* (Chicago: University of Chicago Press, 2016); William Henry Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (New York: Oxford University Press, 1980).

<sup>32</sup> “Galveston’s Hispanic History,” *Galveston History Foundation*, September 15, 2020, online, <http://galvestonhistory.org/news/national-hispanic-american-heritage-month> (accessed December 10, 2022) (first quotation); Quintero oral history interview, clip two, 00:01:48 (second quotation); Alemán oral history interview, clip one, 00:01:49. Also see Edward Simmen, “Galveston and the Mexican Immigrant: A Preliminary Study, From 1830-1930,” ca. 1990, manuscript, Fundación Universidad de las Américas Puebla, copy in vertical file “Mexican-Americans in Galveston 1,” Galveston & Texas History Center, Rosenberg Library.

<sup>33</sup> Alemán oral history interview, clip one, 00:07:05; Mendez oral history interview, clip one, 00:13:31, 00:15:17; Quintero oral history interview, clip two, 00:06:54-00:10:15; Simmen, “Galveston and the Mexican Immigrant,” 52-57; Oral History Interview with Luciano Salinas, interviewed by Sandra Enríquez and Samantha Rodriguez, July 14, 2016, Galveston, Texas, *The Portal to Texas History*, University of North Texas Libraries, <https://texashistory.unt.edu/ark:/67531/metaph987536/>. De facto “Mexican schools” included the public Goliad Elementary and the Catholic school at St. Peter’s. On Juan Crow segregation and the erasure of Mexican culture in Texas and Southwestern schools generally, see Valenzuela, Angela. *Subtractive Schooling: U.S.-Mexican Youth and the Politics of Caring* (Albany: State University of New York Press, 1999); Guadalupe San Miguel, Jr., *Chicana/o Struggles for Education: Activism in the Community* (College Station: Texas A&M University Press, 2013); Carlos Kevin Blanton, *The Strange Career of Bilingual Education in Texas, 1836-1981* (College Station: Texas A&M University Press, 2007); Philis M. Barragán-Goetz, *Reading, Writing, Revolution: Escuelitas and the Emergence of a Mexican American Identity in Texas* (Austin: University of Texas Press, 2020); David G. García, *Strategies of Segregation: Race, Residence, and the Struggle for Educational Equality*, First edition (Oakland, California: University of California Press, 2018).

dances to raise money for scholarships. The council hosted a Texas regional gathering in Galveston County in 1952, an event that mixed legal advocacy and discussion of educational inequities with a formal welcome by the mayor and a keynote address by the former Congressman and anticommunist crusader Martin Dies, Jr. The group advocated for the labor and civil rights of Mexican guest workers in the U.S., demanded the restriction of unauthorized immigration from Mexico, and generally remained distant from the Black freedom struggle. By the mid-1950s, the Galveston council sponsored a team in the regional LULAC baseball league, playing against their counterparts in Baytown and Houston in an only slightly ethnic remix of America's pastime.<sup>34</sup>

Galveston County's Latinx population skyrocketed in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries. It nearly quadrupled between 1960 and 2000, from 11,872 to 44,939 (379% growth), and then almost doubled again by 2020, to 88,636 (197% growth). While most of this increase reflected the natural growth of longstanding Hispanic residents, newer migrants from Mexico and Latin America also bolstered their numbers and reinvigorated the community's sense of *latinidad* (Latinness). After remaining relatively flat, the number of foreign-born people in Galveston County (of any origin) jumped from 4,553 in 1970 to 20,678 in 2000, with most of this group hailing from Mexico. These trends continued into the 21<sup>st</sup> century. By 2020, the total Hispanic population (both native-born and immigrant) surpassed 25% of the county's total—a 747% increase since 1960. In comparison, non-Hispanic African Americans comprise 12.3% of the county's 2020 population; non-Hispanic whites, 54.6%<sup>35</sup>

This growing Latinx population arrived on the heels of white flight, deindustrialization, and economic and demographic stagnation among African Americans in Galveston County. Often occupying the lower rungs of the labor market, Latinx migrants found themselves living, working, attending school, and often going to church alongside their native-born Black counterparts. Galveston Island's long Spanish/Mexican history and status as a destination for European immigrants gave Galveston County an unusually large Catholic presence, a denomination that also incorporated substantial numbers of African Americans. Many Black and Latinx residents experienced physical proximity to one another, even though each group hailed from historically distinct cultures.

This proximity and the two groups' overlapping histories of segregation and resistance are producing new racial projects that appear to be shifting larger racial formations in the greater Houston area, which includes Galveston County. For older residents of color today, the memories of segregation reinforce a sense of group difference, yet African Americans and Latinx Americans simultaneously turn to one another for political solidarity and mutual support, and sometimes they see each other at

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<sup>34</sup> "LULACs Plan Scholarships," *Galveston Daily News*, May 28, 1950, 22; "LULACs Plan Dance July 29 At Buccaneer," *Galveston Daily News*, July 8, 1950, 7; "Latin-American Group to Meet," *Galveston Daily News*, January 17, 1952, 8; "Dies to Speak At Lulac Meet," *Galveston Daily News*, January 25, 1952, 19; "New LULAC Head Chosen," *Galveston Daily News*, January 28, 1952, 1-2; "Lulacs Nip Baytown," *Galveston Daily News*, August 8, 1955, 5; "LULAC League All-Star Tilt Slated Today," *Galveston Daily News*, June 16, 1957, 14. On LULAC generally, see Marquez, *LULAC*; Craig Allan Kaplowitz, *LULAC, Mexican Americans, and National Policy*, Fronteras Series (College Station: Texas A&M University Press, 2005); Orozco, *No Mexicans, Women, or Dogs Allowed*.

<sup>35</sup> Decennial Census of the United States, 1960-2020; ACS Community Survey 5-Years estimates (for foreign-born in 2010 and 2020)—both accessed via Social Explorer.

church. Many also remember the vibrancy of the postwar labor movement and its promise of bringing together workers of all colors, at least on the job and in the Democratic Party (which itself remained viable longer in Galveston County as compared to many locales in the South, due to the prominence of organized labor). For many younger residents, the lines between Black and Latinx cultures have blurred considerably, as musical and artistic forms (such as bilingual hip-hop and reggaeton, murals, graffiti, and other street art) and deep political collaboration have grown out of their shared experiences of poverty and policing amidst economic restructuring, unequal schooling in the post-civil rights era, ongoing discrimination in many walks of life, and political alienation. As ethnic studies scholar John D. Márquez writes in his perceptive study of the Baytown, an industrial city in Harris and Chambers Counties, mirroring and located across the bay from Texas City in Galveston County:

[The] Houston [area]’s location on the Southern Gulf Coast and its history as a region shaped by racial dynamics of the Old South have created a condition through which blacks and Latinos/as have shared a common experience as targets for state sanctioned racial violence and numerous other forms of discrimination. That shared struggle has produced a wariness of racial power—or a subjectivity—that often bonds the two groups politically . . . evident across a diverse discursive terrain.

In other words, Márquez contends that Black and Latinx people in the region are developing a sense of collective identity and positioning relative to whites in close dialogue with another, at times co-creating “hybridity” in which the legacies of Jim Crow and Juan Crow blend together, and activists and ordinary residents blend their political efforts, producing a “new subjectivity” defined by a broad sense of “Black-Brown solidarity” throughout their overlapping communities.<sup>36</sup>

While the longstanding racial and ethnic categories have not disappeared, common experiences of segregation and resistance have brought African Americans and Latinx Americans in Galveston County together, from the labor-based coalitions of the 1960s to the newer hybrid subjectivities of the early 21<sup>st</sup> century. The history of redistricting and political representation reflects this growing synergy.

## **5. Legislative and Political History of Redistricting in Galveston County**

### **5.1. The Early Years**

Political change came gradually to Galveston County. Although African Americans and Latinx Americans voted in larger numbers than ever in the mid-twentieth century, few Black and Latinx candidates were elected to office. In 1961, the City of Galveston held its first election under a new charter creating a city manager form of government, a popular method of municipal reform in which elected officials hire professional staff to implement their decisions rather than directly supervising the provision of city services. The League of Women Voters had proposed the change back in 1958, but it took on a new meaning following the successful student-led sit-in movement that desegregated downtown lunch counters in early 1960. Members of the elite-led Citizens’ Charter Committee endorsed seven candidates for the new council, including T. D. Armstrong, who stood

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<sup>36</sup> John D. Márquez, *Black-Brown Solidarity: Racial Politics in the New Gulf South* (Austin: University of Texas Press, 2013), quotation on 11.; Lupe Mendez interview, *Civil Rights in Black and Brown*, author’s fieldwork.

to become the city's first Black council member since 1883. Five candidates won majorities in the first election, while two, including Armstrong, were forced into a run-off, in which Armstrong won the final spot by a mere three votes. In one sense, history was made. Armstrong, who had run failed campaigns in at-large elections for school board in 1944 and city finance commissioner in 1957, finally won. Yet white bloc votes did not trickle down to a qualified African American candidate, even with a powerful establishment endorsement resulting, in part, from his background as a college-educated owner of two motels, a drugstore, café, and funeral home. He appeared on an *Ebony* magazine list of the nation's richest Black people, coming in at #4—just below classical singer Marian Anderson and three spots above Harry Belafonte. Yet voting was sufficiently polarized along racial lines that even this highly-qualified Black candidate could not secure as many votes among white voters as compared to the other white members of the slate.<sup>37</sup>

The pattern of scant representation continued throughout the 1960s and 1970s, despite the extension of the Voting Rights Act in 1975. Indeed, African American and Latinx residents of Galveston County lagged behind their counterparts in much of urban Texas, rarely electing Black officials into the 1980s. Robert C. Williams won election to the Hitchcock City Commission in 1973, becoming the first elected Black city official on the Mainland, while Texas City created single-member districts and added to that trend by electing two Black city commissioners in 1978. Yet the City of Galveston and most local governments in the county continued to use at-large voting systems that diluted the Black vote. In contrast, in the face of voting rights lawsuits in the late 1970s, major cities like Dallas, Fort Worth, Houston, and San Antonio all adopted new voting systems that included single-member districts, allowing Black and Latinx neighborhoods to elect candidates of their own choosing. Even so, leadership in county government remained overwhelmingly white, with only five county-level Black elected officials serving at that level across the whole state in 1980.<sup>38</sup>

It was in this context in August, 1979, that the Galveston County Commissioners Court began planning for the redistricting cycle that would follow the 1980 Census, the first in which Texas fell under the purview of the Voting Rights Act's coverage formula. County Judge Ray Holbrook, a white Democrat, initiated the process by gathering nominations and then appointing a committee of roughly 30 citizens that would study and make recommendations for the redrawing of the county's voting precincts (informally known as "boxes"), its smallest electoral units, and reducing the overall number from 62 to around 40. These boxes would then be used as the basis for remapping the Commissioners Court precincts (the four single-member districts), which lawmakers would also seek to align with forthcoming redistricting maps for Texas legislative and Congressional districts. The "Voting Precinct Redistricting Committee" conducted its work over the course of 1980, but it failed

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<sup>37</sup> Kelton D. Sams, Jr., *Growing Up in Galveston, Texas: Walls Came Tumbling Down* (Houston, Texas: CreateSpace Independent Publishing Platform, 2015), 67–69; Collins, *Island of Color*, 383–87; McComb, *Galveston*, 214; Cartwright, *Galveston*, 281–92. Also see Galveston Historical Foundation, "People, Places and Stories of Galveston's Black History: Thomas Deboy Armstrong," <https://www.galvestonhistory.org/news/black-history-month> (accessed January 6, 2023).

<sup>38</sup> "Williams Seeks Position," *Galveston Daily News*, March 31, 1973, 17; Mark Muhich, "Williams withdraws from race," *Galveston Daily News*, February 7, 1999, A8; Terri Burke, "First Blacks on TC Commission Sworn In," *Galveston Daily News*, April 12, 1978, 1; "Black elected officials in Texas, 1970-2000," Texas Politics Project (University of Texas), [https://texaspolitics.utexas.edu/archive/html/vce/features/0503\\_03/blacks.html](https://texaspolitics.utexas.edu/archive/html/vce/features/0503_03/blacks.html); Krochmal, *Blue Texas*.

to reduce the total number of boxes, likely because the redistricting map unveiled in Austin in May, 1981, split the county into three state senate districts using the old voting precinct lines. Notably, the Legislative Redistricting Board assigned the eastern part of the county's coastline to Senate District 4 because "Many people from Beaumont and Port Arthur own summer homes on Bolivar Peninsula," in the words of the incumbent senator. "I think they identify more with [adjacent] Chambers County than Galveston County."<sup>39</sup>

In any event, on November 23, 1981, the Galveston County Commissioners Court ratified the committee's work by adopting revised boundaries for its 62 voting precincts. The day prior to this public meeting, the *Galveston Daily News* announced that the body would hold a public hearing to adopt new maps for the four Commissioners Court precincts. "The changes, already discussed by county commissioners for some time, are not expected to change the [Court's] political complexion," the article noted, along with presenting specific proposed revisions to the districts and a drawing of the new maps. Yet it appears that there was no public discussion of the maps at the Court's previous meeting on November 16, nor was I able to locate any record of a public discussion taking place throughout 1980 or 1981. Rather, it seems that the maps were developed in conjunction with the "Voting Precinct Redistricting Committee" and without any other public deliberation, while the press was informed of the changes before they were formally presented. Meeting the day after the article appeared in the newspaper, on November 23, the Court set a public hearing on the new precincts for the following week, November 30, which was also the state's deadline for making changes to election precincts. In other words, the Commissioners Court scrambled to pass a local map at the last possible moment before the deadline, and they did so without providing meaningful opportunities for public input.<sup>40</sup>

The Commissioners Court held the public hearing and then immediately voted to adopt the new maps on November 30, 1981. The local press and other observers viewed the changes primarily through a partisan lens. Fifteen years after the original Voting Rights Act was enacted, the County Judge and all the commissioners remained members of the Democratic Party. One was Hispanic; the other four were white Anglos, all men. After unsuccessfully protesting the new maps, Galveston County Republican Party chairman A. O. Evans pointed out that 26.7% of the county's population lived north of the Dickinson Bayou, while all four commissioners and the County Judge lived to its south. The development of the northern portion of the county had driven its growth, Evans argued, and together residents in that section formed a community of interest that lacked representation. Evans did not mention that these new residents were mostly white. He did complain that the hearing was a ruse in that the commissioners ignored public input and "had their minds made up in

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<sup>39</sup> Joel Kirkpatrick, "Committee eyed for redrawing of voting lines," *Galveston Daily News*, August 24, 1979, 1-2; "County officials approve long list of appointments," *Galveston Daily News*, January 8, 1980, 7; Darla Morgan, "County redistricting plans unveiled," *Galveston Daily News*, May 12, 1981, 1-2 (quotations on 2); Excerpt on voting precinct study committee, Minutes, Commissioners' Court of Galveston County, November 5, 1979, Galveston County Clerk, Book 53, page 158 (also see 53-496, 53-565, 53-704, 53-864, 54-8, 54-12).

<sup>40</sup> Joel Kirkpatrick, "County precinct boundary shifts to be considered," November 22, 1981, 1-2 (quotations on 1); Commissioners' Court of Galveston County, Resolution, November 23, 1981, Galveston County Clerk, microfilm, 300-01-1381 to 300-01-1442. On the previous meeting, see Joel Kirkpatrick, "County receives Gilchrist bingo petition," *Galveston Daily News*, November 17, 1981, 1; and "Part of story omitted Tuesday," *Galveston Daily News*, November 18, 1981, 2.

advance.” He also issued a threat: “You ought to play fair with us (the north county area) or we won’t play fair with you when we have the numbers.”<sup>41</sup>

There is scant evidence of public or private discussions among the commissioners or the general public regarding the maps’ impact on African Americans and Latinx Americans. One post-mortem editorial that mostly rehashed Evans’s partisan critiques included a brief but direct reference: “Another complication [in redistricting] is ethnic and racial equality, which the federal courts insist must be achieved.” Yet it was the Republicans’ criticisms that hit home. Three weeks later, on December 21, three members of the Commissioners Court voted to create a new Justice of the Peace precinct based in Friendswood. Galveston County’s demographics and politics were changing, as more white suburbanites entered the GOP.<sup>42</sup>

In January 1982, the County submitted its proposed changes to the commissioners court precincts, the justice of the peace and constable precincts, and voting precincts to the U.S. Attorney General for review under Section 5 of the Voting Rights Act. The proposed redistricting of the county commissioners precincts slightly increased the percentage of African Americans in two districts, increasing the Latinx share in one (Precinct 1) and decreasing the Latinx share in the other (Precinct 3). The submission also noted that Precinct 2, which was composed of 68.9% non-Hispanic whites under the old map and 76% non-Hispanic whites under the new map, was currently represented by a Mexican American (Frank Carmona). In short, the maps changed only minimally, slightly increasing the combined voting strength of the county’s Black and Latinx residents, but stopping short of creating a precinct with in which the “total minority” vote would constitute a majority. While the press focused on the County’s changing politics, review under Section 5 focused on whether the change made members of a racial or language minority group worse off than they had been before, and since there had been no backsliding, the Attorney General precleared all of the changes to the electoral system by April, 1982.<sup>43</sup>

## **5.2. Election of the First Black Commissioner**

Questions of race became paramount in local politics in late 1983, when a vacancy occurred for the seat representing Precinct 3 on the Galveston County Commissioners’ Court. A delegation of African American ministers led by the director of human relations for the Texas AFL-CIO met with County Judge Holbrook to urge him to appoint a Black replacement. They put forward two candidates whom they believed were well-qualified, one a city commissioner (council member) in Texas City and the other a successful prosecutor in the District Attorney’s office. Holbrook dodged the request, saying that he wanted to “keep the appointment non-political” by choosing someone

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<sup>41</sup> Joel Kirkpatrick, “New county commissioner precinct boundaries OK’d,” *Galveston Daily News*, December 1, 1981, 1-2 (quotations on 1).

<sup>42</sup> Editorial, “Looking northward,” *Galveston Daily News*, December 4, 1981, 4-A; Joel Kirkpatrick, “Friendswood area JP court created,” *Galveston Daily News*, December 22, 1981, 1-2; Joel Kirkpatrick, “County museum director resigns,” *Galveston Daily News*, April 20, 1982, 1; Minutes, Commissioners’ Court of Galveston County, excerpt on realignment of election precincts, April 19, 1982, Galveston County Clerk, microfilm, 300-02-0580.

<sup>43</sup> Submission E4737, February 3, 1982, and Submission E4771, February 6, 1982, including Chart A, files submitted by Galveston County to the United States Department of Justice (in author’s possession). Pandora Ryan, “District lines set for elections,” *Galveston Daily News*, March 6, 1982, 1.



who would not use the incumbency to seek reelection. The next day, Holbrook appointed Jerry Hopkins, who was white, the wife of the outgoing commissioner, to the post. Holbrook stated that Hopkins had agreed not to run again, and he also noted that it was a “difficult area to represent because of the large minority population and the largest Republican contingent in the county,” as Precinct 3 then stretched from La Marque to Friendswood. The Black ministers and allies were not convinced. “You had an opportunity to do it today, and you didn’t do it,” said Johnnie Henderson, the AFL-CIO director. “We begged you, and we’ve been good to you in the precincts, and you didn’t do it.” Henderson vowed to field a qualified Black candidate the following year.<sup>44</sup>

Accordingly in 1984, David M. Porter, a Black man and the five-term elected secretary-treasurer of the Laborers’ Union Local 116, ran for County Commissioner in Precinct 3. The Galveston County Coalition of Black Democrats, led by Henderson, endorsed Porter and also Janet Brooks Pettitt, a Black woman who sought the county-wide position of Tax Assessor-Collector in a crowded field. Their goal “was to unify the community behind one black candidate for each office,” Henderson explained. “We want to unite outlying communities in the county and go after some of the bread and butter jobs.” Porter’s advertisements boasted of his endorsement by the Galveston County Central Labor Council, while reports noted that he was also a member of the NAACP. In the Democratic Party primary on Saturday, May 5, Porter finished first, defeating the second-place candidate, La Marque Mayor Ron Crowder, by 43 votes. Each counted almost 30% of the total, with Paul Hopkins, Jr., the son of the two previous commissioners, finishing third with 24%. Because no candidate garnered a majority, the primary contest went into a runoff on June 2. Porter lost the runoff by just 13 votes, 2,229 to 2,216. It was a thin margin for many Black activists, and Porter awaited a complete recount before conceding the race. For her part, Pettitt finished fifth among eight candidates in the primary, but she missed the runoff in her tight county-wide race by less than 500 votes out of 17,408 cast. The election of an African American county official would have to wait.<sup>45</sup>

Four years later in 1988, Wayne Johnson III, the prosecutor put forward by Henderson back in 1983, announced his campaign for the same seat, Commissioner Precinct 3. Johnson was “BOI” (“Born on the Island”), had attended La Marque public schools, and was a former aide and intern to several Democratic Party politicians. After being admitted to the bar, he began work as a prosecutor in his home county and soon climbed the ranks of the DA’s office, earning a reputation as a “hard-nosed,” “tough” felony prosecutor nicknamed “Maximum Wayne” by a district judge owing to his penchant for seeking severe sentences. He tried 56 jury trials, including 21 felonies, and handled literally thousands of cases in county court. In 1984, Johnson took a job as a Texas Assistant Attorney General, a post to which he “will carry conservative views,” in the words of a leading Galveston political reporter. Johnson first defended the state in *Ruiz v. Estelle*, a sweeping civil rights

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<sup>44</sup> Joel Kirkpatrick, “Ministers lobby for black in county post,” *Galveston Daily News*, November 2, 1983, 1 (first quotation); Joel Kirkpatrick, “Mrs. Hopkins appointed to county post,” *Galveston Daily News*, November 3, 1983, 1 (second quotation), 2 (third and fourth quotations).

<sup>45</sup> Robert Stanton, “Blacks endorse candidates,” *Galveston Daily News*, January 26, 1984, 2-A (quotations); “Seeks election,” *Galveston Daily News*, April 29, 1984, 6-A; Joel Kirkpatrick, “Wilson vs. Ryan in tax post runoff; Crowder vs. Porter for commissioner,” *Galveston Daily News*, May 6, 1984, 1-A; Joel Kirkpatrick, “County voter turnout light, several runoffs slated,” *Galveston Daily News*, May 7, 1984, 2-A; Porter paid advertisement, *Galveston Daily News*, June 2, 1984, 16-A; Joel Kirkpatrick, “Vote totals to remain unchanged; Porter may contest result,” *Galveston Daily News*, June 9, 1984, 2-A; “Porter concedes,” *Galveston Daily News*, June 15, 1984, 3-A.

class action on behalf of state prisoners, and then became head of the AG's Crime Victim Compensation Division. "I don't view them [criminals] as the underdogs," he said. "I view the victim of the criminal as the unjustly abused underdog." Johnson's campaign ads emphasized his education, professional experience, and toughness as a prosecutor. One newspaper announcement boasted, "TO WAYNE JOHNSON, STOPPING CRIME IS NOT JUST A CAMPAIGN ISSUE...IT'S HIS CAREER!"<sup>46</sup>

Such views, experience, and positioning did not allow Johnson to escape the racial undertones of his campaign. In what the newspaper referred to as the hardest fought contest of the 1988 Democratic primary, Johnson defeated the white incumbent, Ron Crowder, with 55% of the vote amidst high turnout. Yet five days after the election, Crowder, himself put in office by just 13 votes four years earlier, still refused to concede. He admitted that Johnson's field operation had exceeded his own, but he blamed the loss on "liberals and labor and the black vote"; indeed, Johnson had won "because of the black vote, pure and simple." While Johnson did enjoy deep backing among Black voters, he rejected this characterization and boasted of his diverse range of supporters. Johnson noted that he had won the City of La Marque, the hometown of both men, where Crowder had previously served as mayor and in which Black voters constituted less than 20% of the electorate at that time. If Johnson could win there, the challenger reasoned, it was not just from Black votes. Still, reports highlighted the historic nature of Johnson's victory: he became the county's first Black nominee for county commissioner since Reconstruction.<sup>47</sup>

In the general election, Bob Wicklander, a white member of the Friendswood City Council, carried the banner for the Republican Party and the county's growing northern suburbs. Johnson earned endorsements from a wide range of elected officials, including Dickinson Mayor Ron Morales, who was Hispanic, and La Marque Mayor Jack Nash, who was white. Henry Cisneros of San Antonio, the nation's first big city Latino mayor, came to Galveston County to stump for Democratic candidates, including a gathering with Johnson. Galveston's labor leaders likewise endorsed Johnson. As votes were tallied early on election night, showing Johnson with a sizable lead, reporters again questioned him about the salience of his racial background. "I did not run in this race to be the first black county commissioner in Galveston County," he responded, emphasizing his "qualifications and preparation" instead.<sup>48</sup>

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<sup>46</sup> Joel Kirkpatrick, "Hard-nosed lawyer will carry conservative views to Austin," *Galveston Daily News*, March 4, 1984, 2 (all quotations except the final); Johnson campaign advertisements, *Galveston Daily News*, February 21, 1988, 13; February 29, 1988, 6 (final quotation); "Announces," *Galveston Daily News*, January 1, 1988, 5; Joel Kirkpatrick, "In praise of Wayne Johnson III," *Galveston Daily News*, January 6, 1986, 6; "Wayne Johnson named to head AG division," *Galveston Daily News*, December 9, 1984, 10-C.

<sup>47</sup> Joel Kirkpatrick, "Anatomy of an upset: Crowder still not congratulating Johnson for election day victory," *Galveston Daily News*, March 13, 1988, 1, 11 (quotations on 1); Joel Kirkpatrick, "County election votes to be canvassed Friday," *Galveston Daily News*, March 10, 1988, 1; "Johnson shocks Crowder in race," *Galveston Daily News*, March 9, 1988, 1.

<sup>48</sup> Joel Kirkpatrick, "Johnson in front of Wicklander," *Galveston Daily News*, November 9, 1988, 1 (first quotation), 15 (second quotation); Joel Kirkpatrick, "Absentee votes give Johnson win," *Galveston Daily News*, November 10, 1988, 1; Joel Kirkpatrick, "Demos big winners throughout county," *Galveston Daily News*, November 10, 1988, 1, 11; "Labor council backs Johnson," *Galveston Daily News*, January 14, 1988, 3; Jack Stengler, "Mayors give endorsement to Johnson in county race," *Galveston Daily News*, October 19, 1988, 11; "More and More Civic Leaders Are Supporting Wayne Johnson," advertisement, *Galveston Daily News*, October 23, 1988, 11; Kevin Moran, "Campaign '88 – Election contests

Johnson eked out a narrow victory, reflecting the unique difficulty facing Black candidates in the heavily-white district. On the one hand, it was indeed historic, an expression of the desire among African American voters to elect a candidate of their own choosing. In the heavily Black voting precinct #36, Johnson carried 99% of election day ballots—1,818 to 18. In La Marque’s box #31, Johnson won by a 5-to-1 ratio. Yet Wicklander’s strength in the north county and among white voters was undeniable. His final tally of 10,040 votes in Precinct 3, which encompassed only roughly one-quarter of the county’s population, was equivalent to 87.5% of the GOP’s straight-ticket vote county-wide. The Democratic Party remained dominant, winning nearly 70% of the straight-ticket votes in the county. Johnson won by a margin of just 454 votes out of more than 20,000 cast. Thus, although precise numbers are not knowable, the small margin of Johnson’s victory is likely the result of many erstwhile white Democrats who either crossed party lines or split their tickets to vote for Wicklander (and against Johnson). In short, Johnson had won the race despite, not because of, his Blackness.<sup>49</sup>

### **5.3. Johnson’s First Term**

Johnson could not avoid confronting the racial dynamics of his position. Although he took conservative stances throughout the campaign, Johnson soon found himself marginalized on the Commissioners’ Court. After a brief honeymoon period in which he proposed to create a military style boot camp for county jail inmates, Johnson became embroiled in a dispute with the county parks department and parks board that would come to define his first term in office.

The conflict often featured discussions of transparency in government, but the underlying issue throughout was race. Acting on a request from a constituent, on May 1, 1989, Johnson asked the parks department director about alleged discrimination in hiring and promotion. The director defended the department’s employment practices, and no immediate action was taken, but the political damage had been done. County Judge Holbrook was embarrassed and upset that Johnson had not raised the sensitive issue behind closed doors, as was customary. Johnson made it clear that he was being denied access to park board meetings and records and that he wanted greater oversight of the board and department. Accordingly, the Commissioners’ Court adopted a resolution promising “full and unimpeded access to the executive sessions” of all appointed boards.<sup>50</sup>

Yet Johnson continued to chafe at the park board’s operations. When Johnson and a group of his supporters attended a special parks board meeting, its chairman derided their presence as a “dog and

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heating up in metropolitan area – Galveston County,” *Houston Chronicle*, October 30, 1988, 5; Christi Daugherty, “Cisneros says polls don’t vote, people do,” *Galveston Daily News*, November 7, 1988, 1, 11.

<sup>49</sup> “Precinct-by-precinct look at Galveston County results,” *Galveston Daily News*, November 10, 1988, 7; Kirkpatrick, “Demos big winners throughout county.”

<sup>50</sup> Joel Kirkpatrick, “Racism alleged,” *Galveston Daily News*, May 2, 1989, 1, 11; Joel Kirkpatrick, “When dust settled, right prevailed,” *Galveston Daily News*, May 8, 1989, 5 (quotation); “Commissioners gain access to county boards,” *Galveston Daily News*, May 9, 1989, 10; Kathy Thomas, “Johnson alleges park board attempted to violate state law,” *Galveston Daily News*, May 17, 1989, 14. Another underlying conflict was the dismissal of Pete Fredriksen, who had served as Johnson’s campaign manager, from a job in the parks department; also see Joel Kirkpatrick, “Fredriksen to manage 3 beach pocket parks,” *Galveston Daily News*, March 23, 1989, 12; On the historic nature of the election and the honeymoon period, see: Glen Harris, “Johnson, other elected officials sworn in at county courthouse,” *Galveston Daily News*, January 3, 1989, 1; Glen Harris, “Swearing-in was proud moment,” *Galveston Daily News*, January 4, 1989, 18.

pony show,” a remark that belittled their participation in the political process, prompting one activist to say that “he hoped the remark was not being made because many of those present were [B]lack.” In response, Johnson supporters protested at the next Commissioners’ Court meeting, demanding that the parks board chairman apologize for his comments. Three months later, in August, Johnson demanded an audit of the parks department and ended up going to court to force Judge Holbrook to put the issue on the Commissioners Court’s agenda (a district judge sided with Johnson, agreeing that any commissioner did, in fact, have the right to place items on the agenda). Johnson further pointed out irregular procurement practices in the department, including roughly \$250,000 in no-bid gasoline purchases, and he also demanded the appointment of Black representatives to the beach parks board. Holbrook stonewalled Johnson’s proposed appointments, while the appointed board fought the audit by claiming that they were an independent agency not subject to county oversight. Johnson again went to court to resolve the matter, and the Texas Supreme Court finally ruled in his favor in November, 1992.<sup>51</sup>

The dispute between Johnson and the parks department and board soured his relationship with Judge Holbrook, the other commissioners, and many of his erstwhile supporters—including white labor leaders and especially conservative white Democrats. Johnson’s combative tone and confrontational style, which he maintained were simply deployed in the service of equal opportunity and government transparency, shattered the traditions of outward civility to which white elected officials and party stalwarts had become accustomed. Just as the sit-in protests of the early 1960s had forced shopkeepers to directly confront their discriminatory practices, Johnson’s advocacy and the presence of his unruly supporters in the courtroom raised uncomfortable questions for Galveston County’s white officialdom. For the county’s Black voters, Johnson became the embodiment of self-determination, an elected official of their own choosing who wasn’t afraid to raise uncomfortable questions about the lingering effects of Jim Crow and ongoing systemic racism. He was unapologetic. “I want personal access [to parks records] because I feel uncomfortable in trusting that I’ll get all the information I need otherwise,” Johnson said at the workshop where he first raised the issue. “If the price of me getting along with somebody is that I let them stop me from representing my constituents, then I don’t need their friendship.”<sup>52</sup>

#### **5.4. Single-Member Districts in the City of Galveston**

The parks board dispute was just the beginning of Johnson’s battles with the rest of the Commissioners Court. Throughout his first term, Johnson clashed with his colleagues, most

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<sup>51</sup> Joel Kirkpatrick, “Counties to pressure state on jails,” *Galveston Daily News*, May 23, 1989, 10; Joel Kirkpatrick, “Remarks made during meeting spur protests,” *Galveston Daily News*, May 25, 1989 (quotation), 2; Joel Kirkpatrick, “Hallisey says audit request is personal vendetta,” *Galveston Daily News*, August 18, 1989, 14; Kevin Moran, “Galveston commissioners told to put parks audit on agenda,” *Houston Chronicle*, August 19, 1989, 24; Kevin Moran, “Bid to reappoint beach parks trustees stalls amid allegations,” *Houston Chronicle*, August 24, 1989, 36; Kevin Moran, “Galveston County commissioner takes heat, loses panel bid,” *Houston Chronicle*, September 13, 1989, 22; Kevin Moran, “Galveston park board ordered to get auditor’s approval for purchases,” *Houston Chronicle*, February 28, 1990, 20; Kevin Moran, “Galveston beach park not a county entity, court decides,” *Houston Chronicle*, April 26, 1991, 27; Kevin Moran, “Court orders county agency to open books,” *Houston Chronicle*, November 19, 1992, 36.

<sup>52</sup> Kirkpatrick, “Racism alleged,” 11 (quotations); Kevin Moran, “Park funding sparks two Galveston races,” *Houston Chronicle*, March 8, 1992; Kirkpatrick, “When dust settled, right prevailed.” One of Johnson’s critics in the labor movement, Charles Delgado, was Hispanic; the rest appear to be white. On the role of manners and the sit-ins’ role in creating a “new language” in race relations, see Chafe, *Civilities and Civil Rights*.

poignantly on the precise issue of political representation. Beginning in 1990, Johnson “was instrumental” in a series of lawsuits aimed at creating single-member districts in municipalities and school districts across the County. By 1992, Johnson, the NAACP, attorney Anthony Griffin, and several groups of Black plaintiffs had favorably settled cases in the cities of La Marque and Hitchcock as well as the school districts in both locales and Texas City (the municipal government of Texas City already had single-member districts).<sup>53</sup>

Yet the first such case, *Arceneaux v. City of Galveston*, filed in 1990, dragged on for nearly three years. With Johnson serving as a consultant, Black plaintiffs led by the NAACP contended that the city’s at-large electoral system denied African Americans the ability to elect candidates of their own choosing. City officials responded by proposing a system with four single-member districts, two at-large seats, and a mayor, and voters ratified it in a new charter. In December 1992, following a Section 5 review of this proposed change, the U.S. Attorney General objected, concluding that the city had failed to establish that the 4-2-1 plan did not have a discriminatory purpose and would not have discriminatory effect. It wasn’t until February, 1993, that the parties reached a settlement creating a 6-1 plan, that is, six single-member districts plus a mayor, with two of the districts drawn to produce large Black majorities. The *Galveston Daily News* editorial board opined that “Equal representation was a long time coming, but it should benefit all residents of Galveston.”<sup>54</sup>

Significantly, Hispanic activists led by LULAC, and assisted by former Galveston County Commissioner Frank Carmona and an attorney from Houston, filed to intervene in the case, but attorney Griffin and the Black plaintiffs opposed their motion. It appears that Griffin did so for practical reasons in order to bring the case to a long-awaited resolution, not because of any deep-seated racial animus. In any case, the judge accepted the motion to intervene but still ratified without edits the NAACP’s 6-1 plan, which did not include a majority Hispanic seat—just a “Hispanic impact district” in which they represented 37% of the voting age population (and “a combined minority population of 53 percent”). Hispanic activists remained unsatisfied and filed an appeal after the fact, yet the LULAC leaders notably did not demand the cancellation of the already-postponed city election, nor did they oppose the judge’s overall order to approve the plan. Some progress, it seemed, was better than none. In the end, the appeal failed, and a white incumbent ran unopposed in the heavily-Hispanic District 4. Latinx leaders rallied around Richard R. Flores, who finished a strong third in one of the new Black districts (one Flores ad featured photographs of him alongside activists in both Hispanics Unidos and the NAACP). As expected, two African Americans won their respective races, marking the beginning of electoral self-determination in the city. Despite not seeing eye to eye in court and in negotiations with the city, both Black and Hispanic leaders appeared poised to put their differences aside and work together in the future. Attorney Griffin commented

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<sup>53</sup> Alicia C. Simmons, “Courts curbing voting rights?” *Galveston Daily News*, June 16, 1996, 1 (quotation); Jim Brigance, “Revolution,” *Galveston Daily News*, March 14, 1993, 15-H.

<sup>54</sup> “What’s fair” (editorial), *Galveston Daily News*, February 12, 1993, 8 (quotation); Kevin Moran, “Galveston vote change sought,” *Houston Chronicle*, August 11, 1990, 28; Jack Stengler, “Plaintiffs give city plan for single-member districts,” *Galveston Daily News*, September 20, 1991, 1; Herbert Taylor, “Galveston City Council suit is still not settled,” *Galveston Daily News*, December 20, 1992, 9; Maggie Sieger, “All 3 minority districts may be on ballot in May,” *Galveston Daily News*, February 3, 1993, 2; Maggie Sieger, “Judge Oks interim plan; May 1 election set,” *Galveston Daily News*, February 10, 1993, 1.

that he “blame[d] the city of Galveston for pitting blacks against Hispanics . . . adding that he was against any gratuitous effort to stir hostility” and that they “still have a long way to go.” Such moments of conflict underscore that Black and Latinx activists did not share identical interests, yet they still managed to form coalitions and work together in this and most cases.<sup>55</sup>

### **5.5. Redistricting of Galveston County, 1991**

Meanwhile, the biggest and most significant fight over representation took place within the County government itself, where the decennial redistricting boiled over into a voting rights lawsuit. The cycle kicked off in April, 1991, when Johnson, who had desegregated the Commissioners Court just two years earlier, proposed to his colleagues that they hire the firm of Emory, Young, and Associates, Inc., as a redistricting consultant. Apparently fearing “secret negotiations” between Johnson and the consultants, two commissioners amended the motion to allow communication with the firm only in open public meetings. Judge Holbrook still opposed the firm’s selection, but the motion passed by a 4-1 vote.<sup>56</sup>

In May, the Court finalized the contract and adopted “guidelines” for the reapportionment process to create new Commissioners Court precincts, the coterminous Justice of the Peace and Constable districts, and election or voting precincts. The guidelines mandated that the Court work in an “open, fair, and efficient manner” that respects the principle of “one-man, one-vote” by creating precincts of roughly equal size under a plan that specifically would not “A. dilute the voting strength of protected minorities; B. Fragment minority communities; C. Pack minority communities into districts more than necessary to elect minority representatives.” Instead, the guidelines stated, the maps should respect historic boundaries and “clearly identifiable communities of interest” in creating districts that are “reasonably compact and contiguous” and that would align county voting precincts with existing single-member city council districts. The guidelines further specified that “No final plans shall be adopted without at least one well-publicized public hearing,” that all records would be made accessible to the public, and that the Court would “consider all plans presented, whatever their source.” They pledged to “comply with both the letter and spirit” of the Voting Rights Act. The Court also adopted a timetable with target dates, aiming to adopt the new boundaries by August 26, 1991, in order to submit their proposed changes to the Attorney General by September 16. Finally, the Court ratified the contract, including both the ban on communication between individual Commissioners and the consultant and another unusual provision that required a 4/1 supermajority vote of the Court to approve any final plan. It appears that Johnson advocated

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<sup>55</sup> Maggie Sieger, “Hispanics balk at election remap,” *Galveston Daily News*, January 27, 1993, 1, 11 (first and second quotations on 1); Brigance, “Revolution” (Griffin quotations); Maggie Sieger, “Hispanic intervention challenged,” *Galveston Daily News*, January 7, 1993; “Keep talking” (editorial), *Galveston Daily News*, January 11, 1993, 6; Maggie Sieger, “Isle Hispanics file appeal with Justice Dept. over voting plan,” *Galveston Daily News*, March 6, 1993, 13; “Isle candidate,” *Galveston Daily News*, April 6, 1993, 16; Maggie Sieg er, “Lawsuit led to six isle districts,” *Galveston Daily News*, April 18, 1993, 4-D; Flores campaign ad, April 30, 1993, *Galveston Daily News*, 13; Maggie Sieger, “Write-in upsets Rourke,” *Galveston Daily News*, May 2, 1993, 1, 15; Map of districts with district demographics caption, *Galveston Daily News*, October 31, 1993, 44; Janice Smith, “Attorney asks GISD to redraw district lines, threatens suit,” *Galveston Daily News*, April 13, 1993, 11; Janice Simon, “Isle Hispanics threaten lawsuit over single-member districts,” *Galveston Daily News*, May 25, 1993, 11. La Marque ISD was next. See Renee Brown, “Attorney says he’ll file suit over LMISD voting districts,” *Galveston Daily News*, February 20, 1994, 13-A.

<sup>56</sup> “Commissioner’s Ct. Redistricting – Received communication from Comm. Wayne Johnson...,” Minutes, Commissioners Court of Galveston County, April 8, 1991, microfilm no. 300-10-1874.

for this latter provision to bolster his position as the sole Commissioner of color in what had already proved to be a generally hostile deliberative body.<sup>57</sup>

By July, both the 4/1 rule and the gag order had been revisited. After other commissioners objected that the supermajority requirement might violate the state Constitution, Johnson requested an agenda item to amend the consultant's contract to explicitly confirm the need for a 4/1 vote, unless it "conflicts with state law or with the Constitution of the State of Texas." Commissioner Barr sided with Johnson, but Holbrook and the two other commissioners voted down the motion, leaving the issue as-is in the adopted contract but still unsettled legally and philosophically. The ban on one-on-one communication was less contentious, with all members of the Court agreeing to replace it with two structured sets of individual conferences with each commissioner—one before the presentation of a draft redistricting plan, and again afterwards. It is likely that the prohibition had slowed the consultant's progress, delaying the public hearings until the final days of August.<sup>58</sup>

The Commissioners Court held three public hearings to discuss the draft plans and to receive input from the community. Numerous speakers, most of them Black and Latinx, participated in the gatherings. The first was held at the Galveston County Courthouse on the island, and the others at the College of the Mainland in Texas City, a central location. Both were proximate to African American and Latinx American communities. Robert Hoskins of the NAACP used the first gathering to present "a plan that would create a County Commissioners' Precinct that has a combined Black and Hispanic population of 56.64%." The proposed new Precinct 3 "would unite the minority communities in Dickinson, West Texas City, La Marque, Texas City and Galveston," in contrast to the current district lines that "serve to needlessly divide the minority community." Hoskins also registered his opposition to the consultant's "least change" plan that was also before the Court because it failed to create a minority opportunity district and, he believed, violated the Voting Rights Act. Hoskins' plan and commentary were entered into the official minutes, including two procedural objections: first, that "Commissioner [Billy] Pegues at the start of this process complained publicly of the presence" of several Black ministers and the president of a Jewish congregation, in what Hoskins called a "tirade... [that] was calculated to exclude participation of minority group members in this process." Second, Hoskins objected to the "gag rule" barring commissioners from speaking individually to the consultant, a prohibition that was, in his view, "aimed at keeping Commissioner Johnson alone..."

At the second public hearing, Sally Dávila of LULAC Council 255 in Texas City entered the organization's own proposed plan for Commissioners Court precincts into the minutes. It differed from the NAACP's suggested map, but it likewise would have created a single coalition minority opportunity district that would be comprised of a population that was 15.6% Hispanic and 41% Black and built from many of the same voting precincts. The plan sought to ensure "that the

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<sup>57</sup> Emory, Young & Associates Inc Contract, Agreement for Professional Services, Timetable and Guidelines, Minutes, Commissioners Court of Galveston County, May 20, 1991, microfilm no. 300-10-2201-2204.

<sup>58</sup> Amending Contract with Emory, Young and Associates, Minutes, Commissioners Court of Galveston County, June 3, 1991, microfilm no. 300-10-2280; Emory, Young, and Assoc. – Received Communication from Wayne Johnson..., Minutes, Commissioners Court of Galveston County, July 22, 1991, microfilm no. 300-11-0099; Galveston County Redistricting Agreement, Minutes, Commissioners Court of Galveston County, August 19, 1991, microfilm no. 300-11-0351.

Hispanic populations voting strength is not diminished” and “that the Black community retain the necessary voting strength to insure the election of a candidate of their choice.”

Apparently, the duo was convincing: on September 9, the Court approved a commissioners precinct redistricting map created by the consultants but reflecting the NAACP plan with LULAC input, creating a new blueprint for Precinct 3 that would survive substantially intact for the next three decades. The resolution passed 4-0, with Judge Holbrook “recorded as not voting.”<sup>59</sup>

The adoption of a plan for Justice of the Peace and Constable districts proved more controversial. Hoskins presented the NAACP’s opinion on the matter at the second public hearing and then revised it at a third public hearing, held at the College of the Mainland on September 17. The NAACP’s proposed maps would split the massive Galveston Island precinct, which currently elected two J.P.’s and Constables on an at-large basis, into two single-member districts, one of which, Precinct 2, would have a substantial combined Black and Hispanic majority. The at-large system represented “an obstacle to the election of minority candidates,” Hoskins noted. Moreover, the NAACP pointed out the current disparity between the Galveston Island precinct, which served over 60,000 residents, with one on Bolivar Peninsula that encompassed just 2,807 residents. The initial NAACP plan paired the peninsula with the island’s eastern half, but the revised version combined it with precincts on the mainland instead. In both cases, the NAACP proposed to create a second minority opportunity district, Precinct 3, which would cover portions of Texas City, La Marque, Dickinson, and Hitchcock and would be 53.8% Black and Hispanic. The current Precinct 5 was already represented by a Hispanic J.P. and a Black Constable and would be left relatively untouched.<sup>60</sup>

At its next meeting on September 23, the Commissioners Court ignored the NAACP recommendations and instead approved a plan with minimal alterations to the preexisting map. The Court did so after receiving a request from Constable Joe Scrofne, the white incumbent in the existing Precinct 3, who proposed instead that he should “relinquish” two key minority boxes in Hitchcock and a third, predominately-white box to his colleague in Precinct 4. Scrofne claimed that the move was for the voters’ convenience: “it would be more accessible to the people in that area to have the West County Building available to them instead of our office in La Marque.” The Court voted to move the three boxes that Scrofne had jettisoned and, “subject to some minor adjustments on voting precincts, . . . that no other changes be made” to the J.P. and Constable lines. Commissioner Johnson voted no, adding “that the Voting Right Act [sic] calls for the creation of the maximum number of Justice of the Peace and Constable Precincts that can be created” and that the Court could easily do so by creating the two districts proposed the NAACP. Three days later, the Commissioners Court approved the lines again, correcting a few minor errors. On the evening of September 30—the last moment before the October 1 submission deadline—the Court approved its

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<sup>59</sup> Public hearing notice and attachment, Minutes, Commissioners Court of Galveston County, August 26, 1991, microfilm no. 300-11-0440.

<sup>60</sup> Public hearing notice and attachment, Minutes, Commissioners Court of Galveston County, August 29, 1991, microfilm no. 300-11-0450; Emory, Young & Associates – Redistricting Plan – adoption of commissioner precinct lines, Minutes, Commissioners Court of Galveston County, September 9, 1991, microfilm no. 300-11-0489; Public hearing notice and attachment, Minutes, Commissioners Court of Galveston County, September 17, 1991, microfilm no. 300-11-0676.



final submission of all of the electoral changes that it would submit for Section 5 review. Moments before, Johnson proposed another amendment to the consultant's contract, now reversing the language to require only a simple 3-2 majority. This motion passed 3-2, with Judge Holbrook and Commissioner Pegues objecting. The vote to create Commissioners Court Precinct 3 was now formalized by a 3-2 vote, and the new J.P. and Constable precincts were created by a 4-1 tally—with Johnson the lone dissenter. The entire packet would be sent to the U.S. Attorney General for review.<sup>61</sup>

Soon thereafter, Attorney Anthony Griffin and the NAACP Legal Defense Fund filed a federal voting rights suit in protest of the largely unaltered J.P. and Constable districts. In January, 1992, Griffin attended a special emergency meeting of the Commissioners Court to confer with its members and the County attorney. The meeting ended in stalemate. In April, the Court passed its own revised maps, moving the heavily Black box #334 in Hitchcock back into Justice of the Peace Precinct 3, thereby creating a single minority opportunity J.P. precinct on the mainland. Yet they left the massive at-large precinct on Galveston Island untouched. On March 17, 1992, the U.S. Attorney General objected to the Justice of the Peace and Constable precincts. In particular, the Attorney General explained how the “county rebuffed” proposals that would have created a majority Black and Hispanic precinct and, in fact, “fragment[ed] a significant minority community . . . from nearby minority communities” when it “adopted a major transfer of territory and population between Districts 3 and 4.” The Attorney General also noted that population equalization “appears to have been a post hoc justification, as the county was well aware of population disparities that existed (and will continue to exist under the proposed plan), but exhibited no interest in making any such adjustments in other areas.”<sup>62</sup>

The J.P. and Constable precinct case went to federal court in August. “Galveston County’s first black commissioner since Reconstruction testified Monday that commissioners would rather protect the jobs of white incumbents than redraw precincts to give blacks a better chance to get elected,” the *Houston Chronicle* quipped. Johnson was the first witness called by the plaintiffs. After just one day, the court called both parties into his chambers and hammered out a settlement, which came in the form of a court ordered plan the next day. The judge’s plan created the two combined minority

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<sup>61</sup> Communication from Constable Joe Scrofne, Minutes, Commissioners Court of Galveston County, September 23, 1991, microfilm no. 300-11-0718; Emory, Young & Assoc. – Redistricting Election and Justice of the Peace precincts, Minutes, Commissioners Court of Galveston County, September 23, 1991, microfilm no. 300-11-0719; Decision on redistricting process, Minutes, Commissioners Court of Galveston County, September 26, 1991, microfilm no. 300-11-0805; Amending contract with Emory, Young & Assoc., Public hearing notice and attachment, Minutes, Commissioners Court of Galveston County, September 30, 1991, microfilm no. 300-11-0847; Submission Letter – Voting Rights Act, Public hearing notice and attachment, Minutes, Commissioners Court of Galveston County, September 30, 1991, microfilm no. 300-11-0848; Final Decision on Redistricting process for voting precincts, Minutes, Commissioners Court of Galveston County, September 30, 1991, microfilm no. 300-11-0851; Redistricting Changes on the Justice of the Peace Precincts, Minutes, Commissioners Court of Galveston County, September 30, 1991, microfilm no. 300-11-0925; Redistricting – the precinct boundary lines of county commissioner precincts, Minutes, Commissioners Court of Galveston County, September 30, 1991, microfilm no. 300-11-0936; Anne Comstock, “Commissioners pass remap plan 3-2,” *Galveston Daily News*, October 1, 1991, 10-A.

<sup>62</sup> Letter from John R. Dunne to Ray Holbrook, March 17, 1992, U.S. Department of Justice (in author’s possession); Bob Whitby, “Commissioners give tentative approval to voting plan,” *Galveston Daily News*, April 1, 1992, 1; Minutes, Commissioners Court of Galveston County, January 18, 1992, microfilm no. 300-11-2474.

opportunity J.P. and Constable precincts advocated by the NAACP. Yet the judge retained the small, isolated precinct on the Bolivar Peninsula, allowing Galveston County to supersede state law by creating nine single-member precincts. That same evening, the Commissioners Court ratified the new maps by a 4-0 vote at an emergency meeting, which Holbrook did not attend. Four months later, the court ordered the County to pay \$231,396 in plaintiff's attorney fees.<sup>63</sup>

The successful voting rights case represented an unequivocal victory for the NAACP and Commissioner Johnson, and the Black and Latinx people of Precincts 2 and 3 would soon elect their candidates of their own choosing—the first Black Justice of the Peace in county history, along with two Black Constables.

County Judge Holbrook remained defiant, citing scripture in claiming that the ruling was “almost more than Galveston County can stand,” adding that “The Commissioners Court has not discriminated against minorities” and merely sought to save costs and make the J.P. courts more convenient and accessible to residents. Commissioner Janek agreed that the commissioners had been more than fair: “We did everything in our power to help Wayne Johnson,” Janek said. “But he wasn’t satisfied. Just greedy.” Of course, Johnson saw it differently, noting that the Court majority had only themselves to blame for violating the law and marking the historic nature of the decision. “This is the first time since the slaves were freed on this island that a political district was drawn for the purpose of ensuring full voting rights of the minority population,” Johnson concluded. The court added that “[i]t particularly regrets the intensity of the seeming intransigence” of the Commissioners Court majority, “who even in the face of their own settlement, seemed dedicated to increasing community divisiveness and tension.”<sup>64</sup>

By December, the voters went to the polls twice under the court-ordered plans, first reelecting Johnson and then elevating Penny Pope as the first Black Justice of the Peace as well as Terry Petteway and Earl Tottenham as Constables. Over three hundred people attended an “emotional ceremony” for their combined swearing-in by Judge Morris Overstreet of the Texas Court of Criminal Appeals, the first Black judge elected to a statewide court in Texas. The title of one retrospective article in the *Galveston Daily News* said it all: “Revolution: 1992 year of turmoil, litigation, that resulted in election of blacks to offices they’ve never held before.”<sup>65</sup>

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<sup>63</sup> Kevin Moran, “Galveston commissioners favor whites, one testifies,” *Houston Chronicle*, August 18, 1992, 16; Jim Brigance, “Kent imposes NAACP suit settlement,” *Galveston Daily News*, August 19, 1992, 1; “Redistricting plan approved,” *Galveston Daily News*, August 20, 1992, 14; Scott Fitzgerald, “County ordered to pay attorney fees,” *Galveston Daily News*, December 19, 1992, 1.

<sup>64</sup> Ray Holbrook, “Ruling almost more than county can stand,” *Galveston Daily News*, August 21, 1992, 10 (Holbrook quotations); Jim Brigance, “Janek: Judge like a dictator,” *Galveston Daily News*, August 19, 1992, 14-A (Janek quotation); Kevin Moran, “Galveston Co. redistricting lawsuit settled – Ninth precinct with black majority planned,” *Houston Chronicle*, August 19, 1992, 21 (Johnson quotation); “Key players in redistricting suit against county discuss ruling,” *Galveston Daily News*, December 19, 1992, 13-A (court quotation).

<sup>65</sup> Scott Fitzgerald, “Gray wins 2-year term,” *Galveston Daily News*, December 13, 1992, 1; “Overstreet swears in black officials during emotional ceremony,” *Galveston Daily News*, January 3, 1993, 1; Jim Brigance, “Revolution,” *Galveston Daily News*, March 14, 1993, 15-H (final quotation).

### 5.5.1. Conclusion: 1991 Redistricting

In hindsight, several aspects of the 1991 redistricting cycle bear repeating. The County adopted a set of criteria, a timetable, and standards for an open and fair process, including public hearings. Despite deep animosity and mistrust that existed between Judge Holbrook and Commissioner Johnson, the Commissioners Court initially agreed that it would endeavor to adhere to the “letter and spirit” of the Voting Rights Act. The community participated meaningfully in the process, attending well-publicized hearings at convenient locations geographically near the county’s Black and Latinx neighborhoods, where they presented their own plans for full consideration by the Court and even had their comments entered into the official meeting minutes. In the end, the County Judge and white majority believed that they had gone far enough in accommodating Johnson by making his district safer. However, they lost sight of their own stated commitment to fair treatment and knowingly ignored their Black and Hispanic constituents. Their claims that they kept the unfair J.P. and Constable precincts intact for the voters’ convenience lacked credibility. Rather, in the view of the Attorney General, the commissioners were presented “repeatedly” with opportunities to respond to the needs of their Black and Latinx constituents, but instead, they approved a redistricting plan for reasons that “do not withstand Section 5 scrutiny.”<sup>66</sup>

### 5.6. Two Decades of Peace on the Commissioners Court

Chastened by his defeat in the redistricting process, and what he called “four years of mistrust, turmoil, and chaos,” County Judge Holbrook announced his retirement from public service in August, 1993. The following year, he was replaced by Jim Yarbrough, a white Democrat. African Americans in Galveston County achieved another first in 1994 by electing Gerald Burks as County Treasurer, the first county-wide Black elected official. In 1996, Commissioner Johnson won reelection with 75% of the vote, maintaining the previous balance and extending a period of relative calm on the Court. Three years later, in 1999, Johnson collapsed at Hobby Airport, dying from a heart attack at the age of 45. County Judge Yarbrough praised him profusely, and a pair of Galveston County Republicans immediately set up a scholarship in his honor to benefit La Marque High School students.<sup>67</sup>

#### 5.6.1. Appointment of Stephen Holmes

To replace Johnson, County Judge Yarbrough appointed Stephen Holmes, an African American, Dickinson native, and assistant District Attorney. Unlike Johnson, who had lived and breathed politics since his youth, Holmes was a “political newcomer.” Yarbrough commented that he sought to avoid wading into any factional disputes in the county and instead looked for “someone outside the political spectrum.” Yarbrough fielded over 250 phone calls in which community members

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<sup>66</sup> See “Voting rights” (editorial), *Galveston Daily News*, August 21, 1992, 10. Emory, Young & Associates Inc Contract, Agreement for Professional Services, Timetable and Guidelines, Minutes, Commissioners Court of Galveston County, May 20, 1991, microfilm no. 300-10-2202 (first quotation); Letter from John R. Dunne to Ray Holbrook, March 17, 1992 (remaining quotations).

<sup>67</sup> Wanda Garner Cash, “Holbrook will not run again,” *Galveston Daily News*, August 6, 1993, 1, 15-A (quotation on 15); “Voters choice,” *Galveston Daily News*, November 9, 1994, 1; Noe Hernandez, “A new era,” *Galveston Daily News*, November 9, 1994, 1; Kevin Moran, “Galveston commissioner suffers fatal heart attack,” *Houston Chronicle*, January 26, 1999, 13; Steve Mayo, “Johnson: ‘A thread woven throughout the community,’” *Galveston Daily News*, January 27, 1999, 1, 14; Carter Thompson, “Scholarship in Johnson’s name announced,” *Galveston Daily News*, January 27, 1999, A14; “Word on the street,” *Galveston Daily News*, January 27, 1999, A13.

suggested possible candidates; attorney Elisa Vasquez first recommended Holmes to him. “My hope was that we could get through this process without pulling the community apart,” Yarbrough added. His calculations proved correct. Recognizing the importance of Precinct 3 as a minority opportunity district, Yarbrough chose Holmes. “A crowd of about 200 people . . . cheered the appointment” when it was announced in the courthouse lobby, the *Houston Chronicle* reported. Among them was local NAACP president and retired union leader Leroy Hoskins, a past leader of redistricting fights.<sup>68</sup> Yarbrough’s recognition of the Black community’s investment in Precinct 3, paired with Holmes’ newcomer status, encouraged an ongoing atmosphere of peace on the Commissioners Court.

### 5.6.2. Redistricting, 2001

Accordingly, the 2001 redistricting process proved uneventful, beginning with the court’s unanimous adoption of criteria for the new maps in May. The commissioners agreed that “easily identifiable geographic boundaries should be followed,” that “communities of interest should be maintained in a single district” even if that meant breaking up the larger cities, and that districts should be composed of whole voting precincts when possible and have “relatively equal” population sizes. Additional criteria specified that “any redistricting plan should, to the extent possible, be based on existing districts,” preserving compact and contiguous districts that also recognized “incumbent-constituency relations . . . and [incumbents’] history in representing certain areas.” The Justice of the Peace / Constable districts should further consider the “level of workload, the location of county facilities, and the convenience of the people” for each justice court. Last but not least, the maps needed to pay careful attention to the voting rights of communities of color, the criteria noted. “The redistricting plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act . . . .” and “should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting . . . .” As justification, the adopted criteria also cited the need to comply with the court order in *Hoskins v. Hannah*, which had produced the contentious settlement of 1992. The Commissioners Court also adopted guidelines for community members to submit their own redistricting proposals, requiring that they be submitted before June 8 to the County Clerk’s office, in writing to avoid misunderstandings.<sup>69</sup>

In June, the Court created a schedule for public hearings, and in mid-July, they held three such meetings, gathering community input in League City (Precinct 4), the West County building (Precinct 2), and the College of the Mainland (Precinct 3). Each meeting was held at 7:00 p.m., making it accessible to people who worked in the daytime. A fourth hearing was held as part of the Commissioners Court’s regular meeting in Galveston (Precinct 1). Throughout the process, most Court meetings took place in the Holbrook Building Conference Room, 601 Tremont, an alternative location opened in 1995 and located just a few blocks from the County Courthouse. Judge Yarbrough explained that the 1992 court order prohibited them from altering two of the J.P. precincts, so they were off the table. Less than 10 community members addressed the Court at the

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<sup>68</sup> Kevin Moran, “Commissioner position filled in Galveston,” *Houston Chronicle*, February 5, 1999, 29 (all quotations); “Yarbrough begins search to fill seat on county commissioners court,” *Galveston Daily News*, January 27, 1999, 1, 14.

<sup>69</sup> “Galveston County Resolution Adopting Criteria For Use in Redistricting 2001 Process” and “Guidelines for Persons Submitting Specific Redistricting Proposals,” in Agenda and Minutes, Commissioner Court of Galveston County, May 7, 2001 (quotations on microfilm pages 300-29-1179 to 1180)

July meeting, and only four at a subsequent hearing in September. On October 8, 2001, the Court approved the barely revised Commissioners Court and Justice of the Peace/Constable precincts by a 4-1 vote, the lone dissenter in both cases being Commissioner Ken Clark of north county, who believed that the lines did not adequately reflect the population growth in his area. After another unanimous vote on the J.P. and Constable precincts in November, the Court submitted the changes for Section 5 review to the U.S. Attorney General, who then informed the county on February 5, 2002, that no objection would be interposed to proposed changes. The process was complete, and painless.<sup>70</sup>

A spirit of cooperation appeared to have triumphed. Galveston County still voted heavily Democratic in 1998, while George W. Bush carried the county for the first time in the 2000 presidential election. Black political representation had been cemented as a seemingly permanent feature in local politics, in coalition with Hispanic communities. The conflicts of the early 1990s were at least temporarily submerged.<sup>71</sup>

## **6. Political Context of the 2021 Redistricting**

### **6.1. Political Changes and Racial Formation, 2003-2010**

#### *6.1.1. Hurricane Ike*

Several events eroded the political accommodation of the early 2000's. In September 2008, Hurricane Ike made landfall on Galveston Island, bringing with it an estimated 12-14 foot storm surge that entered the city from the Bay Side and damaged 80% of the City of Galveston. The devastation continued on the Mainland, where the unincorporated communities of Freddiesville (near Hitchcock) and Bacliff / San Leon (on Galveston Bay) nearly disappeared from the map. The bay's levee system sustained \$2 million in damage, while the Texas City Dike held back the surge "but took a massive blow" that would cost \$6 million to repair. Yet the immediate response to the storm was uneven. Some seven months after the storm, "Blue-tarped roofs still are common in west Texas City and many parts of La Marque," noted one newspaper report. Unable to garner an adequate share of federal relief funds, these poorer and racially diverse areas of the county remained limited to their own resources, fundraisers, and volunteers and thus struggled to recover from the storm. The Galveston County Commissioners Court had provided outsized resources to unincorporated areas on Bolivar Peninsula, the heavily white enclave that had long had an outsized influence in local politics, rather than unincorporated places with more diverse residents on the Mainland. For example, in the first six months after the storm, the county's contractor had removed

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<sup>70</sup> See Agenda and Minutes, Commissioner Court of Galveston County, for the following dates: June 11, 2001; July 16, 2001; July 17, 2001; July 19, 2001; July 23, 2001; September 6, 2001; October 8, 2001; November 5, 2001; January 14, 2002; February 11, 2002. On the Tremont meeting location, see the minutes for January 9, 1995. Agendas and Minutes and detailed packets for many (but not all) discussion items since 1995 are available on the county website, <http://agenda.galvestoncountytexas.gov/sirepub/meetresults.aspx>. On Clark's position, see Betty L. Martin, "Population shifts may spark redistricting," *Houston Chronicle*, January 17, 2001, 1.

<sup>71</sup> "Dems dominate county races," *Galveston Daily News*, November 4, 1998, 1; Dave Leip's Atlas of U.S. Presidential Elections, online, <https://uselectionatlas.org/RESULTS/index.html> (accessed December 16, 2002).

almost twice as much debris from the peninsula versus the communities of Freddiesville and Bacliffe / San Leon.<sup>72</sup>

The political fallout in the wake of Ike wreaked havoc on Galveston Island’s stock of public housing. After the storm, four public housing complexes were declared uninhabitable and eventually demolished, even though housing advocates believed that many units had suffered minimal damage. In December, 2008—three months after the storm—members of the Galveston Coalition for Justice pleaded with the Commissioners Court to establish a mobile home community to provide temporary housing on the island. The County and Federal Emergency Management Agency (FEMA) were in the process of opening two such sites—one on High Island, at the foot of the Bolivar Peninsula, and another, larger one in Bacliff—but the commissioners balked at a proposal to set up a community in a lot in front of the County Justice Center at 53<sup>rd</sup> & Broadway, at the foot of the causeway bridge. “While not formally rejecting that plan, every member of [the] commissioners’ court has expressed reservations, saying the county has a potential buyer for the property,” the *Daily News* reported. “A few commissioners expressed concern that putting a mobile home community at the site would not put forward the best image that the community was recovering from the storm.” By April, 2009, with federal emergency and housing dollars poised to flow into Galveston, white residents protested the federal mandate that tied the funding to rebuilding the lost public housing. In an online petition and on social media, they used “overtly racist” language, in the words of a former editor of the *Daily News*, denouncing the “darkies” living in public housing, among other epithets.<sup>73</sup>

Black and Latinx residents who were displaced by the storm saw the shifting policies of the City and its Galveston Housing Authority (GHA) as a conspiracy to permanently banish them from the area. Some of their fears appeared to be confirmed in October, 2009, a little more than a year after Ike made landfall, when the GHA’s executive director presented a plan to rebuild just 340 of the apartments in traditional row houses and duplexes, while the rest of federally mandated 569 units would be made available scattered “throughout other island neighborhoods.” David Miller of the local NAACP pointed out that over 3,000 people were already on the waitlist for public housing before the storm, so there was ample demand for more units, while Leon Phillips of the Galveston Coalition for Justice contended that residents of the island’s historic neighborhoods would reject schemes such as Section 8 vouchers that would place public housing recipients in their midst. By 2012, four years after the storm, the housing issue formed the bedrock of an insurgent mayoral campaign in which a white candidate won the election based on a single-issue promise to stop the rebuilding of concentrated public housing. Although the federal Department of Housing and Urban Development (HUD) ultimately forced the City of Galveston to back down from this campaign promise, the process of rebuilding all 569 units remained unfinished in October, 2021, with

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<sup>72</sup> Robert Draper, “The Calm Before the Storm,” *Texas Monthly*, August 2015, <https://www.texasmonthly.com/articles/calm-before-the-storm/>; T.J. Aulds, “Mainland communities struggling after Ike,” *Galveston Daily News*, November 28, 2008; T.J. Aulds, “Mainland communities still recovering,” *Galveston Daily News*, April 5, 2009 (quotations).

<sup>73</sup> T.J. Aulds, “County hears pleas for trailers,” *Galveston Daily News*, December 8, 2008; Draper, “The Calm Before the Storm,” *Texas Monthly* (“overtly racist” quotation); Leon Phillips, “Biased stop-GHA petition is suspect,” *Galveston Daily News*, April 3, 2009 (“darkies” quotation); Leigh Jones, “Public housing to be torn down,” *Galveston Daily News*, May 15, 2009.

construction finally underway on the last phase. The protracted and uneven recovery process meant that thousands of the City of Galveston's poorer residents and people of color never returned to the island. In 2015, *Texas Monthly* reported that "as many as six thousand" Black people fled the city when the storm destroyed their homes, and "[s]even years later, the houses were still not rebuilt." Many who left became mainlanders, while others settled further afield, outside Galveston County.<sup>74</sup>

As all levels of government struggled to provide immediate and long-term relief to Galveston's residents, new coalitions emerged among Black, Hispanic, and white nongovernmental organizations. The Galveston Coalition for Justice's Leon Phillips, who is African American, partnered with Latinx American and white activists to provide immediate relief to residents affected by the storm. They paired lobbying for housing with calls for fair treatment by police agencies and support for a living wage. Meanwhile, Gulf Coast Interfaith brought together mostly Catholic lay leaders with Protestant ministers, rabbis, a mosque leader, and their respective congregations to advocate for many of the same issues. The group, which was composed of predominantly Latinx and Black members, helped organize a range of social service agencies to coordinate their responses to the emergency after the storm and to facilitate long-term recovery in Galveston County. Writing a guest op-ed in the *Daily News*, three leaders of Gulf Coast Interfaith reported that the collaboration they had forged with the United Way and service providers secured and administered about \$35 million of the total \$90 million of federal block grant funds allocated to the Houston-Galveston area. As a result, more than 16,000 people in the "region received help replacing lost furniture and appliances reconnecting utilities and addressing other basic unmet needs like identification documents and birth certificates," another 6,000 people received mental health or substance abuse treatment, and "more than 400 families . . . had new roofs and minor repairs completed." Gulf Coast Interfaith, which is nonpartisan and includes members of both major parties, also provided input into the county redistricting process in 2011-2012 (see Section 6.2). Finally, beginning in 2013, Gulf Coast Interfaith, the Galveston Coalition for Justice, and a long list of additional partners and sponsors organized an annual Living Wage Conference to share ideas and strategies for creating good jobs, education, and training in the county. The list of supporters for the 2015 conference, for example, includes the Gulf Coast Homeless Coalition, United Way, LULAC Council 151, Galveston Northside Taskforce, NAACP Galveston Unit 6180, Galveston Catholic Charities, Restaurant Opportunities Centers United, Galveston Ministerial Alliance, Galveston County Labor Council AFL-CIO, and more—including Commissioner Stephen Holmes, the sole elected official on the list and the only representative of Galveston County.<sup>75</sup>

Hurricane Ike and its aftermath thus deepened the historical trends that had been evident in Galveston County, especially in terms of racial formation. Although formal Jim Crow and Juan

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<sup>74</sup> Leigh Jones, "Advocacy groups oppose public housing plan," *Galveston Daily News*, October 22, 2009 (first quotation); Leigh Jones, "Racial tensions talk dominates housing meeting," *Galveston Daily News*, October 30, 2009; Draper, "The Calm Before the Storm," *Texas Monthly* (final two quotations); author's fieldwork.

<sup>75</sup> Cornelia Banks, Joe Compian, and Laura Murrell, "Urge Representatives to pass hurricane grant bill," *Galveston Daily News*, November 13, 2010 (quotations); T.J. Aulds, "Meetings to offer recovery advice," *Galveston Daily News*, July 21, 2009; Leigh Jones, "Officials seek Perry's help getting federal funds," *Galveston Daily News*, September 10, 2009; Heber Taylor, "A cleaner, simpler district map," *Galveston Daily News*, March 18, 2012; Joseph Baucum, "Employment survey could be beneficial for local residents," *Galveston Daily News*, September 29, 2015; "3<sup>rd</sup> Annual Living Wage Conference," September 28, 2015, Galveston, copy of digital flyer in author's possession; author's fieldwork.

Crow were no longer embraced, local government agencies, including the County of Galveston, carried out response and recovery efforts that perpetuated or exacerbated extant racial inequities. As in Baytown, African American and Latinx Americans forged a heightened sense of solidarity between their communities, at times blurring the lines between them as shared experiences of marginalization and resistance produced hybrid coalitions and deep political partnerships.

### *6.1.2. Changes in State and National Politics*

While local events in Galveston County both exacerbated racial conflict and engendered deepening coalitions between Black and Latinx residents, state and national politics encouraged further polarization. In 2003, U.S. House Majority Leader Tom DeLay helped his colleagues in the Texas state legislature pass a sweeping redistricting plan that tilted the state heavily in favor of the Republican Party, resulting in significant gains for the GOP. In the next election, Republicans gained five seats in the Texas Congressional delegation, plus a sixth when a white Democrat switched parties. Although voting rights litigation challenging the new maps ultimately failed in court, the long-term effects on race and representation became evident. By 2014, just seven of 63 Democratic state legislators were white people, while just eight out of 118 Republicans in the legislature were minorities. The white Democrats who had long been the core of the party in the South had all but disappeared. “Overall, the demographic makeup of the Legislature does not reflect the state’s population,” reported the *Texas Tribune*. White residents comprised 44% of the state’s population, but 65% of the legislators were white, while Hispanics numbered 38% of the state’s residents and just 23% of the legislators (African Americans achieved near-parity, at 12% and 11%, respectively). The trends that resulted in these statistics grew clearer each election. By the time of the 2010 Census, Republican lawmakers in Texas (who were overwhelmingly white) could be confident of their ability to draw ostensibly partisan maps that would result in a significant advantage for their party—along with the continued disappearance of white Democratic rivals and the underrepresentation of people of color in government (and in the GOP).<sup>76</sup>

National politics also contributed to polarization, including racial animus. Most important, in 2010, Tea Party conservatives swept into office on a wave of discontent stemming from the election of President Barack Obama two years earlier and the Democratic Party’s passage of the Affordable Care Act in March, 2010. As a result, in November 2010, the Republican Party regained control of the U.S. House of Representatives, while Texas Governor Rick Perry won an unprecedented third four-year term. In Galveston County, Mark Henry made history by becoming the first Republican County Judge since Reconstruction. As a candidate, Henry made it clear that he identified with the Tea Party movement and that he would bring its new, more abrasively partisan tone to the Commissioners Court. In an op-ed published prior to the election, Henry addressed Democratic charges that he was running a negative campaign focused on national politics. Henry countered that “local Democrats are responsible for giving us Obama-style policies here in Galveston,” including an expanded budget and deficit and a 10.5% hike in the county tax rate. Obama wasn’t on the ballot,

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<sup>76</sup> Jeffrey Toobin, “Drawing the Line,” *New Yorker*, February 26, 2006, <https://www.newyorker.com/magazine/2006/03/06/drawing-the-line-3>; Alexa Ura, “In Legislature, Even Fewer White Democrats,” *Texas Tribune*, November 9, 2014, <https://www.texastribune.org/2014/11/09/white-democrats-continue-fall-texas-legislature/>.



Henry acknowledged, but “We can deal with him in 2012. This year we can get started much closer to home.”<sup>77</sup>

## **6.2. Redistricting in Galveston County, 2011-2012**

Such statements denouncing the nation’s first Black president doubtlessly increased the stakes of the 2011 redistricting cycle in Galveston County, a jurisdiction with a long history of official discrimination in the electoral process and polarized voting behavior. The process began in earnest in May 2011, when the county engaged the firm of Beirne, Maynard & Parsons, L.L.P., as its legal counsel for redistricting. Unlike the hiring of Emory, Young, and Associates in 1991, the County did not conduct interviews or seek bids for legal counsel, nor did they specify any redistricting criteria for the lawyers to follow, nor did they acknowledge the significance of the Voting Rights Act in the process, except in reference to the final submission. They also did not impose any restrictions on communication between individual commissioners and the firm.<sup>78</sup>

The lack of criteria surprised Commissioner Ken Clark, the member of the Court who was most engaged with the redistricting process. Clark represented the northern portion of the county and had objected to the previous plan in 2001, believing it did not fairly represent his precinct’s growing population. Consequently, “I probably started working on this redistricting as soon as the last one ended,” he told the *Galveston Daily News* in 2011. That spring, Clark wrote to the County Attorney to request the criteria for that year’s redistricting, and Judge Henry reportedly planned to put a discussion of it on the court’s agenda. But on June 2, outside counsel Joe Nixon wrote to Henry and asked that they discuss the issue privately. “The judge said Nixon recommended against setting criteria because it ‘would tie the county’s hands if changes needed to be made,’” according to newspaper reports. The article continues: “Records obtained by *The Daily News* show that the county was set to adopt guidelines almost the same as the ones used 10 years ago during the last redistricting effort. But before the commissioners even got a chance to consider the criteria, it was pulled from the agenda.” Indeed, the draft criteria—which was never considered at a public meeting—differed little from the document adopted a decade prior. It again called on the commissioners to maintain intact existing communities of interest, to adopt a redistricting plan that would be “narrowly tailored to avoid retrogression in the position of racial minorities and language minorities,” and to create maps that would “not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting.”<sup>79</sup>

Because the Court did not consider nor adopt criteria in a public meeting, the process then proceeded without any clear goals. Instead, Clark sent Nixon outlines of his preferred maps, and on August 2, the Commissioners Court discussed a preliminary redistricting plan for the Commissioners Court, Justice of the Peace, and Constable precincts prepared by the law firm and formally submitted for approval by Judge Henry. The initial agenda for the meeting indicated that

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<sup>77</sup> Mark Henry, “Policies of Democrat leaders have local impact,” *Galveston Daily News*, July 30, 2010; author’s fieldwork.

<sup>78</sup> Minutes, Commissioners Court of Galveston County, May 10, 2011; May 17, 2011; May 24, 2011 (item 17).

<sup>79</sup> T.J. Aulds, “Redistricting: What do Democrats say on issue?” *Galveston Daily News*, August 30, 2011 (Henry inner quotation and quotations from newspaper report); T.J. Aulds, “Redistricting: How will commissioners vote?” *Galveston Daily News*, August 29, 2011 (Clark quotation); “Galveston County Resolution Adopting Criteria for Use in Redistricting 2011 Process,” May 7, 2011 (private file), courtesy United States Department of Justice (in author’s possession).

the Court might approve the maps that same day, but apparently objections from Commissioners Holmes and Patrick Doyle scuttled that plan.

A week later, the Court approved a calendar for the rest of the redistricting process and scheduled a series of public hearings to be held throughout the county, including one in each commissioner precinct. On the evening of August 15, a small number of residents gave public comments at the hearing at the county's Calder Road Annex in League City, in Commissioner Precinct 4. At the regular court meeting on the afternoon on August 16, Commissioner Holmes introduced his own maps, contending that his set of maps had the best chance of preclearance by the Department of Justice. That evening, a slightly larger group attended the second hearing at the West County building in Santa Fe. Both meetings included commenters who favored Holmes' approach. The third hearing in Crystal Beach, on the Bolivar Peninsula on the evening of August 17, featured approximately twenty speakers. The final two hearings, held in Texas City and at the Galveston County Courthouse on the island, took place on the evenings of August 22 and 23, respectively. Each featured dozens of speakers, the vast majority of whom were African American or Latinx, and most of whom supported Holmes' proposals while opposing those put forward by Clark and Henry. The official Commissioners Court minutes that are posted on the county's website include only one artifact from this week of testimony by nearly 100 speakers: a formal resolution adopted by the League City Council in favor of more representation for the north county area. In contrast to 1992, none of the suggestions put forward by Holmes, the NAACP, LULAC, or other civic leaders were included in the official records (except in the video recordings, which were posted online using antiquated streaming software and unavailable for this report). At a regular meeting of the Commissioners Court during the day on August 23, Commissioner Holmes introduced yet another set of maps, but no action was taken.<sup>80</sup>

On August 29, County Judge Henry and other commissioners met privately with outside counsel and developed a final redistricting plan with only minor tweaks from the plan they had discussed back on August 2. Holmes, the sole person of color on the Commissioners Court, was not invited. Henry and other commissioners added much of the predominately white Bolivar Peninsula to the majority Black and Latinx Commissioner Precinct 3 and reduced the number of Justice of the Peace and Constable districts from eight to five, effectively cracking the county's minority population but still maintaining a separate Justice of the Peace precinct for the numerically sparse Bolivar Peninsula. Despite the many opportunities for public input, not much had changed from the original maps presented by the outside counsel a month earlier. The Commissioners Court formally adopted the new maps at its August 30 meeting, by a 3-2 vote (with Holmes and Doyle dissenting).

The split vote triggered a lawsuit filed by county elected officials. On November 14, 2011, "[t]hree county constables, two justices of the peace, and two county commissioners" sued the county and County Judge Henry over the redrawn Commissioner, J.P. and Constable maps. Commissioners Holmes and Doyle were parties to the suit, *Petteway v. Galveston County*, that claimed that the plans could not be implemented because neither had been reviewed by the Attorney General under

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<sup>80</sup> Aulds, "Redistricting: What do Democrats say on issue?"; Aulds, "Redistricting: How will commissioners vote?"; Minutes, Commissioners Court of Galveston County, August 2, 2011; August 9, 2011; August 15, 2011; August 16, 2011 (Item 12); August 17, 2011; August 22, 2011; August 23, 2011 (Item 8); August 30, 2011 (Item 24).

Section 5. The complaint further asserted that even if the plans did comply with Section 5, they violated Section 2 of the Voting Rights Act by not providing Black and Latinx voters with an equal opportunity to elect candidates of choice. On March 12, 2012, the U.S. Attorney General informed the county that it had failed to establish that the redistricting plan for the commissioners court and the changes affecting the number and alignment of the justice of the peace/constable districts were not adopted with a discriminatory purpose and would have a discriminatory effect.<sup>81</sup> The effect of the objection was to render both plans unenforceable.

Following the Attorney General's objection, the county began negotiating a revised redistricting plan for the Commissioners Court precincts. Yet this, too, was marred by controversy. First, Judge Henry and Commissioner Clark sought to discredit the Attorney General's objection by claiming that it was "political" and part of the "Obama administration's continuing attack on Texas."<sup>82</sup>

Next, Judge Henry scheduled consultation meetings with outside counsel during Executive Sessions of the Commissioners Court, but he barred Commissioners Holmes and Doyle, who had also joined the *Petteway* litigation against the county over the redistricting process, from attending the gathering. Henry first did so in November, 2011, soon after the lawsuit was filed, refusing the duo admittance to an Executive Session to discuss the continued engagement of the Beirne, Maynard & Parsons law firm to defend the county in federal court. The County Attorney supported this course of action but "did not find any legal precedent that barred Holmes and Doyle from participating in the vote after the closed-door session is over," according to a newspaper report. The Executive Session of the three Commissioners and attorneys lasted nearly an hour. Holmes and Doyle abstained from the subsequent vote on the contract.<sup>83</sup>

When Henry again barred Holmes and Doyle from an Executive Session in March, 2012, the duo objected, demanding that the case should be discussed in a public hearing instead. What happened next represents a departure from normal procedures of the Commissioners Court; indeed, I found no other similar instance in the meeting minutes that I reviewed. After noting the attendance of all five commissioners and the county clerk, the minutes for the March 13, 2012, special meeting read:

1. Call to Order by Judge Henry at 10:01 A.M. at the Galveston County Courthouse.

Judge Henry left the meeting to go into executive session at 10:02 A.M.

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<sup>81</sup> T.J. Aulds, "County's redistricting plans challenged," *Galveston Daily News*, November 15, 2011 (quotation); Minutes, Commissioners Court of Galveston County, August 30, 2011 (especially Items 25 and 26); T.J. Aulds, "Two more redistricting map proposals offered," *Galveston Daily News*, August 30, 2011; T.J. Aulds, "Commissioners approve precinct boundaries," *Galveston Daily News*, August 31, 2011; *Petteway v. Galveston County*, 3:13-cv-00511 (S.D. Tex. Nov. 14, 2011); T.J. Aulds, "DOJ tosses county's redistricting maps," *Galveston Daily News*, March 5, 2012; Harvey Rice, "Galveston County – Fed's say new map dilutes minority vote," *Houston Chronicle*, March 7, 2012, 2; Letter from Thomas E. Perez to James E. Trainor III, March 5, 2012, copy received and filed in Minutes, Commissioners Court of Galveston County, March 20, 2012 (quotation).

<sup>82</sup> Aulds, "DOJ tosses county's redistricting maps" (Clark and Henry quotations); Mike Gunning, "Redistricting 'plans may not be implemented,'" *Galveston Daily News*, November 22, 2011; T.J. Aulds, "DOJ: Redistricting plan lacks information," *Galveston Daily News*, December 22, 2011.

<sup>83</sup> Minutes, Commissioners Court of Galveston County, November 18, 2011; T.J. Aulds, "2 barred from meeting to discuss lawsuit," *Galveston Daily News*, November 17, 2011.

Motion by Commissioner Doyle to waive executive session and go into a public hearing, seconded by Commissioner Holmes.

Motion by Commissioner Doyle to discuss items 2a and 4 in the open public, seconded by Commissioner Holmes.

Failed: 2-2

Aye: Commissioner Doyle, Commissioner Holmes

Nay: Commissioner O'Brien, Commissioner Clark

Abstain: (None)

Absent: County Judge Henry

Commissioner Clark and Commissioner O'Brien left the meeting to go into executive session.

The meeting then proceeds to item 2, which begins, "Break into Executive Session." Following the details on the two cases, the minutes add, "Commissioners Doyle and Holmes did not attend executive session."<sup>84</sup>

The report in the *Galveston Daily News* described the situation as "a standoff." Immediately after the opening gavel, Holmes introduced "a motion that commissioners discuss the issue in open session." Doyle seconded. Then,

Before there could be a vote, Judge Mark Henry walked out of the meeting room. That left a split 2-2 vote on Holmes' motion with Precinct 4 Commissioner Ken Clark and Precinct 2 Commissioner Kevin O'Brien voting against.

Soon after, O'Brien and Clark joined Henry in a backroom. Holmes and Doyle protested the closed meeting and refused to attend. The county's redistricting attorneys shuttled between the closed-door session with commissioners and representatives from the justice department who were in a conference room upstairs at the courthouse.

Holmes contended the 2-2 vote meant commissioners were undecided about going into executive session. Henry, bucking the advice of County Attorney Harvey Bazaman, contended that because the motion failed to get a majority vote the closed-door session could go on as scheduled.

Several hours later, Henry, Clark, and O'Brien returned to the main chamber and voted to instruct outside counsel to submit a settlement offer to the Department of Justice. There was no public input on the maps that they had created behind closed doors. Holmes and Doyle again abstained. The reporter added, "The Democratic members of the court, with the support of legal advice from the county attorney, maintained the court's actions violated state open meetings laws and refused to participate in the closed-door sessions or the vote."<sup>85</sup>

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<sup>84</sup> Minutes, Commissioners Court of Galveston County, March 13, 2012 (Special Meeting, 10:00 A.M.).

<sup>85</sup> T.J. Aulds, "Commissioners in standoff over closed meeting," *Galveston Daily News*, March 14, 2012.

On March 18, Heber Taylor, the editor of the *Galveston Daily News*, weighed in and called for “[a] cleaner, simpler district map” that would be based on facts, be non-partisan, and protect racial minorities. He praised a map submitted by Gulf Coast Interfaith that drew clear lines that follow recognizable geographic boundaries such as railroads and highways. “You don’t need a global positioning system to tell which county commissioner’s district you’re in,” Taylor wrote. The map proposed by Gulf Coast Interfaith also took into account the three major demographic trends facing Galveston County: population growth since 2000 had taken place in the north county, the City of Galveston had lost population, and the overall population grew, led by Latinos. “If you draw a map that reflects those basic facts you can do so simply. Interfaith proved that,” Taylor wrote. And “Unlike the county’s map, it wouldn’t be a challenge for the [J]ustice [D]epartment,” he added. The map would keep Precinct 3 as a minority opportunity district and make Precinct 1, represented by Doyle, a 50-50 “minority impact district.” The Interfaith map would make Democrats happy this time, Taylor admitted, but both parties should strive to “be above politics” by prioritizing “simple fairness.”<sup>86</sup>

On the evening of March 22, after holding a pro forma public hearing that same afternoon, the Court majority approved “Settlement #2” by a 3-2 vote, split along the same lines, with Holmes and Doyle still voting in opposition. The U.S. Attorney General precleared the revised commissioners court plan the following day, and a three-judge panel hearing their federal case ruled that the upcoming election would use the new maps created by the settlement.

Meanwhile, the *Pettenway* court, based on the Attorney General’s March 12, 2012 objection, permanently enjoined Galveston County from implementing the 2011 Justice of the Peace and Constable maps that had reduced the number of precincts to five—another subject and case that had been discussed in the closed-door Executive Session on March 13. Judge Henry promised to appeal and revisit the issue after the next elections. For the moment, the county retained all nine J.P. and eight Constables positions.

For their part, both Holmes and Doyle remained disappointed with the revision of the commissioners court plan, claiming that the Justice Department had “bailed out a failed process” led by Judge Henry and the Court majority. At the same time, Doyle added that he was “ecstatic” that he and Holmes had “forced them to comply with the Voting Rights Act.” Doyle also announced that he would not seek reelection in Precinct 1.<sup>87</sup>

### **6.3. Elimination of Justice of the Peace Precincts, 2013**

In February 2013, Judge Henry and new Commissioner Ryan Dennard (who replaced Doyle after redistricting) put forward a new proposal to defund the Justice of the Peace offices and reallocate

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<sup>86</sup> Heber Taylor, “A cleaner, simpler district map,” *Galveston Daily News*, March 18, 2012.

<sup>87</sup> T.J. Aulds, “DOJ gives green light to county redistricting map,” *Galveston Daily News*, March 24, 2012 (Doyle quotations); T.J. Aulds, “Redistricting is back on the agenda,” *Galveston Daily News*, March 20, 2012; Minutes, County Commissioners Court of Galveston County, March 13, 2012; March 20, 2012; March 22, 2012; Letter from T. Christian Herren, Jr., to James E. Trainor III, March 23, 2012, received and filed in Minutes, March 28, 2012; T.J. Aulds, “Another redistricting map set for DOJ,” *Galveston Daily News*, March 22, 2012; T.J. Aulds, “Commissioners approve new redistricting map,” *Galveston Daily News*, March 23, 2012; T.J. Aulds, “Doyle won’t seek re-election,” *Galveston Daily News*, March 25, 2012.

their salaries and budgets based on the caseload of each precinct. Most of the J.P.s in both political parties categorically rejected the court's exploring the issue—just as they had opposed a similar proposal in 2011.

On August 11, 2013, the *Galveston Daily News* reported that County Judge Henry had revived the cost-saving scheme yet again. But scarcely a week later, on August 19, the Commissioners Court suddenly passed, by a 4-1 vote, a redistricting plan with striking similarities to the maps that were the subject of the Section 5 objection two years earlier. The newest resolution, passed after an extraordinary motion that required public speakers to give their comments under oath, abolished five J.P. positions and four Constables and heavily revised the four remaining Justice and Constable precincts, including by collapsing Bolivar Peninsula into the previously Black and Latinx precinct on the Mainland (and mostly separate from Galveston Island).<sup>88</sup>

On June 25, 2013, the United States Supreme Court rendered a judgment in *Shelby County, Alabama v. Holder* that effectively ended the Voting Rights Act's preclearance requirements. Galveston County's adoption in August 2013 of the Justice of the Peace precinct plan that had been permanently enjoined after the Attorney General's Section 5 determination came less than two months after *Shelby*—making it the first political subdivision in Texas to redistrict following the decision. There were no public hearings, nor criteria, nor a timeline for the 2013 redistricting. Six of the Justices of the Peace, Constables, and local activists who had opposed the 2011 redistricting now filed a new federal suit, charging that the plan eliminated as many as four total minority opportunity-to-elect districts. The plaintiffs included Penny Pope, the county's first Black J.P.; three other African American elected officials; Michael Montez, a Latino Republican Constable; and a Black resident voter.<sup>89</sup> After a 2014 trial, the court ruled in favor of the defendants regarding the plaintiffs' vote-dilution claims because the 2013 plan actually “increased the percentage of Galveston County residents living in a majority-minority district.” In 2022, the court also ruled in favor of the defendants on the intentional discrimination claim, reasoning that the 2013 plan “did not reduce the influence of minority voters” and that the plan “achieved significant cost savings” to the Justice of the Peace courts. Yet the court included a caveat that is revealing: “If the reduction in size had been accompanied by a decrease in the percentage of majority-minority precincts, then there might be an argument that the efficiency rationale was pretext for decreasing the power of minority voters.”<sup>90</sup>

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<sup>88</sup> Minutes, County Commissioners Court of Galveston County, August 19, 2013; T.J. Aulds, “Justices of the Peace object to basing pay on caseload,” *Galveston Daily News*, February 20, 2013; Wes Swift, “County commissioners to press on with JP plans,” *Galveston Daily News*, August 11, 2013; T.J. Aulds, “Judges oppose proposed redistricting plans,” *Galveston Daily News*, August 17, 2011; Mark Henry, “Reducing size of government shouldn't be hard,” *Galveston Daily News*, August 18, 2013; Wes Swift, “County slashes JPs to 4,” *Galveston Daily News*, August 20, 2013; Harvey Rice, “Galveston County resurrects remapping - Officials OK redistricting that feds had previously barred as discriminatory,” *Houston Chronicle*, August 21, 2013, 1.

<sup>89</sup> Wes Swift, “The ghosts of Shelby County rise in JP decision,” *Galveston Daily News*, August 20, 2013; Harvey Rice, “Lawsuit says Galveston County remap discriminatory,” *Houston Chronicle*, August 26, 2013; Wes Swift, “6 sue county over the new maps for JPs,” *Galveston Daily News*, August 27, 2013; “Thrashing justice in Galveston County” (editorial), *Houston Chronicle*, September 11, 2013; *Pettenay et al. v. Galveston County*, 3:13-cv-00308 (S.D. Tex. August 26, 2013).

<sup>90</sup> Ruling on Bench Trial, *Pettenay et al. v. Galveston County*, 3:13-cv-00308 (S.D. Tex. August 31, 2022) (emphasis added).

### 6.3.1. Conclusion: 2013 Redistricting

As an historian, using the tools of interpretation and inference that are standard in the discipline, I can only conclude that the Court majority likely acted when it did as a direct response to the Supreme Court’s removal of minority voting rights protections. They surely acted with the knowledge that, less than two years earlier in 2011, the Attorney General had rejected a similar plan, and a federal court had permanently enjoined the County from using it. Even if the newest action no longer required Section 5 preclearance, and regardless of whether it would withstand future legal challenges, the racially disparate impact of diluting the combined minority vote of a longstanding Black-Latinx political coalition remained. Although African Americans would continue to occupy one J.P. and Constable seat until the present moment, the 2013 redistricting more than halved the bench of aspiring Black and Latinx leaders. In 2011, three people of color—two Black and one Latinx—had served as Constables, along with two Black Justices of the Peace. Now only one J.P. and constable precinct provided an opportunity for minority representation. The elected officials were now fewer and thus further away from, and less accessible to, their constituents. The reduction also meant that, in the future, fewer Black and Latinx people would be able to carry the experience of having served in local office into campaigns for offices at the county, state, and federal level. African American and Latinx American community leaders made known their opposition to the plan, which was, politically speaking, a direct attack on their longstanding inter-minority coalition.<sup>91</sup>

### **6.4. Incidents Relating to Racial Formation in Galveston County, 2019-2021**

The prevailing atmosphere of tolerance and accommodation that dominated local racial politics at the turn of the millennium had given way to a climate of hostility and exclusion by the end of its second decade. By 2018, African Americans and Latinx Americans could only hope to compete for a single seat at each level of Galveston County’s government, including the Commissioners Court. A series of high-profile incidents further exposed the persistence of racial animus and inequity.

First, on August 3, 2019, mounted officers of the City of Galveston Police Department arrested and publicly humiliated Donald Neely, a 44-year old Black man experiencing homelessness and mental illness, detaining him for criminal trespass before attaching his handcuffs to a rope and leading him several blocks through the city. With obvious racial overtones, and after discussing the bad optics, the two officers rode on horses while the tied Neely walked in the Texas sun, passing the site of a former market in enslaved African Americans. The incident went viral and prompted outrage on social media, a “National March on Galveston” on September 15, the subsequent release of the officers’ body camera footage, and a million-dollar lawsuit. The City’s Police Chief Vernon Hale “said he believed the officers used poor judgment when making their decision to move Neely across the downtown. Hale has apologized for causing Neely unnecessary embarrassment,” according to the *Galveston Daily News*. The officers had used outdated protocols which have since been abandoned, the report continued. “The department has stopped using the method of using a line to tether arrestees, and has put on hold plans to create a regular mounted patrol.” An investigation by

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<sup>91</sup> The case went to trial in 2014, and a final ruling was issued on August 31, 2022. For updates, see Harvey Rice, “Galveston Commissioners aren’t waiting for judge’s decision,” *Houston Chronicle*, November 18, 2015; John Wayne Ferguson, “D.C. group adds new complaint to long-simmering redistricting lawsuit,” *Galveston Daily News*, January 18, 2022; John Wayne Ferguson, “Federal judge nixes piggyback challenge of Galveston County redistricting map,” *Galveston Daily News*, February 21, 2022.

the Texas Rangers state police agency “resulted in no charges being filed against the officers,” while “[t]he city refused to release documents from a policy review conducted by the Galveston County Sheriff’s Office.” Although Galveston County was not directly involved with the incident itself, the Sheriff’s Office regularly provides oversight and regularly coordinates activities with municipal law enforcement. In this case, the Sheriff’s Department’s silence following its much-publicized review of the incident was itself revealing.<sup>92</sup>

Next, in the summer of 2020, amidst the national reckoning and protests following the police killing of George Floyd in Minneapolis, Black residents and allies in Galveston County called on local governments to enact change. On June 6, hundreds of people took to the streets of Galveston and up to a thousand more marched in League City to protest persistent racial inequity. Shortly after, Isaac Fanuiel IV, a Black man and Galveston native, renewed his 2015 demand that county commissioners remove a Confederate statue, titled “Dignified Resignation,” from the Courthouse grounds. Citing the national significance of the history of Emancipation on the island on June 19, Fanuiel urged county residents to celebrate Juneteenth by removing the statue. That day, protestors at the County Courthouse briefly covered the statue in a sheet, symbolically if temporarily taking it down. Ten days later, on June 29, Fanuiel presented his idea to the Commissioners Court, and he did so again at the court’s subsequent meetings on July 13, July 27, and August 10, with each meeting drawing more supporters to the cause.

Finally, Commissioner Holmes had Judge Henry put it on the agenda for August 24. Listed as item 83, the title of the action item included the statue’s name but did not mention the “Confederacy” or its Confederate connection. Judge Henry scheduled the meeting to take place at the League City Annex, 174 Calder Road, some 27 miles north of their regular meeting site at the County Courthouse and the statue itself. The change of venue had its predictable effect. Whereas sixteen people had given public comments at the August 10 meeting in Galveston, only twelve addressed the Court on August 24 in predominately white League City, and three of those speakers opposed the county taking action. Citing months of constituent requests to do something, Holmes then introduced his motion to remove it. Before he finished his sentence, however, Judge Henry interrupted him and asked, “To where?” Then, rather than deliberate on the substance of the issue, Henry and the rest of the commissioners remained silent. The motion failed for lack of a second. “It’s 2020, and we know racism when we see it,” Fanuiel concluded. “It was racist behavior.”<sup>93</sup>

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<sup>92</sup> John Wayne Ferguson, “In Neely review, Galveston’s chief is intentionally hands-off,” *Galveston Daily News*, October 5, 2019 (quotations); Keri Heath and John Wayne Ferguson, “Rangers, sheriff’s office to investigate Neely’s arrest,” *Galveston Daily News*, August 8, 2019; John Wayne Ferguson, “Rangers: Criminal investigation into Neely arrest ‘not warranted,’” *Galveston Daily News*, August 16, 2019; Kathryn Eastburn, “Marchers protest police actions, demand justice for Neely,” *Galveston Daily News*, September 16, 2019; Nick Powell, “‘This is gonna look really bad.’ Galveston releases recordings of Donald Neely arrest,” *Houston Chronicle*, October 2, 2019; John Wayne Ferguson, “City of Galveston sued for \$1M over ‘outrageous’ 2019 arrest,” *Galveston Daily News*, October 9, 2020.

<sup>93</sup> John Wayne Ferguson, “Confederate statue stays put after Galveston County commissioners fail to vote,” *Galveston Daily News*, August 24, 2020 (Fanuiel quotations); Video of Galveston County Commissioners Court meeting, August 24, 2020, <https://livestream.com/accounts/21068106/events/6315620/videos/210214074>; John Wayne Ferguson, “Petition calls for removal of Galveston statute dedicated to Confederate soldiers,” *Galveston Daily News*, July 4, 2015; Keri Heath, “Hundreds protest racial injustice across Galveston County Saturday,” *Galveston Daily News*, June 6, 2020; Isaac Fanuiel IV, “Juneteenth 2020 must be a call to action,” *Galveston Daily News*, June 17, 2020; John Wayne Ferguson, “Protestors cover Confederate statue in Galveston, renew calls for its removal,” *Galveston Daily News*, June 19, 2020;



A third incident in the spring of 2021 again displayed the racial disparities prevalent in local government. On April 24, City of Galveston Police, with backup from the Galveston County Sheriff's Office, deployed aggressive tactics to contain Black and Latinx motorists at a "slab car" gathering on the island. As the *Houston Chronicle* explains, slabs, "an acronym for slow, low (or loud) and bangin' – were born in the early-'80s working-class African-American neighborhoods on Houston's south side." Cadillacs and other luxury sedans were customized and "made distinctive by their candy-colored paint jobs and their 30-spoke wire rims, as well as booming sound systems." The previous summer, in June 2020, an unpermitted gathering of slab enthusiasts caused traffic congestion on the seawall on an unruly weekend that also featured a shooting. As a result, in 2021, Galveston officials prepared what activists described as a "military-style" operation to quell fears of disorder among the Black and Latinx visitors. Law enforcement banned parking along the seawall, prepared road blockades in case they needed to close off an entire section of the island, donned camouflage and tactical gear, deployed SWAT teams, and stopped hundreds of vehicles before getting out measuring tapes to see if the cars' protruding rims (known as "swangers") exceeded the legal vehicle width limit of eight feet. As many as 33 people were arrested on April 24 alone, including Andre Malone, who was pulled over "for having expired tags, was tased, then thrown to the ground and punched by one officer while the other officer had his knee on his neck." Activist Candace Matthews later remarked that Malone did not receive medical attention after being tased four times and yelling, "Please my heart can't take it anymore." Civil rights activists from Houston and Galveston staged a press conference on May 5, arguing that the approach to policing the slab car rally was more aggressive as compared to other high-profile events, including a large motorcycle rally and the island's Mardi Gras celebrations (where the width of large floats are never examined, they noted). "It was racial profiling at its best," remarked Matthews. "They used every pretext imaginable to stop cars. . . . When have you ever seen a police officer walking around with a measuring tape?" The combined city and county law enforcement effort suggested to many observers that large, unsanctioned gatherings of Black and Latinx people were unwelcome in Galveston. "I can understand where the SWAT may be more intimidating," Chief Hale said. "Certainly, we'll look at how we use those resources for major events . . . but there absolutely is a time and a place for those units."<sup>94</sup>

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Michael A. Smith, "County must begin process to remove 'Dignified Resignation,'" *Galveston Daily News*, June 26, 2020; Minutes, Commissioners Court of Galveston County, June 29, 2020; July 13, 2020; July 27, 2020; August 10, 2020; August 24, 2020.

<sup>94</sup> Nick Powell, "Activists raise claims of police brutality at Galveston slab car event," *Houston Chronicle*, May 6, 2021 (all quotations except as noted); Keri Heath, "Groups call Galveston's slab weekend policing racial profiling," *Galveston Daily News*, May 4, 2021 (press conference quotations); Keri Heath, "Galveston reviews policies, looks for ways to accommodate 'slab' cars," *Galveston Daily News*, May 10, 2021 (Hale quotation); Keri Heath, "Police tow more than 100 cars during slab weekend," *Galveston Daily News*, April 26, 2021; Keri Heath, "Car event policing was racial profiling, groups assert," *Galveston Daily News*, May 5, 2021; Laura Elder, "Galveston must police all festivals and rallies with equal zeal" (editorial), *Galveston Daily News*, May 10, 2021; John Wayne Ferguson, "Galveston asks to withhold body-cam video from slab arrest," *Galveston Daily News*, May 11, 2021; Keri Heath, "Galveston leaders are aware, but not too worried about Slab Beach Party," *Galveston Daily News*, June 4, 2020; Keri Heath, "Traffic blocks up entire length of seawall Saturday night," *Galveston Daily News*, June 6, 2020; Keri Heath, "Two wounded during night of shooting, gridlock in Galveston," *Galveston Daily News*, June 7, 2020; and Keri Heath, "Galveston seeks legal action against slab car promoter," *Galveston Daily News*, June 25, 2020. Coverage frequently mentioned the ties between the slab car events and Beach Party Weekend, "an event that during its heydays in the 1990s and early 2000s, when it was organized by the Kappa Alpha Psi

Finally, the Galveston County Commissioners Court further contributed to the polarization of local racial politics in July, 2021, when it declared a local state of disaster in response to “the influx of foreign nationals unlawfully crossing the Texas-Mexico border.” Echoing Governor Greg Abbott, who had issued a similar declaration on May 31 and then expanded it on June 25, Judge Henry took unilateral action on June 29 before asking the Commissioners Court to extend his order indefinitely on July 2. He proposed that the Court authorize county law enforcement to assist in policing immigration, create a “Galveston County Border Security Response Team” led by the Sheriff and the three white Constables (but not the one Black Constable), and allocate up to 10% of the \$6.6 million of American Rescue Plan funds available to the county (which had been provided for COVID-related relief) to help build a wall on the border. At a contentious Commissioners Court meeting on July 2, again held at the League City Annex, twenty-six residents addressed the Court, with all of the Black and Latinx speakers opposing the measure and white Anglos split. Commissioner Holmes spoke against the resolution, arguing that there was neither an imminent threat nor a need to extend the disaster declaration beyond its original seven days. He did not directly address the immigration issue or questions of race and racism surrounding it, though he had previously opposed a 2017 proposal by the Sheriff’s Office to collaborate more closely with Immigration and Customs Enforcement. Despite Holmes’ objection and the passionate pleas of Black and Latinx residents, the Court approved the disaster declaration by a 3-1 vote (one was absent).<sup>95</sup>

Each of these incidents contributed to a hostile climate surrounding race in Galveston County. Moreover, each had been sanctioned by and sometimes directly enacted by the Commissioners Court itself. Many of the underlying issues of structural racism that had been flagged by civil rights activists since the protests in the summer of 2020 remained unacknowledged and unaddressed. Members of the NAACP and other activists articulated their ongoing grievances in the “Galveston County BLM Too Manifesto.” Among other goals, they called for county-wide oversight over juvenile justice programs to disrupt the school to prison pipeline, county-wide economic development strategies benefitting Black people, and sweeping reform to the local criminal justice system. Many of the group’s objectives directly addressed the institutional role of the county, especially in the criminal justice and carceral systems. The authors demanded “True Preventive Community Policing,” “Bail reform in Galveston County, “Increase[d] Black Police/Sheriff Patrol in County Sheriff Department [sic],” and the mandated use of body cameras and the creation of a Diversity Advisory Committee in the Sheriff’s Department. Pastor Johnnie Simpsons, Jr., of Dickinson praised the manifesto and its authors. “The people behind this are so active in the local community,” he said. “It’s easy to get caught up in the national news, which warrants discussion. But

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fraternity, drew thousands of Black college students to Galveston.” See Keri Heath, “Galveston prepares for car weekend reminiscent of ‘slab’ event,” *Galveston Daily News*, April 19, 2022.

<sup>95</sup> State of Texas, County of Galveston, “Declaration of Local State of Disaster,” June 29, 2021, Consent Agenda Item 1 in Minutes, County Commissioners Court of Galveston County, July 2, 2021. Also see the video of that meeting, <https://livestream.com/accounts/21068106/events/6315620/videos/222978927>; and Minutes, June 28, 2021; Alejandro Serrano, “Galveston County Judge Mark Henry issues disaster declaration in response to border situation,” *Houston Chronicle*, June 30, 2021; Harvey Rice, “Galveston Commissioners vote to negotiate cooperation with ICE,” *Houston Chronicle*, February 15, 2017; Cindy Horswell, “Immigration - Counties fightback against border kids -Montgomery, Brazoria, Smith and Galveston seek resolutions banning new migrant shelters,” *Houston Chronicle*, July 20, 2014, 1.

local people want to make a local impact in the community.” Galveston County Criminal District Attorney Jack Roady, a white Republican, agreed that “the document raises some legitimate concerns,” adding that he was “optimistic” that local “public and community leaders” could address many of the issues contained in the manifesto.<sup>96</sup>

By 2021, Galveston County leaders were faced with a choice. They could celebrate the fact that some reconciliation was taking place, as evidenced by the creation of a new mural commemorating Juneteenth, titled “Absolute Equality,” on the city’s famed downtown thoroughfare, The Strand.<sup>97</sup> At the same time, they had been presented with calls for racial justice and confronted with myriad examples of ongoing racial disparities. The 2013 Justice of the Peace redistricting litigation remained pending in federal court. The Commissioners Court could have followed its own historic example by creating a redistricting process that included criteria, a timeline, and opportunities for meaningful public input. They could have pledged to comply with the “letter and spirit” of the Voting Rights Act, as they had in 1991. Instead, they triggered another incident and yet another lawsuit.

## **7. Adoption of the 2021 Maps & Procedural Departures From Prior Redistricting Cycles**

### **7.1. Introduction**

Given the long view of race and racism in Galveston County, along with its more recent legislative and political history, it is perhaps unsurprising that the Commissioners Court sought another change in its political maps following the most recent Census. A careful weighing of contemporary evidence, set against the backdrop of Galveston County’s history of racial formation and politics, suggests that Judge Henry and the Commissioners Court knowingly enacted a policy that disadvantaged the county’s African American and Latinx American residents. From a scholarly perspective, the redistricting fits Omi and Winant’s definition of a “racist project” because it “creates or reproduces structures of domination based on racial significations and identities.”

### **7.2. Procedural Departures: Lack of Criteria, Calendar, and Public Discussion**

Unlike previous redistricting cycles, much of the 2021 edition was not characterized by sound and fury but by virtual silence. After deferring a scheduled discussion in January, the Commissioners Court took its first action related to the issue on April 5, when it hired outside counsel “based on 2020 census”—the agenda language did not name “redistricting.” Unlike 1991, there was no bid process, nor were there any interviews. Rather, the contract went to a firm that, in addition to its partners and associates, worked with an individual consultant, Dale Oldham, who had also assisted Joe Nixon and the Beirne, Maynard & Parsons firm on the redistricting maps passed in 2011 (and

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<sup>96</sup> NAACP of Dickinson Bay Area et al, “Galveston County BLM Too Manifesto,” September 2020, available via *Galveston Daily News*, [https://www.galvnews.com/news/pdf\\_5e0b029f-775b-580f-a524-d9acb90f5d6e.html](https://www.galvnews.com/news/pdf_5e0b029f-775b-580f-a524-d9acb90f5d6e.html) (accessed December 21, 2022); Matt Degrood, “Manifesto raises longstanding issues Black community wants addressed in Galveston County,” *Galveston Daily News*, September 4, 2020 (Simpson and Roady quotations). For one example of the larger trend, in 2020 the County Sheriff’s Office acknowledged that it had failed to deploy 47 body cameras purchased back in 2012. See John Wayne Ferguson, “Galveston County cops, residents talk police reform,” *Galveston Daily News*, June 12, 2020.

<sup>97</sup> On the mural, see Elizabeth Trovall, “The Story Behind Galveston’s New Juneteenth Mural,” *Texas Standard*, July 18, 2021, <https://www.texasstandard.org/stories/the-story-behind-galvestons-new-juneteenth-mural/>.

which the Attorney General objected to in 2012). For the next seven and a half months, the Commissioners Court engaged in zero public conversations about redistricting. The word “redistricting” does not appear on any agenda or minutes.

The Court did not adopt criteria for redistricting as it had in 1991 and 2001, nor did it discuss a calendar or timeline as it had previously, including in 2011. There were no public forums in any part of the county. Appendix B summarizes several facets of the procedures used by the county in each redistricting process since 1981, including the departures from the normal trends that were evident in 2021.

The census data necessary for county officials to conduct the redistricting became available on August 12. These data included demographic details showing the ongoing expansion of the Hispanic population across the county (and state) as well as geographic breakdowns revealing the substantial growth taking place in League City. It was not until Friday, October 29, however, that the county’s two proposed redistricting plans, designated as Map 1 and Map 2, become public, and they were not revealed at a public meeting, nor did they appear on the website of Galveston County’s newspaper of record until Wednesday, November 3.<sup>98</sup>

At the end of the process, as the Commissioners Court voted to adopt new maps, Judge Henry would point to a state-imposed deadline to justify his refusal to consider further public input or proposed amendments to the redistricting plan. Yet Judge Henry mischaracterized the nature of the deadline, which in fact referred to an established section of Texas election law that governs the candidate-filing period. The statute reads: “An application for a place on the general primary election ballot must be filed not later than 6 p.m. on the second Monday in December of an odd-numbered year unless the filing deadline is extended under Subchapter C. An application, other than an application for the office of precinct chair, may not be filed earlier than the 30th day before the date of the regular filing deadline.” By statute, the window in 2021 thus occurred between November 13 and December 13. It was foreseeable to Judge Henry, other commissioners (all of whom had run for office one or more times), and county staff that new maps would need to be prepared before the candidate-filing period opened; otherwise, candidates would not know what district they were contesting. Henry acknowledged his understanding of the standard redistricting timeline in his deposition for the present case:

Q. Do you remember what timeline [the] re[di]stricting of commissioner’s precincts had to be completed by in the 2011 redistricting process?

A. It would have to have been done before the filing deadline, really the filing opening for the next election, which would have opened about November 20th maybe.

Q. Mid November?

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<sup>98</sup> Minutes, Commissioners Court of Galveston County, January 25, 2021; April 5, 2021; May 17, 2021; Ura et al, “People of color make up 95% of Texas’ population growth”; John Wayne Ferguson, “Galveston County population tops 350k, according to census,” *Galveston Daily News*, August 12, 2021; Andrew Schneider, “Galveston County leaders are preparing to eliminate the county’s sole minority-represented precinct,” *Houston Public Media*, November 11, 2021, <https://www.houstonpublicmedia.org/articles/news/politics/2021/11/11/413124/galveston-county-leaders-are-preparing-to-eliminate-the-countys-sole-minority-represented-precinct/> (accessed December 21, 2022).

A. Yes, in that ballpark.

Indeed, had the commissioners adopted a redistricting calendar, as they had done in most previous cycles, the relevant state laws and final deadline would have been readily available to the public and thus clear to all participants.<sup>99</sup>

### **7.3. Projected Impact of Proposed Maps**

It was immediately apparent to observers that proposed Map 2, which Judge Henry quickly endorsed, would “drastically reduce Precinct 3 Commissioner Stephen Holmes’ chance of being reelected,” in the words of a *Galveston Daily News* reporter, and ensure that “white voters make up a majority of the population in all four new commissioner precincts.” Local chapters of the NAACP contended that Map 2 would undermine minority voting strength, in part by splitting the municipalities of La Marque and Texas City into multiple commissioner precincts.

Judge Henry lauded Map 2 because it would create a new “coastal precinct” connecting the Bolivar Peninsula with Galveston Island, despite the fact that the Bolivar Peninsula Chamber of Commerce remained skeptical of the proposal, preferring instead to retain its current commissioner and fearing competition with divergent interests on the island.

Nonetheless, Judge Henry’s proposed community along the beach would remain a principal justification for unnecessarily fragmenting Black and Hispanic cities and neighborhoods into separate districts in which they would not constitute, combined, more than 38% of any precinct’s population. As a result, Black and Latinx residents together comprised nearly 40% of the county’s population in 2020, but they would not constitute a majority in any commissioner precinct.

As one Black minister wrote in an op-ed, Henry was “bent on taking Galveston County back to blatant segregation years” in “an attempt of the dwindling minority race [read: non-Hispanic whites in Texas] to divide and conquer the masses as they devise ways to keep us fighting among ourselves while they gain control.” Yet the minister rejected these tactics, pointing out that “For the last two decades in Galveston County, we’ve dedicated ourselves to working together.” Given the county’s history of white bloc voting, and of sustained Black-Latinx coalitions, it was clear even before it was adopted that Map 2 would deny Galveston County minorities equal opportunity to elect their preferred candidates.<sup>100</sup>

### **7.4. Procedural Departures: Use of Special Meetings and Auxiliary Meeting Location**

After almost a year of public-facing inaction that featured many procedural departures from past cycles, Judge Henry did not schedule a single “public hearing” on the 2021 decennial redistricting. Instead, he scheduled a single public meeting on the subject, the agenda of which included an action item calling for a final vote of approval on new Commissioners Court and Justice of the Peace and

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<sup>99</sup> Tex. Elec. Code § 172.023(a)-(b)); Transcript of Oral and Videotaped Deposition of Mark A. Henry, January 17, 2023, *Pettevay et al. v. Galveston County et al.*, 3:22-cv-00057 (S.D. Tex.), 74:23-75:6.

<sup>100</sup> John Wayne Ferguson, “Political Buzz: County’s redistricting might cut out lone Democrat,” *Galveston Daily News*, November 3, 2021 (first quotation); John Wayne Ferguson, “County’s proposed maps would break up minority voting power,” *Galveston Daily News*, November 9, 2021; Rev. James E. Daniels, “Divisive maps won’t fracture unity in Precinct 3,” *Galveston Daily News*, November 9, 2021 (final quotations); John Wayne Ferguson, “Political Buzz: Does the coast want a single commissioner?” *Galveston Daily News*, November 10, 2021.

Constable precinct maps. Judge Henry scheduled this vote to take place not at a regular meeting of the Commissioners Court at the Galveston County Courthouse but at a hastily called “special meeting” to be held at the League City Annex at 1:30 in the afternoon of a weekday. By contrast, Judge Henry confirmed in a deposition that he had scheduled and the Commissioners Court held five public hearings during the 2011 redistricting cycle in the evening, a time of day which was chosen because it was helpful for people who worked. “People could come after work if they wanted to come,” he stated.<sup>101</sup>

The location of the meeting was itself a departure from past practice. Historically, the County Commissioners Court held weekly “regular meetings” in the Galveston County Courthouse, 722 Moody Avenue. Beginning in 1995, “workshops” (meetings at which commissioners and staff worked together to tackle a particularly complex task, usually the budget, without taking action) and other selected meetings were held in the Holbrook Building a few blocks away. There is no evidence that this constituted a barrier for citizen participation during the 2001 redistricting process. In 2011, except for the “public hearings” (meetings designed to address specific subjects such as redistricting or regional hurricane recovery, which are widely advertised to gain public input and usually do not result in votes or formal action) held in the four precincts, all of the deliberations around redistricting were held in the County Courthouse at 722 Moody in Galveston. In 2012, the Court switched to biweekly “regular meetings,” initially held on Tuesday mornings.

On August 6, 2013—days before Judge Henry would propose to abolish the Justice of the Peace precincts in the wake of the *Shelby* decision—the Commissioners Court approved an order designating five “auxiliary courts, auxiliary county building, and auxiliary county seats” to be utilized “in the event the County of Galveston becomes precluded from conducting business or judicial functions within the county seat due to meteorological or catastrophic events” such as hurricanes—in other words, for emergencies. The abolition of the J.P. precincts on August 19, 2013, did not constitute such an emergency, as that decision was still made in the courthouse. But on September 23, 2013, the Court held its first “special meeting” (meetings outside the regularly scheduled weekly or biweekly gatherings) at the League City Annex, 174 Calder Road, where commissioners approved a new tax levy. They met again at the same location on October 10, where they conducted routine, non-emergency business. Neither meeting stemmed from “meteorological or catastrophic events,” that is, from the types of emergencies identified in the resolution authorizing auxiliary locations.<sup>102</sup>

The resolution established five auxiliary courthouses throughout the county, but the League City Annex soon emerged as the Commissioners Court’s venue of choice. Over the next five years, from 2014 to 2018, the Commissioners Court held 46 “special meetings” and one emergency meeting at the League City Annex, and just two additional “emergency meetings” at another auxiliary courthouse, the Galveston County Office of Emergency Management in Dickinson, immediately

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<sup>101</sup> Henry deposition transcript, 331:10-11; see also 331-333.

<sup>102</sup> T.J. Aulds, “County commissioners choose to hold fewer meetings,” *Galveston Daily News*, December 7, 2011; T.J. Aulds, “Commissioners have another new time for meetings,” *Galveston Daily News*, April 2, 2013; Maryanne Rogers, “Commissioners court meetings keep changing,” *Galveston Daily News*, October 14, 2013; “Order designating auxiliary courts, auxiliary county building, and auxiliary county seats,” in Minutes, Commissioners Court of Galveston County, August 6, 2013.

following Hurricane Harvey. A review of the agendas and minutes of the League City meetings suggests that they were often held there for the commissioners' convenience, that in most cases the meetings were routine in nature, and that they were often limited to brief gatherings to approve consent agendas, payroll runs, and the occasional real estate deal or legal contract. No "public hearings" were held there, nor was it the site of any significant controversies.<sup>103</sup>

Still, the choice of League City meant that significant county business had been moved to a remote location that did not reflect the county as a whole, and one that differed especially from the historic county seat, the City of Galveston—27 miles away. According to the 2020 Census, non-Hispanic whites comprised 60.7% of the population of League City, while the same group numbered 54.6% of Galveston County (and 47.3% of the City of Galveston). Only 20.9% of League City's population was Hispanic/Latinx, and just 7.3% African American, while the same groups comprised 25.3% and 12.3%, respectively, of the entire county (and 29.4% and 16.4% of Galveston city). Other statistical indicators were likewise divergent, according to the 2021 American Community Survey. In League City, 49.3% of the population held Bachelor's degrees or higher, compared to 33.2% for the whole county and 30.4% for Galveston. Just 8.3% of League City residents lacked health insurance, versus 15.7% in the county and 23% in the City of Galveston. Likewise, only 5.7% of League City residents lived in poverty, as compared to 12.1% in the county and 18.6% on the island. Median household income showed the reverse: \$112,273 in League City, \$79,328 in Galveston County, and \$52,899 in the City of Galveston. Commissioner Court meetings in League City thus offered privileged access to non-Hispanic whites, well-educated, and higher income residents.<sup>104</sup>

Geography compounded these differences, as the League City Annex sits 27 miles north of the Galveston County Courthouse. For the county's poorer Black and Latinx residents, many of whom remained concentrated in the City of Galveston, attending a meeting in League City required crossing the causeway to the Mainland and traveling more than thirty minutes by car. When one searches on Google Maps for public transit directions between the main courthouse and the League City Annex, the software responds that it "could not calculate transit directions." The Gulf Coast Transit District offers one "new" fixed route bus that connects the University of Texas Medical Branch campus on the island to the mainland, but its final southbound run leaves League City Park and Ride at 6:00pm (and requires more than an hour on board). There is public transportation connecting League City to the heavily Black and Latinx mainland population centers of Texas City, La Marque, and Hitchcock. It appears that one Dickinson bus route includes a stop at the League

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<sup>103</sup> This paragraph draws on my own analysis of Galveston County Commissioners Court Agendas and Minutes, 2011-2018, <http://agenda.galvestoncountytexas.gov/sirepub/meetresults.aspx>. For an example of a workshop, see August 12, 2013. For "public hearings" on the hurricane recovery district, see October 31 and December 3, 2013. For the "emergency meetings," see August 31 and September 1, 2017, and a non-hurricane-related "emergency" related to a judicial dispute on September 25, 2014.

<sup>104</sup> United States Bureau of Census, 2020 Redistricting Data, via Social Explorer; United States Bureau of Census, "Quick Facts: Galveston city, Texas; League City, Texas; Galveston County, Texas," citing 2021 American Community Survey, <https://www.census.gov/quickfacts/fact/table/galvestoncitytexas,leaguecitycitytexas,galvestoncountytexas/PST045222>.

City Park and Ride, but it is not currently possible to download the detailed weekday schedule on the internet.<sup>105</sup>

The pattern of limiting activity at the League City Annex to routine business remained the dominant trend through 2021. Throughout this period, the Court’s “regular meetings” were scheduled to occur biweekly on Mondays, starting at 9:30am, at the Galveston County Courthouse. The onset of the COVID-19 pandemic forced the Court to cancel a series of “regular meetings” and reschedule them as “special meetings” on the same day and time but held at the League City Annex. Such adjustment paralleled changes happening across the much of the world, as many businesses, universities, governments, and even traffic courts moved to virtual videoconference or new in-person configurations. Galveston County Commissioners continued to meet in-person, but in the smaller, more controlled auxiliary courtroom at the League City Annex. Still, any worries that Judge Henry harbored about the virus must have dissipated by June 15, 2020, when the Court returned to its normal location at the County Courthouse and appeared poised to resume its previous schedule of “regular meetings.”<sup>106</sup>

But the very next “regular meeting,” scheduled for June 29, 2020, was moved back to League City—just the second time outside of COVID in which a “regular meeting” was replaced by a “special meeting” at an auxiliary location (the other happened on December 30, 2019, when the Court held a “workshop” in League City on the county’s mental health services budget). The move to the annex in the summer of 2020 occurred at the first biweekly meeting following the protest against the Confederate memorial that had taken place at the Courthouse on June 19. Given the geographic distance from Galveston and the relatively larger white population in League City, the decision to hold the meeting at the League City Annex may have been calculated to reduce public participation by the county’s Black and Latinx residents. In any event, the change in location did not deter Isaac Fanuiel and four other residents from speaking in favor of the monument’s removal at the remote gathering on June 29, and Fanuiel and others made the trek again two weeks later, on July 13, for a second biweekly “special meeting” that replaced the “regular meeting” that ordinarily would have occurred in Galveston on that date. The following two “regular meetings” of the Court, on July 27 and August 10, returned to the County Courthouse. Two weeks later, on August 24, the date that Commissioner Holmes introduced the resolution to remove the statue, Henry converted the “regular meeting” into a “special” gathering in League City once again. After the controversy subsided, the Court held a series of very brief special meetings in League City—often lasting less than a half-hour—while the “regular meetings” returned to Galveston, resuming their biweekly schedule on Monday mornings.

Why the sudden shifts? A careful examination of the Court calendar between January 1, 2019, and November 12, 2021, reveals a clear pattern. A total of 98 Commissioners Court meetings occurred

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<sup>105</sup> Gulf Coast Transit District, “Galveston County Fixed Route,” <https://www.gulfcoasttransitdistrict.com/galveston-park-ride> (accessed January 20, 2023); Gulf Coast Transit District, “League City Park and Ride,” <https://www.gulfcoasttransitdistrict.com/texas-city-park-ride> (accessed January 20, 2023); Google Maps driving and transit directions between 722 Moody Ave, Galveston, TX 77550 and 174 Calder Dr, League City, TX 77573.

<sup>106</sup> See Galveston County Commissioners Court Agendas and Minutes, 2019-2021 <http://agenda.galvestoncountytexas.gov/sirepub/meetresults.aspx>. This and the subsequent paragraphs depend on my own content analysis and coding of the Commissioners Court’s published minutes of each meeting in this period.



during this period, of which 39 meetings were held at the League City Annex. I used meeting agendas and minutes to code the League City meetings based on their duration, form, and content. As in the previous five-year period, most of the League City meetings (20) were limited to the approval of consent agendas, payroll runs, contracts, legal deliberations in Executive Session, and other quick and easy business; these were coded “perfunctory.” Nine (9) meetings that took place at the annex were coded “normal” as they replaced the Court’s regular meetings, including six that occurred during the early months of the pandemic, the two after Juneteenth (discussed above), and one that seemed to have been moved due to the Labor Day holiday. Seven (7) additional meetings were coded “workshop,” as the League City venue had replaced the Holbrook Building as Judge Henry’s preferred site for hammering out the budget (however, during the period of intensive budget workshops in August and September 2019, the Court held “regular meetings” just once per month, not biweekly, and, as noted above, the auxiliary court’s location would have diminished the opportunities for public input from Black and Latinx constituents).

The final three (3) meetings were coded “anomalous.” Each of these three meetings included the discussion of contentious issues that were destined to attract strong interest from Black and Latinx constituents. All of them were scheduled during the workday. Only the first replaced a “regular meeting” at the Courthouse; the remainder took place at irregular days and times. The three “anomalous” meetings occurred on August 24, 2020, the date of the Confederate statue removal motion; July 2, 2021, the date that the Court extended its immigration-related declaration of disaster; and November 12, 2021, the adoption of the latest redistricting plan. All three of these “anomalous” meetings took place at the League City Annex. In his deposition, Judge Henry acknowledged that he chooses the location, dates, and times for “special meetings.” He also agreed that special meetings did not have to take place in League City; rather they “can happen anywhere that we have adequate facilities and audio visual.”<sup>107</sup>

In contrast, of the 59 meetings that took place at the Galveston County Courthouse in the same period, only one was coded “anomalous.” The gathering was a “special meeting” on August 23, 2021, held immediately following a “regular meeting” that same morning. The sole agenda item considered joining “litigation against the Biden Administration for immigration enforcement.” Commissioners discussed the item for less than twenty minutes in Executive Session, then reconvened for a public vote in which the Court, by a 4-1 vote (with Holmes dissenting), authorized counsel to join the suit filed by the Kinney County Sheriff on July 1. The *Galveston Daily News* reported that the action grew out of the disaster declaration in June and the experiences of local law enforcement in assisting their counterparts on the border. “Galveston County’s interest in joining the lawsuit had been apparent before Monday,” the paper noted, as evidenced by the fact that the county “was erroneously listed among the plaintiffs” when the case was first filed, more than seven weeks before the Court voted on it. There were no public comments at either the “regular meeting” or the “special meeting” on August 23.<sup>108</sup>

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<sup>107</sup> Henry deposition transcript, 15:7-8.

<sup>108</sup> John Wayne Ferguson, “Galveston County to join lawsuit over immigration enforcement,” *Galveston Daily News*, August 24, 2021, A1; Minutes, Regular Meeting, Commissioners Court of Galveston County, August 23, 2021; Minutes, Special Meeting, Commissioners Court of Galveston County, August 23, 2021.

This final exception meeting notwithstanding, the above analysis of meeting locations, agendas, and minutes suggests that Judge Henry scheduled the Court’s most controversial meetings—the meetings that would generate the most interest among county residents—at the League City Annex, a location that would have the effect of minimizing input from Black and Latinx citizens. Moreover, given Judge Henry’s previous experience participating in public hearings that were held in the evening during the 2011 redistricting, and with other “public hearings” throughout his tenure, his decision to hold these controversial meetings during the daytime also suggests that he did not prioritize the gathering of meaningful public input from Black, Latinx, and other people working on day shifts. In sum, in 2013, the County Commissioners Court first authorized the auxiliary courthouse at the League City Annex to be used in case of natural disasters or comparable emergencies. Yet the Court instead used the alternate venue for its own convenience and routine business that garnered little public engagement. In 2020, after serving as a temporary home during COVID, Judge Henry began scheduling meetings on controversial subjects related to race in League City, decisions that discouraged public input from the county’s Black and Latinx residents.

### **7.5. Adoption of the Commissioner Court Precincts**

The agenda for the meeting on November 12, 2021, did not include a “public hearing.” It bears repeating that even in the tumultuous redistricting cycle of 2011, the County held public hearings in the evenings, after work, in each precinct of the county and in the County Courthouse itself. But in 2021, Judge Henry gaveled the meeting to order and announced that public comments related to redistricting would be held, with Commissioner Holmes’ assent, until the item on the action agenda, “3.a. Consideration of an order establishing new commissioner precinct boundaries.” Previous redistricting cycles had included multiple meetings with similar agenda items, including the discussion of preliminary plans, the introduction of new plans, testimony by citizens, and other public processes before the final decision was made. Most such agenda items included the word “redistricting,” making them readily identifiable to the public. Not in 2021—this agenda item, the first time the Court publicly tackled the complex redistricting process in more than seven months, would be the only agenda item featuring substantive discussion of a plan.<sup>109</sup>

Despite Judge Henry’s decisions that minimized public participation, Black and Latinx Americans flocked to the meeting in League City, packing an estimated 80-100 people into its small conference room, adjoining hallways, and overflow space. Based on my review of the video recording of the meeting, Judge Henry appeared visibly discomfited by the situation, while Commissioner Holmes agreed to sit behind on a folding table on the floor below his three colleagues on the dais (Commissioner Clark was absent).

After passing the consent agenda, Henry turned to the redistricting item, but before beginning, he ended up issuing a threat. Many of the attendees were elderly, and someone called from the back, “We cannot hear you sir, we can – not hear you [sic].” Henry responded, “I’m going to speak at this tone. That’s all I can do. I’m not going to scream. I don’t have a microphone.” He then resumed reading the agenda in monotone—“Consideration of an order establishing new commissioner—” as the crowd murmured its disapproval, leading Henry to cut himself off. “I will clear you out!” he

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<sup>109</sup> Agenda, Commissioners Court of Galveston County, November 12, 2021.

exclaimed. “If you make noise, I will clear you out of here. I’ve got constables here. Consideration of an order to establish a new commissioner precinct bounds [sic]. Public comment.”

Judge Henry’s warning set the tone for the rest of the meeting. He called names from a sign-up list, assisted by a Constable, often demonstrating impatience but not making any attempt to organize a line of speakers, or even naming the subsequent speaker so they could prepare for their respective turn. Henry appeared annoyed as thirty-six people spoke on the issue, including the Mayor of Texas City and a Galveston City Councilwoman. Thirty-five of the speakers (97%) opposed the hasty adoption of the proposed redistricting plans. Only one, a resident of the Bolivar Peninsula, supported Map 2. At one point between speakers, Judge Henry explained that the issue could not be postponed because the Court faced a deadline from the Secretary of State. He did not acknowledge the County’s months of inaction, nor explain why a redistricting timeline had not been prepared. After the conclusion of public comments, Henry read the results of an unscientific online comment form in which 168 of the 440 respondents (38%) “just called me names mostly.” Over three-quarters of the remaining votes, 208, supported Map 2, he said. “With that, I’m going to make a motion to approve Map 2.”

After a colleague seconded the motion, Commissioner Holmes gave a 17-minute speech denouncing the redistricting plan. He noted the procedural irregularities, including the lack of criteria, a timeline, and public hearings. Holmes further claimed that Map 2 diluted minority participation and suggested that it violated the Voting Rights Act, and he connected the present issue to the long struggle for justice among Black residents of Galveston—including their collective pride in building community and electoral power in Precinct 3, the court’s one, longstanding minority opportunity district. Holmes also presented two of his own maps (Holmes 1 and Holmes 2), both of which would make only minor changes to the existing district lines. Last, Holmes noted that the outside counsel—the same lawyer he believed had deceived him in 2011—had met with him briefly but had not included him meaningfully in the county’s map-making process. The crowd gave Holmes a standing ovation. Within a minute, Judge Henry called the vote and adjourned the meeting. As the *Houston Chronicle* editorial board put it, “The all-white, all-male majority listened to speaker after speaker, many of them Black and pleading for fair representation, and passed the maps anyway, 3-1.”<sup>110</sup>

### **7.6. Subsequent Litigation and Appointment of Dr. Robin Armstrong**

As expected, the Court’s adoption of the new Commissioners Court boundaries produced a series of lawsuits, including the United States’ complaint for which this study was commissioned. In addition to the federal intervention, the *Petteway* plaintiffs moved to amend their long-dormant 2013 case to include additional evidence from the 2021 redistricting. The Court denied the motion and ordered a

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<sup>110</sup> “New maps raise ire in Galveston County; Republican commissioners redraw Precinct 3 in way that diminishes minority voting power” (Editorial), *Houston Chronicle*, December 7, 2021, A-9 (final quotation); Minutes, Commissioners Court of Galveston County, November 12, 2021, and video, <https://livestream.com/accounts/21068106/events/6315620/videos/227296657?fbclid=IwAR3D-m6ZPsPcjqSnQznh5RYVsnGLvI66yl-fhDoyUyKjCBclFf07nLp8lFk> (all Court quotations); John Wayne Ferguson, “Galveston County commissioners OK redistricting map despite protest,” *Galveston Daily News*, November 12, 2021; Jasper Scherer, “Galveston GOP plan targets seat of top Black officeholder,” *Houston Chronicle*, November 29, 2021, A-1. Also see Mary Patrick, Leon Phillips, and Edna Courville, “Galveston County, birthplace of Juneteenth, is denying Black and Latino people an equal vote,” *Houston Chronicle*, June 17, 2022; Alexa Ura, “A GOP power grab shatters 30 years of political progress for Black voters in Galveston County,” *Texas Tribune*, May 20, 2022.

new case opened, and a coalition of civil rights organizations led by the local chapters of the NAACP and LULAC filed a separate case against the county in April, 2022. Judge Henry, a named defendant in all three cases, did not comment in initial newspaper reports on the litigation, though one paraphrased his position, saying he “has denied the maps were created with discriminatory intent and suggested lawsuits challenging the maps were themselves motivated by partisan politics.”

Judge Henry then appointed a Black Republican activist to fill a sudden vacancy on the Court, the Commissioner’s seat for Precinct 4 in the north county. The position became available when Ken Clark, the Court’s longest-serving and first Republican commissioner, died from cancer in May, 2022. A week later, Henry swore in Dr. Robin Armstrong, who is African American and a “prominent and vocal Trump supporter,” to fill the post. Shortly thereafter, in June, the county filed motions to dismiss the cases, contending that Armstrong’s appointment had rendered the complaints “moot.”<sup>111</sup>

A physician, Armstrong had served as an unofficial advisor to Judge Henry throughout the COVID pandemic. Armstrong was also a well-known Republican Party activist, having served as a national committeeman from Texas. He sought the party’s nomination for Texas Senate District 11 in the March, 2022, primary, but finished third, with just 14.38% of the vote, behind two white candidates. In the Galveston County portion of the district, Armstrong won 16.2% of the vote. In July, when the Galveston County Republican Party Executive Committee voted to choose a replacement for the deceased Clark’s name on the November general election ballot, the interim incumbent Armstrong won, but only by a vote of 9-6. Both the March primary results and this behind-the-scenes vote suggest ongoing skepticism among white voters for Black candidates, even within the Republican Party.

A doctor and resident of Friendswood near the Harris County line, Armstrong shares virtually nothing in common with the largely working-class residents of the historic Commissioner Precinct 3. He has not been part of the long struggle against Jim Crow and for racial justice in Galveston County. His swearing-in did not attract hundreds of jubilant Black and Latinx supporters, nor was his appointment viewed as a milestone by observers. Indeed, in his deposition in this case, Armstrong acknowledged that, in addition to family members, “the press was there [at his swearing-in]. That was it. . . . And there were a few people in the audience but not that many.” Armstrong’s story could not be more different from Wayne Johnson’s path-breaking election in 1988, which itself came on the heels of David M. Porter’s narrow loss in 1984.

Armstrong’s appointment does not remedy the county’s decision in the 2021 redistricting plan to dismantle Commissioner Precinct 3, which had provided the combined minority community’s best and longstanding opportunity to elect a candidate of their own choice for a seat on the county

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<sup>111</sup> John Wayne Ferguson, “Civil rights groups announce lawsuit over county voting map,” *Galveston Daily News*, April 14, 2022 (Henry quotation); Petteway v. Galveston, 3:13-cv-57 (S.D. Tex. 2022), ECF No. 1; John Wayne Ferguson, “Galveston County argues Armstrong’s appointment makes map suit moot,” *Galveston Daily News*, June 17, 2022; John Wayne Ferguson, “Federal government sues Galveston County over redistricting,” *Galveston Daily News*, March 24, 2022; John DeLapp, “Longtime Galveston County commissioner Clark dies,” *Houston Chronicle*, May 10, 2022; John Wayne Ferguson, “Physician appointed to fill Precinct 4 commission seat in Galveston County,” *Galveston Daily News*, May 17, 2022; John Wayne Ferguson, “Political Buzz: Trump endorses Middleton in state Senate race,” *Galveston Daily News*, December 29, 2021 (quotation on support for Trump).

governing body. As a *Galveston Daily News* editor opined, the United States’ complaint “has nothing directly to do with Precinct 4, which has been a north-county Republican stronghold for years, practically forever. It’s about Precinct 3, which for all of recent history has been the only one in the county where minority voters — Black and Hispanic — constituted a majority of the electorate.”<sup>112</sup>

In sum, Armstrong’s only similarity to the voters of Precinct 3 is the color of his skin. In appointing Armstrong to this role, and then filing a motion to dismiss the United States’ voting rights case based on this fact, Judge Henry’s actions seem to suggest that the 2021 redistricting had nothing to do with party politics and everything to do with race. Coming on the heels of a decade of racial polarization on the Commissioners Court and in Galveston County, it indicates that Judge Henry and the Commissioners Court majority sought to obfuscate rather than acknowledge their role in perpetuating and extending the racial inequalities confronting Black and Latinx residents.

## **8. Conclusion: The 2021 Redistricting and Racial Formation**

As described above, historians are duty-bound to weigh all available evidence fairly, to make inferences based on the data at hand, and to interpret the events of the past by evaluating specific events alongside the larger context in which they occur. The above history of Galveston County does not include every detail in the area’s annals. Yet it does provide a textured view of the county’s racial formation, from the era of Jim Crow and Juan Crow to the present moment.

The evidence collected here demonstrates that white voters and elected officials in Galveston County have long resisted sharing power and influence with African Americans and Latinx Americans. White citizens have voted as a bloc to elect and reelect white candidates who were not committed to “antiracist” projects, including both Democrats such as Ray Holbrook and Billy Pegues and Republicans such as Ken Clark and Mark Henry. Indeed, among all of the white elected officials who appear in this narrative, only Patrick Doyle, who represented a racially diverse district, made a clear effort to advocate specifically on behalf of his nonwhite constituents.

For this reason, Black and Latinx residents of Galveston County came together over several decades in a political coalition that emphasized their shared interest in self-determination and in independently electing candidates of their own choosing to represent their neighborhoods. African American and Latinx American communities did not exhibit identical needs and priorities, and their histories at times diverged. Yet their common desire to elect politicians who looked like them and substantively advocated for their issues allowed Black and Latinx activists to work in concert, time and again. In the political arena, they rallied around Commissioner Wayne Johnson III and collaborated with him as he sought to bring accountability to the Commissioners Court and foster

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<sup>112</sup> Transcript of Oral and Videotaped Deposition of Dr. Robin Armstrong, January 10, 2023, *Pettenay et al. v. Galveston County et al.*, 3:22-cv-00057 (S.D. Tex. 2022), 137:19-24 (quotation on 137); Michael A. Smith, “Controversy over Galveston County precinct maps still alive and kicking,” *Galveston Daily News*, July 8, 2022 (quotation); John Wayne Ferguson, “Middleton raising, spending most in race for state Senate,” *Galveston Daily News*, February 3, 2022; John Wayne Ferguson, “Middleton’s move sets off flurry of state-level primary filings,” *Galveston Daily News*, December 15, 2021; Keri Heath, “Armstrong elected as GOP pick for Precinct 4 commissioner,” *Galveston Daily News*, July 27, 2022; Texas Secretary of State, Texas Election Results for 2022 March 1<sup>st</sup> Republican Primary, <https://results.texas-election.com/races>; Galveston County, Past Election Results, Canvass Report for March 1, 2022, Primary Election; Ferguson, “Physician appointed”; Ferguson, “Political Buzz: Trump endorses”; Ferguson, “Galveston County argues Armstrong’s appointment.”

true representative democracy to the various local governments in the county. Members of LULAC and other Hispanic/Latino advocates worked in close cooperation with Johnson, members of the NAACP, and other Black activists to rewrite the rules of local politics, wielding the rights promised under federal law to remap their school districts, city councils, and Galveston County itself, including its County Commissioner precincts and Justice of the Peace and Constable courts. These antiracist projects made the county more equitable, undermining its historic patterns of racial domination.

Johnson's advocacy rendered him an outcast on the Commissioners Court, but from 1991 forward, his efforts, along with those of grassroots leaders, cemented Precinct 3 as a political home of historical significance to the county's Black and Latinx communities. Located in the center of county from Dickinson through the shores of Galveston Island, Precinct 3 remained sufficiently compact and contiguous to reflect the shared interests of a combined Black-Latinx majority population. Additionally, as the only district with a nonwhite majority, Precinct 3 plays a critical role in ensuring that Galveston County government as a whole is representative of all its residents. The county is now only 55% white, but the approved 2021 redistricting map promises to give white-preferred candidates 100% of the positions on the Commissioners Court. By that measure, even the 2011 plan for the Court in fact underrepresented the Black, Latinx, and Asian American peoples of Galveston County, which together comprise 45% of the 2020 population but were represented descriptively in just 25% of the court's single-member precincts.

The standards of the discipline of history permit another conclusion: that the evidence indicates discriminatory intent in the Commissioners Court majority's creation of the 2021 redistricting plan. As he had after *Shelby* in 2013 and again during the Confederate memorial debate in 2020, Judge Henry demonstrated dismissiveness towards his Black and Latinx constituents. He enacted a process for adoption characterized by procedural departures that, history suggests, likely would not have passed muster under the old preclearance requirements of the Voting Rights Act. Judge Henry's decisions to forego the conventions of past redistricting cycles and to minimize public input, especially from communities of color, and his issuing of threats and seeming impatience from the dais all suggest a general disregard for the county's African American and Latinx American citizens. Henry's appointment of a Black Republican activist to the Court should not distract from the underlying issue: that Black and Latinx residents will no longer have the ability to elect their preferred candidates in any commissioner precinct.

The Court's adoption of the newest redistricting map can be classified as a "racist project" as social scientists understand that term—an act that promotes and furthers structural inequality according to race. If history is any indication, the creation of four majority-white commissioner precincts paired with white bloc voting all but ensures that Black and Latinx communities will experience less effective representation from Galveston County officialdom writ large, an outcome that will likely produce yet more racial disparities and strife in the future.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.  
Executed this 27th day of January 2023.



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MAX KROCHMAL

**Appendix A – Curriculum Vita**

Please see attached document.



# Max Krochmal

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Department of History, University of New Orleans  
2000 Lakeshore Dr, New Orleans, LA 70148

November 21, 2022

## Education

2011 Ph.D., History, Duke University, Durham, North Carolina  
2007 M.A., History, Duke University  
2004 B.A., Community Studies, University of California, Santa Cruz

## Positions Held

2022- Professor of U. S. History, Czech Republic Endowed Professor in Justice, and Director of Ph.D. in Justice Studies, University of New Orleans  
2022 Cátedra Fulbright-García Robles de Estudios Estadounidenses (U.S. Studies Chair), Department of International Studies, Universidad Iberoamericana, Mexico City  
2017-2022 Associate Professor of History, Texas Christian University  
2015-2020 Founding Chair, Department of Comparative Race and Ethnic Studies, TCU  
2011-2020 Faculty Director, *TCU Justice Journey*  
Fall 2019 Interim Director, Latinx Studies Program, TCU  
2016-2017 Administrative Fellow, Office of the Dean, AddRan College of Liberal Arts, TCU  
2011-2017 Assistant Professor of History, TCU

## National Awards & Fellowships

2022 Oral History Association Book Award, for *Civil Rights in Black and Brown*  
2021-2022 Fulbright-García Robles Fellowship, U.S. Studies Chair, México  
2021- OAH Distinguished Lecturer, Organization of American Historians  
2015-2019 National Endowment for the Humanities (NEH) Collaborative Research Grant, \$200,000 (principal investigator), for *Civil Rights in Black and Brown*  
2017 Frederick Jackson Turner Award, Organization of American Historians, for *Blue Texas*  
Non-Fiction Book Award, National Association for Chicana and Chicano Studies (NACCS) Tejas Foco, for *Blue Texas*  
Coral Horton Tullis Memorial Prize for Best Book in Texas History, Texas State Historical Association, for *Blue Texas*  
2016 Ramirez Family Award for Most Significant Scholarly Book, Texas Institute of Letters, for *Blue Texas*  
2013-2014 Summerlee Fellowship in Texas History, Clements Center for Southwest Studies, Southern Methodist University, Dallas, \$45,000, for *Blue Texas*

- 2011-2012 Post-Doctoral Fellowship, United States Studies Centre, University of Sydney (Australia), \$86,000 AUD. *Declined.*
- 2010-2011 *Alternate*, Charlotte W. Newcombe Doctoral Dissertation Fellowship, Woodrow Wilson National Fellowship Foundation
- 2010 Walter Rundell Research Award, Western History Association, \$1,500
- Trennert-Iverson Conference Scholarship, Western History Association, \$750

**Grants & Contracts**

- 2022-2023 Expert testimony on behalf of the U.S., on redistricting and voting rights, Voting Section, Civil Rights Division, United States Department of Justice
- 2019-2020 Multicultural Education Institute, volume 3, contract for services awarded by Fort Worth Independent School District, \$10,000 (co-PI)
- 2018-2019 “Latina/o Studies by the Experts: A Pathway to Culturally-Relevant Curriculum,” Competitive contract awarded by Fort Worth Independent School District, \$86,091 (principal investigator)
- 2015 *Latino Americans: 500 Years of History* Grant, National Endowment for the Humanities and American Library Association, lead researcher/coordinator for the City of Fort Worth Human Relations Commission (grantee), \$10,000.
- 2014-2015 Summerlee Foundation, Dallas, matching gift for *Civil Rights in Black and Brown*, \$40,000
- 2014 Brown Foundation, Inc., of Houston, matching gift for *Civil Rights in Black and Brown*, \$100,000

**Internal Awards & Grants (Selected)**

- 2020-2021 A. M. Pate, Jr., Research Professorship in History, Texas Christian University, \$17,500+
- 2020 Diversity in Research Prize, AddRan College of Liberal Arts, \$2,500 (sole recipient)
- Mid-Career Summer Research Program, AddRan College of Liberal Arts, \$5,000
- 2018 Deans’ Research & Creativity Award, Texas Christian University (campus-wide), \$2,500
- 2016-2017 Instructional Development Grant (second author to Dr. Emily Farris, \$3,600
- 2016 *Finalist*, Wassenich Award for Mentoring in the TCU Community (campus-wide)
- 2015-2016 Creativity and Innovation in Learning Grant, AddRan College of Liberal Arts, \$2,500
- 2015 Outstanding Faculty/Staff Award, Office of Inclusiveness and Intercultural Services
- 2013 Grant Submission Incentive Program, AddRan College of Liberal Arts, \$5,000
- 2012-2013 Institute for Urban Living and Innovation, Small Grant Research Program, \$2,000
- Service-Learning Grant, Center for Community Involvement and Service-Learning, \$1,000
- 2012 Elizabeth Youngblood Proffer Faculty Award for Outstanding Contribution to the Mission of Student Affairs, Division of Student Affairs, TCU
- Outstanding Faculty/Staff Award, Office of Inclusiveness and Intercultural Services
- 2011-2012 Institute for Urban Living and Innovation, Small Grant Research Program, \$2,000
- Service-Learning Grant, Center for Community Involvement and Service-Learning, *Declined*
- 2010 Top 5% of Undergraduate Teaching Evaluations, Duke University
- 2009 Anne Firor Scott Research Award in Women’s History, Department of History, Duke University
- Aleane Webb Dissertation Research Award, Duke University Graduate School

- 2004 Steck Family Award for Finest Senior Thesis, University of California, Santa Cruz  
Chancellor's Award and Dean's Award, University of California, Santa Cruz  
William Friedland Award (highest honors), Department of Community Studies, University of California, Santa Cruz

## Scholarly Publications & Reviews

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### Book Projects-in-Progress

- 20xx Max Krochmal, *The Radical 1980s: The Rainbow Coalition and the Remaking of Immigrant Rights* (monograph in development).
- 2024 Jarod Roll, Erik Gellman, Max Krochmal, Sarah McNamara, eds., *Organizing Agribusiness from Farm to Factory: A New Food and Labor History of America's Most Diverse Union* (University of North Carolina Press, [under contract](#))

### Books

- 2022 David Colón and Max Krochmal, et al, *Latinx Studies Curriculum in K-12 Schools: A Practical Guide* (TCU Press).
- 2021 Max Krochmal and Todd Moye, eds., *Civil Rights in Black and Brown: Histories of Resistance and Struggle in Texas* (Austin: University of Texas Press).

#### Critical Reception

- Texas Book Festival, Austin Public Library, October 31, 2021 (featured in-person panel)  
*Diverse Voices Book Review*, by Hopeton Hay, April 5, 2022, <https://spoti.fi/3vb5MU6>  
*New Books in Latino Studies*, February 14, 2022, <https://newbooksnetwork.com/civil-rights-in-black-and-brown>
- 2016 Max Krochmal, *Blue Texas: The Making of a Multiracial Coalition in the Civil Rights Era*, Justice, Power, and Politics (Chapel Hill: University of North Carolina Press). 552pp. Paperback edition published by UNCP, August, 2020.

#### Academic Reviews

- Marc Simon Rodriguez, *American Historical Review* 123, no. 5 (December 2018), 1691-1692.  
Shana Bernstein, *Pacific Historical Review* 87, no. 4 (Fall 2018): 742-743.  
Gregory M. Markley, *Oral History Review* 45, no. 2 (Summer/Fall 2018): 367-369.  
Jennifer E. Brooks, *Journal of Southern History* 84, no. 1 (February 2018): 208-209.  
Merline Pitre, *Journal of American History* 104, no. 3 (December 2017): 814-815.  
Greta de Jong, *Labor: Studies in Working-Class History* 14, no. 4 (December 2017): 106-107.  
Kyle Wilkison, *Western Historical Quarterly* 48, no. 4 (Winter 2017): 443-444.  
Daniel Nabors, *Southwestern Historical Quarterly* 121, no. 2 (October 2017): 243-245.  
B. W. Monroe, *CHOICE* 54, no. 9 (May 2017),  
<http://choicereviews.org/review/10.5860/CHOICE.203018>

#### Media Reviews

- Sammy Feldblum, "Review: In Blue Texas, All That is Old is New Again," *Scalawag*, May 2, 2017, <http://www.scalawagmagazine.org/articles/review-in-blue-texas-all-that-is-old-is-new-again>

Michael Barnes, "Texas Titles," *Austin American Statesman*, March 12, 2017, <http://austinfound.blog.statesman.com/2017/03/11/eddie-wilson-writes-the-definitive-history-of-the-armadillo-world-headquarters/>

Jose Skinner, "In 'Blue Texas,' a Historical Blueprint for Texas Activists," *Texas Observer*, January 16, 2017, <https://www.texasobserver.org/blue-texas/>

Jackie Hoermann-Elliott, "Blue Texas," *Fort Worth Weekly*, December 7, 2016, <https://www.fwweekly.com/2016/12/07/blue-texas/>

Alyson Ward, "Books to Watch for This Week," *Houston Chronicle*, November 11, 2016, <http://www.houstonchronicle.com/life/books/article/Books-to-watch-for-this-week-10608928.php>

### Peer-Reviewed Articles and Book Chapters

2023 Max Krochmal and Cecilia Sánchez Hill, "Latinx Palimpsest: Remaking a Colonia on the Edge of Aztlán," in Andrew Sandoval-Strausz, ed., *MetropoLatinx: The Significance of Latinidad in Urban History* (under review, University of Chicago Press).

2022 Stephen Pitti and Max Krochmal, "Foro: Civil Rights in Black and Brown," *US Latina & Latino Oral History Journal* 6 (forthcoming, University of Texas Press; [editorial review only](#)).

2021 Max Krochmal, "From Police Brutality to the "United Peoples Party": San Antonio's Hybrid SNCC Chapter, the Chicano Movement, and Political Change," in Krochmal and Moye, eds., *Civil Rights in Black and Brown* (University of Texas Press): 259-286.

Max Krochmal, "Introduction – Lone Star Civil Rights: Histories, Memories, and Legacies," in Krochmal and Moye, eds., *Civil Rights in Black and Brown* (University of Texas Press): 1-22.

Max Krochmal, "Recovering, Cataloguing, and Interpreting the Hidden Histories of Struggle in Texas," in Krochmal and Moye, eds., *Civil Rights in Black and Brown* (University of Texas Press): 305-324.

Max Krochmal, "Goodwyn and the Democratic Coalition of Texas," in Wesley C. Hogan and Paul Ortiz, eds., *People Power: History, Organizing, and Larry Goodwyn's Democratic Vision in the Twenty-First Century* (University Press of Florida): 19-33.

2016 Max Krochmal, "Connecting to Activists and the Public through the Civil Rights in Black and Brown Oral History Project," *Labor: Studies in Working-Class History of the Americas* 13, no. 3/4 (December 2016): 15-17.

2014 Max Krochmal, "San Antonio Chicano Organizers (SACO): Labor Activists and *el Movimiento*," in Mario T. García, ed., *The Chicano Movement: Perspectives from the Twenty-First Century*, New Directions in American History (New York: Routledge, 2014): 203-226.

2012 Max Krochmal, "Chicano Labor and Multiracial Politics in Post-World War II Texas: Two Case Studies," in Robert H. Zieger, ed., *Life and Labor in the New New South* (Gainesville: University Press of Florida, 2012), 133-176.

2010 Max Krochmal, "An Unmistakably Working-Class Vision: Birmingham's Foot Soldiers and Their Civil Rights Movement," *Journal of Southern History* LXXVI, no. 4 (November 2010): 923-960.

### Book Reviews

- 2017 Review of Richard J. Gonzales, *Raza Rising: Chicanos in North Texas* (Denton: University of North Texas Press, 2016), *Southwestern Historical Quarterly* 121, no. 2 (October 2017): 246-247.
- Review of Robert Bussel, *Fighting for Total Person Unionism: Harold Gibbons, Ernest Calloway, and Working-Class Citizenship* (Urbana: University of Illinois Press, 2015), *Journal of Southern History* 83, no. 1 (February 2017): 227.
- 2014 Review of Sonia Song-Ha Lee, *Building a Latino Civil Rights Movement: Puerto Ricans, African Americans, and the Pursuit of Racial Justice in New York City* (Chapel Hill: University of North Carolina Press, 2014), *Choice* 52, no. 3 (November 2014), <http://choicereviews.org/review/10.5860/CHOICE.185421>.
- Review of Bruce A. Glasrud and James C. Maroney, eds., *Texas Labor History* (College Station: Texas A&M University Press, 2013), *Texas Books in Review* XXXIV, no. 1 (Spring 2014): 6, 21.
- 2013 Review of Kevin M. Kruse and Stephen Tuck, eds., *Fog of War: The Second World War and the Civil Rights Movement* (New York: Oxford University Press, 2012), *Journal of Southern History* 79, no. 2 (May 2013): 526-528.
- 2012 Review of Brian D. Behnken, ed., *The Struggle in Black and Brown: African American and Mexican American Relations During the Civil Rights Era* (Lincoln: University of Nebraska Press, 2011), *Journal of American History* 99, no. 3 (December 2012): 992-993.
- 2011 Book Note, on Mignette Y. Patrick Dorsey, *Speak Truth to Power: The Story of Charles Patrick, a Civil Rights Pioneer* (Tuscaloosa: University of Alabama Press, 2010), *Journal of Southern History* 77, no. 2 (May 2011): 510-511.
- 2009 Review of Bruce Glasrud and Archie P. McDonald, eds., *Blacks in East Texas History: Selections from the East Texas Historical Journal* (College Station: Texas A&M University Press, 2008), *Journal of South Texas* 22, no. 2 (Fall 2009): 190-192.

### Editing & Peer-Review Activity

- 2022 Collaborative Research Grants Review Panelist, National Endowment for the Humanities, Division of Research Programs
- Interview Panel, Fulbright-García Robles Fellowships, Comisión México Estados Unidos para el Intercambio Educativo y Cultural (COMEXUS), January 10.
- 2021-22 Selection and Assessment Team, National Writing Project, “Building a More Perfect Union: Pandemic Recovery Grants for Humanities Organizations,” Grantmaking Award, National Endowment for the Humanities / American Rescue Plan, \$3,131,435, awarded October.
- 2018- **Board of Contributing Editors, *Labor: Studies in Working-Class History***
- 2015- **Editorial Board, *U.S. Latina & Latino Oral History Journal***
- 2021- Book manuscript reviewer, University of Pennsylvania Press (Politics and Culture in Modern America)

- 2018- Book manuscript reviewer, University of North Carolina Press (Justice, Power, and Politics; David J. Weber Series in the New Borderlands History; general list)
- 2016- Book manuscript reviewer, University of Texas Press (Historia USA; general list)
- 2012- Reviewer for fellowship book manuscript workshops, Clements Center for Southwest Studies, Southern Methodist University (eight reviews to date)
- 2021 Manuscript reviewer: Lorrin Thomas, Lees Seminar, Department of History, Rutgers University, Camden, March 26.
- Manuscript reviewer: Tiffany J. González, Bonquois Postdoctoral Fellow in Women's History, Newcomb Institute, Tulane University, February 5.
- 2020 Peer reviewer, *Modern American History*
- 2018 Peer reviewer, *Journal of American Ethnic History*
- 2016 Media Projects Panel, National Endowment for the Humanities
- 2014 Peer reviewer, *Journal of the West*
- Peer reviewer, *Journal of Civil and Human Rights*

## Essays & Media Contributions

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### Published Essays & Op-Eds (editorial review; single-authored unless noted)

- 2021 “A draft congressional map lays out one future for Texas. But there is a better path,” *Washington Post*, September 28 (co-authored with J. Todd Moye), <https://www.washingtonpost.com/outlook/2021/09/28/draft-congressional-map-lays-out-one-future-texas-there-is-better-path/>
- 2020 “If They Care About Equity, Fort Worth Schools Must Extend Virtual Learning,” *Fort Worth Weekly*, September 22, <https://www.fweekly.com/2020/09/22/if-they-care-about-equity-fort-worth-schools-must-extend-virtual-learning/>
- 2019 “Tarrant sheriff needs to give straight story on immigration program’s costs, drawbacks,” *Fort Worth Star-Telegram*, June 17, <https://www.star-telegram.com/opinion/opn-columns-blogs/article231638593.html>
- 2018 “Race, Democracy, and Civic Engagement in U.S. History,” *Take Care* blog symposium (invited), published by Protect Democracy, December 6, <https://takecareblog.com/blog/race-democracy-and-civic-engagement-in-u-s-history>
- “The Texas Senate Race Is Not ‘Historic,’” *Los Angeles Review of Books*, November 4, <https://lareviewofbooks.org/article/the-texas-senate-race-is-not-historic/>

- 2017 “Protesters, the council and the many meanings of racism,” *Fort Worth Star-Telegram*, August 18, <http://www.star-telegram.com/opinion/opn-columns-blogs/other-voices/article168083772.html>
- 2016 “Texas Democrats must get back to their progressive roots,” *TribTalk (Texas Tribune)*, November 21, <https://www.tribtalk.org/2016/11/21/texas-democrats-must-get-back-to-their-progressive-roots/>
- 2013 “Texas Tornado,” in Benj DeMott, ed., “Love Is the Message: Tributes to Lawrence Goodwyn,” *First of the Month: A Website of the Radical Imagination*, December 18, [http://www.firstofthemonth.org/archives/2013/12/love\\_is\\_the\\_mes.html](http://www.firstofthemonth.org/archives/2013/12/love_is_the_mes.html)
- “50 Years Later, New Movement on the March,” *Dallas Morning News*, August 12, 15-A
- “TCU Students Hit the Road to Understand Freedom,” *Fort Worth Star-Telegram*, January 22, (co-authored and edited with students Pearce Edwards and Mimi Woldeyohannes)
- 2012 “History’s Lessons Show Obama is the Better Choice,” *Fort Worth Star-Telegram*, October 21 (invited official response to paper’s endorsement of Romney); reprinted by *History News Network*, <https://historynewsnetwork.org/article/148942>
- 2009 “Promoting Unions and Recovery,” *Raleigh News & Observer*, March 4 (co-authored with Robert Korstad).

### Television and Radio Appearances

- 2021 Kristen Cabrera, “‘Civil Rights in Black and Brown:’ New book examines Texas’ overlooked activists,” *Texas Standard (National Public Radio)*, November 9, <https://www.texasstandard.org/stories/civil-rights-in-black-and-brown-new-book-examines-texas-overlooked-activists/>
- William Joy, “What is critical race theory? North Texas professors explain the highly debated topic,” *WFAA 8 ABC*, June 21, <https://www.wfaa.com/article/news/local/what-is-critical-race-theory-north-texas-professors-explain-highly-debated-topic/287-f61d01ca-fd84-4e86-9f36-2cb2bca5ebc9>
- Thomas Harms, “Mémoire et réparations de l’esclavage, éternels défis pour le Texas [Memory and reparations of slavery: the eternal challenges for Texas],” *Radio France Internationale*, June 18, <https://rfi.my/7V01.T> [English translation: <https://houstonvote.tumblr.com/post/654801358098251776/juneteenth-20-minutes-prodcast-on-radio-france>]
- Miranda Suarez, “May 1 Election Will Bring Political Change To Fort Worth For The First Time In Years,” *KERA News*, April 26, <https://www.keranews.org/politics/2021-04-26/may-1-election-will-bring-political-change-to-fort-worth-for-the-first-time-in-years>
- 2020 Stella M. Chávez, “Empowered And Emboldened, Today’s Protesters Aim To Further Push For Equality Started In 1960s,” *KERA News*, August 11, <https://www.keranews.org/news/2020-08-11/empowered-and-emboldened-todays-protesters-aim-to-further-push-for-equality-started-in-1960s>

Hady Mawajdeh, “How Growing Diversity In North Texas May Have Shaped The El Paso Walmart Shooting Suspect,” *WAMU 88.5 American University Radio*, August 3, <https://wamu.org/story/20/08/03/how-growing-diversity-in-north-texas-may-have-shaped-the-el-paso-walmart-shooting-suspect/> (first aired on KERA)

Stella M. Chávez, “Black Lives Matter protests are shaking up how this young Latino voter views US politics,” *The World (Public Radio International)*, July 1, <https://www.pri.org/stories/2020-07-01/black-lives-matter-protests-are-shaking-how-young-latino-voter-views-us-politics>

Wayne Carter, “Fort Worth ISD Promises Race Conversations Will Continue,” *NBC 5 DFW*, June 26, <https://www.nbcdfw.com/news/local/carter-in-the-classroom/fort-worth-isd-promises-race-conversations-will-continue/2396436/>

Chris Sommer, “Expert Says Removing Confederate Statues Will Help Bring Change,” *KRLD News Radio 1080*, June 11, <https://krlr.radio.com/articles/news/expert-says-removing-confederate-statues-help-bring-change>

2018 Joy Diaz, Michael Marks, and Shelly Brisbin, “This Year’s Midterm Gains For Liberals Mirror An Earlier Time In Texas Politics,” *Texas Standard* (National Public Radio), November 12, <http://www.texasstandard.org/stories/this-years-midterm-gains-for-liberals-mirror-an-earlier-time-in-texas-politics/>

Christopher Connelly, “How One Texas Progressive Group Is Mobilizing Unlikely Black And Latino Voters,” *KERA News*, October 31, <http://www.keranews.org/post/how-one-texas-progressive-group-mobilizing-unlikely-black-and-latino-voters>

Joy Diaz, “Fort Worth ISD Taps TCU Researchers for Help with Latino History Curriculum,” *Texas Standard* (statewide radio show on NPR network), September 20 (first aired 9/18/18), <http://www.texasstandard.org/stories/fort-worth-isd-taps-tcu-researchers-for-help-with-latino-history-curriculum/>

“Blue Texas,” *C-SPAN Cities Tour*, April 9, <https://www.c-span.org/video/?446414-1/blue-texas>

Molly Evans, “How Texas’ Shifting Demographics May Preview Larger Changes In America,” *KERA News*, March 9, <https://www.keranews.org/post/how-texas-shifting-demographics-may-preview-larger-changes-america>

Christopher Connelly, “TCU Aims To Draw Students Of Color, Build ‘Cultural Competence’ In New Program,” *KERA News*, January 3, <http://keranews.org/post/tcu-aims-draw-students-color-build-cultural-competence-new-program>. Reprinted in the *Texas Standard* (NPR, Jan. 4), *Texas Tribune* (Jan. 4), and *Fort Worth Star-Telegram* (Jan. 5, 4A).

2017 Joy Diaz, “Mexicans Used to Think Racism Was A U.S. Thing. Not Anymore,” *Texas Standard* (National Public Radio), December 5, <https://www.texasstandard.org/stories/mexicans-used-to-think-racism-was-a-u-s-thing-not-anymore/>

“How Texas Is Changing,” with Steve Klineberg, interviewed by Krys Boyd on *Think*, KERA, November 10, <http://think.kera.org/2017/11/10/how-texas-is-changing/>



- 2016 Larry Collins, “North Texas Students Concerned About DACA Future, Educators Show Support,” *NBC 5 – KXAS*, September 22, <http://www.nbcdfw.com/news/local/North-Texas-Students-Concerned-About-DACA-Future-Educators-Show-Support-446570203.html>
- New Books Network* podcast, African American Studies, interviewed by James P. Stancil II, July 13, <http://newbooksnetwork.com/max-krochmal-blue-texas-the-making-of-a-multiracial-democratic-coalition-in-the-civil-rights-era-unc-2016/>
- Alexandra Hart, “Texas’ Robust Civil Rights Movement Brought Together Activists Across Racial Lines,” *Texas Standard* (National Public Radio), December 30, <http://www.texasstandard.org/stories/texas-robust-civil-rights-movement-brought-together-activists-across-racial-lines/>
- Justin Martin, “Oral History Project Chronicles Civil Rights Struggle In Texas With People Who Lived It,” *KERA News*, November 30, <https://www.keranews.org/post/oral-history-project-chronicles-civil-rights-struggle-texas-people-who-lived-it>
- “Blue Texas,” *C-SPAN Book TV*, BookPeople, Austin, Texas, November 21, <https://www.c-span.org/video/?418227-2/blue-texas>
- “Unions After World War II,” *C-SPAN Lectures in History*, November 1, <https://www.c-span.org/video/?417470-1/unions-world-war-ii>
- Joy Diaz, “Here’s Why the Voices Caught Between the Black/White Binary Aren’t in American History Books,” *Texas Standard* (National Public Radio), August 12, <http://www.texasstandard.org/stories/heres-why-the-voices-caught-between-the-blackwhite-binary-arent-in-american-history-books/>
- 2013 Rhonda Fanning, “How Hillary Clinton Found a Mentor in a Texas Labor Organizer,” *Texas Standard* (National Public Radio), July 28, <http://www.texasstandard.org/stories/hillary-clinton-found-a-mentor-in-texas-labor-organizer/>
- “Special Panel on New Books,” *Sal Castro Memorial Conference on the Emerging Historiography of the Chicano Movement*, University of California, Santa Barbara, Department of Chicana and Chicano Studies, February 26, *C-SPAN*, <https://www.c-span.org/video/?404679-2/chicano-movement-authors> (begins at 33:41)
- Karen Grigsby Bates, “Mexican-American Vets Ignited Kennedy’s Latino Support,” *Morning Edition*, National Public Radio, November 21, <http://www.npr.org/blogs/codeswitch/2013/11/21/246412894/mexican-american-vets-ignited-kennedys-latino-support>

### Newspaper Coverage & Appearances

- 2022 Eduardo Medina, “In Twilight of Life, Civil Rights Activists Feel ‘Urgency to Tell Our History,’” *New York Times*, February 19, 2022, <https://www.nytimes.com/2022/02/19/us/civil-rights-movement-oral-history.html>
- Edward Brown, “Clinging to Power,” *Fort Worth Weekly*, January 12, <https://www.fweekly.com/2022/01/12/clinging-to-power/>

- 2021 Edward Brown, “Juneteenth Jubilation,” *Fort Worth Weekly*, June 23, <https://www.fweekly.com/2021/06/23/juneteenth-jubilation/>
- Kaley Johnson, “Critical race theory bill is solution to a problem that doesn’t exist, Fort Worth supt. Says,” *Fort Worth Star-Telegram*, May 29, <https://www.star-telegram.com/news/local/fort-worth/article251701313.html>
- Sharon Grigsby, “Aledo ninth-graders’ ‘slave auction’ of Black classmates should be a wake-up call to all white parents,” *Dallas Morning News*, April 16, <https://www.dallasnews.com/news/commentary/2021/04/16/aledo-ninth-graders-slave-auction-of-black-classmates-should-be-a-wake-up-call-to-all-white-parents/>
- 2020 Edward Brown, “Public Safety or Over-Policing?” *Fort Worth Weekly*, November 18, <https://www.fweekly.com/2020/11/18/public-safety-or-over-policing/>
- Zayna Syed, “Black-owned bookstore in Fort Worth calls recent months of activism ‘The Great Awakening,’” *Dallas Morning News*, August 4, <https://www.dallasnews.com/arts-entertainment/2020/08/04/black-owned-bookstore-in-fort-worth-calls-recent-months-of-activism-the-great-awakening/>
- Mark Dent, “Younger, diverse Fort Worth takes ‘a pivotal turn’ in week of George Floyd protests,” *Fort Worth Star-Telegram*, June 7, <https://www.star-telegram.com/news/local/fort-worth/article243303186.html>
- “Community Justice Center Arrives,” *Fort Worth Weekly*, February 26, <https://www.fweekly.com/2020/02/26/community-justice-center-arrives/>
- 2019 Edward Brown, “On Tap in Fort Worth: Prof. Max Krochmal,” *Fort Worth Weekly*, June 17, 2019, <https://www.fweekly.com/2019/06/17/on-tap-in-fort-worth-prof-max-krochmal/>
- Michael Granberry, “The National Endowment for the Humanities comes to North Texas bearing gifts — to preserve history,” *Dallas Morning News*, February 19, 2019, <https://www.dallasnews.com/arts-entertainment/architecture/2019/02/19/the-national-endowment-for-the-humanities-comes-to-north-texas-bearing-gifts-to-preserve-history/>
- Hanaa’ Tameez, “What does no citizenship question on census mean for Fort Worth and Tarrant County?” *Fort Worth Star-Telegram*, January 15, 2019, <https://www.star-telegram.com/news/local/fort-worth/article224561625.html>
- 2018 Diane Smith, “There is a national push for Latino studies. Fort Worth schools are leading the way,” *Fort Worth Star-Telegram*, September 19, 2018, <https://www.star-telegram.com/news/local/education/article218346990.html>
- Edward Brown, “Separate & Unequal: A city-appointed task force documents systemic racism in Fort Worth and offers a way forward,” *Fort Worth Weekly*, June 27, 2018, <https://www.fweekly.com/2018/06/27/separate-unequal/>
- Hanaa’ Tameez, “Pauline Gasca Valenciano, a legacy of activism and public service in Fort Worth,” *Fort Worth Star-Telegram*, June 15, 2018, <https://www.star-telegram.com/news/local/community/fort-worth/article213101339.html>

Sarah Smith, "About 70 percent of TCU students are white. And the black ones? Most are athletes," *Fort Worth Star-Telegram*, April 12, 2018, <http://www.star-telegram.com/news/local/education/article207914819.html>

Diane Smith, "Meet the post-millennials who want adults to make Texas schools safer," *Fort Worth Star-Telegram*, March 16, 2018, <http://www.star-telegram.com/news/local/education/article204859869.html>

2017 Jeff Caplan, "Trump vs. the NFL: Did anyone win? Was anything accomplished?" *Fort Worth Star-Telegram*, September 30, 2017, <http://www.star-telegram.com/news/local/article176379751.html>

Mitch Mitchell and Diane Smith, "Immigrant Allies to Fort Worth City Leaders: 'You Should Care About SB 4,'" *Fort Worth Star-Telegram*, June 20, 2017, <http://www.star-telegram.com/news/local/community/fort-worth/article157272864.html>

Tasneem Raja, "After Trump, East Texas Progressives Are 'Coming Out of the Woodwork,'" *Texas Observer*, April 5, 2017, <https://www.texasobserver.org/after-trump-east-texas-progressives-are-coming-out-of-the-woodwork/> (originally printed in *Tyler Loop*)

2016 Diane Smith, "Fort Worth's Opal Lee has step-by-step plan to highlight Juneteenth," *Fort Worth Star-Telegram*, August 31, 2016, <http://www.star-telegram.com/news/local/community/fort-worth/article99107727.html>

Bud Kennedy, "How Reagan's 'Make America Great Again' became a Trump takeaway," *Fort Worth Star-Telegram*, July 20, 2016, <http://www.star-telegram.com/opinion/opn-columns-blogs/bud-kennedy/article90636182.html>

Julie Garcia, "Two students conduct civil rights research in Corpus Christi," *Corpus Christi Caller Times*, June 15, 2016, <http://www.caller.com/news/local/two-students-conduct-civil-rights-research-in-corpus-christi-34edbfd9-75a4-1cff-e053-0100007f8b7b--383032941.html> (on *Civil Rights in Black and Brown Oral History Project*).

Sandra Baker, "Fort Worth Hispanics call for big changes before 2017 election," *Fort Worth Star-Telegram*, January 28, 2016, <http://www.star-telegram.com/news/local/article57122808.html>

2015 Diane Smith, "Refugees in Fort Worth learn about Thanksgiving traditions," *Fort Worth Star-Telegram*, November 26, 2015, <http://www.star-telegram.com/news/local/community/fort-worth/article46480885.html>

Mercedes Olivera, "Oral history project to preserve stories of Latinos in Fort Worth," *Dallas Morning News*, September 26, 2015, <http://www.dallasnews.com/news/columnists/mercedes-olivera/20150925-oral-history-project-to-preserve-stories-of-latinos-in-fort-worth.ece>

Jeff Prince, "Fort Worth Documenting Its Latino History," *Fort Worth Weekly*, September 25, <https://www.fweekly.com/2015/09/25/fort-worth-documenting-its-latino-history/>

Diane Smith, “Oral histories of Fort Worth’s Hispanic communities sought,” *Fort Worth Star-Telegram*, September 13, 2015, <http://www.star-telegram.com/news/local/community/fort-worth/article35061657.html>

Editorial Board, “The human side of history,” *Fort Worth Star-Telegram*, July 30, 2015, <http://www.star-telegram.com/opinion/editorials/article29469856.html>

Diane Smith, “Civil-rights history project gets \$200,000 grant,” *Fort Worth Star-Telegram*, July 29, 2015, <http://www.star-telegram.com/news/local/community/fort-worth/article29173057.html>

2013 Ronnie Dugger, “Lawrence Goodwyn, A Man of Words and Ideals,” *Texas Observer*, November 7, 2013, <http://www.texasobserver.org/man-words-ideals/>

William Yardley, “Lawrence Goodwyn, Historian of Populism, Dies at 85,” *New York Times*, October 4, 2013, <http://www.nytimes.com/2013/10/05/us/lawrence-goodwyn-historian-of-populism-dies-at-85.html>

Jesse Washington, “Fears over Zimmerman Verdict Riots Prove Overblown,” *Associated Press*, July 24, 2013, <http://www.jessewashington.com/no-trayvon-riots.html>

2012 Eli Magana, “1968 Sanitation Strikers Speak to Young Activists,” *AFSCME Now*, January 13, 2012, <https://www.afscme.org/now/archive/blog/1968-sanitation-strikers-speak-to-young-activists>

## Public History

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### Website (Peer-Reviewed)

2019 Max Krochmal et al, *Civil Rights in Black and Brown: Oral Histories of the Multiracial Freedom Struggles in Texas*, <http://crbb.tcu.edu>

#### Peer Review

Eric Buckenmeyer, *The Oral History Review* 46, no. 2 (2019): 419-420, <https://doi.org/10.1093/ohr/ohz013>

### Websites & Presentations of Public Humanities Projects (Non-Refereed)

2021 Principal investigator for class project, *Memories of Poly: Oral Histories of Polytechnic Heights, Fort Worth, Texas*, <https://memoriesofpoly.wordpress.com/> (beta site)

2019 Invited speaker and video producer (with Briana Salas), “Chicano Trailblazer: Dr. Rudy Rodriguez and 50 Years of Bilingual Education in Fort Worth,” *Hispanic Heritage Month History Project*, Fort Worth Library, September 26.

2018 Invited speaker and video producer (with Moisés Acuña Gurrola), “Fort Worth Pioneer: Pauline Gasca Valenciano,” *Hispanic Heritage Month History Project*, Fort Worth Library, October 11.

2016 Principal investigator and editor, *Viva Mi Historia: The Story of Fort Worth Latino Families*, oral history harvests, community presentation, and website, produced in collaboration with the

City of Fort Worth with *Latino Americans* grant funding from the National Endowment for the Humanities and the American Library Association,  
<https://holatarrantcounty.org/vivamihistoria/>

- 2015 “Texas Communities Oral History Project,” presentation of student websites and community dinner, TCU, December 9: *The History of LGBT Rights in Fort Worth*, <https://fortworthlgbt.wordpress.com>; *Fort Worth Mass Incarceration: An Oral History*, <https://massincarcerationfw.wordpress.com/>; and *The Plant and the Playground: Labor and Community in the Fort Worth Aerospace Industry*, <https://plantandplayground.wordpress.com/>.
- 2013 “North Texas Activists in Their Own Words,” presentation of student websites and community dinner, TCU, May 2, 2013, co-sponsored by the Tarrant County Black Historical and Genealogical Society. *Fort Worth Mexicano Activism*, <http://fortworthmexicanoactivism.wordpress.com/>; and Civil Rights in Fort Worth, <http://fortworthcivilrights.wordpress.com/>.
- 2011 “Community Organizers in Their Own Words: Three Oral History Projects,” presentation of student websites and community dinner, Center for Documentary Studies, Duke University, April 29, 2011, <http://dukeoralhistory.wordpress.com/>.

#### Invited Public Lectures at Museums and in the Community (Selected)

- 2022 Invited panelist, “Critical Race Theory,” *The Dock Bookshop*, Fort Worth, January 20, docklive.tv via Crowdcast
- 2021 Invited panelist, **Texas Book Festival**, Austin Public Library, October 31 (in-person), on *Civil Rights in Black and Brown* (with Todd Moye)
- Invited panelist, “Civil Rights in Black and Brown: Oral Histories of the Multiracial Struggle Against Police Brutality in Texas,” *History of Courage/Valor for Change: 2021 Virtual Symposium*, **Mexican American Civil Rights Institute**, San Antonio, August 13.
- Invited workshop, “Introduction to *Civil Rights in Black and Brown*,” **Dallas Holocaust and Human Rights Museum** Upstander Institute, August 3.
- 2020 Invited lecture on *Blue Texas*, High Noon Talks, **Bullock Texas State History Museum**, Austin, May 7 (via Zoom).
- Invited lecture, “The Black Freedom Movement in Texas,” United Fort Worth *Freedom School*, UFW Community Justice Center, Fort Worth, Texas, February 12.
- 2019 Invited lecture on *Blue Texas*, Brown Bag Lecture Series, Dallas Historical Society, April 9.
- 2018 Invited talk, “Community Organizing and Coalition Building in the Multiracial Civil Rights Movement in Texas,” *New History at Old Red: Building Community – A Conference on Texas, the United States, and World History*, The Old Red Museum of Dallas County History and Culture, October 20.
- Invited panelist, “What Remains: The Legacy and Future of Confederate Monuments,” *Tuesday Evenings at the Modern*, The Modern Art Museum of Fort Worth, October 16.

- Panel participant, screening of *I Am Not Your Negro, Movies that Matter*, City of Fort Worth Human Relations Unit, KERA public broadcasting, and Tarrant County Black Historical and Genealogical Society, Fort Worth Botanic Garden, January 11.
- 2017 Invited talk and introduction of candidate, *Tacos with Beto*, Beto O'Rourke for U.S. Senate campaign, Americado Taco-Bar, Fort Worth, December 14.
- Staged oral history interview, "A Conversation with Opal Lee," City of Fort Worth MLK Day / Juneteenth Committee, Fort Worth City Hall, June 19.
- Invited workshop leader, *Texas Young Active Labor Leaders (Y'ALL)* Conference, Texas AFL-CIO, Houston, January 21.
- 2016-2017 Book talks on *Blue Texas* at The Twig Bookstore, San Antonio; Half Price Books Flagship, Dallas; Brazos Bookstore, Houston; and Book People, Austin—all in November, 2016—at the TCU Bookstore, December 5, 2016, and at the Calaboose Museum, San Marcos, February 4, 2017.
- 2016 Panel participant, *Willie Velasquez: Your Vote is Your Voice* – Fort Worth Screening Event, hosted by KERA Public Broadcasting, Modern Art Museum of Fort Worth, September 29.
- Keynote address, *31st Annual Martin Luther King Jr. Holiday Celebration*, City of Fort Worth, January 15.
- 2014 Plenary lecture, "The Power of Labor and Community in San Antonio," national *AFL-CIO Martin Luther King Civil Rights Conference*, San Antonio, January 16.
- 2013 Invited lecture: "*Viva Kennedy* and the Multiracial Struggle for Civil Rights in Texas," *Dallas, John F. Kennedy and the Struggle for Civil Rights*, The Sixth Floor Museum at Dealey Plaza, Dallas, funded by Humanities Texas, July 30.
- Invited talk: "What Justice for Trayvon Can Learn from the Civil Rights Movement," Rally of NAACP Student Branches of University of Texas, Arlington, University of North Texas, and Texas Christian University, held in Arlington, July 18.
- Public lecture, "Oral History, Black History, and Democracy in America," Community History Workshop, TCU Center for Texas Studies and the Fort Worth Public Library, February 2.
- 2012 Public lecture, "The View from the Ground: Local People and the New History of the Civil Rights Movement," Fort Worth Museum of Science and History, June 2.
- Public lecture, "Immigration Up Close and Personal," Fort Worth Museum of Science and History, February 11.

#### **Other Public and Digital History Research Experience**

- 2012 Oral history interviewer, *40th Reunion of La Raza Unida Party*, Austin, July 6-7, 2012, in partnership with Emilio Zamora and Martha Cotera, Nettie Lee Benson Latin American Collection, University of Texas, Austin.

- 2010 *Student Nonviolent Coordinating Committee (SNCC) 50<sup>th</sup> Anniversary Conference*, Oral History Project Coordinator, in collaboration with SNCC and the Southern Oral History Program (of the University of North Carolina, Chapel Hill), Raleigh, North Carolina, April 14-18, 2010.
- 2007-2010 *Behind the Veil: Documenting African American Life in the Jim Crow South*, Editorial Assistant / Research Associate, Center for Documentary Studies, Duke University, 2007-2010.
- 2009 “Victory at Moncure Plywood: Personal Histories of Racial Injustice and Labor Relations in the South,” presentation of student research and community dinner, co-sponsored by the North Carolina State AFL-CIO, Center for Documentary Studies, Duke University, April 29.
- 2008 Pietermaritzburg Agency for Christian Social Awareness (PACSA) 30<sup>th</sup> Anniversary Oral History Book Project, coordinator for *DukeEngage* service learning program in collaboration with the University of KwaZulu-Natal, South Africa, May-June

## Scholarly Talks & Conference Presentations

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### Keynote Addresses and Invited Plenary Presentations at Scholarly Meetings

- 2021 Panel participant and moderator, “The Role of the Electoral College in American Society,” *The Future of the Past* webinar series, *Organization of American Historians*, December 16.
- Keynote address, “Civil Rights in Black and Brown: Histories of Resistance and Struggle in Texas,” *Texas Oral History Association*, Trinity University, San Antonio, September 25 (virtual).
- 2019 Invited lecture, “The Black and Brown Civil Rights Movements in Texas,” *Texas Library Association*, Austin, April 16.
- Invited presentation on Presidential Panel, “Textual Transactions through Public Pathways: Cultural Interventions in and beyond the Academy,” *Modern Language Association*, Chicago, January 5.
- 2018 Invited luncheon speaker, “Blue Texas: Back to the Future,” *Texas Center for Working-Class Studies*, Plano, March 22.
- Keynote address, “Documenting and Disseminating the Chicano/a Movement: Lessons from the Civil Rights in Black and Brown Oral History Project,” ***Sal Castro Memorial Conference on the Emerging Historiography of the Chicano Movement***, University of California, Santa Barbara, February 23.
- 2017 Plenary lecture, “Toward a Blue Texas: Community Organizing and Coalition-Building, Past, Present, and Future,” ***Southern Historical Association***, Dallas, November 9
- Keynote luncheon address on *Blue Texas*, *Southern Labor Studies Association*, Tampa, Florida, March 4.

- 2016 Keynote address, “Reaching Across the Color Line: Lessons from the Civil Rights in Black and Brown Oral History Project,” *Association of Personal Historians*, Fort Worth, October 25
- Invited panelist, “Special Panel on Recently Published Books,” *Sal Castro Memorial Conference on the Emerging Historiography of the Chicano Movement*, University of California, Santa Barbara, February 26.

### Invited Lectures and Symposia at Universities and Colleges

- 2023 Invited presentations, “Mario T. Garcia, Oral History, and Testimonio” and “Special Panel on Recently Published Books,” *Sal Castro Memorial Conference on the Emerging Historiography of the Chicano Movement*, **University of California, Santa Barbara**, February 17-18.
- 2022 Invited lecture on panel, “Red, Blue, and Brown: Tejano History, Politics, and the 2022 Election,” *Center for Presidential History*, Southern Methodist University, Dallas, September 15.
- Invited lecture, “The Craft of Oral History: Lessons from the Civil Rights in Black and Brown Project,” Department of History Methods Lab, **Duke University**, September 12.
- Invited talk, “Civil Rights in Black and Brown Oral History Project,” Departamento de Relaciones Internacionales, **Universidad Iberoamericana**, Mexico City, April 28.
- Invited talk, “Building Coalitions & Collaborating for Change: A New Vision for Southern Studies,” Center for the Study of the American South, **University of North Carolina**, Chapel Hill, March 21.
- Invited panelist, “Civil Rights in Black and Brown: New Latinx Oral Histories,” Center for the Study of Race, Indigeneity, and Transnational Migration, **Yale University**, February 22.
- 2021 Invited paper (with Cecilia Sánchez Hill), “Polytechnic Heights of Fort Worth: Latinx/Black Relations in an Urban Cowtown,” *MetropoLatinx History Symposium*, Latina/o Studies Program, **Pennsylvania State University**, December 10.
- Invited lecture (with Moisés Acuña Gurrola), “Viva Mi Historia: The Story of Fort Worth Latino Families,” Tarrant County College, Trinity River Campus, September 23.
- Invited roundtable participant, “Histories of Race and White Supremacy in Urban Texas,” University of Texas, Dallas, February 12.
- 2020 Invited keynote lecture, “The Chicano Movement in Brief,” *Abrazando el Espíritu Hispanic Heritage Month Celebration*, Tarrant County College District, October 16.
- 2019 Public Lecture, “Blue Texas: Looking Back to the Future,” Lone Star College – Kingwood, Houston, September 23.
- Invited panel participant, “History, Intersectionality and Liberation in the Age of Black Lives Matter,” *From Segregation to Black Lives Matter: A Symposium and Celebration of the Opening of the Joel Buchanan Archive of African American Oral History*, Samuel Proctor Oral History Program, **University of Florida**, March 22.



- 2018 Public Lecture, “Civil Rights in Black and Brown: Oral Histories of Liberation in Texas,” *Willis Library Lecture Series*, University of North Texas, November 29
- Lecture, “Toward a Blue Texas: Community Organizing and Coalition-Building, Past, Present, and Future,” *Plática*, **Center for Mexican American Studies, University of Texas, Austin**, March 28 (cancelled due to weather).
- Public lecture on *Blue Texas, Academic Festival X: American Identities in the 21<sup>st</sup> Century*, Cameron University, Lawton, Oklahoma, March 26.
- Invited lecture, “Civil Rights Unionism: The View from the International,” *Organizing Agribusiness from Farm to Factory: Toward a New History of America’s Most Ambitious Labor Union*, Porter Fortune Symposium, **University of Mississippi**, Oxford, March 1-3.
- 2017 Public lecture, “*Blue Texas*: Back to the Future,” Center for the Study of the Southwest, Texas State University, San Marcos, October 25.
- Public lecture, “Rethinking Multiracial Coalition-Building: Lessons from Blue Texas” *Critical Orientations to Race and Ethnicity Workshop*, **Stanford University**, October 17.
- Public lecture on *Blue Texas*, Hispanic Heritage Month, Palo Alto College, San Antonio, October 4.
- Public lecture on *Blue Texas*, Tarrant County College Southeast, Arlington, Texas, April 20.
- Public lecture on *Blue Texas*, Center for the Study of Race and Democracy, **Lyndon B. Johnson School of Public Affairs, University of Texas, Austin**, March 28.
- Public lecture on *Blue Texas*, *50<sup>th</sup> Anniversary Exhibit Opening and Celebration of the Texas Labor Archives*, Friends of the Library, University of Texas, Arlington, March 24.
- Public lecture on *Blue Texas*, Black History Month, Tarrant County College Trinity Campus, February 23.
- Public lecture, “The Community-Organizer-in-Chief: Obama’s Promise and Many Legacies for Working People,” *The Obama Legacy: Preliminary Perspectives Conference*, Texas State University – San Marcos, February 3.
- 2014 Public lecture: “Black/Latino/a Coalitions in the Long Struggles for Civil Rights,” Hispanic Heritage Month Lecture, Mountain View College, Dallas, October 2.
- Public lecture, “Black and Brown at Work: Labor, Civil Rights, and the Texas Democratic Coalition, 1962-64,” Clements Center for Southwest Studies, Southern Methodist University, Dallas, February 19.
- 2013 Invited Paper: “Black-Brown Coalitions in Houston: A Brief Overview,” *The Past and Present of Race and Place in Houston, Texas*, **Rice University**, February 26.

### Conference Papers and Participation on Panels at Scholarly Meetings

- 2022 Max Krochmal and Cecilia Sánchez Hill, “Creating Spaces for Community-Engaged Research, Latinx Public History, and Political Transformation in Fort Worth, Texas, the 13th Biggest City in the U.S.,” *Western History Association*, San Antonio, October 14.
- Roundtable panelist, “Reflections on *No Separate Refuge* and the Work of Sarah Deutsch,” *Western History Association*, San Antonio, October 13.
- “Mexican American Labor and the Migrant Worker ‘Problem’ in Postwar Texas,” *Southern Labor Studies Association*, Chapel Hill, North Carolina, September 9.
- Plenary Chair, “Reflections on *Civil Rights Unionism: Tobacco Workers and the Struggle for Democracy in the Mid-Twentieth-Century South*,” *Southern Labor Studies Association*, Chapel Hill, North Carolina, September 9.
- “U.S. Chicanx History and Migration Studies Across Borders,” Fulbright-García Robles Symposium, *Comisión México Estados Unidos para el Intercambio Educativo y Cultural* (COMEXUS), Mexico City, May 20.
- 2021 Roundtable panelist, “South by Southwest: Rethinking Southern History through New Narratives of Texas,” *Southern Historical Association* (solicited by program committee), New Orleans, November 4 (cancelled due to COVID).
- “The *Civil Rights in Black and Brown* Project,” for panel, “Latinx Public History: Taking Our History Out of the Shadows,” *Western History Association* (solicited by program committee), Portland, October 27-30 (postponed to San Antonio, 2022).
- “Latinx Fort Worth,” on roundtable panel, “Building Justice in the City: Latinx Urban History,” *Urban History Association*, Detroit, October 21-24 (twice cancelled due to COVID).
- Max Krochmal, David A. Colón, Gabriel S. Huddleston, Emily M. Farris, Cecilia Hill, Joseph Niedziela, and Santiago O. Piñón, “Designing a Latina/o Studies K–12 Social Studies Curriculum Overlay: An Interdisciplinary Approach.” *American Educational Research Association Annual Meeting, Division B—Curriculum Studies*, virtual, April 9.
- “Civil Rights in Black and Brown and Latino/a History in North Texas,” co-presenter with Katherine Bynum, on roundtable panel, “Taking Forgotten Latina/o/x History to the Public,” *American Historical Association*, Seattle, January 7-10 (cancelled due to COVID).
- 2020 Chair, “From the Consent of the Governed: The State of (In)Equality for Mexicans, Vietnamese, and the LGBT Community in Texas,” *Organization of American Historians*, Washington, D.C., April 3 (cancelled due to COVID).
- 2019 Roundtable panelist, “Latinxs in the “Nuevo” South: A State of the Field Conversation,” *American Studies Association*, Honolulu, November 7.
- Roundtable panelist, “Making the Case for Latino Political History,” *Western History Association*, Las Vegas, October 18.

“UCAPAWA and Immigration,” in “UCAPAWA/FTA: America’s Most Ambitious Civil Rights Union, Part 2: Toward a National Synthesis,” *Labor and Working-Class History Association*, Durham, North Carolina, June 1.

Roundtable panelist and panel organizer, “Black and Brown Spaces of Liberation in Postwar Cities: A State-of-the-Field,” *Organization of American Historians*, Philadelphia (unable to attend due to illness).

2018 Chair and panel organizer, “Labor and the University,” *Organization of American Historians*, Sacramento, April 14.

2017 Invited participant, author-meets-critics panel on *Blue Texas*, *East Texas Historical Association*, Galveston, October 14.

“Experiential Learning and Program Building in the Belly of the Beast,” in panel, “Teaching and Researching Black and Brown History in Contemporary Contexts,” *Pacific Coast Branch - American Historical Association*, Northridge, California, August 5.

Invited panelist, “Civil Rights in Black and Brown Oral History Project: A Digital Humanities Collaboration,” *Texas Library Association*, San Antonio, April 21.

Chair and presenter, “Writing Chicano History: Mario T. Garcia and Oral History,” *Organization of American Historians*, New Orleans, April 8.

Roundtable panelist, “*Civil Rights in Black and Brown* and Other Community-Engaged Public History Teaching and Service,” Labor and Working-Class History Association (LAWCHA) Luncheon, *Organization of American Historians*, New Orleans April 8.

Chair and presenter, “The Civil Rights in Black and Brown Oral History Project,” *Organization of American Historians*, New Orleans April 7.

2016 Chair and presenter, “The Civil Rights in Black and Brown Project,” *Oral History Association*, Long Beach, California, October 14.

“Blue Texas: The Making of a Multiracial Democratic Coalition in the Civil Rights Era [for Geographers],” *Race, Ethnicity, and Place*, Kent State University, Ohio, September 22.

“Dean Emeritus of Chicano Politics: Albert A. Peña of San Antonio,” *Organization of American Historians*, Providence, R.I., April 8.

“La Causa, the Chicano/a Movement, and Texas Politics in the 1960s,” *Texas Center for Working-Class Studies*, Collin College, Plano, March 31.

“Starr County Strike 50 Years Later: La Causa, the Chicano/a Movement, and Texas Politics in the 1960s,” *Texas State Historical Association*, Irving, March 4.

2015 “Civil Rights in Black and Brown: A First Look from the Field,” *Latinos, the Voting Rights Act, and Political Engagement Conference*, Austin, Texas, November 12.

Chair and Comment, “Unjust Laws and Practices: Organized Labor, Immigrant Rights, and the 1965 Immigration and Nationality Act along the U.S.-Mexico Border,” *Immigrant America: New Immigration and Immigration Histories from 1965 to 2015*, Immigration and Ethnic History

Society and the Immigration History Research Center, University of Minnesota, Minneapolis, October 24.

Chair and panelist, “Unwieldy Acronym, Ambitious Vision: UCAPAWA’s Farm to Factory Organizing in 1930s-1940s America,” *Labor and Working-Class History Association*, Georgetown University, Washington, DC, May 30.

Chair, “Citizenship, Health, and the Bracero Program,” *Labor and Working-Class History Association*, Georgetown University, Washington, DC, May 29.

Roundtable Participant, “Remembering Lawrence C. Goodwyn: Reflections on How to Study and Organize Around Class, Race, and Power,” *Labor and Working-Class History Association*, Georgetown University, Washington, DC, May 28.

Chair, “Student Works-in-Progress,” *Texas Center for Working-Class Studies Conference*, Collin College, Plano, Texas, April 10.

2014 Chair, “Race and Ethnic Issues,” *Race, Ethnicity, and Place (REP) VII*, Fort Worth, October 24. My students from the Justice Journey also presented on this panel.

Invited Panelist, “Civil Rights in Black and Brown,” *Scholarly Communication: A Changing Landscape*, conference sponsored by the TCU Library, October 23.

Panelist, “Voices of the Voting Rights Act in Texas” Roundtable, *Oral History Association*, Madison (Wisc.), October 11.

Chair, “Living Histories of the Madison Movement,” *Oral History Association*, Madison (Wisc.), October 10.

“Beyond Emma Tenayuca: The Pecan Sheller Strike and Multiracial Coalition-Building in Texas,” *Association for the Study of African American Life and History (ASALH)*, Memphis, September 26.

Chair, “Fighting for Economic Justice across the Color Line: Black-Latino Organizing Post-1965,” *Organization of American Historians*, Atlanta, April.

Chair and Commentator, “Civil Rights in Texas,” *Texas State Historical Association*, San Antonio, March 8.

2013 Chair & Commentator, “Reinventing the Past: Recovering Lost Communities and Challenging New Stories,” *Oral History Association*, Oklahoma City, October 11.

Invited Panelist, “State-of-the-Field: New Race Histories: Color Lines and Freedom Struggles,” *Organization of American Historians*, San Francisco, April 12.

Moderator, “Roundtable: Immigrant Rights and Resistance in the Nuevo South,” *Southern Labor Studies Association*, New Orleans, March 9.

Chair and Commentator, “Race, Labor, Politics, and the Transformation of Class Consciousness in the Lone Star State,” *Southern Labor Studies Association*, New Orleans, March 7.

“Black and Brown at Work: Labor, Civil Rights, and the Texas Democratic Coalition of 1963,” *Dallas Area Social Historians*, January 25.

2012 “Democratic Coalitions: The Texas AFL-CIO, Civil Rights, and Electoral Politics,” *Texas State Historical Association*, Houston, March 1.

Invited Conference Paper: “San Antonio Chicano Organizers (SACO): Labor Activists and *el Movimiento*,” *Chicano! A Conference on the Emerging Historiography of the Chicano Movement*, Department of Chicana/o Studies, University of California, Santa Barbara, February 18.

2011 Roundtable Presentation: “Working-Class Interracialism: Stories of Electoral Political Coalitions and Civil Rights Struggles from the Texas Labor Archives,” *Southern Labor Studies Association and Labor and Working-Class History Association Conference*, Atlanta, April 7.

2010 “Black Texans and the Struggle for Jobs and Freedom, 1945-1970,” *Southern Historical Association 76<sup>th</sup> Annual Meeting*, Charlotte, November 7.

“Black and Brown Workers and the Struggle for Democracy in Texas, 1945-1965,” *Western History Association 50<sup>th</sup> Annual Meeting*, Incline Village, Nevada, October 14.

“Black and Brown at Work: Chicano Labor Organizers, African American Civil Rights, and the Struggle for Democracy in San Antonio, 1956-1978,” *Southwest Labor Studies Association 36<sup>th</sup> Annual Conference*, Santa Cruz, California (UCSC Center for Labor Studies), May 8.

2009 “A ‘Faustian Pact?’ Mexican American Workers and Jim Crow in post-World War II Texas,” *Organization of American Historians Annual Meeting*, Seattle, March 27.

2007 Roundtable participant: “Labor Historians and Scholar-Activism,” in Concluding Session, *Working-Class Activism in the South and Nation: Contemporary Challenges in Historical Context*, Labor and Working-Class History Association and the Southern Labor Studies Association, Duke University, May 19.

“‘For Democracy in the South’: Packinghouse Workers’ Civil Rights Unionism, 1952-1962,” *New Perspectives on the Black South*, University of North Carolina, Chapel Hill, February 23.

#### **Invited Lectures for K-12 Educators and Education Advocates**

2022 Invited lecture, “Chicanx History Crash Course,” Fulbright-García Robles Fellows Orientation (virtual), *Comisión México Estados Unidos para el Intercambio Educativo y Cultural (COMEXUS)*, August 24.

2021 Invited lecture, “Civil Rights in Black and Brown,” *Leadership ISD* Community Fellows, December 16 (virtual).

Invited lecture, “Structural Racism and Liberation Struggles in Texas,” *Leadership ISD* Tarrant County Civic Voices Fellowship, September 18, Fort Worth.

Invited lecture, “The Chicano Movement in Brief,” *Owning the New Normal: Social Studies Metroplex Virtual Conference*, Education Service Centers Regions 10 & 11, June 22.

- Invited lecture, "The Chicano Movement in Brief," *Multicultural Education Institute v. 4*, Fort Worth ISD, co-sponsored by TCU Comparative Race and Ethnic Studies, February 13-15.
- 2020 Invited lecture, "Mexican Americans in Texas," Education Service Center Region 11 and TCU Center for Texas Studies, Fort Worth, November 18.
- Invited lecture, "History of Race: Structural Racism and Liberation Struggles in Texas," Fort Worth ISD *Racial Equity Summit III*, November 13 (virtual).
- Invited lecture, "Structural Racism and Liberation Struggles in Texas," *Leadership ISD* Tarrant County Civic Leaders Fellowship, September 26 (virtual).
- Invited lecture, "The Hidden History of Black/Latinx Solidarity in Texas," *Racial Equity Summit III*, Division of Equity and Excellence, Fort Worth Independent School District, March 21 (cancelled).
- Conference organizer and lectures, "Migration and the Making of Latino/a Communities" and "The Chicano Movement in Brief," *Multicultural Education Institute v. 3*, Fort Worth ISD, TCU, February 1.
- 2019 Invited lecture, "Historical Context of Educational Inequality in Texas," *Leadership ISD* Tarrant County Civic Leaders Fellowship, North Side High School, Fort Worth, September 13.
- Invited lecture, "The Black and Latinx Civil Rights Movements in Texas," Fort Worth ISD and TCU Center for Texas Studies, Jean McClung Middle School, August 13.
- Invited lecture and workshop, "Securing African American Civil Rights in Texas," *Texas: From Republic to Mega-State*, Humanities Texas, University of Texas, San Antonio, June 26.
- Conference organizer and lectures, "Migration and the Making of Latino/a Communities," and "The Chicano Movement in Brief," *Latinx Studies Professional Development*, Fort Worth ISD, co-sponsored by TCU Comparative Race and Ethnic Studies, June 17-18.
- Invited lecture, "The Hidden History of Black/Latinx Solidarity in Texas," *Multicultural Education Institute v. 2*, Fort Worth ISD, co-sponsored by TCU Comparative Race and Ethnic Studies, February 2.
- 2018 Invited lecture, "Historical Context of Educational Inequality in Texas," *Leadership ISD* Tarrant County Civic Leaders Fellowship, Diamond Hill-Jarvis High School, Fort Worth, September 21.
- Invited lecture, "The Emergence of Jim Crow," *The Gilded Age: An Institute for Texas Teachers*, **Humanities Texas**, Southern Methodist University, Dallas, June 27.
- Invited lecture, "African Americans and Latinos/as in the 1920s and 30s," *America in the 1920s and 1930s: An Institute for Texas Teachers*, **Humanities Texas**, Lyndon B. Johnson Presidential Library, and College of Liberal Arts, University of Texas, Austin, June 12.

Keynote address, “Historical Context of Educational Inequality in Texas,” *Racial Equity Summit*, Division of Equity and Excellence, Fort Worth Independent School District (co-sponsored by TCU Comparative Race and Ethnic Studies), March 24.

Keynote address, “Racial Equity in Education in Texas: Past, Present, and Future,” Teacher Waiver Day, McLean 6<sup>th</sup> Grade Center, McLean Middle School, *Fort Worth Independent School District*, and TCU Center for Public Education, February 2.

Invited lecture, “The Civil Rights Movement in Texas,” Education Service Center Region 20 and TCU Center for Texas Studies, San Antonio, January 20.

2017 Invited lecture, “Historical Context of Educational Inequality in Texas,” *Fort Worth Independent School District Racial Equity Committee*, Fort Worth, December 5.

Invited talk on *Blue Texas, Leadership ISD* Harris County Civic Leaders Fellowship, Houston, October 13.

Invited lecture, “Historical Context of Educational Inequality in Texas,” *Leadership ISD* Tarrant County Civic Leaders Fellowship, Dunbar High School, Fort Worth, September 22.

Invited lecture, “The Civil Rights Movement in Texas,” Birdville ISD and TCU Center for Texas Studies, Haltom City, Texas, August 16.

Invited lecture, “The Civil Rights Movement in Texas,” *Three Centuries of Texas History: An Institute for Texas Teachers*, **Humanities Texas** and University of North Texas, Denton, June 22.

Invited lecture, “Historical Foundations of Educational Inequality in Fort Worth and Texas,” *Urban Policy Fellowship* training week, Fort Worth, June 16.

2016 Invited lecture, “Historical Context of Educational Inequality in Fort Worth,” *Leadership ISD* Tarrant County Civic Leaders Fellowship, Lena Pope Center, Fort Worth, September 2.

Panel participant, *Teach for America Fort Worth Community Day*, training for incoming corps members, Uplift Mighty Preparatory School, Fort Worth, June 17.

# Teaching and Mentoring

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## **Courses Taught**

### University of New Orleans

HIST 4555/5555 – The Civil Rights Era  
HIST 6603 – Research in New Orleans History (spring 2023)  
JUST 7030 – Justice Studies Prospectus (fall 2023)

### Other Institutions

RI 6466X – Relaciones Internacionales México-Estados Unidos – “The Mexican American Experience,”  
Universidad Iberoamericana, Ciudad de México, 2022

CRES 30803 – TCU Justice Journey (cross-listed with HIST 30823/30833)  
CRES 40003 – Comparative Race and Ethnic Studies Capstone Seminar

HIST 10613 – U.S. History: A Survey Since 1877  
HIST 10703 – The African-American Experience Since 1619  
HIST 10713 – Multicultural America Survey  
HIST 10723 – History of Latinas/os in the United States (Fall 2022)  
HIST 30613 – History of Working People in America  
HIST 30803 – Recent U.S. Urban History: Race, Space, and Community Activism  
HIST 30813 – Oral History Field Research  
HIST 30823 – Latino/a Civil Rights Struggles, in combination with the *TCU Justice Journey*  
HIST 30833 – The Civil Rights Movement, in combination with the *TCU Justice Journey*  
HIST 49963 – History Major Seminar in U.S. History: Texas Labor Archives

HIST 70603 – Graduate Seminar: Emerging Historiography II, U.S. since 1865  
HIST 70603 – Graduate Seminar in U.S. History: Readings in Black and Latinx Civil Rights  
HIST 80603 – Research Seminar in U.S. History: 20th Century Race, Class, and Gender  
HIST 80603 – Research Seminar in U.S. History: Urban History  
HIST 80603 – Graduate Oral History Research Seminar

HNRS 20503-670 – Cultural Contact Zones: Oral History Field Research, Fall 2015  
Introduction to Oral History,” Center for Documentary Studies, Duke University, Spring 2011 (cross-listed in History).  
“The American West,” Department of History, North Carolina State University, Fall 2010.  
“Gateway Seminar: Social Movements,” Department of History, Duke University, Fall 2010.  
“Western U.S. History,” Department of History, Duke University, Summer Session Term I 2009.  
“Behind the Veil: Methods. African American Oral History and the Jim Crow South,” Center for Documentary Studies, Duke University, Spring 2009  
“Documenting and Engaging Movements for Social Change,” Duke University *DukeEngage* (experiential learning non-credit course taught in South Africa), Summer 2008, co-taught with William Chafe, Robert Korstad, and Rachel Seidman.

## **Student Advising and Mentoring**

### Current UNO M.A. Committee Membership

Jordan Hammon



Gracie Johnson  
Kristina M. Smith

Current TCU Ph.D. Advisees (as Primary Advisor / Chair)

Cecilia Sánchez Hill, entered Ph.D. program in fall 2018 (ABD)  
Justin Jolly, entered Ph.D. program in fall 2019 (preparing for exams)

Completed Doctoral Dissertations Directed (as Chair)

Moisés Acuña Gurrola, “Reform, Train, Rehabilitate: The History of Juvenile Incarceration in Texas, 1883 – 1979” (Texas Christian University, 2022). Dr. Acuña Gurrola is Assistant Professor of History, California State University, Bakersfield.  
Katherine Bynum, “Civil Rights in the ‘City of Hate’: Grassroots Organizing Against Police Brutality in Dallas, Texas, 1935-1990” (Texas Christian University, 2020). Dr. Bynum is Assistant Professor of History, Arizona State University.

Completed Master’s Degrees Directed (as Chair)

Briana Salas, 2022 (non-thesis examination)  
Brittany R. White, “*Jose Cisneros v. Corpus Christi Independent School District*: Mexican Americans, African Americans, and the Failed Promise of the Desegregation of Schools,” M.A. thesis, TCU, 2017. Winner of Distinguished Masters’ Thesis Award, TCU (campus-wide), awarded Spring 2018.  
Osmin Hernandez, “*Justicia for Santos!*: Mexican American Civil Rights and the Santos Rodríguez Affair in Dallas, Texas, 1969-1978,” M.A. thesis, TCU, 2016.  
Zachary Adams, “‘American in Name, in Deed, in Truth, and in Fact’: The Multiple Meanings of Ethnic Mexican Citizenship in the United States from 1910 to 1930,” M.A. thesis, TCU, 2012.

External Membership on Graduate Committees

Eladio Bobadilla, Ph.D., History, Duke University, 2019  
Emmet Gillespie, Ph.D., History, University of Sydney, Australia, 2019

TCU Graduate Committee Membership – Ph.D.s

Chelsea Stallings, History, TCU (in progress)  
Leah LaGrone Ochoa, History, 2021  
Tasha C. Ginn, Educational Leadership, Ed.D., TCU, 2021  
James Chase Sanchez, English (Rhetoric & Composition), TCU, 2017  
Meredith May, History, TCU, 2017  
Beth Hessel, History, TCU, 2015  
R. Jeff Wells, History, TCU, 2014  
Jensen Branscombe, History, TCU, 2013  
David Grua, History, TCU, 2013  
Joseph Stoltz, History, TCU, 2013

TCU Graduate Committee Membership – Master’s

Zsófia Hutvagner, History, TCU, 2020  
Katherine Kaitcer, History, TCU, 2020  
Janelle Montgomery, Art History, College of Fine Arts, TCU, 2017  
Nicholas Vail, History, TCU, 2016  
Joseph Schiller, History, TCU, 2016  
Richard A. Thomas, Master’s in Theology, Brite Divinity School, 2015  
Chloe Anderson, Curriculum Studies, College of Education, TCU, 2014

Jonathan Jones, History, TCU, 2013  
Scarlet Jernigan, History, TCU, 2012  
Meredith May, History, TCU, 2012  
Teresa Powers Stephenson, Curriculum Studies, College of Education, TCU, 2012

#### Undergraduate Students and Research Projects

Instructor, CRES Capstone Seminar, fall 2019  
Advisor for Comparative Race and Ethnic Studies (CRES) Major, Minor, and Emphasis students, since spring 2017  
Advised 9 undergraduate students as they completed research and websites for the *Texas Communities Oral History Project* and presented their three small-group projects at a community dinner on December 9, 2015. More than 75 people attended.  
Advised 7 History majors in completing independent research projects for the History Major Seminar. Under my supervision, all 7 students presented at the *Texas Center for Working-Class Studies* conference, Collin College, April 10, 2015.  
Provided ongoing mentoring and career/graduate school placement assistance for Adam Powell and Andrew Pennison, two history majors, and Abel Perez-Arita and Samantha Koehler, students in HIST 40873, 2015-2016.  
Provided mentoring for Kortnie Maxoutopolis and Kenneth Lott, two of my students in HIST 40873 (May 2014), as they prepared a presentation for the *Race, Ethnicity, and Place* conference.  
Provide informal advising for TCU undergraduates and recent graduates, including Caleigh Prewitt, Miles Davison, Wynton Brown, Janette Quezada, Pearce Edwards, Dillon White, Melissa Morales, and Jonathan Davis.  
Advisor for undergraduate research paper: Risa Isard, "The ALFA Female: Sexuality & Separatism, Coalition Building & Counterculture in the Atlanta Lesbian Feminist Alliance," Duke University, winner of Chester P. Middlesworth Award, David M. Rubenstein Rare Books and Manuscripts Library, Duke University, 2010-2011.

#### **Grants Received for Teaching**

Instructional Development Grant (second author to Dr. Emily Farris), TCU, 2016-2017, \$3,600, for "TCU Justice Journey: Latino/a Civil Rights Struggles."  
Creativity and Innovation in Learning Grant Program, AddRan College of Liberal Arts, TCU, 2015-16, \$2,500, for "African American Studies and Critical Race and Ethnic Studies."  
Faculty Service-Learning Grant, Center for Community Involvement and Service-Learning, TCU, 2012-2013, \$1,000.  
Faculty Service-Learning Grant, Center for Community Involvement and Service-Learning, TCU, 2011-2012, \$1,000. *Declined.*

## Service

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### Service to the Profession & Memberships

*See also, "Editing, Consulting, & Peer Reviews," above*

#### Tenure and Promotion Reviews

Texas A&M International University

SUNY – Stony Brook

Ithaca College

#### Organization of American Historians

OAH Distinguished Lecturer, 2021-

Liberty Legacy Foundation Award Committee, 2023-24

Committee on Committees, 2020-2022

Program Committee, 2021 Annual Meeting, Chicago (held virtually) / organized three sessions, including one featuring local community organizers

Candidate for Nominating Board, 2019 (not elected)

Liaison to LAWCHA, 2016-2019

#### Labor and Working-Class History Association (LAWCHA)

Editorial board of *LABOR: Studies in Working-Class History*, 2018-present

Program Committee & Liaison to Organization of American Historians, 2016-2020 / organized six sessions for 2020 OAH, two for 2019; five for 2018; two for 2017

Board of Directors, 2013-2017

Membership Committee and Texas State Organizer, 2014-2017

Program Committee, Conference at Georgetown University, May 2015

Social Media Committee, 2013-2016

Chair, Graduate Student Committee 2009-2011

Executive Secretary, 2006-2007

#### Oral History Association

Stetson Kennedy Vox Populi Award Committee, 2016-present

Diversity Committee, 2013-2016

Program Committee, 2013 Annual Meeting, Oklahoma City

Scholarships Committee, 2013

### Southern Labor Studies Association

**President, 2022-24**

Vice-President, 2021-22

Robert H. Zieger Essay Prize Committee, 2014-present

Graduate Student Workshop reviewer, 2020

Member of Executive Board, 2012-2014

Program Committee, 2013 Biennial Meeting, New Orleans

Communications Committee, 2011-2014 (developed website)

Graduate Committee Chair & Executive Board, 2009-2011

#### Texas State Historical Association

Coral Horton Tullis Memorial Prize Committee, 2018 and 2019

Organized panel for 2016 Annual Meeting, Irving

Program Committee, 2015 Annual Meeting, Corpus Christi

#### African American Intellectual History Society

American Historical Association / Pacific Coast Branch

American Studies Association

Association for the Study of African American Life and History (ASALH)

Charter Member, Dallas-Fort Worth Branch

Southern Historical Association

Texas Oral History Association  
Western History Association

### **Service to UNO**

#### Service to the Department of History

Graduate Faculty, 2022-

#### College Service

Director, Ph.D. in Justice Studies, 2022-  
COLAEHD Administrative Group (Chair's & Directors), 2022-  
Retention, Tenure, and Promotion Committee, 2022-

#### University Service

Fulbright U.S. Student Scholars Interview Panel, Fall 2022  
Advisory Committee, School of Interdisciplinary Studies, 2022-

### **Service to TCU (2011-2022)**

#### Service to the Department of History

Advisory Committee, 2021-2022  
Chair, African American History Search Committee, 2019-2020  
Graduate Committee, 2015-2019, 2020-2021  
Diversity Committee, 2017-2018  
Modern Mexico Search Committee, 2017-2018  
Borderlands History Search Committee, 2015-2016  
Dissertation Fellowship Committee, 2015  
Benjamin Schmidt Professorship in War, Conflict, and Society Search Committee, 2014-2015  
Ad Hoc Committee on the Portfolio System for Admission to Ph.D. Candidacy, 2012-2013  
Observation of graduate student instructors, 2012-2013

#### College Service

Dean's Leadership Council, School of Interdisciplinary Studies, Spring 2019-2020  
Academic / Curriculum Committee, School of Interdisciplinary Studies, Spring 2019-2020  
Administrative Fellow, Office of the Dean, AddRan College of Liberal Arts, TCU, 2016-2017  
Faculty Committee, TCU Center for Urban Studies, 2014-present  
Founder and Coordinator, Annual TCU Cesar Chavez Day Celebration, 2015-present  
---Keynote Address by John Morán Gonzalez, April 9, 2018  
---"TCU Justice Journey Student Presentations," March 29, 2017  
---*Viva Mi Historia* and *Latino Fort Worth*, March 30, 2016, in partnership with the City of Fort Worth  
---Keynote Address by Jose Angel Gutierrez, TCU, April 1, 2015  
Planning Committee for *Race, Ethnicity, and Place VII*, inter-disciplinary conference hosted by TCU's AddRan College of Liberal Arts, Fort Worth, October 2014.

#### University Service

Founding Director/Chair, Department of Comparative Race and Ethnic Studies, 2015-2020 (elevated to departmental status and housed in School of Interdisciplinary Studies, 2018-2020)  
Panelist, *Selma: Movie Screening & Discussion*, Common Reading and Schieffer College, Fall 2021  
Faculty Appeal Hearing Committee (Promotion), Fall 2021

Peer reviewer, Race Relations Initiative Draft Report, Spring 2021.  
Faculty Advisory Board, Ronald E. McNair Post-Baccalaureate Achievement Program, starting spring 2020  
Diversity, Equity, and Inclusiveness (DEI) Committee, 2016-2019  
Selection Committee, inaugural Associate Vice-Provost and Dean, School of Interdisciplinary Studies, 2018.  
Interdisciplinary Studies Task Force, 2017-2018  
DEI Sub-Committee on Faculty and Staff Recruitment and Retention, 2016-2019  
DEI Sub-Committee on Curriculum, 2017-2019  
DEI Sub-Committee on Bias Response Team, 2016-2017  
Ad Hoc Committee on Status of Research, 2016-2018  
Instructional Development Grant Committee, 2014-2017  
Faculty Senate, 2014-2017  
Faculty Relations Committee, 2014-2017  
TCU Diversity Commission, 2015-2016, and co-chair of its Curriculum Committee  
Honors College Lecturer Search Committee, Spring 2016  
Featured in TCU “Dreamers, Doers, and Trailblazers” marketing campaign, 2015-2016  
Planned campus visit of Heather Ann Thompson, sponsored by Honors College, April 2015.  
Honors College Thesis Preparation Course Curriculum Committee, 2015 (spring and fall)  
Search Committees, Associate Director, Center for Community Involvement and Service Learning, Division of Student Affairs, Fall 2012 (failed) and Spring-Summer 2013 (successful).  
Faculty participant / interviewer in Search for Director, TCU Leadership Center, Student Development Services, Division of Student Affairs, August 2012.  
Diversity Commission, Division of Student Affairs, 2011-2012  
Service-Learning Quality Enhancement Plan Proposal Committee, 2011-2012

### **Community Service & Consulting**

United Fort Worth (grassroots immigrant rights, decarceration / criminal justice reform, and civic empowerment organization), active since founding, 2017-2022  
Tarrant 4 Change, Founding Board Member, 2022  
Fort Worth Independent School District Racial Equity Committee, 2016-2021 (co-chair, 2017-21).  
Advisory Council, Fund to Advance Racial Equity, North Texas Community Foundation, 2020-2022  
Historians of Latino Americans (HOLA) Tarrant County, founding member, 2019-2022  
Cesar Chavez Committee of Tarrant County, 2013-2022  
Board of Directors, People’s History in Texas, Inc., Austin, 2013-present  
Tarrant County Black Historical & Genealogical Society, member, 2012-2022  
Department of Diversity & Inclusion (previously Human Relations Unit), City of Fort Worth, consultant and researcher, panelist for *Movies that Matter* film screenings, 2013-2022  
National Association for the Advancement of Colored People, member, 2011-present

### **Previous Professional Experience**

Graduate Student Instructor and Adjunct Professor, Center for Documentary Studies and Department of History, Duke University, 2009-2011 (four courses as instructor of record)  
Lecturer, North Carolina State University, Raleigh, 2010 (one course)  
On-the-Ground Coordinator, “Documenting and Engaging Movements for Social Change,” *DukeEngage* program in South Africa, Duke University, 2010  
Research Associate, *Behind the Veil: Documenting African American Life in the Jim Crow South*, Center for Documentary Studies, Duke University, 2007-2010  
Labor and Working-Class History Association (LAWCHA), Executive Secretary, 2006-2007  
Political Action Organizer, Service Employees International Union (SEIU) Research Department (contracted through Prewitt Organizing Fund), 2006

Worksite Organizer, SEIU Local 715 (now 521), San Jose, California, 2004-2005

Organizer, SEIU Local 250 (now UHW), Oakland, San Jose, and Salinas, California, 2003

Organizing Intern, SEIU Local 415 (now 521), Santa Cruz, California, 2003

Intern / Researcher, *Federación Nacional de Campepsinos e Indígenas Libres del Ecuador* (Ecuadorian Banana Workers' Union *FENACLE*), Guayaquil, Ecuador, 2002

**Appendix B - Table summarizing several facets of redistricting process used by County Commissioners Court.**

<u>Year</u>	<u>Adopted Criteria?</u>	<u>Adopted Timeline?</u>	<u>Held Public Hearings?</u>	<u>Vote</u>	<u>Attorney General's Response</u>
1981	Unknown	Unknown	One, held after maps were created outside public meetings and held immediately before vote	5-0	No objection
1991	Yes	Yes	Three, one at Courthouse, two at College of the Mainland	4-0 on CC (Holbrook note voting) 4-1 on JP (Johnson opposed)	No objection  Objected, then court ordered settlement
2001	Yes	Yes	Four, in League City, Santa Fe, College of Mainland, and Courthouse	4-1 on CC (Clark opposed) 5-0 on JP	No objection  No objection
2011	No	Yes, but delayed and rushed	Five, in League City, Santa Fe, Crystal Beach, TX City, Courthouse	3-2 (Holmes and Doyle opposed)	Objection, followed by settlement #2 approved by 3-2 vote
2013	No	No	None	4-1 (Holmes opposed)	
2021	No	No	None; only public comment held at time of vote, at auxiliary courthouse in League City	4-1 (Holmes opposed)	

# **Exhibit 11**



10:11



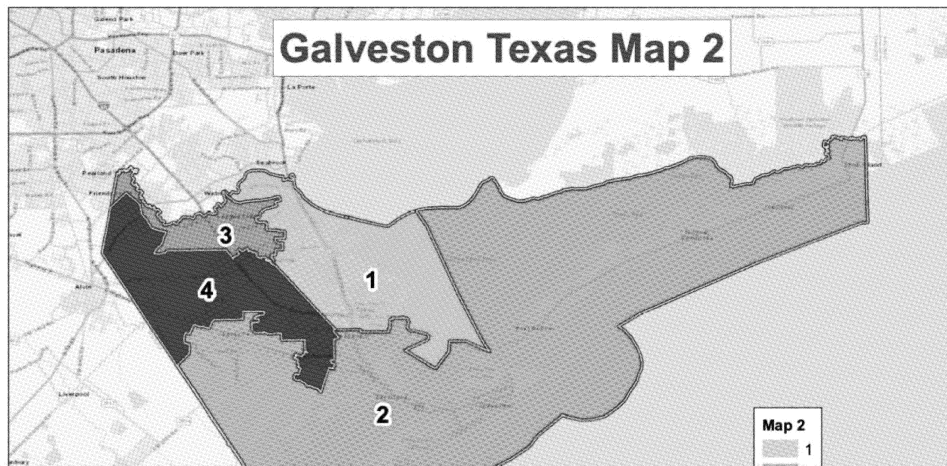
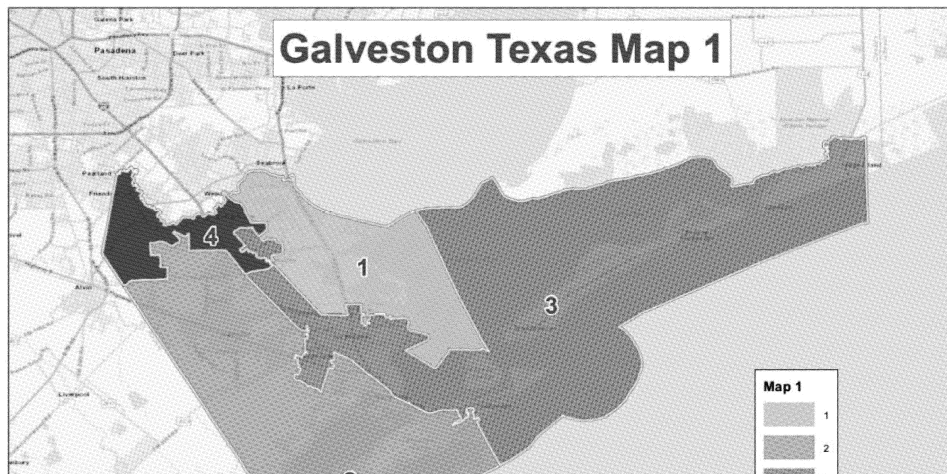
**Judge Mark Henry**

Oct 29, 2021 · 🌐



Galveston County Commissioners Court will be voting on new commissioner precincts in the coming weeks. The public comment period on the proposed maps is now open and you can submit your comments by visiting [www.galvestoncountytexas.gov/our-county/county-judge/redistricting](http://www.galvestoncountytexas.gov/our-county/county-judge/redistricting).

Please submit your support for proposed map #2. This map creates a much-needed coastal precinct. Having a coastal precinct will ensure that those residents directly along the coast have a dedicated advocate on Commissioners Court.



Write a comment...



Home



Watch



Marketplace



Profile



Notifications



Menu

# Exhibit 12

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, )  
et al., )  
 )  
Plaintiffs, )  
 ) Case No. 3:22-cv-00057  
v. )  
 )  
GALVESTON COUNTY, et al., )  
 )  
Defendants. )

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REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
DWIGHT SULLIVAN  
DECEMBER 20, 2022

\*\*\*\*\*

1            REMOTE ORAL AND VIDEOTAPED DEPOSITION OF DWIGHT  
2            SULLIVAN, produced as a witness at the instance of the  
3            Plaintiffs, and duly sworn, was taken remotely in the  
4            above-styled and numbered cause on the 20th day of  
5            December, 2022, from 9:10 a.m. to 5:22 p.m. Central  
6            Standard Time, via Zoom, before Julie C. Brandt, RMR,  
7            CRR, and CSR in and for the State of Texas, reported by  
8            machine shorthand in Fort Worth, Texas, with the witness  
9            located in Galveston, Texas, pursuant to the Federal  
10           Rules of Civil Procedure and the provisions stated on  
11           the record or attached hereto.

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1 REMOTE APPEARANCES

2 FOR THE PLAINTIFFS:

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bruce.gear@usdoj.gov  
20 catherine.meza@usdoj.gov

21 ALSO PRESENT:

22 George Libbares - Veritext Concierge  
23 Austin Redcay - Veritext Videographer  
24  
25

1 70 days.

2 Q. Okay.

3 A. Because we have to publish notice, have public  
4 testing, send proofs out to the parties to check it, and  
5 then they have to be finished no later than 45 days  
6 before the election.

7 Q. Okay.

8 A. Finalized, should I say, yeah.

9 Q. Are you aware -- I'm sorry.

10 What sorts of changes did the adoption of map  
11 proposal 2 require your office to make?

12 A. Well, the first one that comes to mind would  
13 be voting locations, to make sure that we have adequate  
14 numbers of locations per commissioner precinct so that,  
15 say, number 4 didn't have half as many as number 1 or  
16 more than double any other precinct.

17 Q. Got it.

18 Any other changes that your office would have  
19 to make?

20 A. I guess, if the -- well, we reprogram our  
21 ballot every single time. So whether it's map 2 or 4 or  
22 6, we would reprogram it every time anyway. So there's  
23 no static data; we just get the updated information in  
24 the system and program based on that.

25 Q. Okay. Are you aware of anyone supporting the

1 creation of having one coastal precinct as a rationale  
2 to add Bolivar Peninsula to Galveston island in one  
3 precinct?

4 A. No.

5 Q. So you're not aware of this coastal precinct  
6 rationale in general?

7 A. As far as the rationale and theory behind it,  
8 no, I'm not. No, I don't know anything about that.

9 Q. Okay. Do you know who was involved in the  
10 reprecincting following -- following the map 2 proposal?

11 A. No, I don't.

12 Q. Okay. Has Commissioner Apffel or his staff  
13 ever asked you to make changes to precinct lines?

14 A. No.

15 Q. Has Commissioner Giusti or his staff ever  
16 asked you to make changes to precinct lines?

17 A. No.

18 Q. How about Commissioner Holmes?

19 A. No.

20 Q. And Commissioner Armstrong?

21 A. No.

22 Q. And the late Commissioner Clark, Ken Clark?

23 A. No.

24 Q. And how about Judge Henry?

25 A. No.



# **Exhibit 13**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, §  
et al., §  
Plaintiffs, §  
§  
§ CIVIL ACTION  
VS. § NO. 3:22-cv-00057  
§  
GALVESTON COUNTY, et al. §  
Defendants. §

-----  
ORAL AND VIDEOTAPED DEPOSITION OF  
CHERYL JOHNSON  
FEBRUARY 28, 2023  
-----

ORAL AND VIDEOTAPED DEPOSITION of CHERYL JOHNSON,  
produced as a witness at the instance of the Plaintiff(s)  
and duly sworn, was taken in the above-styled and  
numbered cause on February 28, 2023, from 9:10 a.m. to  
5:28 p.m., before Molly Carter, Certified Shorthand  
Reporter in and for the State of Texas, reported by  
machine shorthand, with all attendees appearing remotely,  
pursuant to the Federal Rules of Civil Procedure.

1 A P P E A R A N C E S

2  
3 FOR THE NAACP PLAINTIFF(S):

4 Ms. Kathryn Carr Garrett

5 Ms. Molly Linda Zhu

6 Mr. Andrew Silberstein

7 Mr. Richard Mancino

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Mr. Mateo Forero  
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2300 North Street NW, Suite 643  
Washington, DC 20037  
(202) 868-9709  
mforero@holtzmanvogel.com

ALSO PRESENT:

Mr. Christopher Archie, Videographer  
Mr. Thomas Munk, Concierge Tech  
Ms. Samantha Perlman, Legal Intern

1 when you asked Kristi Saludis, "Is that meeting in League  
2 City?"

3 A Yes.

4 Q Why did you ask whether the meeting was in  
5 League City?

6 A The county commissioners meet typically in the  
7 county courthouse on the island. They frequently hold  
8 special called meetings in League City, the League City  
9 Annex Building. And so without having seen that agenda,  
10 I would not know -- have known where the meeting was to  
11 be held.

12 Q Did you think it might be held in Galveston in  
13 the courthouse?

14 A On Fridays, they rarely drive to Galveston  
15 Island. They're frequently in League City if they have a  
16 meeting outside of the regularly scheduled meetings.

17 Q Are special meetings always held in League  
18 City?

19 A No, sir.

20 Q Can they be held in other -- or can they be  
21 held in Galveston, in the courthouse in Galveston?

22 A Yes.

23 Q In any other location that you're aware of?

24 A I -- I don't know that they ever have, and I'm  
25 not aware -- I don't know why they could not. They have

1 the renovation's underway, a far less comfortable space.

2 Q In which of the locations that you just  
3 described is the one on Calder Road?

4 A They're both on Calder Road.

5 Q Oh, okay. Do you happen to know -- scratch  
6 that.

7 Have you ever attended a commissioners court  
8 meeting at the courthouse in Galveston?

9 A Yes, I have.

10 Q Can you describe that meeting space?

11 A They actually have a formal courtroom-type  
12 setting with a dais where they sit, speakers, seating.  
13 Since COVID, half the amount of seating. That they have  
14 a lot of audiovisual equipment there that makes it really  
15 comfortable for people, good sound equipment, so forth.

16 Q And that audiovisual equipment is not available  
17 in League City?

18 MS. OLALDE: Objection, calls for speculation,  
19 also overbroad.

20 Go ahead.

21 A I believe that IT brings that -- that equipment  
22 with them and sets it up.

23 Q (By Mr. Newkirk) Did you ever learn about the  
24 size of the attendance at the November 12th special  
25 session when the commissioners court maps -- map was

# Exhibit 14



# The State of Texas



Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.texas.gov

Phone: 512-463-5650  
Fax: 512-475-2811  
Dial 7-1-1 For Relay Services  
(800) 252-VOTE (8683)

John B. Scott  
Secretary of State

## **ELECTION ADVISORY** **NO. 2021-14**

TO: All Election Officials

FROM: Keith Ingram, Director of Elections

DATE: November 1, 2021

RE: Impact of Redistricting on Certain Election Deadlines and Procedures

---

On October 25, 2021, Governor Greg Abbott signed Senate Bill 4, Senate Bill 6, Senate Bill 7, and House Bill 1, adopting new redistricting maps for the U.S. House of Representatives, Texas Senate, Texas House of Representatives, and State Board of Education. Pursuant to Senate Bill 13 (87th Leg., 2d C.S.), because these redistricting plans were passed by the Legislature and signed by the Governor before November 15, 2021, the 2022 primary and primary runoff elections are still scheduled to occur on March 1, 2022 and May 24, 2022, respectively.

Due to delays in the U.S. Census Bureau releasing 2020 Census data to the States for redistricting purposes, the timeline for undertaking redistricting in Texas was modified this year. Recognizing these delays, SB 13 authorizes the Secretary of State to adjust the schedules for performing any official act relating to the 2022 election cycle "as necessary for the efficient and orderly administration of the election."

This advisory will provide relevant dates and deadlines that have been adjusted in accordance with SB 13 to effectuate legislative redistricting plans. Additionally, this advisory will highlight certain provisions for county officials to consider when redrawing their county election precincts following the adoption of legislative redistricting plans.

### **Effects of Redistricting on District-Level Offices**

#### **Congressional, State Legislature, and State Board of Education Districts**

The new district lines established for the U.S. House of Representatives, Texas Senate, Texas House of Representatives, and State Board of Education will be used for the primary, primary runoff, and general elections in 2022. Individuals elected to office in November 2022 will represent the newly configured districts when they are sworn into office in January 2023. **The candidate-filing period for these offices begins on November 13, 2021 and ends at 6:00 p.m. on December 13, 2021.** (Section 172.023, Election Code).

## **Effects of Redistricting on County-Level Offices**

The county commissioners court is the entity charged with redistricting at the county level.

### **County Commissioner Precincts**

Article V, Section 18(b) of the Texas Constitution requires each county to be divided into four commissioner precincts. One commissioner is elected from each precinct. There is no statutory deadline for the commissioners court to reapportion precinct lines. However, commissioners precincts must be redrawn as necessary to maintain a substantially equal population within the four precincts. *Avery v. Midland County*, 390 U.S. 474 (1968). Therefore, each county commissioners court must order any necessary changes to the county commissioner precinct lines in light of 2020 census figures no later than **November 13, 2021**, the first day of the candidate-filing period for the primary election.

### **Constable/Justice of the Peace Precincts**

Article V, Section 18(a) of the Texas Constitution uses the census figures to set population ranges to determine the number of constable and justice of the peace precincts in a county. For example, a county with a population of 50,000 or more, according to the most recent census, must be divided into not less than four and not more than eight precincts. Tex. Const. art. V, § 18(a). Any changes to constable/justice of the peace precinct lines must be ordered no later than **November 13, 2021**, the first day of the candidate-filing period for the primary election.

### **Impacts on Candidate Filings and Existing Terms of Office**

Section 81.021(a) of the Texas Local Government Code provides that for changes in commissioner or justice precincts ordered by a commissioners court, an election for precinct office occurring after the date that the order is issued but before the effective date of the change in boundaries shall be held in the precincts as they will exist on that effective date. A person who has resided in the area included in a new precinct for the period required for eligibility to hold office is not made ineligible on the ground that the precinct has not existed for that period.

Section 81.021(b) of the Texas Local Government Code provides that the term of office of a commissioner, justice of the peace, or constable who holds office at the time a change in precinct boundaries becomes effective is not affected by the change, regardless of whether the change places the officer's residence outside the precinct for which the officer was elected. The officer is entitled to serve for the remainder of the term to which the officer was elected.

## **Redistricting for Local Political Subdivisions**

Redistricting also may be necessary to maintain a substantially equal population between single-member districts within local political subdivisions such as cities and school districts. The timelines for completing redistricting may vary depending on the local political subdivision. For example, see Section 26.044 of the Texas Local Government Code, Sections 11.052 and 11.053 of the Texas Education Code, and various other special law district provisions.

Additionally, Section 276.006 of the Texas Election Code provides that a change in a boundary of a territorial unit of a political subdivision other than a county is not effective for an election unless the date of the order adopting the boundary change is made more than three months before election day. Local political subdivisions should be mindful of this requirement when planning their redistricting process.

### **Notice to County Election and Voter Registration Officials of District Changes**

Section 42.0615 of the Texas Election Code provides that a political subdivision that changes its boundaries or the boundaries of districts used to elect members to the governing body of the political subdivision shall not later than the 30th day after the date the change is adopted: (1) notify the voter registrar of the county in which the boundary change occurs; and (2) provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the voter registrar's office.

### **Effects of Redistricting on County Election Precincts**

The county election precinct is the basic electoral unit. Sections 42.005, 42.006, and 42.007 of the Texas Election Code govern the composition of county election precincts.

Section 42.005, referred to as the "officer line rule," provides that county election precincts may not contain territory from more than one commissioners precinct, justice precinct, congressional district, state representative district, state senatorial district, or State Board of Education district.

Section 42.006 provides population requirements related to the number of registered voters that may be contained within a voter registration precinct. Generally, a precinct must contain at least 100 but not more than 5,000 registered voters. In a county with a population under 100,000, the minimum number of registered voters that a precinct may contain is 50. However, in a county with a population under 50,000, a county election precinct may contain fewer than 50 registered voters if the commissioners court receives a written petition, signed by at least 25 registered voters of the county, requesting establishment or continuation of the precinct. When computing the number of registered voters in a precinct, voters on the suspense or "S" list shall be excluded in determining population limits (but these voters remain registered voters within the precinct).

Section 42.007 provides that a commissioners court may not establish a county election precinct containing territory inside a city with a population of 10,000 or more and unincorporated territory outside that city unless the commissioners court determines that either of the two areas: (1) cannot constitute a separate election precinct of suitable size or shape that contains the permissible number of voters; or (2) cannot be combined with other territory on the same side of the city boundary to form an election precinct of a suitable size or shape that contains the permissible number of voters without causing another election precinct to fail to meet those requirements.

With this year's changes to legislative and State Board of Education districts, election precinct boundaries in some counties may have to be adjusted pursuant to Section 42.005. Section 42.005(b) provides that if the application of Section 42.005 conflicts with

the population requirements set forth in Section 42.006, the requirements of Section 42.005 prevail.

## **Deadline for Ordering County Election Precinct Changes**

Section 42.032 of the Texas Election Code requires that any changes to a county election precinct that are necessary to give effect to a state redistricting plan must be ordered by the commissioners court before October 1 of the year in which the redistricting was done. Because state redistricting plans were adopted after October 1, 2021, the Secretary of State must adjust this deadline in accordance with SB 13. The deadline must allow counties sufficient time to redraw their precinct lines, complete programming and testing of their primary election ballot, and meet federal requirements regarding the mailing of ballots to overseas and military voters.

**To meet these deadlines associated with the March 1, 2022 primary election, all commissioners courts must order changes to boundary lines of county election precincts no later than December 30, 2021.**

## **Effective Date of Boundary Change**

Section 42.033 of the Texas Election Code provides that a change in a county election precinct boundary takes effect on the first day of the first even-numbered year following the voting year in which the change is ordered. Accordingly, all county election precinct boundary changes take effect January 1, 2022.

## **Notice Requirements Related to Precinct Boundary Changes**

### **Notice Requirements for All Counties**

Beginning with the first week following the week in which an order changing a county election precinct boundary is adopted, the commissioners court shall publish notice of the change in a newspaper in the county once a week for three consecutive weeks, and must publish notice on the county's Internet website for three consecutive weeks. The notice must include a brief, general description of the boundary change. (Section 42.035).

### **Notice Requirements for Counties with a Population of 1 Million or More**

There are additional notice requirements that counties with a population of 1 million or more must meet before and after the adoption of a change in a county election precinct. (Section 42.036).

- **Notice of Proposed Change:**
  - **Timing of Notice:** Not later than the seventh day before the date of the commissioners court meeting at which the proposed change will be considered, the commissioners court shall deliver written notice of the proposed change to certain individuals.
  - **Parties Receiving Notice:**
    - The county chair of each political party that held a primary election in the county in 2020;
    - The political party's precinct chair of each affected election precinct; and

- The presiding judge appointed by the commissioners court for each affected election precinct.
  - **Contents of Notice:** The notice must describe the proposed change in brief, general terms; identify the precincts to be affected by the proposed change; and state the date, hour, and place of the meeting.
- **Notice of Order Making Boundary Change:**
  - **Timing of Notice:** Not later than the seventh day after the date the order is adopted changing a county election precinct boundary, the commissioners court shall deliver written notice of the order to certain individuals.
  - **Parties Receiving Notice:**
    - The county chair of each political party that held a primary election in the county in 2020;
    - The political party's precinct chair of each affected election precinct; and
    - The presiding judge appointed by the commissioners court for each affected election precinct.
  - **Contents of Notice:** The notice of an order making a boundary change must describe the change in brief, general terms and identify the changed precincts. As an alternative, the notice to the county chair may be a copy of the order, and the notice to a precinct chair or presiding judge may be a copy of the portion of the order affecting the precinct served by that person.

### **Notice to Voter**

Section 15.027 of the Texas Election Code provides that before the effective date of an abolishment of a county election precinct or a change in its boundary, the voter registrar shall deliver written notice of that action to each affected registered voter. Notice may be provided to a voter by issuing a new voter registration certificate during the time prescribed for the mailing of renewal certificates under Section 14.001 and as indicated in this advisory.

## **Notice to the Secretary of State**

### **Public Notice of Order Changing Precinct Boundary Lines**

The county clerk (or elections administrator, if applicable) shall deliver a copy of the public notice of the change in precinct boundary lines required under Section 42.035 to the Secretary of State not later than the 20th day after the date the order changing the boundary is adopted. This order may be submitted to the Secretary of State via email at [elections@sos.texas.gov](mailto:elections@sos.texas.gov). (Section 42.035(d)).

### **Filing Map of Precinct Boundary Changes with the Secretary of State**

Not later than the 120th day after the date an order changing a county election precinct boundary is adopted, the county clerk (or elections administrator, if applicable) shall deliver to the Secretary of State a map depicting the affected precinct's boundary as changed and showing the number of the precinct. The Secretary of State shall retain each map for 10 years after receipt. After that period, the map will be transferred to the state library. The state librarian shall retain the map for 20 years after receipt. (Section 42.037).

## **Notice to Voter Registrar**

The commissioners court shall deliver a certified copy of an order changing a county election precinct boundary to the voter registrar not later than the seventh day after the date the order is adopted. (Section 42.034).

## **Voter Registration Certificates**

Section 15.001(a)(16) of the Texas Election Code requires that a voter registration certificate contain jurisdictional information for city and school district election precincts. However, not all entities have single-member districts or territorial units. At a minimum, identifying the name of the city or school district as a whole on the voter registration certificate meets this requirement in Section 15.001(a)(16). Entities that have single-member districts should work with their county voter registrar to determine the information that the county will need for the certificate.

If a local political subdivision conducts redistricting after a county has issued their voter registration renewal certificate, the entity needs to provide that updated information to the county in order to ensure that the county is able to provide an official list of registered voters in time for the entity's next election. (Section 18.001). Single-member district designations are not strictly required for a voter registration certificate. A county may—but is not required to—send a new voter registration certificate due to a change in the single-member district of a city or school district. Cities or schools that have a change in single-member district boundaries should notify voters of any single-member district boundary or number changes.

Section 14.001 of the Texas Election Code requires the voter registrar to issue a voter registration certificate to each registered voter of the county between November 15 and December 6 of each odd-numbered year. As a result of redistricting delays, renewal certificates **should not** be mailed out during this timeframe. Under SB 13, the Secretary of State must adjust this deadline to allow county election and voter registration officials sufficient time to implement boundary changes in county election precincts. **Therefore, the voter registration renewal certificates shall be mailed to all voters in the county in active status whose registration is effective on December 31, 2021, between January 1, 2022 and January 12, 2022.**

We hope you find this information helpful. Please contact us at 1-800-252-VOTE(8683) if you have any questions.

KI:CA

# **Exhibit 15**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

---

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

---

DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117



<i>Plaintiffs,</i>	§
	§
v.	§
	§
GALVESTON COUNTY, TEXAS,	§
HONORABLE MARK HENRY, in	§
his official capacity as Galveston	§
County Judge, and DWIGHT D.	§
SULLIVAN, in his official capacity as	§
Galveston County Clerk	§
	§
<i>Defendants.</i>	§

**DECLARATION OF JONATHAN D. BROOKS**

I, Jonathan D. Brooks, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I make this declaration based on my personal knowledge of the above-referenced action and in connection with the United States’ Reply in Opposition to Defendants’ Motion for Summary Judgment.
2. I am a geographer in the Office of Litigation Support Services of the Civil Rights Division at the United States Department of Justice. As a geographer, I provide geographic information systems (GIS) support for ongoing matters and litigation. I have served in that capacity for the Department for 29 years.
3. On May 26, 2023, I processed two sets of shapefiles that Defendants produced during discovery for this case.
4. From the first set of shapefiles, I created a geospatial rendering of the redistricting plan for the Galveston County Commissioners Court that was in place from 2012 to 2021 and generated reports reflecting the related demographic data. Attached

hereto as Appendix A are true and correct copies of that rendering and the corresponding demographic data report.

5. From the second set of shapefiles, I created a geospatial rendering of the redistricting plan for the Galveston County Commissioners Court that was adopted in November 2021 and generated reports reflecting the related demographic data. Attached hereto as Appendix B are true and correct copies of that rendering and the corresponding demographic data report.

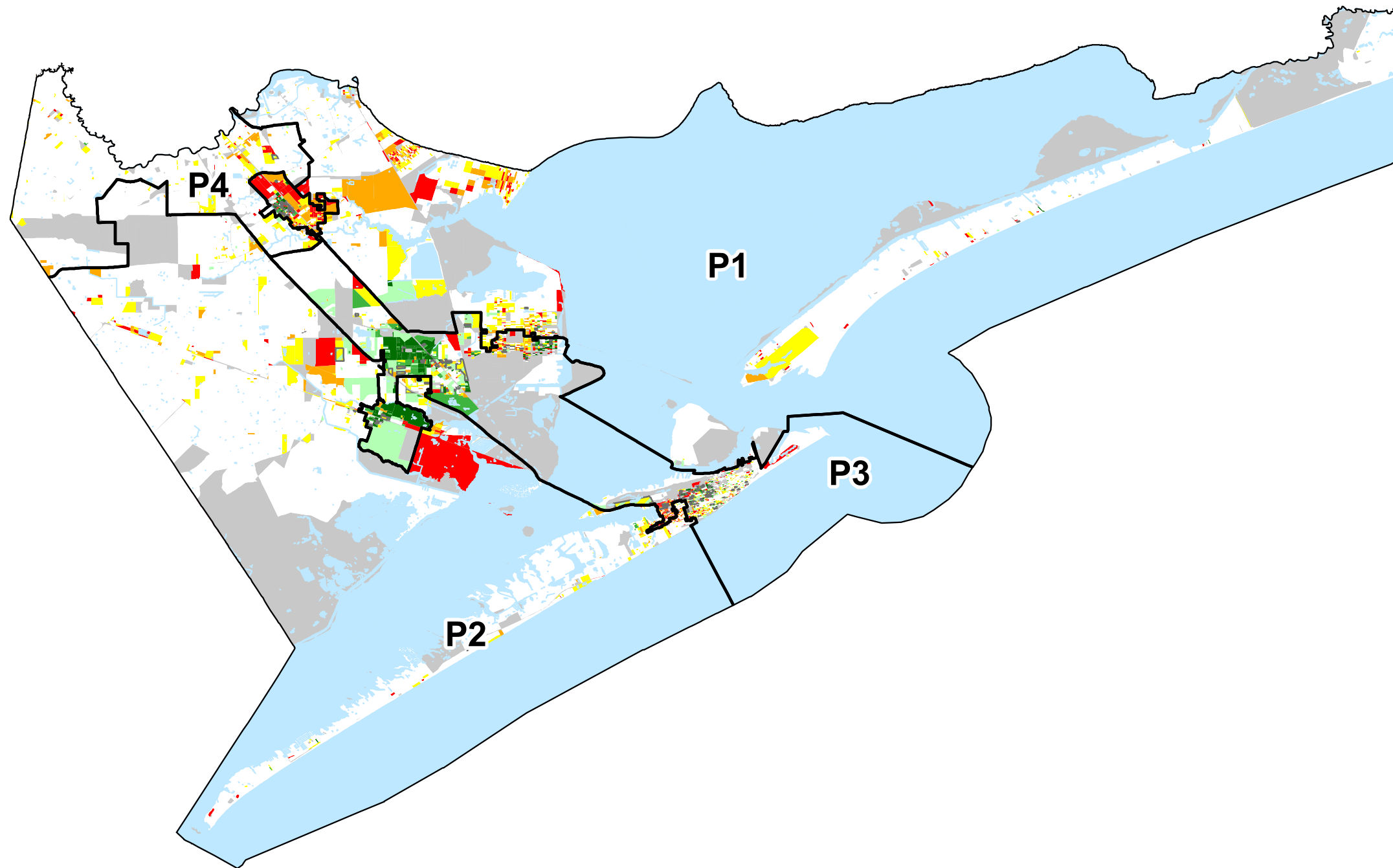
I declare under penalty of perjury that the forgoing is true and correct.

Executed on this the 31st day of May 2023.

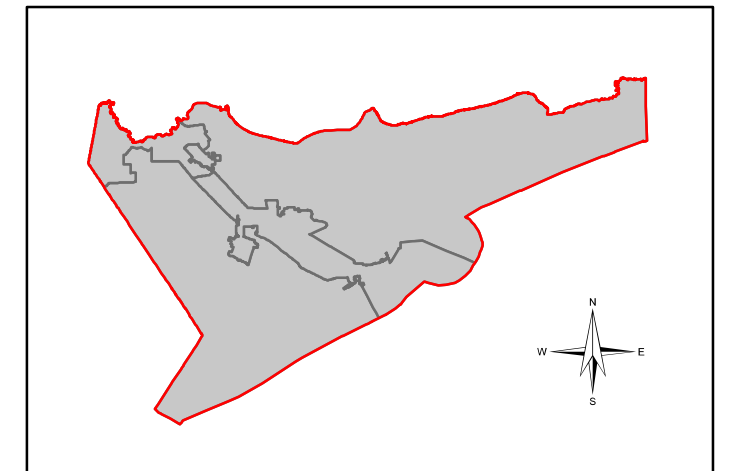
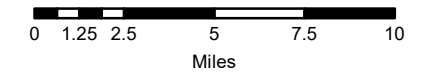
/s/ Jonathan D Brooks  
JONATHAN D. BROOKS

# Appendix A

# Galveston County, Texas Commissioners Court (2012-2021)



- All Districts
- Water Bodies
- BLACKNHP**
  - <= 35%
  - >35% and <=50%
  - >50% and <=65%
  - >65%
  - Unpopulated
- TOTALHISPP**
  - <= 35%
  - >35% and <=50%
  - >50% and <=65%
  - >65%
  - Unpopulated



Prepared by:  
U.S. Department of Justice  
Civil Rights Division  
Washington, D.C. 20530

05/26/2023

## Previous Galveston County, Texas Commissioners Court Plan - All Precincts Population Report

Precinct Name	P1
Total Population	85,408
Total Population 18+	65,748
Deviation	-2,262
Dev. %	-2.58
Discrepancy	

	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	22,280	63,128	50,769	6,491	1,505	3,056	75	966	266
Total %	26.09	73.91	59.44	7.60	1.76	3.58	0.09	1.13	0.31
Total18+	14,934	50,814	41,774	4,583	1,187	2,365	54	709	142
Total18+ %	22.71	77.29	63.54	6.97	1.81	3.60	0.08	1.08	0.22

Precinct Name	P2
Total Population	95,596
Total Population 18+	73,739
Deviation	7,926
Dev. %	9.04
Discrepancy	

	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	21,319	74,277	58,916	8,608	1,588	3,695	121	1,007	342
Total %	22.30	77.70	61.63	9.00	1.66	3.87	0.13	1.05	0.36
Total18+	14,634	59,105	47,895	6,031	1,280	2,846	87	744	222
Total18+ %	19.85	80.15	64.95	8.18	1.74	3.86	0.12	1.01	0.30

Precinct Name	P3								
Total Population	79,931								
Total Population 18+	61,278								
Deviation	-7,739								
Dev. %	-8.83								
Discrepancy									

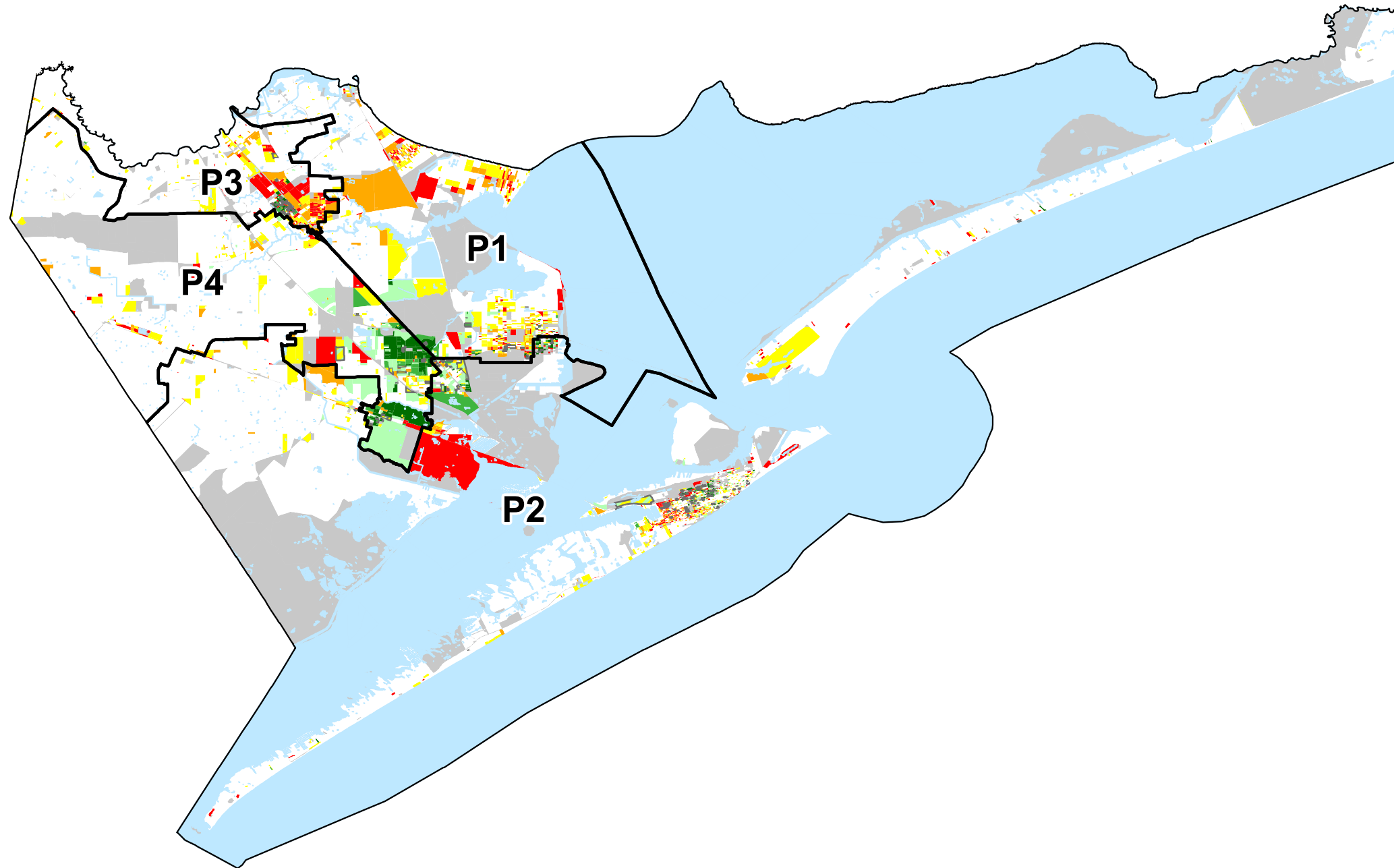
	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	27,129	52,802	24,010	25,143	965	1,516	83	638	447
Total %	33.94	66.06	30.04	31.46	1.21	1.90	0.10	0.80	0.56
Total18+	18,741	42,537	20,755	18,869	824	1,251	67	452	319
Total18+ %	30.58	69.42	33.87	30.79	1.34	2.04	0.11	0.74	0.52

Precinct Name	P4								
Total Population	89,747								
Total Population 18+	66,617								
Deviation	2,077								
Dev. %	2.37								
Discrepancy									

	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	17,908	71,839	57,663	5,395	1,328	5,947	90	1,109	307
Total %	19.95	80.05	64.25	6.01	1.48	6.63	0.10	1.24	0.34
Total18+	11,850	54,767	44,596	3,858	999	4,268	67	807	172
Total18+ %	17.79	82.21	66.94	5.79	1.50	6.41	0.10	1.21	0.26

# Appendix B

# Galveston County, Texas Commissioners Court (Adopted November 12, 2021)



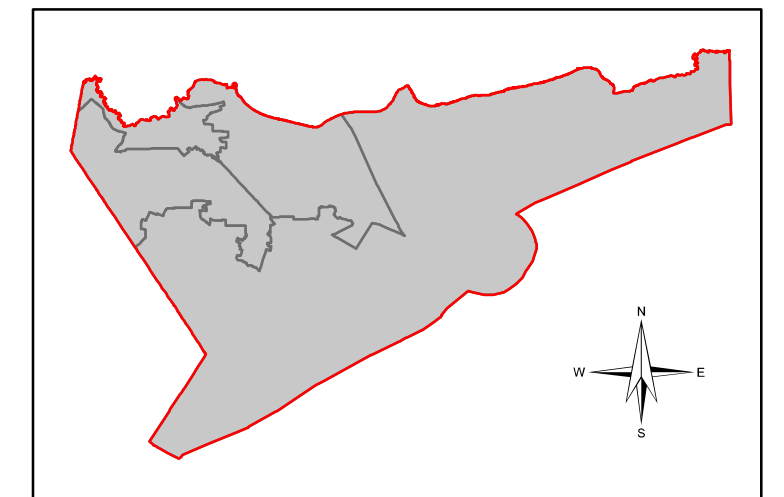
□ All Precincts  
□ Water Bodies

### BLACKNHP

≤ 35%  
>35% and ≤50%  
>50% and ≤65%  
>65%  
Unpopulated

### TOTALHISPP

≤ 35%  
>35% and ≤50%  
>50% and ≤65%  
>65%  
Unpopulated



Prepared by:  
U.S. Department of Justice  
Civil Rights Division  
Washington, D.C. 20530  
05/26/2023



## Adopted Galveston County, Texas Commissioners Court Plan - All Precincts Population Report

Precinct Name	P1								
Total Population	87,689								
Total Population 18+	66,641								
Deviation	19								
Dev. %	0.02								
Discrepancy									
	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	24,445	63,244	48,169	9,342	1,429	2,994	73	962	275
Total %	27.88	72.12	54.93	10.65	1.63	3.41	0.08	1.10	0.31
Total18+	16,404	50,237	39,306	6,613	1,128	2,291	53	698	148
Total18+ %	24.62	75.38	58.98	9.92	1.69	3.44	0.08	1.05	0.22
Precinct Name	P2								
Total Population	87,697								
Total Population 18+	71,389								
Deviation	27								
Dev. %	0.03								
Discrepancy									
	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	22,725	64,972	47,460	12,663	1,437	2,171	96	820	325
Total %	25.91	74.09	54.12	14.44	1.64	2.48	0.11	0.94	0.37
Total18+	16,431	54,958	41,421	9,511	1,236	1,838	78	646	228
Total18+ %	23.02	76.98	58.02	13.32	1.73	2.57	0.11	0.90	0.32

Precinct Name	P3								
Total Population	88,111								
Total Population 18+	64,704								
Deviation	441								
Dev. %	0.50								
Discrepancy									
	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	22,573	65,538	50,534	6,895	1,339	5,276	100	1,040	354
Total %	25.62	74.38	57.35	7.83	1.52	5.99	0.11	1.18	0.40
Total18+	14,908	49,796	38,952	4,959	993	3,839	75	771	207
Total18+ %	23.04	76.96	60.20	7.66	1.53	5.93	0.12	1.19	0.32

Precinct Name	P4								
Total Population	87,185								
Total Population 18+	64,648								
Deviation	-485								
Dev. %	-0.55								
Discrepancy									
	TOTALHISP	TOTALNH	WHITENH	BLACKNH	AIANNH	ASIANNH	HPINH	OTHERNH	MLTMNNH
Total	18,893	68,292	45,195	16,737	1,181	3,773	100	898	408
Total %	21.67	78.33	51.84	19.20	1.35	4.33	0.11	1.03	0.47
Total18+	12,416	52,232	35,341	12,258	933	2,762	69	597	272
Total18+ %	19.21	80.79	54.67	18.96	1.44	4.27	0.11	0.92	0.42

# **Exhibit 16**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONRABLE  
DERRICK ROSE, MICHAEL MONTEZ,  
SONNY JAMES, and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS and  
HONRABLE MARK HENRY, in his official  
capacity as Galveston County Judge,

Defendants.

Case No. 3:22-cv-57

**EXPERT REPORT OF DR. MARK OWENS**

(amended from March 17, 2023)



March 31, 2023

I am a tenured associate professor of Political Science at The University of Texas at Tyler. In the seven years I have taught at UT Tyler, I have taught courses on Congress, voting behavior, state politics, and research methods at the undergraduate and graduate level. I have authored numerous journal articles on legislative politics and social behavior, which can be found in *American Political Research*, *Legislative Studies Quarterly*, *Social Sciences Quarterly*, and other academic journals. I also co-authored a recent book, *Battle for the Heart of Texas*, about the changing preferences of voters in Texas and the increasing civic engagement of Hispanic voters. A full list of my qualifications and publications are available in my CV as Exhibit A.

I have also provided expertise relevant to the 2021 redistricting cycle on three occasions. I used Maptitude GIS software to help a non-profit organization in the state of Oklahoma prepare districting plans of state and federal legislative offices for public submission. I submitted an analysis of whether racially polarized voting was occurring in *Black Voters Matter Capacity Building Institute, Inc., et al. v. Laurel Lee*, No. 2022 CA 066, before the Circuit Court of the Second Judicial District in Leon County, Florida last year. I also provided analyses about racially polarized voting in the case *Palmer et al. v. Hobbs*, No. C22-5035RSL, before the United States District Court Western District of Washington (2022). My compensation to prepare and write this report is \$350 per hour. My compensation is in no way dependent on the opinions offered in this report.

## Summary

I have been asked by counsel for the Defendants to evaluate the Galveston County Commissioner's Court Precinct map with specific attention to the compactness of districts within the county. Since this is a county-level analysis, an intensely local analysis is required. The first step is to identify if residents of the county live in compact areas. I will see if individuals in those compact areas have similar characteristics (e.g., work status, age, geographic mobility, culture, income levels, education, and lifestyle). The analysis of compactness and characteristics of county residents is to evaluate if residents with shared interests and backgrounds live in a local geographic area. My conclusion is that the Hispanic population in particular is not geographically compact as the Hispanic population in Galveston is both far apart and disparate.

I begin by describing how the county has changed over the last decade. Galveston's population grew to 350,682 in the 2020 Census making the ideal number of persons in each Commissioners Court precinct is approximately 87,671 people. Galveston County's Hispanic total population from the Census is 88,636 (25%) and the ACS 2020 5-year estimate (2016-2020) of citizen voting age population is 45,962 (19%). Galveston County's Black population is 43,120 (12%) and Black citizen voting age population is 30,465 (13%).<sup>1</sup> Therefore, my analysis will focus on how closely the Hispanic and Black populations are concentrated within the county, as they are the predominant minority groups in the county and the subject of this Section 2 lawsuit. I will compare Hispanic residents across the county's geography to see if they are

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<sup>1</sup> Throughout this report I refer to residents as Hispanic, instead of Latino, because the Census Bureau uses "Hispanic" I do the same here. The intent is to include persons of Latin American descent based on their identification as Hispanic in the Census and American Community Survey.

similar to each other despite living in different municipal areas. I will also see how concentrated Black communities are in the county.

Later in the report, I evaluate the numerous alternative plans submitted by the Plaintiffs to determine if those illustrative plans comply with traditional redistricting criteria or if they prioritize race over traditional redistricting criteria. I find that each illustrative alternative selectively ignores traditional redistricting practices in an effort to group Black and Hispanic residents into Precinct 3.

The illustrative alternatives split municipalities, islands, and other subdivisions violating traditional redistricting principles. Plaintiffs' proposed alternatives surgically splice voting precincts on racial grounds, carving the Anglo portion and placing it in Commissioner Precincts 1, 2, or 4. The cuts fold a higher portion of the Black citizen voting age population (BCVAP) into Precinct 3.

Tables 1 and 2 clearly shows the degree this occurs in each plan. All plans, except one preserve the Benchmark Map's inclusion of BCVAP in Precinct 3 that is three times larger than any other precinct. The illustrative alternatives also propose an opposite impact for the non-Hispanic white citizen voting age population (WCVAP) by creating a difference of at least 15% to 25% in the WCVAP between Precinct 3 and Precincts 1, 2, and 4. The distant pockets of HCVAP populations allow its share of a precinct population to be relatively stable in any plan. The Enacted Map is the only plan, which keeps the non-Hispanic white population from making up more than two-thirds of the CVAP in any two precincts.

Table 1: Comparison of Citizen Voting Age Population, by Precinct and Plan

	Benchmark HCVAP	Benchmark BCVAP	Benchmark WCVAP	Enacted HCVAP	Enacted BCVAP	Enacted WCVAP
Precinct 1	12125 (20.1%)	5093 (8.4%)	41079 (68.0%)	13274 (21.7%)	6403 (10.4%)	39296 (64.2%)
Precinct 2	11056 (16.6%)	5375 (8.1%)	47201 (70.8%)	13250 (20.5%)	9121 (14.1%)	40186 (62.2%)
Precinct 3	13311 (24.2%)	16904 (30.7%)	22833 (41.5%)	10436 (18.8%)	5032 (9.1%)	35881 (64.8%)
Precinct 4	9470 (16.6%)	3093 (5.4%)	40337 (70.5%)	9002 (15.5%)	9909 (17.0%)	36087 (62.1%)
Total	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	32651 (71.0%)	13561 (44.5%)	128617 (84.9%)			

Table 2: Comparison of Citizen Voting Age Population, by Precinct and Illustrative Plan

	Cooper 1 HCVAP	Cooper 1 BCVAP	Cooper 1 WCVAP	Cooper 2 HCVAP	Cooper 2 BCVAP	Cooper 2 WCVAP	Cooper 3 HCVAP	Cooper 3 BCVAP	Cooper 3 WCVAP
Precinct 1	12848 (20.7%)	5103 (8.2%)	41979 (67.7%)	12542 (20.9%)	5154 (8.6%)	40429 (67.2%)	13882 (22.2%)	9075 (14.5%)	37490 (59.9%)
Precinct 2	9779 (15.9%)	4565 (7.4%)	44345 (72.2%)	10572 (16.5%)	4370 (6.8%)	46365 (72.2%)	8901 (14.6%)	2935 (4.8%)	45462 (74.5%)
Precinct 3	14591 (24.2%)	17717 (29.4%)	25700 (42.6%)	14848 (24.7%)	17590 (29.3%)	25553 (42.6%)	13663 (23.6%)	15309 (26.4%)	26684 (46.1%)
Precinct 4	8744 (15.7%)	3080 (5.5%)	39426 (70.9%)	8000 (14.6%)	3351 (6.1%)	39103 (71.2%)	9516 (16.4%)	3146 (5.4%)	41814 (72.4%)
Total	45962	30465	151450	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	31371 (68.3%)	12748 (41.8%)	125750 (83.0%)	31114 (67.7%)	12875 (42.3%)	125897 (83.1%)	32299 (70.3%)	15156 (49.8%)	124766 (82.4%)

	Fairfax HCVAP	Fairfax BCVAP	Fairfax WCVAP	Rush 1 HCVAP	Rush 1 BCVAP	Rush 1 WCVAP	Rush 2 HCVAP	Rush 2 BCVAP	Rush 2 WCVAP	Rush 3 HCVAP	Rush 3 BCVAP	Rush 3 WCVAP
Precinct 1	12122 (20.1%)	5090 (8.4%)	41048 (68.0%)	11660 (18.8%)	5878 (9.9%)	42161 (67.9%)	11261 (18.9%)	4481 (7.5%)	41356 (69.4%)	11672 (19.4%)	4361 (7.2%)	41753 (69.3%)
Precinct 2	10183 (16.1%)	5073 (8.0%)	45186 (71.3%)	9876 (15.7%)	3927 (6.2%)	45740 (72.7%)	9707 (15.5%)	3843 (6.2%)	45565 (73.0%)	10050 (15.9%)	3817 (6.0%)	46008 (72.9%)
Precinct 3	14187 (24.3%)	17209 (29.5%)	24859 (42.6%)	15378 (25.6%)	16982 (28.2%)	25789 (47.6%)	16224 (25.3%)	18585 (29.0%)	27222 (42.5%)	15729 (25.2%)	18385 (29.5%)	26373 (42.3%)
Precinct 4	9470 (16.6%)	3093 (5.4%)	40337 (70.5%)	9048 (16.7%)	3678 (6.9%)	37760 (69.7%)	8770 (16.5%)	3556 (6.7%)	37307 (70.0%)	8511 (15.9%)	3902 (7.3%)	37316 (69.8%)
Total	45962	30465	151450	45962	30465	151450	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	31775 (69%)	13256 (43.5%)	126591 (83.6%)	30584 (66.5%)	13483 (44.3%)	125,661 (83.0%)	29738 (64.7%)	11880 (39.0%)	124228 (82.0%)	30233 (65.8%)	12080 (39.7%)	125077 (82.6%)

My report shows compact precincts were enacted in 2021 for the Galveston Commissioner’s Court. Those compact precincts follow traditional redistricting criteria by joining communities that have common characteristics beyond race, which is discussed in more detail below. The current map removes the “hooks” and “claws” from the prior map’s Precinct 3 boundaries. The result is that fewer local communities are divided under the current map, and the precincts preserve existing political boundaries.

Collectively, these results show that Plaintiffs’ illustrative maps fail to meet the *Gingles* 1 criteria in three important ways. First, neither Black nor Latinos are sufficiently numerous in and of themselves to constitute the majority in a single member district. This is important because all of the Plaintiffs’ illustrative maps require the combination of Black and Hispanic voters to form a majority-minority district. Second, the pairing of Black and Hispanic voters together is inappropriate because Black and Hispanic voters in Galveston County are not geographically compact. Third, and finally, the illustrative plans violate traditional redistricting principles to push the number of Black and Hispanic CVAP above 50%+1 in each illustrative plan.

### Galveston County’s Dynamic Growth

Between 2010 and 2020, Galveston County’s population grew by 59,373. The proportional increase of 20% of the county’s population was the largest since 1970.<sup>2</sup> The growth also continued changes in the county’s demography, shared below in Table 1. A look at the 2020 Census population count in each Commissioner Court Precinct shows that Galveston County’s growth since 2010 was not even across the county. Prior to the county’s 2021 redistricting process, both Precincts 2 and 4 were overpopulated and Precinct 3’s population growth lagged the county by almost 9%. To keep district populations within plus or minus 5% of an equal distribution of individuals among four commissioner precincts, Precinct 2 needed fewer people and Precinct 3 needed additional people.

Table 1: Change in Galveston County from 2000 to 2010 to 2020

	2000	2010	2020
Total Population	250,198	291,309	350,682
Ideal Precinct Population (4)	62,550	72,827	87,671
Hispanic Population	44,939 (18%)	65,270 (22%)	88,636 (25%)
NH Black Population	38,179 (15%)	39,229 (14%)	43,120 (12%)
NH White Population	157,851 (63%)	172,652 (59%)	191,358 (55%)

Figure 1, on the next page, illustrates that League City predominantly contributed to Galveston County’s growth with more than 30,802 new residents. This area is shaded in red to

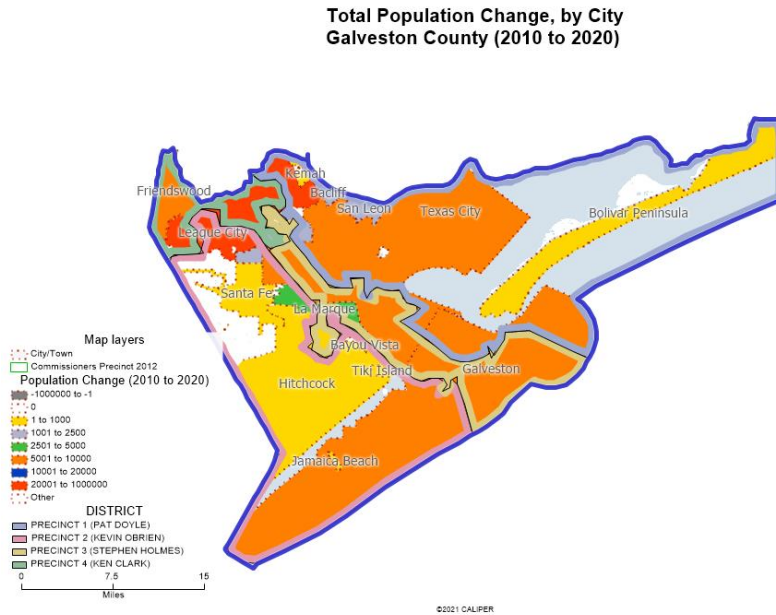
<sup>2</sup> Texas Almanac. 2011. Population History of Counties from 1850–2010. Texas State Historical Association. <https://www.texasalmanac.com/drupal-backup/images/topics/ctypophistweb2010.pdf>

Also, Ferguson, John Wayne. 2021. “Galveston County population tops 350k, according to census.” *Galveston Daily News*, August 12, 2021. [galvnews.com/news/article\\_15c68cc2-73f6-58b9-8162-07f7a74186e1.html](http://galvnews.com/news/article_15c68cc2-73f6-58b9-8162-07f7a74186e1.html)



reflect that the population growth exceeded 20,000 individuals. Under the prior map, portions of League City were split between all four districts, but only one of League City’s voting districts was in Commissioner Court Precinct 3. Precinct 3 under the Benchmark Map was comprised of cities with lower population growths over the past decade like Dickinson (2,167 new residents) and La Marque (3,521 new residents).

Figure 1: Population Growth in Galveston County (2010 to 2020), by City with overlay of 2012 Commissioner’s Court Precinct Map



**I. None of the Illustrative Maps Are Compact Under *Gingles I***

**A. Determining Compactness**

Comprehensive evaluations of compactness require multiple levels of analysis. Traditional redistricting principles encourage following political boundaries, major roadways, major waterways or other recognizable markers to align precincts in a North-South or East-West configuration. The first reason for compactness is to reflect communities of interest (e.g., income, education, cultural communities, population centers, etc.). Districts are determined to be reasonably configured and less burdensome administratively if districts minimize splits of municipalities and are more compact. Contiguous districts are not always uniform in size, so compactness can be measured with statistical scores that describe the shape of the polygon. The scores submitted by the Plaintiffs (Reock, Polsby-Popper, and Convex-Hull) are commonly used to measure compactness. While all scores have different assumptions about measurement, they serve the same purpose of comparing districts to one another and across a plan (here, Galveston County as a whole).

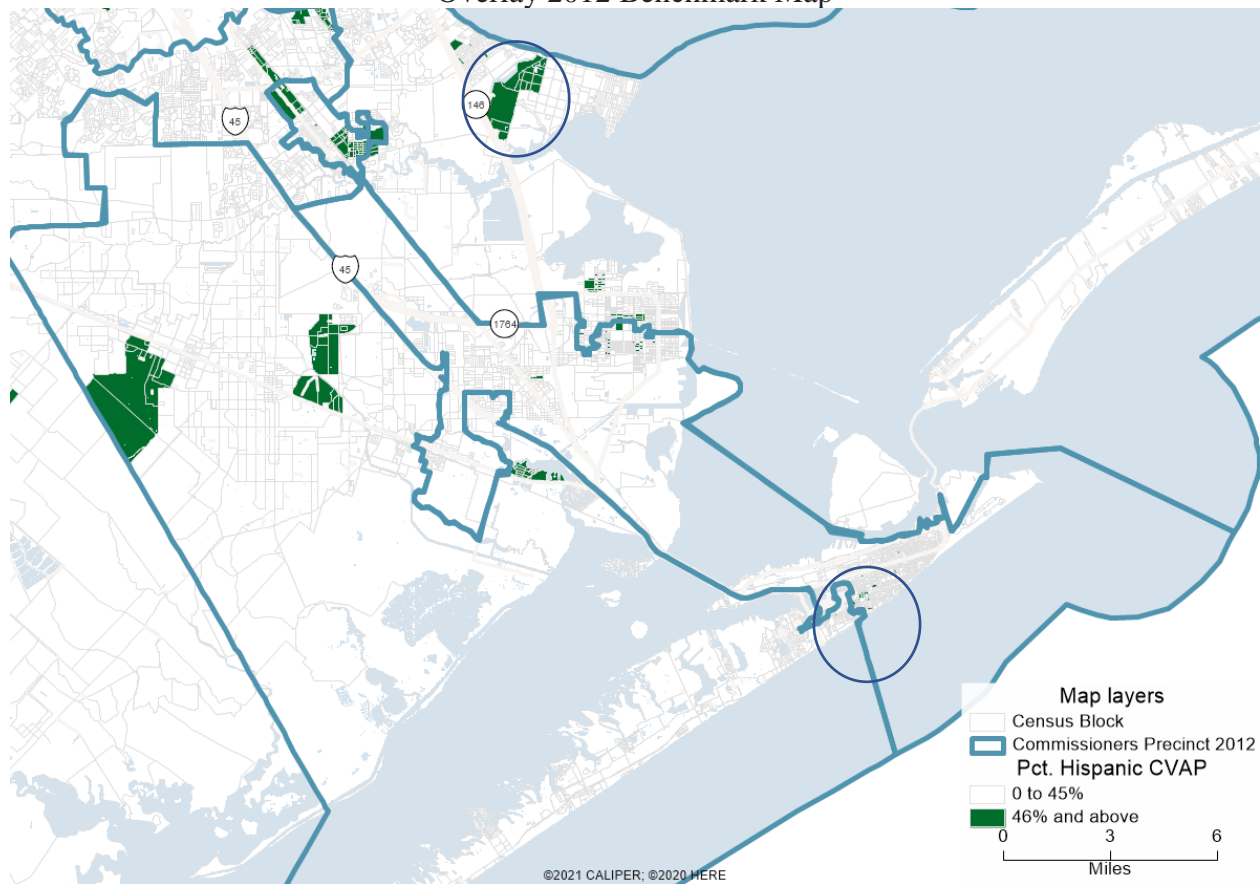
A *Gingles I* evaluation for the Galveston County Commissioner’s Court Precinct Map must answer a few direct questions. Does Galveston County’s Hispanic CVAP (19%) live in a

compact area? Does Galveston County’s Black CVAP live (13%) in a compact area? These questions lead to understanding the compactness of Galveston’s two largest minority communities. Compactness is not defined by the boundaries of the prior district, but where people live.

**B. Galveston County’s Hispanic Citizen Voting Populations are geographically dispersed at the North and South ends of the County.**

The Hispanic population in Galveston County is not compact. Population growth in the past decade shows that the Hispanic population is growing in different parts of the county. Figure 2 below shows the weight of the Hispanic population is largest and most concentrated in the northeast and southeast parts of the county. But the Benchmark Precinct 3 excluded swaths of Hispanic residents across the county and in voting districts adjacent to Precinct 3’s boundary and selectively chose some Hispanic residents at the top and bottom of that majority-minority precinct. Additionally, Figures 2 and 3 show that the concentration of Hispanic CVAP in Galveston County at the census block and voting tabulation district level look different. This is because the Hispanic CVAP population is concentrated within the smallest geographic units, but not adjacent to other communities.

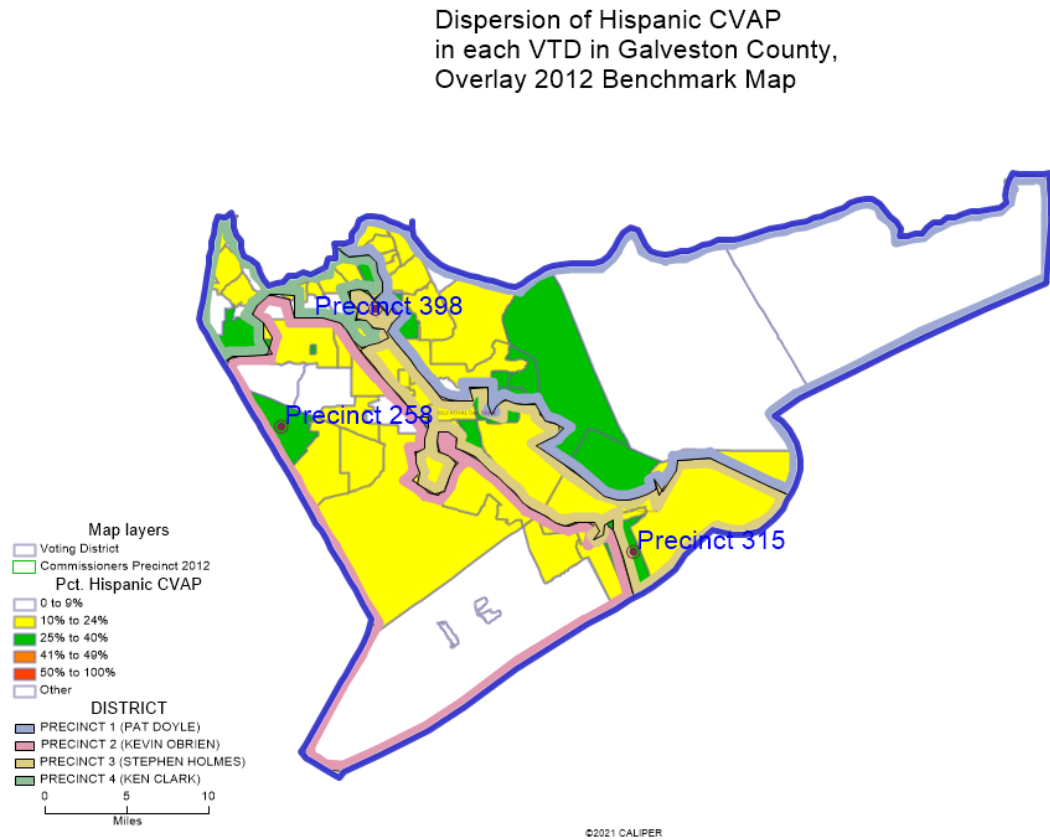
Figure 2: Dispersion of Hispanic Citizen Voting Age Population, by Census Block Overlay 2012 Benchmark Map



On Galveston Island there are 7,637 Hispanic residents who are voting age citizens. Those citizens live 18 miles away from the concentration of 305 Hispanic voting age citizens in the census blocks that are circled in Figure 2 to the north.

Figure 3 illustrates the range of Hispanic citizen voting age population's (HCVAP) concentration in the former voting districts (VTDs). In Texas, voting tabulation districts (VTD) are a collection of census blocks. Therefore, the VTD represents the political geography where residents live. If multiple census blocks are concentrated in a compact community, then the VTD will also show higher levels of concentration. At the VTD level there is, again, a pattern of a geographically dispersed Hispanic population in Galveston County. There are large concentrations of heavily Hispanic VTDs in the northwest corner of the county around Dickenson and League City and the southeast portion of the county near the Gulf Coast of Galveston City, a distance of 24.8 miles. The northern concentration includes a Hispanic CVAP of 980 citizens southern concentration a Hispanic CVAP of 1545 citizens. We see that Hispanic voters are not highly concentrated in the central portion of Galveston County, rather they are at the northern and southern ends of the county. These two clusters of Hispanic populations are not culturally similar, and should not be assumed to be so, as described in more detail below.

Figure 3: Share of Hispanic Voting Age Population in Voting Tabulation Districts



From top to bottom, the areas where we see clusters of the highest percent are in the north-central portion of the county. Voting districts 341 and 398 are adjacent and are the only

voting tabulation districts where more than 40% of the citizen voting age population is Hispanic (HCVAP). The HCVAP in Voting district 398 is 43% or 272 residents and it was assigned to Commissioner Precinct 3 in the 2012 Benchmark map. Old voting district 315, which is 22 miles apart from voting district 398, is the southernmost concentration of HCVAP. The 1,545 Hispanic citizens make up a 34% HCVAP. Voting district 315 was also in Commissioner Precinct 3 of the Benchmark map. Additionally, old voting district 315 is more than 26 miles away from old voting district 258, which is the western-most concentration of 1,383 Hispanic citizens of voting age, with a HCVAP of 35%. Old voting district 258 was assigned to Commissioner Precinct 2 and continues to be assigned to it in all of the plans that are reviewed in this case. The locations of these VTDs with very high concentrations of HCVAPs are not geographically compact.

### **C. In All Illustrative Plans, the current Precinct 3 Does Not Form A Community Of Interest of Hispanics**

Galveston County's HCVAP is both distant and disparate. This indicates that a compact community of interest does not exist among the current Hispanic population in Galveston County. My analysis focuses on the citizen voting age population. These numbers reflect responses to the American Community Survey's robust set of questions in order to provide the most reliable estimate of subgroups at a local geographic level. The estimates of Galveston County's citizen voting age population by race and ethnicity also show that the Hispanic populations are disparate, and unable to be placed into one commissioner precinct that would form a majority Hispanic population. There is even less justification to join Hispanic and Black voters as a single community of interest even when they live in the same area, as described in more detail below.

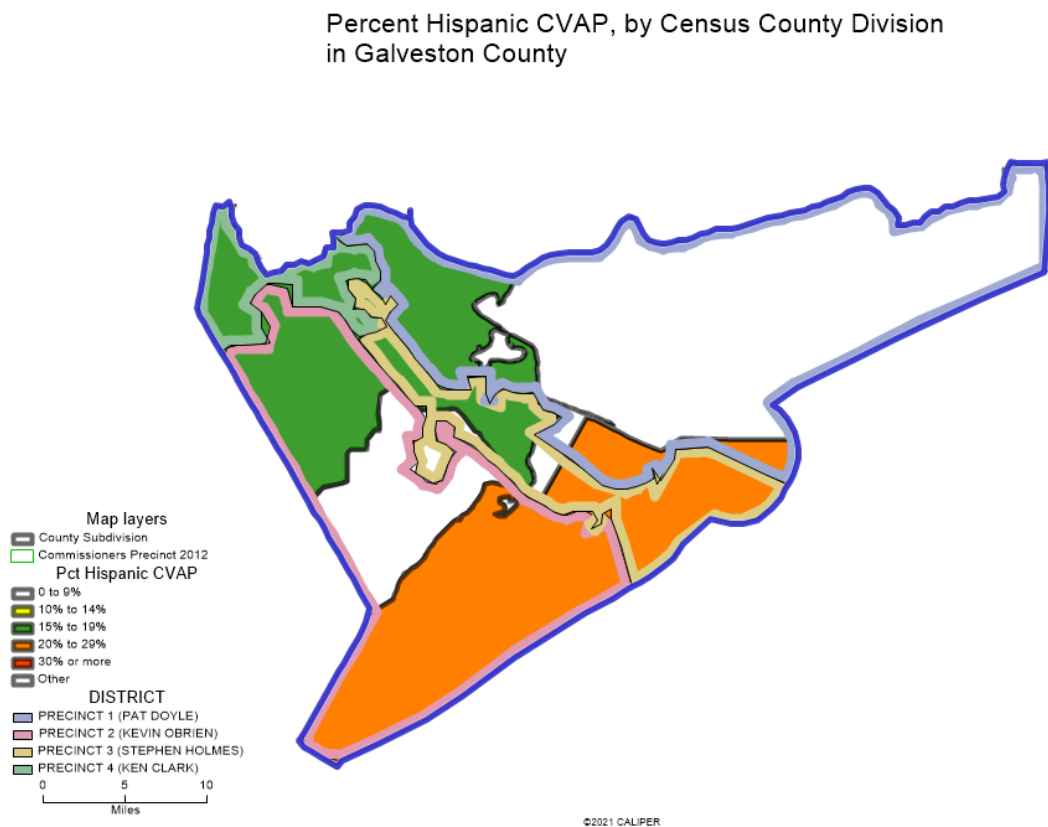
Analyzing differences within populations and comparing them to neighbors shows how diverse and distinct a population is in a local area. I examine the diversity within the Hispanic population, with the 5-year estimates of the American Community Survey by the U.S. Census Bureau (2020), which provides insight into the different levels of education attainment, income, employment status, and other characteristics by age, gender, as well as race and ethnicity within these populations. The most granular level at which these data are available is the Census County Division (CCD). Using data tables from the Census, subpopulation counts can be determined within a more general spatial layer to maintain the anonymity of a respondent (<https://data.census.gov/>). In Galveston County, the four CCD's are Bolivar, Galveston, La Marque and Hitchcock, as well as Texas City and League City.<sup>3</sup> In Maptitude for Redistricting,<sup>4</sup> each CCD is identified as the "County Subdivision." Figure 4, on the next page, shows the percent of Hispanic CVAP in each CCD in Galveston County, these divisions are visible as grey lines and with the 2012 Benchmark Map overlaid.

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<sup>3</sup> Since the Bolivar Peninsula is geographically distinct, I direct my comparisons to the three divisions that are a part of the illustrative Precinct 3 proposals.

<sup>4</sup> Maptitude for Redistricting is a GIS software designed specifically for the purpose of creating and analyzing redistricting plans. Similar to ArcGIS this is used by multiple states to create their redistricting plans, therefore I use it in my analysis to align my analysis with the processes used to create a district.

Figure 4: Hispanic Citizen Voting Age Population in Census County Divisions of Galveston County



A substantial difference between the Hispanic population across Galveston County is who in the population is employed full time. Hispanic men in the northern part of Galveston County are 12% more likely to have a full time job than Hispanics on Galveston Island. This exceeds the difference in the difference we see in the median age of Hispanic males between the regions of the county.

Table 4: Median Age and Population Working Full Time Among Hispanics, by County Area

	Category	Galveston	La Marque, Hitchcock	Texas City, League City
Median Age	Male	32	34	28
	Female	32	30	30
Pct. Working Full time	Male	47	62	59
	Female	35	35	32

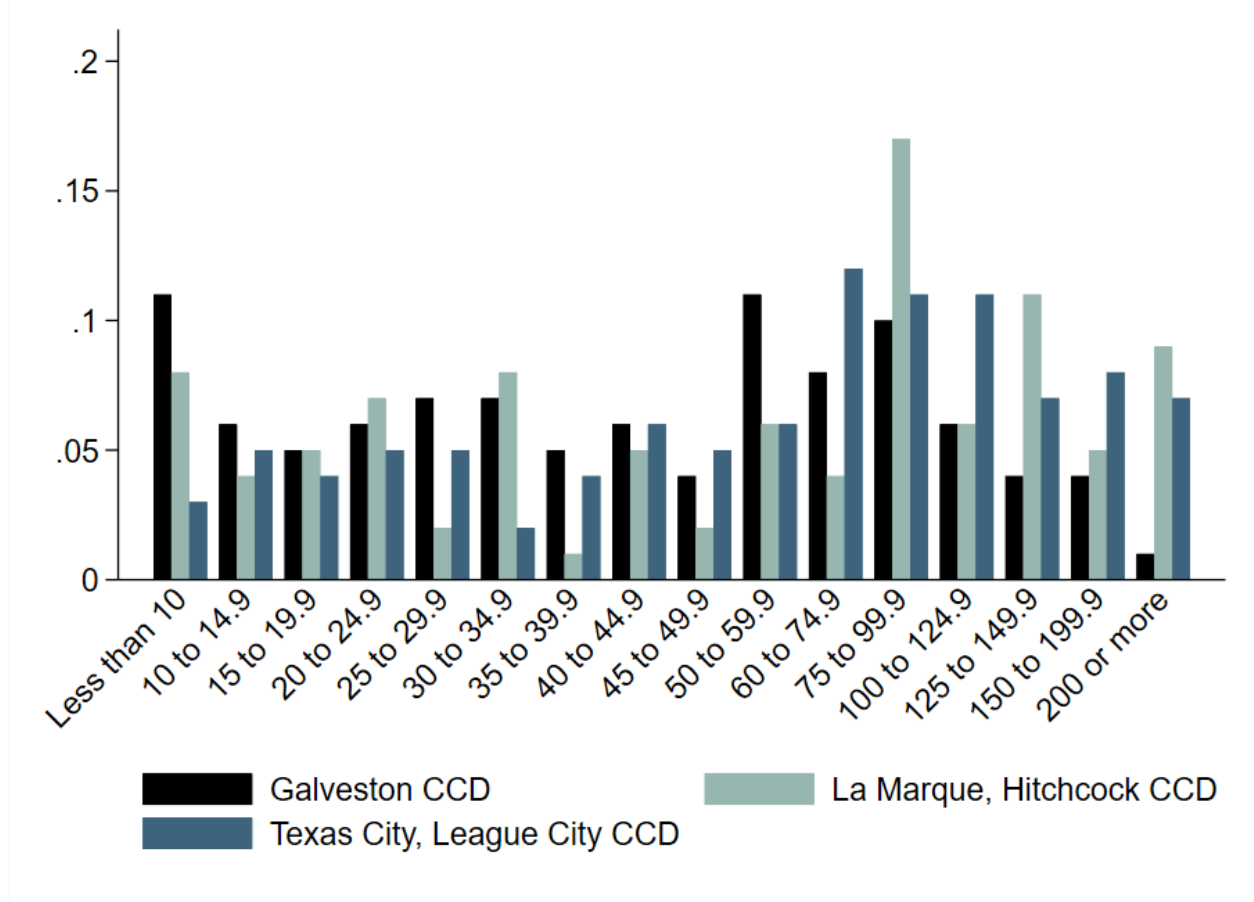
These details provide a more consistent context to understand population dynamics within the county than that depicted by Plaintiffs' expert William Cooper, in Figure 5 of his report (p. 16). The Plaintiffs' expert identified an economic community of interest that was conditioned on income and having a child in the household. His analysis omits that there is

substantial variation between the Hispanic population’s workforce status by gender and geography.

Figure 4 presents the ACS 5-year estimates for household income ranges in 16 categories. Each bar reflects the percent of the population that has an income within that category, in thousands of dollars. The category definitions are designed to create enough buckets to capture individual differences in incomes earned so that we can make reliable comparisons across the income distribution.

Across Galveston County there is a clear difference by geographic region in the income distribution of Hispanic residents. Hispanic residents in La Marque and Hitchcock make up the larger share of both lower incomes and high incomes. Hispanic household incomes in Texas City and League City are more evenly distributed and Hispanic households on Galveston Island are more often middle to lower income.

Figure 5: Hispanic Household Income in Past 12 months, by Population Group and Geography



Hispanics in the southern end of the county are different from Hispanics in the northern end. This is reflected in who is employed full-time and the distribution of household incomes in the community.

**D. Galveston County’s Black Citizen Voting Populations are geographically dispersed at the North and South ends of the County.**

Figure 6 shows population dispersion in Galveston county the same way that was just done for Hispanic CVAP. The Black citizen voting age population (BCVAP) in Galveston County is concentrated in the northern and southern portions of the county. The distance from the northern most concentration of BCVAP to the census blocks with high concentration of BCVAP on Galveston Island is 21 miles, point to point. From east to west it is 8 miles between the census blocks with the highest concentration of BCVAP in Texas City to those in Hitchcock.

Figure 6: Dispersion of Black Citizen Voting Age Population, by Census Block

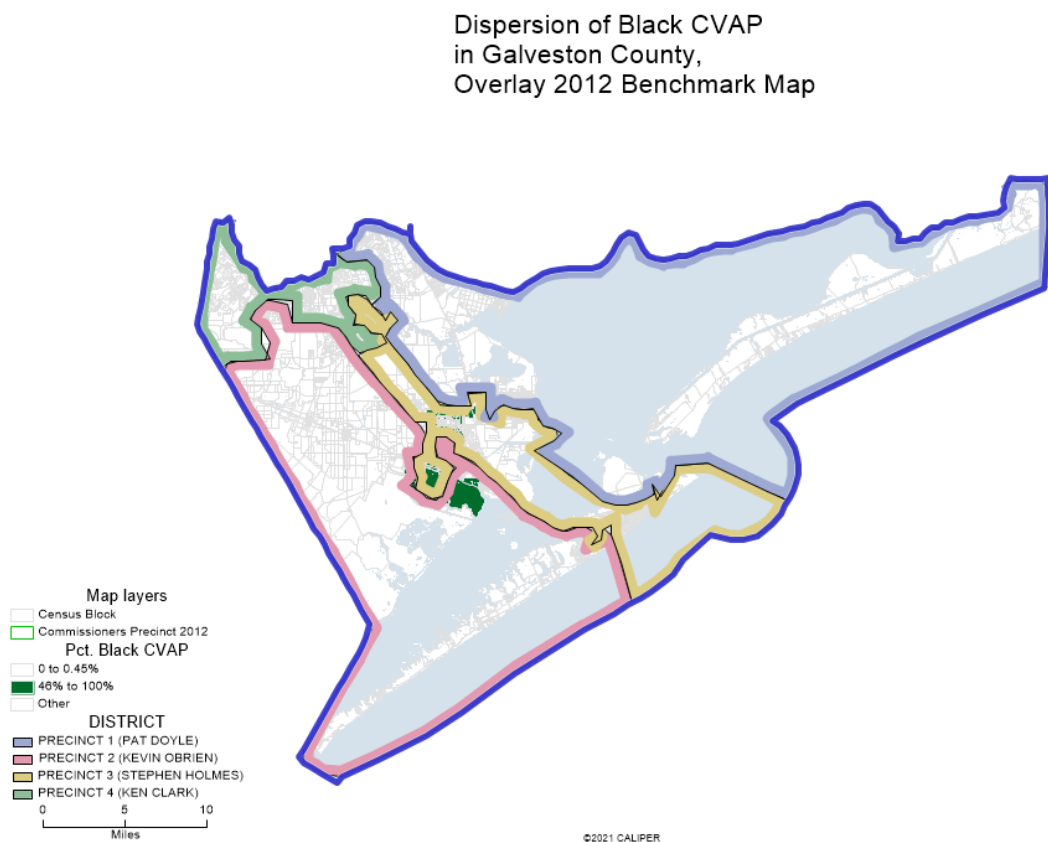
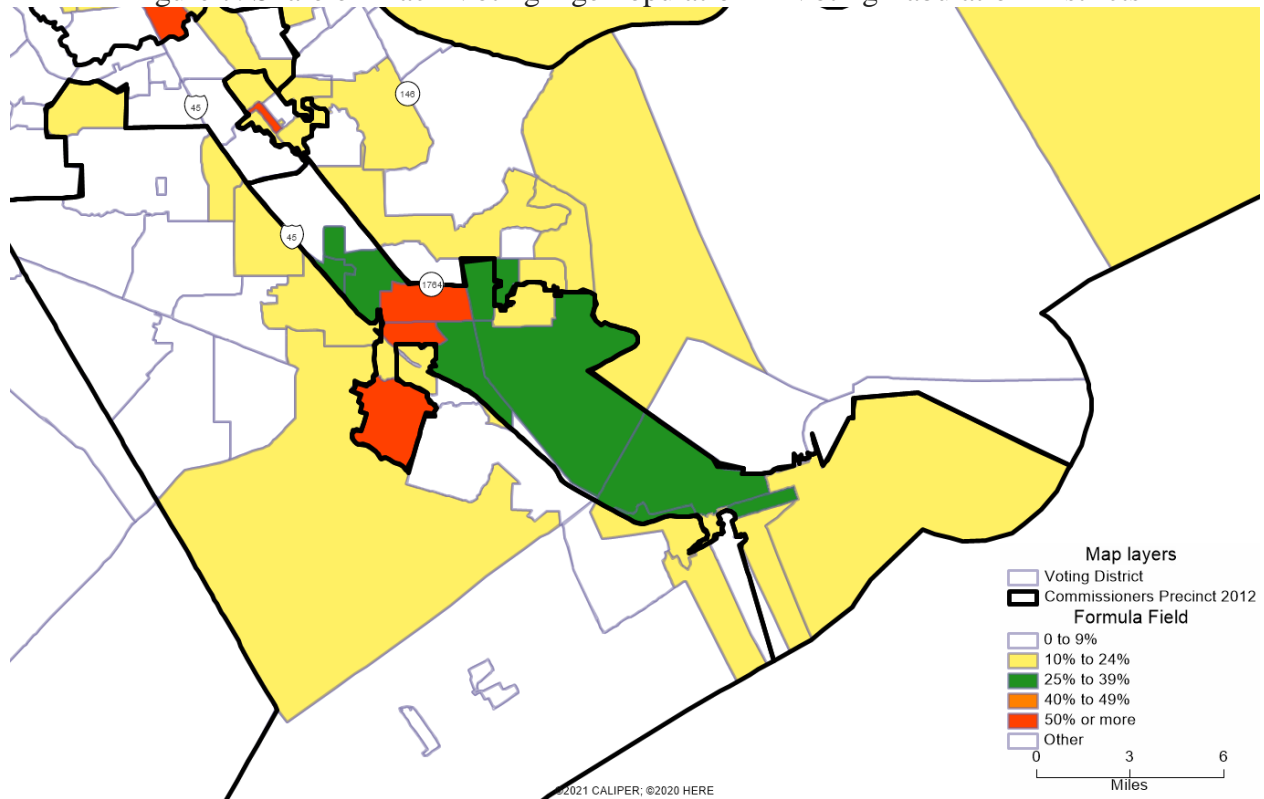


Figure 7 illustrates the Black CVAP in the voting tabulation districts (VTDs). Although the Black CVAP population appears concentrated in the center of the county, the population does not come close to having a substantial influence for a district of more than 85,000 residents. The Benchmark Precinct 3 combined a population of 14,159 Black citizens of voting age who reside in the green and red areas in the center and southern portion of the county with a small northern peninsula of 1,151 BCVAP residents in Dickinson (3.8% of the county’s BCVAP). The distance from the south of old voting district 336 to north of old voting district 340 is just under 10 miles to join these populations. One concern is that decisions to draw these communities into one Commissioner’s precinct does not consider other differences Black citizens have in these different cities and areas of the county.

Figure 7: Share of Black Voting Age Population in Voting Tabulation Districts



**E. In All Illustrative Plans, the current Precinct 3 Does Not Form A Community Of Interest of Black CVAP**

The distance between the geographic dispersion of BCVAPs indicates that a compact community of interest does not exist among the current Black population in Galveston County. The estimates of Galveston County’s citizen voting age population show that the Black populations are disparate, and unable to reliably be placed into one commissioner precinct that would form a majority community of interest. Clear differences emerge between geographic areas related to where people moved from to reside in Galveston County, employment, and income.

Among the Black residents who did move to a new area of county from elsewhere in Texas, Black residents were more likely to move to Texas City and League City than anywhere else. Hispanic residents, who previously lived in Texas, did not move to any part of Galveston County more often than any other. The movement of Black residents within the county is primarily moving to Galveston Island, whereas the movement of Black resident to the county from elsewhere in Texas heads towards Texas City and League City.



Table 6: Geographic Mobility Among Blacks, by Population

		Galveston	La Marque, Hitchcock	Texas City, League City
Geo. Mobility	Same House 1 year	76	83	81
	Moved within county	17	12	9
	Moved from elsewhere in Texas	5	4	8
	Moved from other state	1	1	1
	Moved from abroad	0	0	0

Another substantial difference between the Black populations in Galveston County is the median age of Black population. We see that the Texas City and League City communities are substantially younger than other areas of Galveston County to the south and west. The gap in the median age of each gender population in La Marque and Hitchcock varies the most, with Black women in La Marque and Hitchcock skewing 13 years older than Black women in Texas City and League City. Despite these age differences, the share of Black men and Black women in the workforce is the same in Galveston, La Marque, and Hitchcock.

Table 7: Median Age and Population Working Full Time Among Blacks, by County Area

	Category	Galveston	La Marque, Hitchcock	Texas City, League City
Median Age	Male	40	38	31
	Female	38	49	36
Pct. Working Full time	Male	28%	33%	48%
	Female	29	33	41

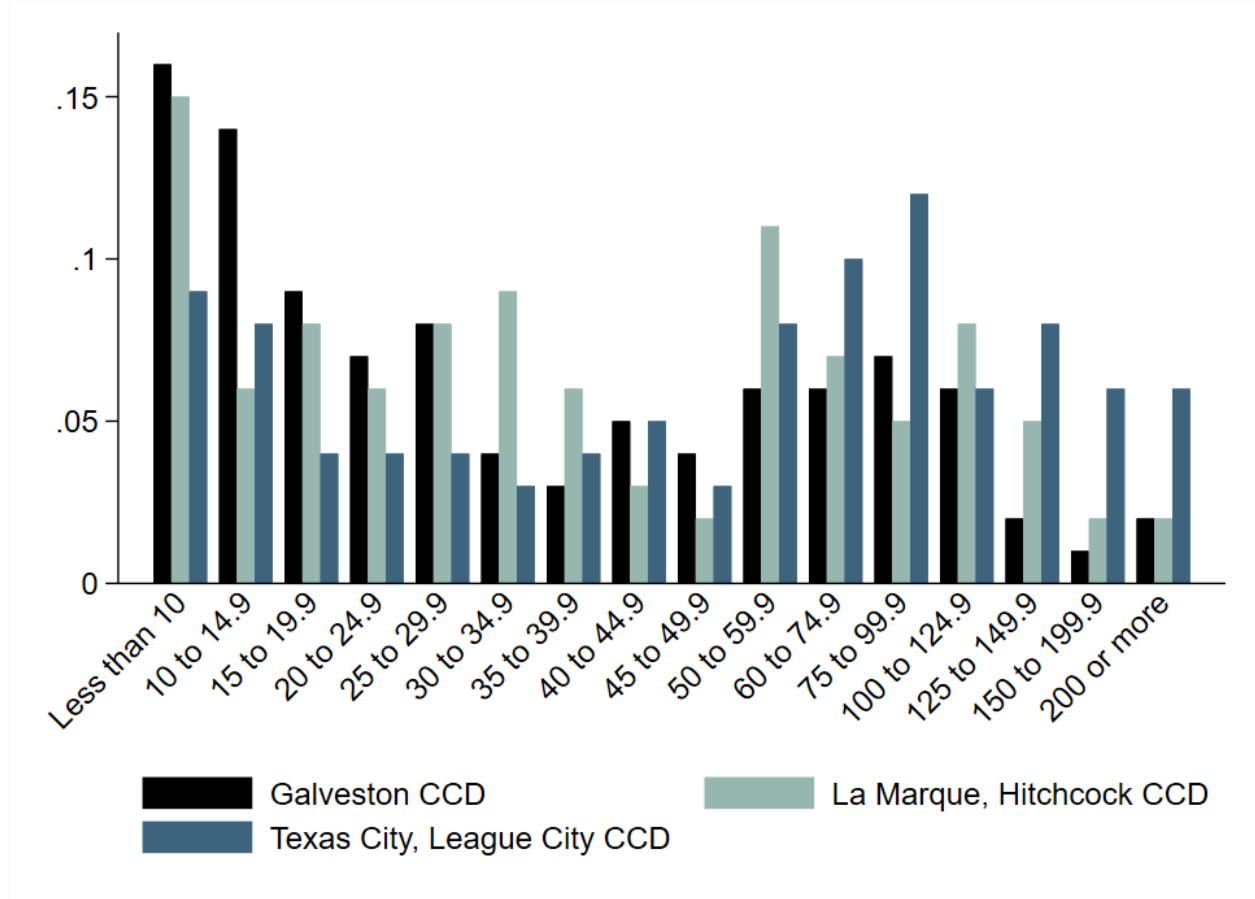
The rates of education offers another substantial difference. Black males have much higher levels of college degrees and collegiate attendance in La Marque, Hitchcock, Texas City, and League City than Black men on Galveston Island. The distribution of education attainment, race, and gender also shows the share of Black women with a college degree in Texas City and League City is substantially higher than the rest of the county. The range within the Black population is stark, as 14% more Black men and women in Texas City and League City have a college degree compared to Black men and women on Galveston Island. So, in addition to being younger, Black men and women also have higher education attainment in the areas closer to Houston.

Table 8: Education Attainment Among Blacks, by County Area

Education	Population	Galveston	La Marque, Hitchcock	Texas City, League City
Less than High school	Male	28%	12%	12%
High school	Male	33	31	24
Some college	Male	29	46	39
Bachelor's degree	Male	9	11	25
Less than High school	Female	12	12	9
High school	Female	33	18	31
Some college	Female	39	56	31
Bachelor's degree	Female	16	14	30

Finally, Figure 8 shows a clear difference by geographic region in the income distribution of Black residents. Black residents of Texas City and League City have higher household incomes than Black residents in La Marque, Hitchcock, and Galveston.

Figure 8: Black Household Income in Past 12 months, by Population Group and Geography



Education, income, and geographic mobility are ways that the Black population in Galveston County is disparate in addition to being geographically distant. The Black population in the southern end of the county is different from the northern end in a few disparate ways. This reduces the claim that this is one cohesive community of interest.

**F. Illustrative Alternatives for Precinct 3 are Not Compact**

In addition to considering the concentration of the Hispanic population included and those excluded from illustrative alternatives for Precinct 3, I present the set of compactness measures and deviation statistics for each plan. This includes the Benchmark prior Commissioners Precinct Map that was in place until 2021, the 2021 Enacted Map, and all Illustrative Maps from Plaintiffs’ experts. The scores all range from 0 to 1, where 1 reflects a more compact geographic shape. I also report the average score and the standard deviation for all four Commissioner Precincts in order to show how compact they are in comparison to others in the same plan. This is important because any extension of a voting district from a traditional polygon will affect the compactness of its adjacent district (losing area from its shape).

Table 9 presents the percent of the Precinct population that is above the ideal population of 87,671 residents. The redistricting process is centered on reducing the population deviation between of each precinct, which is how governments are able to reduce the ratio of representation to ensure the equal protection of all voters. The table below reports all the deviation statistics for each plan together. A point of caution, the Cooper Illustrative Map 2 as exhibits less population deviation than the Enacted Map but the way this occurs is problematic and a point I discuss later in the report.

Table 9: Population Deviation for Precinct Plans

Deviation	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	-2.6%	9.0%	-8.8%	2.4%	5.7%	6.6%
Enacted Map	0.02	0.03	0.5	0.6	0.3	0.3
Fairfax Illus 1	-2.6	3.8	-3.6	2.4	3.1	3.1
Rush Map 1	1.1	-1.7	-0.8	1.35	1.2	0.3
Rush Map 2	-2.7	-1.7	5.7	1.4	2.9	1.7
Rush Map 3	-1.3	0.1	2.6	-1.4	3.2	3.6
Cooper Illus 1	-0.4	-0.7	1.0	0.2	0.3	0.6
Cooper Illus 2	0.0	-0.3	0.3	0.04	0.1	0.2
Cooper Illus 3	0.6	1.7	-0.5	-1.8	0.6	1.2

Three statistical scores, the Reock score, Polsby-Popper score, and the Convex-Hull score are used to compare the symmetry and consistency of all boundaries of the shape in a standardized way. In Tables 10, 11, and 12, I present the scores for all Precinct plans under consideration. The Enacted Map is more compact than each illustrative map. The Enacted map has an average score that is consistent with the other plans, but the standard deviation of the scores across all districts is the lowest. A close examination of the scores per precinct shows that the lowest compactness score in all illustrative maps is Precinct 3. The one Illustrative Map that offers one-tenth of a percent less population deviation than the 2021 Enacted Map (Cooper Map 2) has lower average compactness scores and higher standard deviations of compactness (Reock, Polsby-Popper).

Table 10: Reock scores for Precinct Plans

Reock score	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	0.28	0.39	0.16	0.34	0.22	0.15
Enacted Map	0.30	0.24	0.23	0.29	0.27	0.04
Fairfax Illus 1	0.28	0.39	0.16	0.34	0.29	0.10
Rush Map 1	0.29	0.34	0.21	0.26	0.28	0.05
Rush Map 2	0.30	0.33	0.16	0.31	0.28	0.08
Rush Map 3	0.30	0.33	0.16	0.28	0.27	0.07
Cooper Illus 1	0.28	0.37	0.17	0.34	0.29	0.09
Cooper Illus 2	0.27	0.25	0.20	0.39	0.28	0.08
Cooper Illus 3	0.23	0.29	0.35	0.21	0.27	0.06

Table 11: Polsby-Popper scores for Precinct Plans

Polsby-Popper	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	0.23	0.28	0.09	0.14	0.19	0.09
Enacted Map	0.28	0.21	0.12	0.22	0.21	0.07
Fairfax Illus 1	0.23	0.30	0.10	0.14	0.19	0.09
Rush Map 1	0.22	0.25	0.12	0.14	0.18	0.06
Rush Map 2	0.25	0.26	0.12	0.17	0.20	0.07
Rush Map 3	0.25	0.27	0.12	0.14	0.20	0.08
Cooper Illus 1	0.24	0.29	0.11	0.12	0.19	0.09
Cooper Illus 2	0.27	0.25	0.20	0.39	0.39	0.08
Cooper Illus 3	0.24	0.23	0.18	0.13	0.20	0.05

Table 12: Convex-Hull scores for Precinct Plans

Convex-Hull	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Plan	0.69	0.71	0.48	0.15	0.51	0.26
Enacted Plan	0.76	0.71	0.47	0.67	0.65	0.13
Fairfax Illus 1	0.69	0.73	0.49	0.55	0.62	0.11
Rush Map 1	0.66	0.65	0.56	0.56	0.61	0.06
Rush Map 2	0.68	0.67	0.54	0.58	0.62	0.07
Rush Map 3	0.68	0.67	0.53	0.60	0.62	0.07
Cooper Illus 1	0.69	0.69	0.51	0.55	0.61	0.09
Cooper Illus 2	0.74	0.64	0.60	0.62	0.65	0.06
Cooper Illus 3	0.68	0.74	0.60	0.52	0.64	0.10

Another factor of compactness is the distance it takes to travel from one end of the precinct to another. Maptitude for Redistricting's GIS software provides a Travel Contiguity Analysis tool to calculate the percentage of residents who drive in the district, the distance they travel by car, and the time they report to travel by car. The software tool generates a complete and accurate measure by computing a matrix of distances from all points along the boundary of a district. In another column, I also add to this analysis the miles from the northern most point to the southern most point of the Precinct Plan.

Table 13: Travel Contiguity Analysis of Precinct 3 in Illustrative Plans, Plus Length of Precinct 3

District Plan	Pct who drive	Max Drive Distance	Max Drive Time	Precinct 3's Distance North to South
Fairfax	91.0%	31.82 miles	52.43 minutes	22 miles
Cooper 1	92.3	31.82 miles	52.15 minutes	22 miles
Cooper 2	91.7	29.01 miles	52.15 minutes	22 miles
Cooper 3	92.4	18.13 miles	34.45 minutes	14 miles
Rush 1	92.9	29.84 miles	52.15 minutes	21 miles
Rush 2	92.3	28.13 miles	52.15 minutes	22 miles
Rush 3	92.7	28.13 miles	52.15 minutes	21 miles

As shown above in Table 13, the illustrative maps for Precinct 3 are not compact. Moreover, there are substantial differences between the Hispanic and Black populations in the regions that are the focus of the Plaintiff's complaint. The lack of geographic compactness and

the substantial differences between these populations discussed above shows they do not have sufficient shared interests to compel a majority-minority district composed of both Hispanics and African Americans.

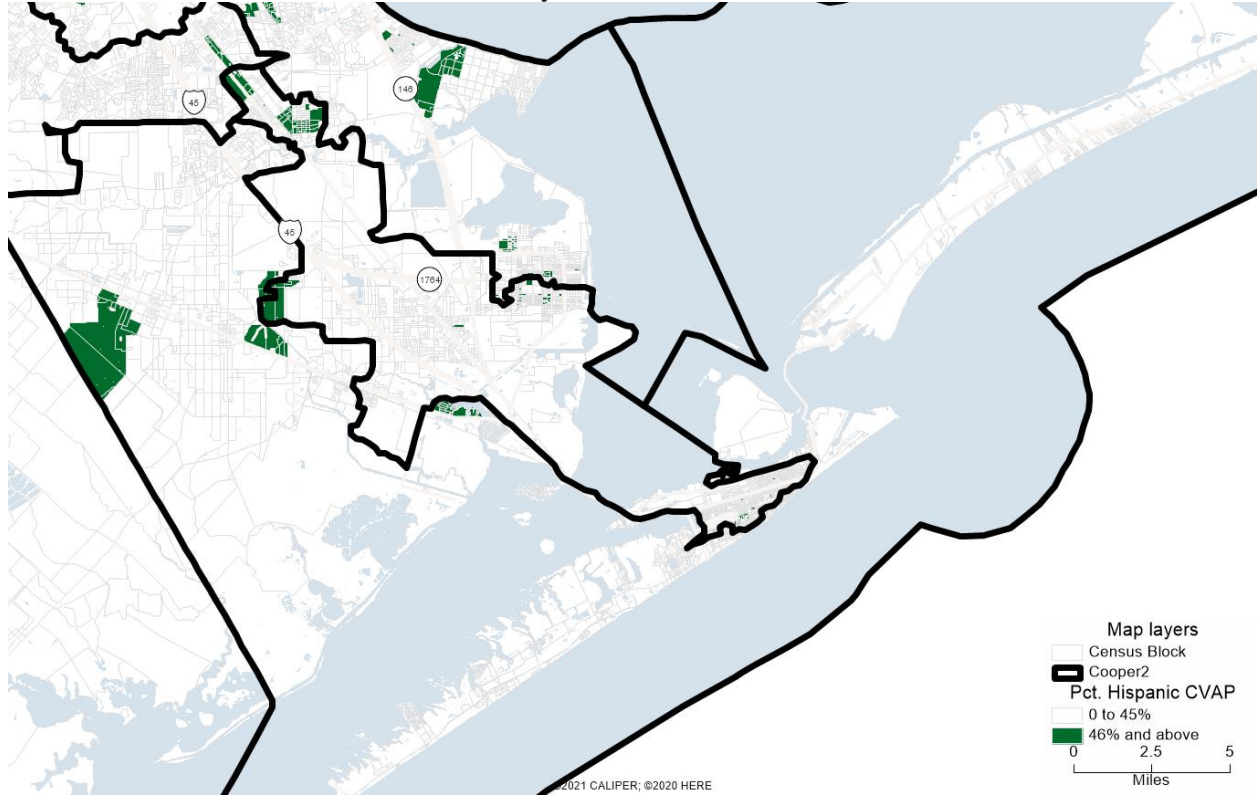
**G. The Proposed Alternative Plans Prioritize The Racial Identity of Persons Above Traditional Redistricting Principles.**

An analysis of the illustrative plans reveals that plaintiffs have prioritized race over traditional redistricting practices. Earlier in this report, I show that Hispanic voters are concentrated in different parts of Galveston County and are uniquely different from Black residents in the same places. I also show the consistent lack of compactness in the illustrative maps submitted by the Plaintiffs.

Six of the seven proposed plans divide Galveston Island into multiple precincts. Most of those plans divide the island into three precincts. Cooper's Illustrative Map 3 is the only one that does not. Any division of Galveston Island is unnecessary given that its population of 54,774 (including Pelican Island) is less than the ideal district population. Redistricting principles allow minimal population deviation so that geographically distant areas like islands are not cracked into multiple districts.

Another concerning pattern in the illustrative maps is that the non-compact illustrative maps reach out to grab Black voters and combine far-flung segments of the Hispanic population. Figure 4 offers a clear example of how Cooper's Illustrative Map 2 confirms that the Hispanic population is not compact.

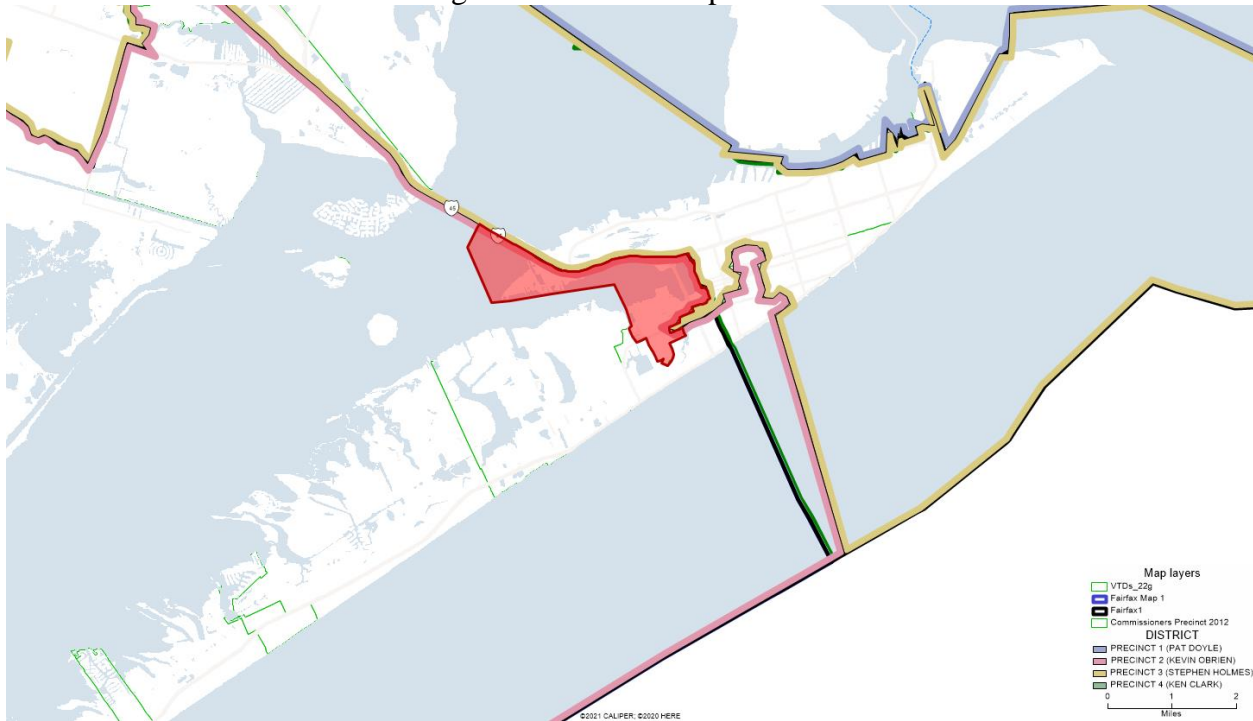
Figure 9: Precinct 3 Overlaid with Dispersion of Hispanic Citizen Voting Age Population, by Census Block



Building from this point, I will identify how each illustrative map violates traditional redistricting principles in an effort to maximize the racial composition of the district. I will begin with Anthony Fairfax’s illustrative map, then discuss Cooper’s three illustrative maps, and end with an evaluation of the maps from Tye Rush.

The Fairfax Illustrative Map attempts to recreate Precinct 3 by staying close to the previous boundary. Figure 10 shows one voting district was added. Fairfax added the area where the black line extends beyond the pink line. The voting district that was selected added 873 Hispanic citizen voting age residents (25%) and 302 Black citizens of voting age (9%). This selectively chose a diverse voting district to add, when other voting districts were also adjacent to Precinct 3 and could have improved the compactness of the Precinct.

Figure 10: Fairfax Map Precinct

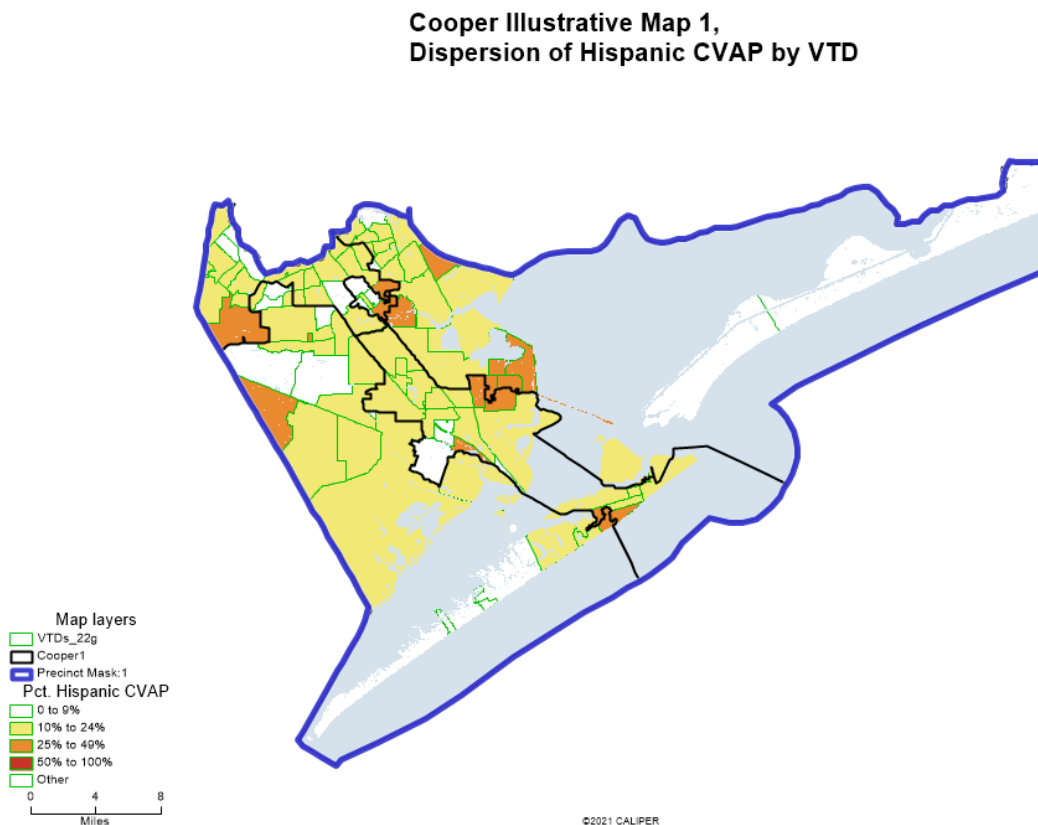


The process exhibits a selective choice under the guise of offering the least changes. Precinct 3, as proposed in Fairfax Map 1, continues to be underpopulated by 3.6%. This selection excludes the more populous voting district 223 (shaded above with a citizen voting age population of 4,045). Voting district 223 would have reduced the population deviation further and had a higher concentration of 870 Black voting age citizens (22%) than voting district 218. The remaining demographic composition of voting district 223 includes 777 Hispanic voting age citizens (19%) and 2263 non-Hispanic white voting age citizens (56). This opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.

The process exhibits a selective choice under the guise of offering the least changes. Precinct 3, as proposed in Fairfax Map 1, continues to be underpopulated by 3.6%. This selection excludes the more populous voting district 223 (shaded above with a population of 6,093). voting district 223 would have reduced the population deviation further and had a higher concentration of BCVAP than voting district 218. The demographic composition of voting district 223 includes 19% HCVAP, 56% WCVAP, and 22% BCVAP, as compared to 27% HCVAP, 62% WCVAP, and 9% BCVAP. This opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.

The first illustrative map proposed by William Cooper enlarges the geographic footprint of Precinct 3 in order to add population to the underpopulated Precinct. The district includes the northern part of the Precinct where concentrations of Hispanic voters are split into Precinct 1, 3, and 4. Precinct 3 grows west to add voting districts 219 and 232.

Figure 11: Cooper Map 1, Precinct 3



While it would appear the illustrative plan now rounds out Precinct 3’s previous extended arm into Hitchcock, there are three substantial violations of traditional redistricting practices that lead to increasing the population of Black residents in Precinct 3.

1. The substantial changes to Precinct 3 does not limit the representation of Galveston Island to two voting districts, as the Plaintiff’s expert says. This illustrative map continues to exclude 713 voting age citizens in voting district 105.1 from Precinct 3 by assigning coastal area in Precinct 1. The voting district has a CVAP population includes 92 Hispanic citizens, 523 non-Hispanic white, and 33 non-Hispanic Black citizens (13% HCVAP, 73% WCVAP, and 5% BCVP).
2. Adding more of La Marque and Hitchcock to Precinct 3 and give the visual appearance of compactness, relies on adding voting district 232 (population 2,205 CVAP). The newly added population in this area was 24% HCVAP, 55% WCVAP, and 17% BCVP).
3. The added population needed to reduce population deviation came from adding Voting district 419. Voting district 219 is not adjacent to the area where most voting districts were added, but it has a citizen voting age population of 2,689 (24% HCVAP, 53% WCVAP, and 14% BCVP). This ignored the concentrated Hispanic population across Highway 6 in voting district 225 that goes on the shoreline. Voting district 225 is adjacent to three of the newly added voting districts and has a similar population to the



areas it is adjacent to. The citizen population of voting district 225 is 3,606 (14% HCVAP, 81% white, 2% BVAP).

I addressed the second illustrative map submitted by William Cooper above, but want to identify additional selective choices that were made in Cooper Map 2. The cartographer's attention on this map is directed to the furthest northern and southern sections of Precinct 3. At the north, there are clear attempts increase the number of adjacent voting districts from one to two before the district moves up capture a set of voting districts that are clearly of interest to the Plaintiffs. In this case:

1. The map splits voting district 192 north and south. The split occurs south of voting district 391 and captures a little more than half of the voting district's population. This voting district that has a citizen voting age population of 32% HCVAP, 52% WCVAP, and 14% BCVAP is split so, Precinct 3's share of voting district 391 is 29% HCVAP, 34% WCVAP, and 14% BCVAP. The share of voting district 391 sent to Precinct 1 is 28% HCVAP, 49% WCVAP, and 15% BCVAP. Splitting this voting district did not add to the compactness of the district in a meaningful way, but it increased the share of Black CVAP.
2. Compactness was not likely the reason for voting district 192's split, since voting district 391 runs north of that area. The voting district that remained part of Precinct 3 in Cooper Map 2 has a HCVAP of 28%, WCVAP of 49%, and BCVAP of 16%. Voting district 391 was part of the Benchmark Commissioner Precinct Map and the split of voting district 392's only benefit was to add visual compactness to the hook that existed to include voting district 391 in the first place. The southern portion of voting district 392 was essential to maintaining the contiguity of voting district 391 without relying on the geographically small voting district 394.
3. Voting district 218 is also split along census block lines. In this case Precinct 3 comes within 0.2 miles of Seawall Blvd. The wide-open ocean and Precinct 3, which extends to north Galveston County, are separated are separated by a census block of 16 residents. Using this small intersection to connect a district that is just shy of 58 miles from the northeast corner to the southwest corner violates traditional expectations of compactness and clearly divides local communities from receiving the same representation.
4. Voting district 315 is adjacent to voting district 218 and has the same problem. In this case, Precinct 3 goes all the way east to Seawall Boulevard on three occasions (as seen in Figure 9). Within those jagged selections, 5 voting age citizens are split from Precinct 3 into Precinct 2 in order to be joined with Porretta Beach. Across from Stewart Beach Park, another 144 voting age citizens residents find they are part of Precinct 2 and not Precinct 3 because of their access to the water. The affected individuals are 7% HCVAP, 83% WCVAP, and 10% BCVAP. Precinct 2 is given beach access to continue as a contiguous precinct, which it barely achieves with a tiny strip of beach. The contiguity of Precinct 2 becomes dependent on the weather conditions and high tide.

Figure 12: Cooper Map 2, Precinct 3



The first departure from a traditional redistricting practice divided a voting district to assign census blocks with more Hispanic residents to Precinct 2. The communities that remained had a higher Black CVAP. The beach contiguity problem is also a sign of racial gerrymandering, since 218 individuals were selectively discarded from Precinct 3 even though the non-Hispanic Black population was consistent with the county’s population share. In each case the exclusion of certain populations allowed the district to extend to reach areas with larger non-Hispanic Black populations, like on Galveston Island. This allowed Precinct 3 to include the entire 314<sup>th</sup> voting district, which has a larger than average concentration of non-Hispanic Black residents at the far east end.

A third illustrative map from William Cooper acknowledges the county’s interest in reducing the political divisions on Galveston Island, acknowledges the unnecessary split of voting district 192, and ends the narrowest contiguity of Precinct 3 at Robinson’s Auto Repair in Dickinson. This narrow point of contiguity was part of the Benchmark district and allowed someone to be in one of three different Commissioner Precincts, depending on which side of the business you were on. Despite those changes, the illustrative plan continues to make selections that show the prioritization of race over redistricting principles.

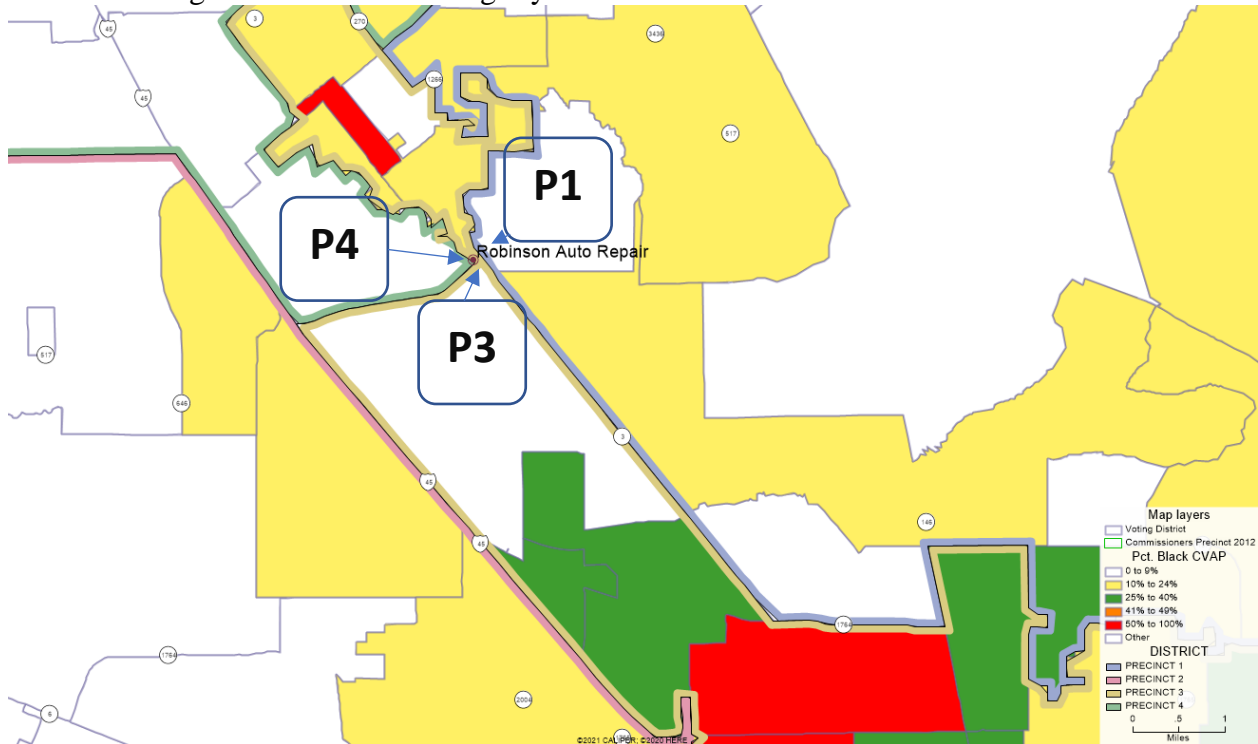
1. This map increases the share of Texas City that is in Precinct 3, by adding voting districts 142, 148, and 150. However, because voting district 150 goes up to the south shore of Moses Lake, Precinct 1 becomes contiguous only through the Moses Lake Floodgate on the north edge of Moses Lake. The extension of this hook around Texas City also uses a large area with zero population to connect the northern and southern sides of Precinct 1. This is another example of how adjustments to Precinct 3 reduce the compactness of adjacent districts. This version of Precinct 1 had the lowest compactness score of the three illustrative maps William Cooper submitted.
2. The district still maintains a division of the Hispanic population in the city of Dickinson in the northern section of the district and attempts to pair it with population in Hitchcock. The distance to achieve his combination is more than 13 miles. A district would be more

compact if the community of interest in Dickinson was joined with a community in League City, where the populations are more similar.

The first illustrative map prepared by Tye Rush is another example of prioritizing race in the selection of voting districts over traditional redistricting principles. The first illustration:

1. Separates Galveston Island into Precincts 1, 2, and 3. The plan deviates from the historical map, by assigning voting district 314 to Precinct 1 (now voting district 214). Doing this makes Precinct 3 on the island narrower than 1 mile east to west. The citizen voting age population of voting district 314 is 4621 (22% HCVAP, 42% WCVAP, and 35% BCVAP).
2. More than 19 miles to the north, the map splits voting district 439 and 144 with voting district 341. This is the same narrow community that has been previously described as being 0.05 miles wide and the site of Robinson’s Auto Repair. Precinct 3 is unable to pick up the concentration of 3,107 BCVAP+HCVAP if it does not take this narrow pass over Dickinson Bayou. That is 9.6% of the BCVAP+HCVAP used to create the illustrative versions of Precinct 3 that keep this intact.
  - a. The 341<sup>st</sup> voting district included is 47% HCVAP, 38% WCVAP, and 12% BCVAP. The two adjacent voting districts have a BCVAP of 6% (voting district 439) and 5% (voting district 144). The HCVAP of the same two districts is 16% (voting district 439) and 25%. (voting district 144). Voting district 341 was selected to be in Illustrative Precinct 3 at the exclusion of the two adjacent voting districts, because it had double the BCVAP.

Figure 13: Narrow Contiguity of Precinct 3 - Where Three Districts Meet



3. Also, instead of expanding the northern section of Precinct 3 to be more compact, this map excludes voting district 399 from Precinct 3. The citizen voting age population

of this voting district is 456 (37% HCVAP, 17% non-Hispanic White, and 18% non-Hispanic Black). The estimated CVAP population is 456 (HCVAP is 38%, BCVAP is 18%, and WCVAP is 38%).

4. The adjacent voting district below has a population distribution of 48% Hispanic, 7% non-Hispanic white, and 41% non-Hispanic Black. This shows Rush Map 1 split a younger Hispanic community (HCVAP 37%) from its adjacent neighbor (HCVAP 42%), in order to prioritize maintain voting districts with higher BCVAP in the center of the county in Precinct 3.
5. Rush's first illustrative map has the same additions in Texas City to Precinct 3 that force Precinct 1 around Moses Lake and reduce the compactness of Precinct 1. Although, this configuration occurred with the Cooper maps, the addition of Pelican Island to Precinct 3 extends the distance Precinct 1 is only contiguous via Galveston Bay.

The second illustrative map by Tye Rush continues to prioritize the northwest by southeast version of Precinct 3. This version makes notable changes to the first Rush illustrative.

1. Galveston Island continues to be split into Precincts 1, 2, and 3. In this version voting district 314 (now 214) is returned back to Precinct 3.
2. The effort to add more of Texas City to Precinct 3 recedes in this version, as voting district 148 is split away from Texas City. This voting district was previously joined with Precinct 3 in Map 1, as well as maps by William Cooper's third illustrative map. The decision to assign voting district 148 to Precinct 1 moves a citizen voting age population in voting district 148 that is 27% HCVAP, 59% WCVAP, and 11% BCVAP. Rush Map 2 kept the adjacent voting district 150 (29% HCVAP, 60% WCVAP, and 10% BCVAP) and adjacent voting district 142 (29% HCVAP, 42% WCVAP, and 26% BCVAP). The action to add voting district 142 selectively chooses the voting district with the highest percentage of Black CVAP. The extension to include voting district 150 also, includes one of the Plaintiffs into the district. Those to steps are done at the exclusion of a voting district that has the largest HCVAP population.
3. Additionally, this map includes the greatest population deviation of 8.4% between the least populated and most populated Commissioner Precincts by packing more residents into Precinct 3 than any other illustrative map submitted by the Plaintiffs.

Rush's third illustrative map continues to follow a similar approach to the second map with three notable changes.

1. Illustrative Map 2 drops voting district 219 in Hitchcock from the unnecessarily overpopulated Precinct 3 in Map 2.
2. Illustrative Map 2 drops voting district 218 from the version just discussed from the unnecessarily overpopulated Precinct 3 in Map 2.
3. Precinct 218 is assigned to Precinct 2, which was done in other illustrative maps to drive the district as far south as possible.

## **Conclusion: Galveston County Lacks a Compact Community of Interest**

My report has focused an intensely local analysis on Galveston County's residents to identify if the areas with concentrations of Hispanic residence are adjacent or disparate. In addition to finding that Galveston County's Hispanic residents are disparate, I also did not find patterns within subdivisions of the county where the Hispanic and Black populations are substantially similar to be considered a combined community of interest.

Galveston County's population growth has primarily been centered around its largest city League City. The county's fastest growing demographic group are Hispanics, but they are concentrated in cities across the county with unique individual characteristics in each geographic area. These two factors and the acceleration of the county's population growth have reshaped the county's political geography. It has changed so much, that the Benchmark Precinct 3 no longer represents a clear community of interest. A view of population distributions at the census blocks and voting districts show that illustrative maps that are set to prioritize representation of Black residents excludes adjacent Hispanic residents.

The illustrative versions of Precinct 3 that have been proposed constitute a collection of multiple racial gerrymanders that stretch definitions of compactness, population deviation, and how to maintain contiguity. Moreover, six of the seven districts perpetuate significant political divisions of Galveston Island. My report describes how on multiple occasions each map plan chose to include a voting district that had a higher concentration of Black citizens of voting age, even when adjacent voting districts with similar populations had higher concentrations of Hispanic voters could have been selected.

The illustrative maps are prime examples of how racial considerations are prioritized over traditional redistricting principles to achieve a majority-minority district built on an overgeneralized assumption of similarities between the Hispanic and Black communities. The distant Hispanic populations and their distinct cultural characteristics lead us to infer that minority status was the only characteristic that was considered when trying to join these populations. The long and distant Precinct 3 may appear as an opportunity to give representation to the central part of the county, but any analysis that breaks down the population statistics will identify the Benchmark and illustrative Precinct 3 boundaries joins two very different Hispanic populations that are at the north and south ends of the smaller Black population.

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### *Curriculum Vitae*

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### EDUCATION

University of Georgia - Ph.D. in Political Science	2014
University of Oxford - Visiting Doctoral Student in the Department of Politics	2013
Johns Hopkins University - M.A. in Government	2008
University of Florida - B.A. in Political Science, <i>magna cum laude</i>	2006

### ACADEMIC POSITIONS

University of Texas at Tyler	
Associate Professor & Honors Faculty	2020 - present
Assistant Professor	2015 - 2020
Reinhardt University - Adjunct Professor of Public Administration	May 2014 & May 2017
Bates College - Visiting Assistant Professor	2014 - 2015

### PROFESSIONAL EXPERIENCE

APSA Congressional Fellow, <i>Office of the President Pro Tempore</i> , United States Senate.	2015 - 2016
Legislative Assistant, two former U.S. Representatives. Washington, D.C.	2007 - 2009

### BOOKS

Owens, Mark, Ken Wink, and Kenneth Bryant, Jr. 2022. *Battle for the Heart of Texas: Political Change in the Electorate*. Norman, OK: University of Oklahoma Press.

Bryant, Jr., Kenneth, Eric Lopez, and Mark Owens. 2020. *Game of Politics: Conflict, Power, & Representation*. Tyler, TX: The University of Texas at Tyler Press (Open Source Textbook).

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- 10 Howard, Nicholas O. and Mark Owens. 2022. "Organizing Staff in the U.S. Senate: The Priority of Individualism in Resource Allocation." *Congress & the Presidency* 49(1): 60-83.
- 9 Johnson, Renee M. Cassandra Crifasi, Erin M. Anderson Goodell, Arkadiusz Wiśniowski, Joseph W. Sakshaug, Johannes Thrul, and Mark Owens. 2021. "Differences in beliefs about COVID-19 by gun ownership: A cross-sectional survey of Texas adults." *BMJ Open* 11(11): 1-7.
- 8 Goldmann, Emily, Daniel Hagen, Estelle El Khoury, Mark Owens, Supriya Misra, and Johannes Thrul. 2021. "An examination of racial/ethnic differences in mental health during COVID-19 pandemic in the U.S. South." *Journal of Affective Disorders* 295(1): 471-478.

- 7 Owens, Mark. 2021. “Changes in Attitudes, Nothing Remains Quite the Same: Absentee Voting and Public Health.” *Social Science Quarterly* 102(4): 1349-1360.
- 6 Johnson, Renee M. and Mark Owens 2020. “Emergency Response, Public Behavior, and the Effectiveness of Texas Counties in a Pandemic.” *Journal of Political Institutions & Political Economy* 1(4): 615-630.
- 5 Howard, Nicholas O. and Mark Owens. 2020. “Circumventing Legislative Committees: Use of Rule XIV in the U.S. Senate.” *Legislative Studies Quarterly* 45(3): 495-526.
- 4 Madonna, Anthony J., Michael Lynch, Mark Owens and Ryan Williamson. 2018. “The Vice President in the U.S. Senate: Examining the Consequences of Institutional Design.” *Congress & The Presidency* 45(2): 145-165.
- 3 Owens, Mark. 2018. “Changing Senate Norms: Judicial Confirmations in a Nuclear Age.” *PS: Political Science and Politics* 51(1): 119-123.
- 2 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2016. “Regulating the Floor: Tabling Motions in the U.S. Senate, 1865-1946.” *American Politics Research* 44(1): 56-80.
- 1 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2013. “Partisan Efficiency in an Open-Rule Setting: The Amending Process in the U.S. Senate, 1865-1945.” *Congress & The Presidency* 40(2): 105-128.

## BOOK CHAPTERS

- 2 McWhorter, Rochell, Mark Owens, Jessie Rueter, Joanna Neel, and Gina Doepker. 2020. “Examining Adult Learning of ‘Giving Back’ Initiatives.” In *Handbook of Research on Adult Learning in Higher Education*. Hershey, PA: IGI Publishers. With Rochell McWhorter, Jessie Rueter, Joanna Neel, and Gina Doepker.  
 Reprinted in 2021 by Information Resources Management Association (Ed.), in *Research Anthology on Adult Education and the Development of Lifelong Learners* (pp. 1039-1066). IGI Global.
- 1 Carson, Jamie L. and Mark Owens. 2015. “Lawmaking.” In Robert A. Scott and Stephen M. Kosslyn, eds. *Emerging Trends in the Social and Behavioral Sciences*. New York: Wiley.

## BOOK REVIEWS

- Owens, Mark. 2023. “Johnson, Marc. Tuesday Night Massacre: Four Senate Elections and the Radicalization of the Republican Party.” *Great Plains Research*. **Forthcoming**.
- Owens, Mark. 2021. “Lewallen, Johnathan. Committees and the Decline of Lawmaking in Congress.” *Congress & the Presidency* 48(3): 404-406.

## AWARDS

Burns “Bud” Roper Fellow. American Association of Public Opinion Researchers.	2021
Prestige Impact Award, Dean of the College of Arts & Sciences at UT Tyler.	2019
Outstanding Faculty Mentor Award, UT Tyler Office of the Provost.	2019
Teaching and Learning Award, UT Tyler Center for Excellence in Teaching and Learning.	2018

Community Engaged Learning Award, Harvard Center at Bates College.	2015
Outstanding Teaching Assistant Award, University of Georgia Provost.	2013
Charles S. Bullock, III Scholar, UGA School of Public and International Affairs.	2009

## GRANT & CONTRACT SUPPORT

- |   |               |
|---|---------------|
| 10. Texas Vaccine Hesitancy Survey, (Co-Investigator & PI for Subaward). 2022.<br>PI's: Paul McGaha (UT Tyler HSC) & Paula Cuccaro (UT SPH-Houston)<br>PI of \$1.3 million subaward: Mark Owens (UT Tyler).<br>Scope of Survey: Statewide survey of hard to reach respondents (Apr. to Nov.).<br>Funded by: Texas State Department of Health and Human Service. | \$2.6 million |
| 9. El Paso County Social Survey, (Investigator). 2022.<br>PI: Gregory Schober, UTEP<br>Scope of Survey: Countywide survey, oversampling low-income households (May-July)<br>Funded by: University of Texas at El Paso (UTEP).   | \$46,200      |
| 8. Southern Cities Survey, (Co-PI). 2020.<br>PI's: Emily Goldmann (NYU) & Mark Owens<br>Scope of Survey: Sample of 5 major Southern Metropolitan areas in May.<br>Funded by: UT Tyler & New York University School of Global Health.  | \$12,000      |
| 7. Small Grant, Center for Effective Lawmaking (Co-PI). 2020.<br>PI's: Mark Owens & Nicholas Howard (Auburn-Montgomery)<br>Scope of Work: Content Analysis of all Senate committee reports, 1985-2020.<br>Funded by: UVA & Vanderbilt.  | \$2,300       |
| 6. Texas Mental Health Survey, (Co-PI). 2020<br>PI's: Renee Johnson (JHU) & Mark Owens<br>Scope of Survey: Three wave statewide panel (April, May, & June)<br>Funded by: UT Tyler & Johns Hopkins Bloomberg School of Public Health   | \$45,000      |
| 5. East Texas Survey on Education & Property Tax Reform, (Co-PI). 2019<br>PI's: Kyle Gullings (UT Tyler) & Mark Owens<br>Scope of Work: Regional sample to compare East Texas to DFW and Houston.<br>Funded by: UT Tyler  | \$10,000      |
| 4. Faculty Undergraduate Research Grant, (PI) Studying Vote Centers in Texas. 2018.<br>Scope of Work: Mentor undergraduates to gather data and submit FOIA requests.<br>Funded by: UT Tyler Office of Research and Scholarship.   | \$3,000       |
| 3. Congressional Research Grant, (PI) Bicameralism's Effect on Appropriations. 2015.<br>Scope of Work: Archival visits to Concord, Tempe, and Washington, D.C.<br>Funded by: The Dirksen Congressional Center.  | \$3,133       |
| 2. Faculty Development Grant, (PI) Majority Party Power in a Bicameral Congress. 2015.<br>Scope of Work: Mentor undergraduate researchers to analyze archived documents.<br>Funded by: Office of the Dean of Faculty at Bates College.  | \$2,575       |
| 1. Richard Baker Award, (PI) Majority Party Power in a Bicameral Congress. 2011.<br>Scope of Work: Archival visits to Austin, TX and Washington, D.C..<br>Funded by: Association of Centers for the Study of Congress.  | \$1,000       |



## COMMENTARY

Owens, Mark. “Why our poll got it wrong on Biden but right on so much more.” *Dallas Morning News*. Sunday November 15, 2020. Page, 5P.

Howard, Nicholas O. and Mark Owens. “Are Amendment Strategies Learned Through Experience or Contingent on the Institution?” *LegBranch*. May 27, 2019.

Bryant, Jr. Kenneth, Ken Wink, and Mark Owens. “Conflicting Attitudes of Texans on Wall and Border Policies.” *Austin American-Statesman*. March 11, 2019.

Owens, Mark. “Are Courtesy Meetings Nuked?” *LegBranch*. July 10, 2018.

Owens, Mark. “East Texans support Trump, but at lower levels than 2012.” *Tribtalk: Texas Tribune*. November 8, 2016.

## INVITED TALKS

League of Women Voters, Tyler/Smith County	“Policies in Texas’s Legislative Session”	2023
Dallas Democratic Forum	“Battle for the Heart of Texas”	2022
Southern Methodist University, Tower Center	“Battle for the Heart of Texas”	2022
East Texas Heritage Museum Association	“Polls in Today’s Elections”	2022
League of Women Voters, Houston	“Battle for the Heart of Texas”	2022
Texas A&M San Antonio	“Public Attitudes on Equity and Inclusivity”	2022
Delta Sigma Theta Sorority, Tyler Alumnae	“Social Action & Election Education”	2022
League of Women Voters, Tyler/Smith County	“Your options under TX’s new Election Law”	2022
Texas Associated Press Managing Editors	“Texas Politics Panel”	2021
League of Women Voters, Oklahoma	“All about Redistricting.”	2021
League of Women Voters, Tyler/Smith County	“Essential Conversation on Voting in Texas”	2021
League of Women Voters, Oklahoma	“Representation & Redistricting”	2021
Kilgore College	“Why We Poll Texans”	2020
Smith County Republican Women Club	“Understanding the 2020 Election Polls”	2020
League of Women Voters, Tyler/Smith County	“Processes of the Electoral College”	2020
Kilgore College	“What Primary Voters in Texas Care About”	2019
League of Women Voters, Tyler/Smith County	“Census & Redistricting Forum”	2019
Tyler Area Chamber of Commerce	“Public Input on Transportation”	2019
League of Women Voters, Tyler/Smith County	“Representation & Redistricting”	2018
Bates College, Martin Luther King, Jr Day	“Legacy of the Voting Rights Act of 1965”	2015
Rothemere American Institute, Oxford, UK	“Effect of Bicameralism on Policy”	2013

## CONFERENCE PRESENTATIONS

Hofstra University Presidential Conference on Barack Obama’s Presidency	2023
The Citadel Symposium on Southern Politics	2014 - 2022
Congress & History Conference	2012, 2016, 2018
Election Science, Reform, and Administration Conference	2020
American Association of Public Opinion Researchers Meeting	2020, 2021, 2023
American Political Science Association Meeting	2011 - 2016, 2020
Midwest Political Science Association Meeting	2011 - 2018, 2023
Southern Political Science Association Meeting	2011 - 2014, 2017 - 2023
Southwest Social Science Association Annual Meeting	2017, 2021

**PROFESSIONAL SERVICE**

Book Review Editor. <i>Public Opinion Quarterly</i> .	2023 - 2024
Co-Chair. Election Sciences Conference within a Conference at SPSA, San Antonio, TX.	2022
Speaker: AAPOR Send-a-Speaker Program.	2020 - 2021
Field of Study Advisory Committee. <i>Texas Higher Education Coordinating Board</i> .	2018 - 2021
Co-Editor. <i>PEP Report</i> for the APSA Presidency and Executive Politics Section.	2018 - 2019
Grant Reviewer. Hurricane Resilience Research Institute (HURRI), University of Houston.	2018
Grant Reviewer. Administration on Children, Youth, and Families, US Dept. of HHS.	2007

**EXTERNAL SERVICE**

Expert Witness for neither party, <i>Palmer et al. v. Hobbs</i> , racially polarized voting analysis.	2022
Expert Witness for Florida's Secretary of State, <i>BVM v. Lee</i> , racially polarized voting analysis.	2022
Map Consultant for People not Politicians OK, Independent U.S. House and state district plans.	2021

**TEACHING EXPERIENCE**

Graduate Course	Institution	Recent Evaluation	Years Taught
Scope & Methods	UT Tyler	4.6	2017 - 2022
Seminar on American Politics	UT Tyler	4.4	2015 - 2022
Budgeting & Public Finance	UT Tyler; Reinhardt	5	2014 - 2017
Program Evaluation	UT Tyler	4.7	2018
Advanced Quantitative Research	UT Tyler	3.8	2018
Undergraduate Course			
Campaigns & Elections	UT Tyler; Bates; UGA	4.6	2013 - 2022
Congress & Legislation	UT Tyler; UGA	4.3	2013 - 2021
Research Methods	UT Tyler	4.4	2016 - 2023
Southern Politics	UT Tyler	4.6	2018 - 2023
U.S. Presidency	UT Tyler; Bates	3.9	2014 - 2017
Intro. to Texas Government (Honors)	UT Tyler	4.1	2020 - 2023
Intro. to American Government	UT Tyler; Bates; UGA	3.8	2013 - 2019

**CURRENT COMMUNITY INVOLVEMENT**

<i>KVUT 99.7FM UT Tyler Radio</i> (NPR), Advisory Board Member. Secretary (2022-23)	2021 - 2023
<i>League of Women Voters - Tyler/Smith County, TX</i> , Nominating Committee. Chair of Nominating Committee (2021-22)	2020 - 2022

# **Exhibit 17**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

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DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117

*Plaintiffs,* §

v. §

GALVESTON COUNTY, TEXAS, §  
HONORABLE MARK HENRY, in §  
his official capacity as Galveston §  
County Judge, and DWIGHT D. §  
SULLIVAN, in his official capacity as §  
Galveston County Clerk §

*Defendants.* §

**SECOND CORRECTED EXPERT REPORT OF JESSICA TROUNSTINE  
ON BEHALF OF THE UNITED STATES OF AMERICA**

April 21, 2023

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1. My name is Jessica Trounstein. I am a tenured Professor of Political Science at the University of California, Merced. I hold the Foundation Board of Trustees Presidential Chair, and I serve as Chair of the Political Science Department.
2. I was retained by the United States in March of 2022 as an expert witness to analyze elections in Galveston County, Texas. Specifically, I was asked to estimate the degree of polarized voting in Galveston County, to analyze the degree of political cohesion between Latino and Black voters in Galveston County, and to analyze whether and how the Galveston County Commissioners Court map that was adopted on November 12, 2021 (“Adopted Map”), will affect the opportunity that Black and Latino voters in Galveston County have to elect a candidate of their choice.

## I. Summary of Findings

3. Elections in Galveston County reveal a high degree of racial polarization. Black voters voted as a cohesive bloc in 89% of elections, and Latino voters voted as a cohesive bloc in 92% of elections. White voters preferred a different first-choice candidate than cohesive Black or Latino voters 89% of the time.
4. Black voters supported Black candidates 82% of the time, and Latino voters supported Latino candidates 81% of the time. White voters supported Black candidates only 18% of the time and supported Latino candidates only 6% of the time.
5. Those candidates who were the first choice of Black and Latino voters lost a majority of their elections.
6. Black and Latino voters preferred the same candidate in 77% of general elections. Black and Latino voters were politically cohesive in both partisan and nonpartisan elections, indicating that overlapping interests drive their shared partisanship, not the other way around.
7. The Adopted Map does not afford Galveston County’s Black and Latino voters an equal opportunity to elect a candidate of choice to office.

## II. Expert Witness Background

8. I received my B.A. in political science from the University of California, Berkeley in 1998 and my Ph.D. in political science from the University of California, San Diego in 2004. From 2004 to 2009, I was an assistant professor of politics and public policy at Princeton University. I have been at UC Merced since 2009. I was promoted to associate professor with tenure in 2012 and to full professor in 2019. I teach undergraduate and graduate courses on research design and empirical methods, American politics, and local politics.

9. My curriculum vitae is attached as Appendix A.
10. My research focus is local politics, with broad training in American politics and institutions. I am the author of two award-winning books, *Segregation by Design: Local Politics and Inequality in American Cities* (Cambridge University Press, 2018) and *Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers* (University of Chicago Press, 2008). I have published numerous peer-reviewed articles in top political science journals focused on elections and representation that are directly relevant to the research included and the opinions presented in this report.
11. I served as an expert witness on behalf of petitioners/plaintiffs in *Martinez v. City of Clovis*, 19CECG03855 (Cal. Super. Ct.) and prepared a written report in September 2020.
12. I served as an expert witness on behalf of the United States in *United States v. City of Hesperia*, 5:19-cv-02298 (C.D. Cal.) and prepared a written report in April 2022.
13. I have never previously testified as an expert at trial or by deposition.
14. My compensation is \$250 per hour for research and \$350 per hour for expert witness testimony and deposition. No part of my compensation is dependent upon the conclusions that I reach or on the opinions that I offer.

### III. Overview of Galveston County, Texas

15. Galveston County is governed by a five-member Commissioners Court, which consists of four commissioners and a county judge. Commissioners are elected by districts, known as precincts, for four-year terms in partisan elections. The terms are staggered with elections for Commissioner Precincts 1 and 3 held concurrently with presidential elections and Commissioner Precincts 2 and 4 with the Texas gubernatorial elections.
16. Primary elections take place in March. If no candidate receives greater than 50% of the vote, a runoff between the top two primary finishers occurs later in the year, typically in May.
17. As of November 2022, the Commissioners Court consists of Mark Henry (County Judge), and Commissioners Darrell Apffel (Precinct 1), Joseph Giusti (Precinct 2),



Stephen Holmes (Precinct 3), and Robin Armstrong<sup>1</sup> (Precinct 4). Henry, Apffel, and Giusti are white. Holmes and Armstrong are Black. There are currently no Latino members of the Commissioners Court.<sup>2</sup>

#### IV. Data Sources

18. I examined all contested Commissioners Court general elections for the 20-year period of 2002 to 2022 for which precinct-level election returns were available to me as of November 30, 2022.
19. For methodological reasons that are explained in Appendix B, I used the following demographic groupings in my analysis: those persons who identified as Latino/Hispanic, those persons who identified as Black/African American, and the remainder of the County's population. In Galveston County, approximately 93% of this remainder group is non-Hispanic white. For clarity, my discussion refers to this category as "white."<sup>3</sup>
20. I also examined 2016 and 2020 general elections in Galveston County for other local, state, and national offices that included Black or Latino candidates for which precinct-level data were available to me as of November 30, 2022.
21. Finally, I examined Democratic primary elections between 2002 and 2022 for the Commissioners Court, and other county, state, and national offices that included Black and Latino candidates for which precinct-level data were available to me as of November 30, 2022.<sup>4</sup>
22. Election returns came from data tabulated at the voting district (VTD)-level provided by Galveston County.
23. Data on the demographic makeup of VTDs came from aggregating block-level data from the Census and American Community Survey to the VTD-level. For elections held between 2014 and 2022, I used block-level estimates of the citizen voting age population of Black, Latino, and white residents from the 2020 Census and 2016-2022

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<sup>1</sup> In May 2022, Commissioner Armstrong was appointed by Judge Henry after Commissioner Ken Clark passed away.

<sup>2</sup> The race/ethnicity of candidates and elected officials was gathered from numerous publicly-available sources, including published candidate biographies and news reports.

<sup>3</sup> Estimates of the citizen voting age population were generated by Professor John Logan of Brown University at the census block-level. *See* Appendix D for additional details. I aggregated these to the VTD- and precinct-level using ArcGis.

<sup>4</sup> I did not analyze Republican primaries due to a lack of participation by Black and Latino voters in these elections. *See* Appendix B for additional details.

American Community Survey.<sup>5</sup> For elections held between 2002 and 2012, I used block-level data on voting age Black, Latino, and white populations from the 2010 Census.<sup>6</sup>

24. To analyze racially polarized voting, I looked to see whether voters from different racial/ethnic groups preferred different candidates for office.

## V. Methodology

### *A. Racially Polarized Voting Analysis*

25. To generate estimates of racial/ethnic group voting from aggregate data, I used a statistical procedure that is appropriate for analyzing elections with more than two candidates and/or more than two racial/ethnic groups. This procedure is known as Rows by Columns (RxC) and is a generalized form of ecological inference. Then, to ensure that my conclusions were not dependent upon the method I chose, I generated estimates using two other statistical procedures, Goodman's Bivariate Ecological Regression and King's Ecological Inference. Additional details are included in Appendix B.
26. To evaluate racial polarization in Galveston County, I analyzed: (i) the political cohesiveness of Black and Latino voters, (ii) the extent to which white voters preferred different candidates than those candidates preferred by Black and Latino voters, and (iii) the extent to which Black- and Latino-preferred candidates won elections.
27. Cohesion, generally, refers to something that literally or figuratively sticks together. Political cohesion, then, occurs when a group of voters sticks together in expressing their preferences at the ballot box. In other words, the larger a group's vote share for a single candidate, the stronger is that group's cohesion.
28. In statistical terms, because cohesion is a continuous, not a discrete, variable, there is no universally-accepted approach for determining cohesiveness. Published scholarship uses different strategies to denote cohesion. Many scholars look to see whether, on average, members of a group prefer one candidate over another (*see, e.g.,* Abrajano et al., 2015, Cho 1974). Other scholars (*see, e.g.,* McDaniel 2018,

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<sup>5</sup> These estimates were generated by Professor Logan. They combine information from the Census 2020 Public Law 94-171 Summary file and the 2016-2020 American Community Survey. I verified the accuracy of these estimates by consolidating block-level data to Census tract data and comparing to data from the Census. Similar estimates are unavailable for the 2010 Census.

<sup>6</sup> I downloaded these data from the National Historical Geographic Information System (NHGIS).

Collingwood et al. 2016) analyze the relative degree of cohesion across different groups or across time periods.<sup>7</sup> However, neither of these approaches allows for simple summarization of the data.

29. Thus, to summarize how frequently groups vote cohesively, we need an accounting threshold.
30. If we imagine a two-candidate race in which voters flip coins to determine their vote, we would expect each candidate to receive 50% of the total votes cast. Thus, in a two-candidate race, the farther away from 50% a candidate's vote share is, the clearer is the electorate's preference for that candidate and the more cohesive is that group. Lichtman and Herbert (1993) suggest 60% represents a clear preference. That is, if in an election, 60% of Latinos supported the same candidate, then Latinos are noted to have voted cohesively in that election.
31. In analyzing the political cohesiveness of Black and Latino voters in Galveston County, I used 60% as my threshold across the two-candidate races that I analyzed. That is, if in a two-candidate race, 60% of Latino voters supported candidate A, and 40% supported candidate B, I noted that Latinos voted as a cohesive bloc in that election. However, I also present estimates of each group's support for each candidate in Appendix C, allowing readers to see relative cohesion over time across groups.
32. For races with more than two candidates, I adjusted the 60% threshold that I used for two-candidate races based on the number of candidates running in the race, thereby ensuring consistency across elections with differing numbers of candidates. Specifically, because 60% is equal to 1.2 times 50%, I considered a group to vote cohesively when the share of votes delivered to the group's preferred candidate was at least 1.2 times an equal division of the vote for effective candidates.<sup>8</sup> For example, in elections with four candidates, an equal division of the vote would provide 25% of the ballots to each candidate, and I would consider a group to vote cohesively in such an election if the share of votes that the group delivered to its preferred candidate was  $1.2 \times 25\%$  or 30%.
33. To identify those elections in which Black voters or Latino voters were cohesive, I first determined which candidate received the largest share of the Black vote and which candidate received the largest share of the Latino vote. If a group's vote share

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<sup>7</sup> The large literature on cohesion in political science focuses more on cohesion among legislators than on cohesion among voters. That literature tends to define cohesion as stability in majority coalitions over time (*see, e.g.*, Diermeier and Feddersen 1998).

<sup>8</sup> By effective candidate, I mean a candidate that received at least 5% of the total vote.

for their preferred candidate was equal to or greater than the applicable cohesion threshold, I noted that the vote was cohesive for that group.

34. To determine whether Black and Latino voters are and were *collectively* politically cohesive, I looked to see whether the two groups selected the same first-choice candidate in general elections. It is more appropriate to analyze intergroup coordination in general elections, rather than in primaries, because primary elections are the arena in which groups that have similar ideologies or political orientations vie to determine their nominee for the general election. Voters usually support the candidate in the general election who shares their political orientation, regardless of whether that candidate was the voters' preferred candidate in the primary election (Atkeson 1998).<sup>9</sup> Similarly, I looked to see whether Black and Latino voters selected the same candidate in the general election, regardless of whom they supported in the primary.
35. In most cases in the United States, racial/ethnic cohesiveness will find its expression through the two-party system. Indeed, it would be difficult to conceptualize racial or ethnic cohesion within a single group or between two groups that did not manifest itself by a clear partisan preference. In other words, the fact that Latino and Black voters tend to support candidates from one party is a reflection of their cohesion, not an alternative explanation for it.
36. I then turned to analyzing polarization. I determined an election to be polarized when (i) the Black or Latino vote was cohesive and (ii) white voters voted for different candidates than did Black or Latino voters.
37. Finally, I investigated election outcomes, seeking to identify the frequency with which the Black- or Latino-preferred candidates lost their elections. For this final analysis only, I did not consider statewide or multi-county contests in the tabulation of the number of elections won or lost by Black- and/or Latino-preferred candidates. Instead, I only examined elections for which the relevant electorate was fully contained within Galveston County. I excluded statewide and multi-county contests from my election results tabulation because with this analysis, I was only interested in the power of Black and Latino voters in Galveston County to elect their candidates of choice. This allowed me to infer broadly whether Black and Latino voters in Galveston County are represented by the elected officials whom they most prefer. Conversely, in statewide and multi-county elections, Black and Latino Galveston

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<sup>9</sup> In cities, white voters are ideologically more conservative than are Black and Latino voters (Schaffner, Rhodes, and La Raja 2020).

County voters might overwhelmingly support a candidate who ends up losing the election because voters in other counties supported a different candidate.<sup>10</sup>

*B. Reconstituted Election Analysis*

38. To determine the extent to which the Adopted Map affords Black and Latino voters in Galveston County an equal opportunity to elect a candidate of choice to office, I performed a reconstituted elections analysis. In essence, a reconstituted election analysis takes candidates who have run in prior elections and estimates how those candidates would have fared had they run for office under maps different from those under which they ran.
39. I performed this reconstituted election analysis under two different Commissioners Court maps—(i) the Adopted Map and (ii) an illustrative map contained in the January 13, 2023, expert witness report of Anthony E. Fairfax (“Illustrative Map”). Specifically, I performed my reconstituted election analysis on Commissioner Precinct 3.
40. I used the vote shares received by candidates in five different countywide elections to determine which candidate would have won in Commissioner Precinct 3 under each of the two maps. Specifically, because there was very little overlap between the VTDs in Commissioner Precinct 3 under the two maps, it was necessary to analyze elections that covered the entire County. It was also important to analyze elections that featured polarization as identified in the analysis described above, as this was the scenario that was most likely to affect the opportunity for Black and Latino voters in Galveston County to elect a candidate of choice. Accordingly, I analyzed all five general elections that met these criteria: the 2006 and 2010 elections for County Judge and the 2020 elections for Galveston County Sheriff, 405th District Court Judge, and U.S. House District 14.

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<sup>10</sup> It is important to note that these statewide and multi-county elections are useful for determining political cohesion and polarization for Galveston County. As discussed above, it is meaningful to ask whether Black or Latino voters in Galveston County clearly prefer a particular congressional candidate, for example, and whether that candidate is also preferred by white voters, even if the final outcome of the congressional election is not informative for this report.

VI. Results of Racially Polarized Voting Analysis

*A. All Elections*

41. As shown in Table 1, I analyzed a total of 36 elections—22 general elections and 14 primary elections (including primary runoffs) that covered VTDs located in Galveston County. 26 of these elections were fully contained in Galveston County.
42. Across these 36 elections, Black and Latino voters voted as a cohesive bloc for their preferred candidate 89% of the time and 92% of the time, respectively. This degree of cohesion is notable because it accounts for elections in which Black and Latino candidates ran for office, elections in which they did not, elections at the Commissioners Court-level, county-wide elections, partisan elections, and non-partisan elections.
43. In the 22 general elections that I analyzed, Black and Latino voters selected the same first-choice candidate 77% of the time. In the elections in which Black and Latino voters selected the same first-choice candidate, white voters selected a different first choice candidate 88% of the time.
44. In 24 of the elections that I analyzed, Black or Latino candidates ran for office against white candidates.<sup>11</sup> In the 11 elections featuring Black candidates, Black voters voted as a cohesive bloc for the Black candidate 82% of the time. In the 16 elections featuring Latino candidates, Latino voters voted as a cohesive bloc for Latino candidates 81% of the time. White voters, by contrast, supported Black or Latino candidates in only three out of these 24 elections.
45. In the 26 elections that were fully contained within Galveston County, the Black-preferred candidate lost or was forced into a runoff 58% of the time. The Latino-preferred candidate lost or was forced into a runoff in 50% of elections. White-preferred candidates lost or were forced into a runoff in only 31% of elections. This means that a majority of the time, Latino and Black voters in Galveston County are unable to elect the candidate of their choice, while white voters in Galveston County usually see their candidates of choice win.
46. I discuss these findings in more detail in the sections that follow. Estimates of support for each candidate by each racial/ethnic group are provided in Appendix C.

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<sup>11</sup> Two elections among the 36 that I analyzed, the 2004 general election for Commissioner Precinct 3 and the 2012 primary election for Commissioner Precinct 3, featured only Black candidates. These two elections are excluded from the 24 elections discussed here because it was not possible for white voters to select a non-Black candidate.

**Table 1: Racially Polarized Voting Analysis**

	22 General Elections			14 Primary Elections			Grand Total		
	Total	Out of		Total	Out of		Total	Out of	
Polarized (Black or Latino cohesive, white opposition)	20	22	91%	12	14	86%	32	36	89%
Black Cohesive Vote for Black Candidates	5	7	71%	4	4	100%	9	11	82%
Latino Cohesive Vote for Latino Candidate	6	8	75%	7	8	88%	13	16	81%
Black Cohesive Vote	20	22	91%	12	14	86%	32	36	89%
Latino Cohesive Vote	20	22	91%	13	14	93%	33	36	92%
Latino & white Voters Different First Choice Candidate	17	22	77%	11	14	79%	28	36	78%
Black & white Voters Different First Choice Candidate	20	22	91%	8	14	57%	28	36	78%
Black & Latino Voters Same First Choice Candidate	17	22	77%	4	14	29%	21	36	58%
Black & Latino Voters Same First Choice Candidate, white opposition	15	17	88%	2	4	50%	17	21	81%
Latino-Preferred Candidate Won	11	20	55%	2	6	33%	13	26	50%
Black-Preferred Candidate Won	8	20	40%	3	6	50%	11	26	42%
White-Preferred Candidate Won	13	20	65%	5	6	83%	18	26	69%
White Voters Prefer Black Candidate	1	7	14%	1	4	25%	2	11	18%
White Voters Prefer Latino Candidate	1	8	13%	0	8	0%	1	16	6%

*B. Commissioners Court Elections*

47. I considered Commissioners Court elections to be the most probative for my conclusions as these are the elections that are most directly affected by the redistricting in Galveston County.
48. For elections held between 2002 and 2022, I was able to obtain precinct-level election returns for 15 contested elections for Commissioners Court—the most recent of which occurred in 2014. Although it is regrettable that we do not have more recent endogenous elections to analyze, these older elections still enable us to establish patterns of racial polarization. Political scientists generally agree that elections throughout the United States have become increasingly racially/ethnically polarized over the last 20 years (Abramowitz and McCoy 2019). This means that if we see racial polarization in older elections, it is likely that these patterns persist and may have grown stronger. Between 2002 and 2022, Black candidates ran in three Commissioners Court elections (two primaries and one general election) and Latino candidates ran in two primary elections and no general elections. Black candidates only ran for office in Commissioner Precinct 3, while Latino candidates ran for office in Commissioner Precincts 1 and 2.
49. Turnout<sup>12</sup> was low among Latino voters, averaging only 1.6% across the nine general elections analyzed. Black voter turnout averaged 32% and white turnout averaged 35% in these same races.
50. To show the relationship between Black and Latino voters and candidate preference graphically, I generated a pooled Goodman’s regression for the seven Commissioners Court general elections in which Black and Latino voters preferred the same candidate.<sup>13</sup> In each election, I calculated the vote share received by the candidate preferred by Black and Latino voters in a VTD.<sup>14</sup> Then, I regressed this total on the

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<sup>12</sup> Throughout this report, turnout figures refer to turnout among voting age citizens, not to turnout among registered voters.

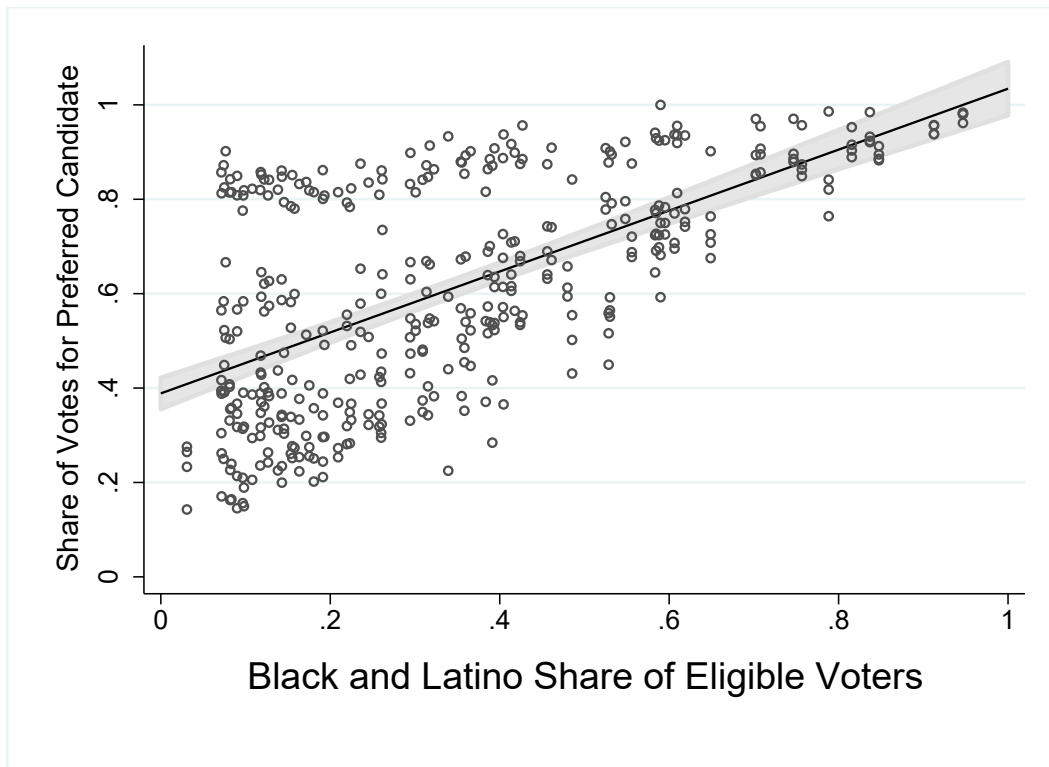
<sup>13</sup> As explained in Appendix B, Goodman’s regression is not my preferred statistical option for producing point estimates of voter support for each candidate in these elections. I use it here for a different purpose: to provide a visual representation of the linear relationship between voter demographics and candidate vote share. I used a pooled approach because the limited number of precincts in each election can lead outliers to have outsized or misleading effects on the results. Aggregating makes the average support/opposition for the preferred candidate clear over the entire time span.

<sup>14</sup> Two elections in which Black and Latino voters preferred different first choice candidates are excluded from this analysis because the data are missing on the dependent variable. Another strategy for analysis is to generate duplicate observations for each VTD in these two elections—with one observation representing the vote share for the preferred candidate of Latino voters and one observation representing the vote share for the preferred candidate of Black voters. This



Black and Latino share of eligible voters in that VTD. The predicted results are displayed in Chart 1 below. The results are statistically significant at a level that is below 0.000,<sup>15</sup> meaning that the relationship between the Black and Latino share of eligible voters and the precinct-level vote for their preferred candidate is extremely unlikely to be due to chance.

**Chart 1: Endogenous Elections in Galveston County Reveal Racial Polarization<sup>16</sup>**



51. Chart 1 reveals political polarization in Galveston County. In VTDs in which the Black and Latino share of eligible voters is small, the candidates preferred by Black and Latino voters win a small share of the vote. We can therefore conclude that white voters generally prefer different candidates than do Black and Latino voters. Furthermore, it is apparent that Black- and Latino-preferred candidates only win

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strategy also produces statistically significant results, but the duplication of VTDs overweights these elections, and so I do not prefer that approach.

<sup>15</sup> Significance levels below 0.05 are generally accepted for publication in political science (Pollock and Edwards 2020).

<sup>16</sup> Chart 1 presents data from seven general elections to Commissioners Court between 2002 and 2014 in which Black and Latino voters preferred the same candidate. It displays a scatterplot showing the predicted share of the vote received by Black and Latino voters' preferred candidate and the Black and Latino share of eligible voters in each VTD. A linear regression line with 95% confidence bands is fit through the data.

greater than 50% of the vote when Black and Latino voters comprise a substantial share of the electorate.

*C. Partisan Exogenous Elections*

52. Of the 36 elections that I analyzed, three were general elections and eight were primary elections, including primary runoffs, for higher-level offices, including Galveston County Sheriff, U.S. House of Representatives, District Court Judge, Attorney General, Comptroller of Public Accounts, Commissioner of General Land, and Lieutenant Governor.
53. Across these 11 elections, seven Latino candidates and six Black candidates ran for office. Latino voters cohesively supported Latino candidates and Black voters cohesively supported Black candidates in 100% of these elections. White voters in Galveston County did not support a single Black or Latino candidate in these elections. In all three general elections, Black and Latino voters in Galveston County preferred the same candidate as their first choice. As a result of these patterns of cohesion and opposition, I determined that 100% of these elections were polarized.
54. Turnout in the general elections was 13.1% among Latino voters in Galveston County, 78.1% among white voters in Galveston County, and 40.8% among Black voters in Galveston County. In the Democratic primary, turnout was only 2.2% for Latino voters in Galveston County, 3.1% for white voters in Galveston County, and 14.8% for Black voters in Galveston County.

*D. Nonpartisan Exogenous Elections*

55. Finally, to ensure that my conclusions were not dependent upon the presence of partisan labels, ten of the 36 elections that I analyzed were nonpartisan local elections in Galveston County with VTDs that overlapped with the VTDs found in Commissioner Precinct 3. These included general elections for Galveston City city council and mayor, La Marque city council, League City city council, Texas City city commission and mayor, and Galveston County Navigation and Canal Commissioner in 2016 and 2020.
56. Across these ten elections, I found patterns similar to those described above. Specifically, Black voters cohesively preferred Black candidates in three out of the five elections in which Black candidates ran, and Latino voters preferred Latino candidates in five out of the seven elections in which Latino candidates ran. White voters only supported one Latino candidate and one Black candidate. In seven out of the ten nonpartisan elections, Black and Latino voters preferred the same first choice candidate. Overall, I determined that 90% (nine out of ten) of these elections were

polarized with Black or Latino voters cohesively supporting different candidates than white voters.

57. Turnout in these ten elections averaged 14.9% for Latino voters, 33.6% for Black voters, and 30.6% for white voters.

## VII. Results of Reconstituted Election Analysis

58. Table 2 presents the results of my reconstituted election analysis. In every election, the candidate preferred by Black and Latino voters (noted in bold) would have lost the election had they run in Commissioner Precinct 3 under the Adopted Map, but would have won their election had they run in Commissioner Precinct 3 under the Illustrative Map.

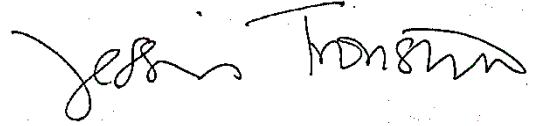
**Table 2: Commissioner Precinct 3 Reconstituted Election Analysis—Adopted Map vs. Illustrative Map**

	Commissioner Precinct 3 in Adopted Map	Commissioner Precinct 3 in Illustrative Map
2006 County Judge		
Chris Stevens	53.7%	21.0%
<b>James D. Yarbrough</b>	46.3%	79.0%
2010 County Judge		
Mark Henry	67.7%	25.8%
<b>James D. Yarbrough</b>	32.3%	74.2%
2020 Galveston County Sheriff		
Henry Trochesset	66.8%	35.1%
<b>Mark Salinas</b>	33.2%	64.9%
2020 405 <sup>th</sup> District Court Judge		
Jared Robinson	67.2%	33.9%
<b>Teresa Hudson</b>	32.8%	66.1%
2020 U.S. House District 14		
Randy Weber	67.6%	34.2%
<b>Adrienne Bell</b>	32.4%	65.8%

## **Conclusion**

After analyzing 36 elections—that covered multiple levels of government, partisan and nonpartisan elections, and primary and general elections—I am confident in asserting that elections in Galveston County are racially polarized. Black and Latino voters vote cohesively in support of candidates that are generally opposed by white voters. Black and Latino voters often see their preferred candidates lose elections, particularly when they do not constitute a majority of the electorate. Furthermore, based on my reconstituted election analysis, I am also confident in asserting that the Galveston County Commissioners Court map that was adopted on November 12, 2021, does not afford Galveston County’s Black and Latino voters an equal opportunity to elect a candidate of choice to office.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of April 2023.

A handwritten signature in black ink, appearing to read "Jessica Trounstine". The signature is written in a cursive style with some loops and flourishes.

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JESSICA TROUNSTINE

## References

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*Appendix A: Curriculum Vitae*

## Jessica Luce Trounstone

University of California, Merced

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Last Updated: April 2023

### Academic Appointments

Foundation Board of Trustees Presidential Chair of Political Science, University of California, Merced, 2019-present

Professor of Political Science, University of California Merced, 2019-present

Associate Professor of Political Science, University of California Merced, 2012-2019

Assistant Professor of Political Science, University of California Merced, 2009-2012

Assistant Professor of Politics and Public Affairs, Princeton University, 2005-2009

Instructor, Department of Politics/Woodrow Wilson School, Princeton University 2004-2005

Lecturer, Department of Political Science, University of California, San Diego, 2003-2004

### Education

Ph.D. in Political Science, University of California, San Diego, 2004

M.A. in Political Science, University of California, San Diego, 2001

Consortium on Qualitative Research Methods, Training Institute in Qualitative Methods, 2003

B.A. in Political Science awarded High Honors, University of California, Berkeley, 1998

### Peer Reviewed Books

*Segregation by Design: Local Politics and Inequality in American Cities*, Cambridge University Press, 2018

Winner, 2020 Best Book in the Field, Urban Affairs Association

Co-winner, J. David Greenstone Prize for Best Book in Politics and History, published in 2018, American Political Science Association

Winner, Best Book in Race, Ethnicity, and Urban Politics, published in 2018, American Political Science Association

*Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers*, University of Chicago Press, 2008

Winner, Best Book in Urban Politics published in 2008, American Political Science Association

### Peer Reviewed Articles

Crowder-Meyer, Melody, Shana Gadarian, Jessica Trounstone. 2023. "Ranking Candidates in Local Elections: Neither Catastrophe nor Panacea," *Journal of Experimental Political Science, special issue in honor of Rebecca Morton*. Forthcoming

Trounstone, Jessica and Sidra Goldman-Mellor. 2023. "County-Level Segregation and Racial Disparities in COVID-19 Outcomes," *Journal of Health Politics, Policy and Law*. Volume 48, Issue 2

Trounstone, Jessica, "You Won't Be My Neighbor: Opposition to High Density Development," *Urban Affairs Review*, 2021

Collins, Jonathan, Eddie Lucero, Jessica Trounstone, "Will Concurrent Elections Reshape the Electorate?", *California Journal of Politics and Public Policy*, 2020

Trounstone, Jessica, "Local Political Economy: The State of the Field: Past, Present, and Future", *Journal of Political Institutions and Political Economy*, Vol. 1: No. 3, 2020

Lucero, Eddie, Jessica Trounstone, Jennifer Connolly, Casey Klofstad, "A Matter of Life or Death: How Racial Representation Shapes Compliance with City Disaster Preparedness Orders," *Journal of Urban Affairs*, 2020

Trounstone, Jessica, "The Geography of Inequality: How Land Use Regulation Produces Segregation," *American Political Science Review*, Volume 114, Number 2, 2020

Crowder-Meyer, Melody, Shana Kushner Gadarian, and Jessica Trounstone, "Voting is Hard, Information Helps," *Urban Affairs Review*, Vol 56, Number 1, 2020

Crowder-Meyer, Melody, Shana Gadarian, Jessica Trounstone, and Kau Vue, "A Different Kind of Disadvantage: Candidate Race, Cognitive Complexity, and Voter Choice," *Political Behavior*, Volume 42, Number 1, 2018

Trounstone, Jessica, "Political Schizophrenics? Factors Affecting Aggregate Partisan Choice at the Local Versus National Level," *American Politics Research*, Volume 46, Number 1, 2018

Trounstone, Jessica, "Segregation and Inequality in Public Goods," *American Journal of Political Science*, Volume 60, Issue 3, July 2016

Crowder-Meyer, Melody, Shana Gadarian, and Jessica Trounstone, "Electoral Institutions, Gender Stereotypes, and Women's Local Representation," *Politics, Groups, and Identities*, Volume 3, Number 2, 2015

Trounstone, Jessica, "The Privatization of Public Services in American Cities," *Social Science History*, Volume 39, Issue 3, September 2015

Trounstone, Jessica, "How (and How Not) to Use History in the MPA/MPP Classroom," *Journal of Public Affairs Education*, Volume 20, Issue 1, Winter 2014

Hajnal, Zoltan and Jessica Trounstine, "Identifying and Understanding Perceived Inequities in Local Political Outcomes," *Political Research Quarterly*, Volume 67, Number 1, 2014

Hajnal, Zoltan and Jessica Trounstine, "What Underlies Urban Politics: Race, Class, Ideology, Partisanship and the Urban Vote," *Urban Affairs Review*, Volume 50, Issue 1, 2014

Trounstine, Jessica, "Turnout and Incumbency in Local Elections," *Urban Affairs Review*, Volume 49, Number 2, 2013

Rugh, Jacob and Jessica Trounstine, "The Provision of Local Public Goods in Diverse Communities: Analyzing Municipal Bond Elections," *Journal of Politics*, Volume 73, Number 4, 2011

Trounstine, Jessica, "Evidence of a Local Incumbency Advantage," *Legislative Studies Quarterly*, Volume 36, Issue 2, May, 2011

Hajnal, Zoltan and Jessica Trounstine, "Who or What Governs? The Effects of Economics, Politics, Institutions, and Needs on Local Spending," *American Politics Research*, Volume 38, Number 6, 2010

Trounstine, Jessica, "Representation and Accountability in Cities," *Annual Review of Political Science*, Volume 13, 2010

Trounstine, Jessica, "All Politics is Local: The Reemergence of the Study of City Politics," *Perspectives on Politics*, **Volume 7, Number 3, 2009**

Trounstine, Jessica and Melody Ellis-Valdini, "The Context Matters: The Effects of Single Member vs. At-Large Districts on City Council Diversity," *American Journal of Political Science*, Volume 52, Number 3, 2008

Trounstine, Jessica, "Dominant Regimes and the Demise of Urban Democracy," *Journal of Politics*, Volume 68, Number 4, 2006

Hajnal, Zoltan and Jessica Trounstine, "Where Turnout Matters: The Consequences of Uneven Turnout in City Politics," *Journal of Politics*, Volume 67, Number 2, 2005

### **Book Chapters**

Trounstine, Jessica, "The Production of Local Inequality: Race, Class, and Land Use in American Cities," in *The American Political Economy: Politics, Markets, and Power*, edited by Jacob Hacker, Alexander Hertel-Fernandez, Paul Pierson, and Kathleen Thelen, Cambridge University Press, 2021

Hajnal, Zoltan and Jessica Trounstine, "Uneven Democracy: Turnout, Minority Interests, and Local Government Spending," in *Representation: Elections and Beyond*, edited by Jack Nagel and Rogers M. Smith, University of Pennsylvania Press, 2013

Davies, Jonathan and Jessica Trounstine, "Urban Politics and the New Institutionalism," in *Oxford Handbook of Urban Politics*, edited by Karen Mossberger, Susan Clarke, and Peter John, Oxford: Oxford University Press, 2012

Hajnal, Zoltan and Jessica Trounstine, "Winners and Losers in Mayoral Elections," in *America's Uneven Democracy: Race, Turnout, and Representation in City Politics* by Zoltan Hajnal, New York: Cambridge University Press, 2010

Hajnal, Zoltan and Jessica Trounstine, "Turnout and Representation on City Councils," in *America's Uneven Democracy: Race, Turnout, and Representation in City Politics* by Zoltan Hajnal, New York: Cambridge University Press, 2010

Trounstine, Jessica, "Challenging the Machine-Reform Dichotomy: Two Threats to Urban Democracy," in *The City in American Political Development*, edited by Richardson Dilworth, New York: Routledge Press, 2009

Hajnal, Zoltan and Jessica Trounstone, “Transforming Votes into Victories: Turnout, Institutional Context, and Minority Representation in Local Politics,” in *Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power*, edited by Ana Henderson. Institute for Global Studies, The University of California Press, 2007

### **Other Publications**

Trounstone, Jessica, “Reforming Zoning in a Racist Market Still Worth It,” *Shelterforce*, March 2, 2023

Trounstone, Jessica, “Land Use Regulation and Residential Segregation,” *The Regulatory Review*, April 11, 2022

Trounstone, Jessica, “What Trump Misunderstands About Suburban Voters,” *The Atlantic*, September 9, 2020

Trounstone, Jessica, “Race and Class Segregation and Local Public Policy,” *Tax Law Review*, 70 Tax L. Rev. 513, June 21, 2017

Hajnal, Zoltan and Jessica Trounstone, “Race and Class Inequality in Local Politics,” in *The Double Bind: The Politics of Racial and Class Inequalities in the Americas*, edited by Juliet Hooker and Alvin B. Tillery, Jr., for the APSA Task Force on Racial and Class Inequalities in the Americas, September 2016

Book review of John Arena, *Driven from New Orleans: How Nonprofits Betray Public Housing and Promote Privatization*, University of Minnesota Press, 2012. *Perspectives on Politics*, Volume 13, Number 1, March 2015

Trounstone, Jessica, “How Racial Segregation and Political Mismanagement led to Flint’s Shocking Water Crisis,” *The Monkey Cage, Washington Post*, February 8, 2016

Book review of Cedric Johnson, ed. *The Neoliberal Deluge: Hurricane Katrina, Late Capitalism, and the Remaking of New Orleans*. Minneapolis: University of Minnesota Press, 2011. *Perspectives on Politics*, Volume 10, Number 3, September, 2012

Book Review of Eleonora Pasotti, *Political Branding in Cities: The Decline of Machine Politics in Bogota, Naples, and Chicago*. New York: Cambridge University Press, 2009. *Perspectives on Politics*, Volume 8, Number 3, September, 2010

Trounstone, Jessica. “Local Legislator”, in *Political Encyclopedia of U.S. States and Regions*, edited by Donald P. Haider-Markel, Washington, DC: CQ Press, 2008

Trounstone, Jessica. “Township”, in *Political Encyclopedia of U.S. States and Regions*, edited by Donald P. Haider-Markel, Washington, DC: CQ Press, 2008

Hills, Jessica. “Housing Policy”, in *Encyclopedia of Public Administration and Public Policy*, edited by David Schultz, New York: Facts on File, 2003

Hills, Jessica. “Department of Housing and Urban Development”, in *Encyclopedia of Public Administration and Public Policy*, edited by David Schultz, New York: Facts on File, 2003

Trounstone, Jessica and Gianzero, Gina. *Curriculum Matters: The Importance of Rigorous Course-taking in High School*. San Diego Dialogue Report, 2003.

### **Awards, Grants, Fellowships**

Andrew Carnegie Fellow, 2022-2024, \$200,000

STIR Labs Academic in Residence with the Association of Bay Area Governments, 2021, \$19,686

Mobility Metrics Working Group Member, Urban Institute, 2019-2021

New America Foundation Grant, “Evaluating Voter Experiences and Traits of Supported Candidates in Ranked Choice Voting Elections,” co-PI, March 2020, \$19,000

Political Science Seed Grant, University of California, Merced, May 2018

Best Paper in American Politics presented in 2017, Midwest Political Science Association

Best Paper on Urban and Local Politics presented in 2017, American Political Science Association

Sophonisba Breckenridge Award for the Best Paper on the Topic of Women and Politics presented in 2015, Midwest Political Science Association

University of California, Multi-campus Grant, "Will California's New Electorate Reflect the New California?" co-PI, \$545,641

Political Science Seed Grant, University of California, Merced, May 2014

Academic Senate Award for Distinguished Early Career Research, University of California, Merced, 2012

Outstanding Women's Luncheon Honoree, University of California, Merced, 2012

Clarence Stone Scholar, Urban Politics Section, American Political Science Association, 2010

Princeton University Ralph O. Glendinning University Preceptor, 2008-2009

Russell Sage Foundation Fellow, 2007-2008 (declined)

Princeton University Department of Politics Manuscript Conference, *Urban Empires: Rise and Fall of Monopoly Government in American Cities*; discussants included Amy Bridges, Rebecca Morton, Douglas Massey, David Mayhew, John Mollenkopf, and Paul Peterson, May 2006

Best Urban Politics Paper presented in 2002, American Political Science Association, 2003

Distinguished Teaching Assistant Award, University of California, San Diego, 2001, 2003

Sustainable Communities Leadership Program Fellow, 2001, 2002

Edmund G. Brown Scholarship, University of California, San Diego, 2000

Phi Beta Kappa, University of California at Berkeley, 1998

Robert C. Byrd Scholarship; Letters and Science Dean's Scholarship; Louis Levy Scholarship; G&H Pardee Scholarship, University of California, Berkeley, 1994-1998

Equal Employment Opportunity Commission Summer Fellow, Washington D.C., 1996

### **Invited Talks (most recent 5 years)**

2022

Princeton University, University of Pittsburgh, Gimme Shelter Podcast, University of Toledo, Coastal Housing Commission

2021

University of North Carolina, Chapel Hill, Livable Sunnyvale, Massachusetts Housing Partnership, University of Chicago Center for Effective Government, Association of Bay Area Governments, University of Pennsylvania Race and Regulation Series, San Jose State University, San Mateo County Let's Talk Housing, Up for Growth Racial Equity Panel,

2020

Texas A & M University

2019

University of Wisconsin, Milwaukee, University of Southern California, University of California, Berkeley, University of California, Irvine, Brigham Young University, City Lights Bookstore, TechEquity

2018

Harvard University, New York University

2017

UC Center in Sacramento, Washington University, St Louis

**Conference Papers (most recent 5 years)**

“Ranking Candidates in Local Elections: Neither Catastrophe nor Panacea,” with Melody Crowder-Meyer and Shana Gadarian

Midwest Political Science Association Conference 2022

“Segregation Kills: How County Level Segregation Generated Unequal Outcomes in the COVID-19 Pandemic,” with Sidra Goldman-Mellor

Entrenchment and Health Equity Conference Sponsored by the Robert Wood Johnson Foundation, October 2021

“The Political Influence of City Employees: Civil Service Adoption in America,” with Sarah Anzia

American Political Science Association Conference, September 2021; Western Political Science Association Conference 2022, Midwest Political Science Association Conference 2022

“Redlined Forever: The Racist Past of Today’s Land Use Regulations”

Institute for Human Studies Paper Workshop for the Center for Ethics at St. Anselm College, August 2021

“Civilians as Agents of Repression,” with Courtenay Conrad and Emily Ritter

American Political Science Association Conference, September 2020, American Political Science Association Conference, September 2021

“The Production of Local Inequality: Race, Class, and Land Use in American Cities”

American Political Science Association Conference, September 2020

“The Geography of Inequality: How Land Use Regulation Produces Segregation and Polarization”

Workshop on Cities, Inequality, and Electoral Politics at Princeton University, March 2018; Anxiety of Democracies Workshop at Villa Vigoni, Menaggio, Italy, June 2018, PolMeth, July 2018

“Voting Can be Hard, Information Helps,” with Melody Crowder-Meyer and Shana Gadarian

Midwest Political Science Association Conference, April 2017, American Political Science Association Conference, September 2017, Citizenship and the City Conference at Brown University, January 2018

### **Professional Service**

American Political Economy Section, American Political Science Association, vice-chair, 2022-2023

Midwest Political Science Association, Council and Officer Nominations Committee member, 2021-2022

California Statewide Housing Plan Advisory Committee, member, 2021

Class and Inequality Section, American Political Science Association, nominations committee member, 2021-2023

American Political Science Association, Best book award renaming committee member, 2021-2022

Clarence Stone Scholar Award Committee, American Political Science Association, Chair, 2021

*American Journal of Political Science*, Editorial Board Member, 2021-2023

*Journal of Political Institutions and Political Economy*, Editorial Board Member, 2019-present

Local Political Economy Conference, organizer, 2016-present

J. David Greenstone Book Award Committee, American Political Science Association, 2020

*Studies in American Political Development*, Editorial Board Member, 2019-2021

Midwest Political Science Association, Council Member, 2019-2022

Urban and Local Politics Section, American Political Science Association Annual Meeting, Section chair, 2019

Urban and Local Politics Section, Southern Political Science Association Annual Meeting, Section chair, 2018

*California Journal of Politics and Policy*, Co-Editor, 2017-2019

*Journal of Politics*, Editorial Board Member, 2016-2020

Nominations Committee, Public Policy Section, American Political Science Association, Chair, 2017

National Science Foundation Political Science Review Panel, member, 2017-2018

Local Political Economy Pre-Conference, American Political Science Association, co-organizer, 2017, 2019

*American Politics Research*, Editorial Board, member, 2016-2019

APSA Task Force on Racial and Class Inequalities in the Americas, member, 2014-2015

Executive Committee, Representation and Electoral Systems Section, American Political Science Association, member, 2013-2015, 2017-2019

*Political Research Quarterly* Editorial Board, member, 2014-2016

Urban Politics Section, American Political Science Association, president, 2014-2015

*Urban Affairs Review* Editorial Board, member, 2012-present

Best Dissertation Award Committee, Western Political Science Association, member, 2013

Urban and Local Politics Section, Midwest Political Science Association Annual Meeting, chair, 2013

Mary Parker Follett Award Committee, Politics and History Section, American Political Science Association, member, 2011

Urban Politics Section, American Political Science Association, Treasurer/Secretary, 2010-2013

Best Book Award Committee, Urban Politics Section, American Political Science Association, chair, 2010

William Riker Book Award Committee, Political Economy Section, American Political Science Association, member, 2010



Urban and Local Politics Section, Midwest Political Science Association Annual Meeting, chair, 2010  
Byran Jackson Dissertation Award Committee, Urban Politics Section, American Political Science Association, chair, 2008-2009  
Executive Committee, Urban Politics Section, American Political Science Association, member, 2008-2010  
Federalism and Sub-national Politics Advisory Board, Political Science Network, member, 2007  
Parties and Interest Groups Section, Western Political Science Association Annual Meeting, chair, 2006  
Referee/Reviewer: *American Journal of Political Science*, *American Political Science Review*, *American Politics Research*, *British Journal of Political Science*, *California Journal of Politics and Policy*, *Cambridge University Press*, *Comparative Political Studies*, *Cornell University Press*, *Demography*, *Economics and Politics*, *Election Law Journal*, *Foreign Policy Analysis*, *Journal of Empirical Legal Studies*, *Journal of Politics*, *Journal of Policy History*, *Journal of Public Administration Research and Theory*, *Journal of Public Affairs Education*, *Journal of Race, Ethnicity, and Politics*, *Journal of Urban Affairs*, *Journal of Women, Politics and Policy*, *Kansas University Press*, *Law and Society*, *Legislative Studies Quarterly*, National Science Foundation, *Oxford University Press*, *Perspectives on Politics*, *Political Behavior*, *Political Research Quarterly*, *Political Science Research and Methods*, *Politics, Groups, and Identities*, *Princeton University Press*, *Public Administration Review*, *Public Opinion Quarterly*, *Polity*, *Publius*, *Public Choice*, *Quarterly Journal of Economics*, *Quarterly Journal of Political Science*, *Review of Economics and Statistics*, *Routledge Press*, *Social Science Journal*, *Social Sciences Quarterly*, *Sociological Forum*, *State and Local Government Review*, *Studies in American Political Development*, Time Sharing Experiments for the Social Sciences, *University of Chicago Press*, *University of Pennsylvania Press*, *Urban Affairs Review*, *Urban Research and Practice*, *Quarterly Journal of Political Science*, *World Politics*, *W.W. Norton and Company*

#### **University and School Service, University of California, Merced**

Center for Analytic Political Engagement, Executive Committee, member, 2021-present  
EDI Virtual Dialogue: Equity, Justice, and Politics, presenter, 2020  
UC Merced Divisional Council, at-large member (elected), 2020-2021  
School of Social Sciences, Humanities, and Arts, Executive Committee, Chair, 2019  
Pi Sigma Alpha, advisor, 2019-present  
University of California Planning and Budget Committee, member, 2018-2019  
UC Merced Divisional Council, member, 2018-2019  
UC Merced Academic Planning Working Group, co-chair, 2018-2019  
UC Merced Committee on Academic Planning and Resource Allocation, chair, 2018-2019  
UC Merced Committee on Academic Planning and Resource Allocation, vice-chair, 2017-2018  
UC Merced Committee on Academic Planning and Resource Allocation, member, 2016-2017, 2019-2021  
Inequality, Power, and Social Justice Search Committee, member, 2016-2017  
School of Social Sciences, Humanities, and Arts, Curriculum Committee, member, 2016-2017  
School of Social Sciences, Humanities, and Arts, Executive Committee, member, 2016, 2017-2018  
Hellman Fellowship Award Committee, member, 2013  
University of California Center Sacramento Faculty Council, member, 2010-present  
University of California Center Sacramento Campus Representative, 2010-present  
Academic Degree Program Policy Working Group, member, 2016-2018

Campus Physical Planning Committee Subcommittee on Academic Space, member, 2013

**Department and Graduate Group Service, University of California, Merced**

Political Science Department, Chair, 2020-present

Understanding Politics Speaker Series Committee, member, 2019-2020

Political Science Mentor for Elaine Denny, 2018-present

Political Science By-Law Unit, Vice-Chair, 2017-2018, 2019-2020

Political Science Lecturer Search Committee, Chair, 2017

Political Science Graduate Group Admissions and Awards Committee, member, 2016-2019

Political Science Undergraduate Program Review, Lead Author, 2016-2018

Undergraduate Director/Faculty Assessment Organizer, Political Science, 2016-2017

Comprehensive Graduate Exam in Political Institutions and Political Economy, chair, 2014-2016, 2018

Political Science Graduate Group, Chair, 2013-2015

Political Science Executive Committee, member, 2013-2017, 2018-present

First Year Graduate Exam in Political Science, member, 2012-2014

Committee for the Advancement of Graduate Education in the Social Sciences, Member, 2010-2011

Social and Cognitive Sciences Graduate Group, Chair, 2011-2013

Graduate Studies in Political Science, Director, 2009-2013

Understanding Politics Speaker Series Committee, Chair, 2009-2011, 2013

Political Science Search Committee, Member, 2009, 2010, 2011, 2015, 2018

Political Science Mentor for Emily Ritter, 2013-2018

**Graduate Student Placements**

Ada Nina Johnson-Kanu, Chair, Assistant Professor, University of Kentucky

Josue Franco, Committee member, Assistant Professor, Cuyamaca College

Tessa Provins Smith, Committee member, Assistant Professor, University of Pittsburgh

Kau Vue, Chair, Assistant Professor, Fresno Community College

Jacob Rugh, Committee member, Associate Professor, Brigham Young University

Rebecca Casciano, Committee member, Office of Population Research Fellow, Princeton University

Melody Crowder-Meyer, Committee member, Assistant Professor, University of the South, Davidson University

Jeff Tessin, Committee member, Government Accountability Office

Yue Zhang, Committee member, Associate Professor, University of Illinois Chicago

Gregory Stankiewicz, Reader, New Jersey Office of Management and Budget

Erik Mobrand, Reader, Associate Professor, Seoul National University

Jonathan Rothwell, Reader, Brookings Institute, Metropolitan Policy Program

### **Teaching Experience**

American Political Institutions, University of California, Merced

Senior Honors Thesis Seminar, undergraduate, University of California, Merced

Politics of Diversity, graduate, University of California, Merced

Subnational Politics, graduate, University of California, Merced

Quantitative Analysis of Political Data I, graduate, University of California, Merced

Understanding Political Controversies, undergraduate, University of California, Merced

Introduction to American Politics, undergraduate, University of California, Merced, Princeton University

Urban Politics, undergraduate, University of California, Merced, University of California, San Diego,

The American City, undergraduate, Princeton University

Politics and Policy Making in Metropolitan Areas, graduate, Princeton University

Congressional Simulation, undergraduate, University of California, San Diego

### **Work Experience**

Expert Witness, Central California Legal Services and Public Interest Law Project, 2020

Consultant, Department of Justice, 2016-present

Consultant, City of San Diego, 2005

Research Fellow, San Diego Dialogue, San Diego, 2000-2004

Press Aide, Governor Gray Davis, Sacramento, 1998-1999

Investigator, Equal Employment Opportunity Commission, Washington DC, Summer 1996

*Appendix B: Methodological Appendix*Data Source Details

To determine the extent (if any) of racially polarized voting in Galveston County, Texas, I examined all contested Commissioners Court general elections for the 20-year period of 2002 to 2022 (nine elections) for which precinct-level election returns were available to me as of November 30, 2022.

Over the last 20 years, only two Black candidates and no Latino candidates have run in general elections for Commissioners Court. In addition to featuring very few candidates of color, Commissioners Court general elections are frequently uncontested and/or precinct-level election returns are not available for analysis. I supplemented the analysis of Commissioners Court elections with elections for other offices to understand whether Black and Latino voters in Galveston County tend to vote for Black and Latino candidates when offered the chance to do so.

I examined a total of 36 elections. Specifically, I examined general elections in Galveston County for local, state, and national offices that featured Black or Latino candidates and for which precinct-level data were available to me as of November 30, 2022. I analyzed elections that were recent, with electorates found in voting districts (VTDs) that overlapped with the VTDs found in Commissioner Precinct 3 and those in which the winning candidate received less than 75% of the vote. In total, this search yielded eight nonpartisan local elections in 2020 and two nonpartisan local elections in 2016, as well as three partisan elections for higher-level offices in 2020. Finally, I examined Democratic primary elections for Commissioners (six elections between 2002 and 2022), County Judge (zero elections between 2002 and 2022), and higher-level offices (eight elections in 2022).

Due to a lack of participation by Black and Latino voters in Republican primaries, I did not analyze Republican primaries. A long history of racial sorting between the two major parties in the United States means that a majority of Black voters support the Democratic party and Democratic candidates in elections, while a majority of white voters support the Republican party and Republican candidates. Latino voters are more divided between the parties, but in Texas, Latino voters are more likely to support the Democratic Party and Democratic candidates.<sup>17</sup> Less than 0.5% of the citizen voting age population of Latino and Black residents in Galveston County participated in the Republican gubernatorial primary in 2022, making it impossible to analyze their support for candidates.

Election returns are from Galveston County tabulated by VTDs.

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<sup>17</sup> <https://www.pewresearch.org/religion/religious-landscape-study/compare/party-affiliation/by/racial-and-ethnic-composition/among/state/texas/>

The race/ethnicity of the candidates for office was gathered from numerous sources, including published candidate biographies and news reports.

Determining the degree of racially polarized voting requires comparing election results with data on the racial/ethnic composition of VTDs. I downloaded map files of VTDs from the National Historical Geographic Information (NHGIS) website<sup>18</sup> for 2010 and 2020, and from the Texas Legislative Council for 2022. I built estimates of the composition of each VTD by aggregating block-level data from the Census.<sup>19</sup> Aggregating data from the block-level minimizes the number of Census geographies that are split across VTDs and Commissioner Precincts, thereby improving the accuracy of the data. To facilitate my Rows by Columns analysis that is described below, I combined non-Latino white residents with other non-Latino and non-Black racial/ethnic groups. In Galveston County, approximately 93% of this white/other group is non-Hispanic white. Thus, I refer to this category as “white.” I also used two different Censuses to produce demographic estimates because populations change over time and using both Censuses allows for more accurate estimation of the voter population. For elections held between 2014 and 2022, I use block-level estimates of the citizen voting age population of Black, Latino, and white residents from the 2020 Census.<sup>20</sup> For elections held between 2002 and 2012, I use block-level data on voting-age Black, Latino, and Other populations from the 2010 Census, file SF1a.<sup>21</sup>

### Methodology Details

When social scientists analyze the extent of racially polarized voting, they look to see if voters from different racial/ethnic groups prefer different candidates for office. However, we often do not have information on individuals’ vote choices. What we know is how voters behave in the aggregate. To estimate polarized voting from aggregate data, I rely on a statistical technique that is considered the current best practice for complex electoral environments like those in Galveston.

The electorate in Galveston County has three large predominate racial/ethnic groups—Latinos, Blacks, and whites—and many of the elections in which Black and Latino candidates run for office feature three or more candidates. Statistical techniques to

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<sup>18</sup> Manson, Jonathan Schroeder, David Van Riper, Tracy Kugler, and Steven Ruggles. IPUMS National Historical Geographic Information System: Version 17.0 [dataset]. Minneapolis, MN: IPUMS. 2022. <http://doi.org/10.18128/D050.V17.0>.

<sup>19</sup> Unlike some states, Texas does not disseminate voter registration data by race, necessitating the use of Census data to identify Black and Latino voting populations.

<sup>20</sup> These estimates were generated by Professor John Logan (*see* Appendix D), and combine information from the Census 2020 Public Law 94-171 Summary file and the 2016-2020 American Community Survey. I verified the accuracy of these estimates by consolidating block-level data to Census tract data and comparing to data from the Census. Similar estimates are unavailable for the 2010 Census.

<sup>21</sup> I downloaded these data from NHGIS.

generate group-level estimates using aggregate data typically assume two groups and two candidates, and so they must be modified in the case of Galveston County.

In this section, I review different methods for producing estimates of candidate support across racial/ethnic groups and explain why I relied on the method that I did. All of these methods are standard tools in voting rights analysis and in political science.

I derived group-level estimates using three different ecological inference methods: Goodman's (1953) Bivariate Ecological Regression (Goodman's), King's (1997) Ecological Inference (EI), and Rosen et al. (2001) and Lau et al.'s (2006) Rows by Columns (RxC).<sup>22</sup> My conclusions do not depend on the methodology selected.

### *Goodman's Bivariate Ecological Regression*

Goodman's analysis uses a statistical method, regression analysis, to summarize the relationship between the racial/ethnic composition of each VTD and the share of the vote cast for each candidate. Regression analysis assumes a linear relationship between the share of the population for the group in question and the share of the vote for the candidate and calculates a line that best fits the data. This line is used to predict how a district would have voted if it were comprised entirely of one racial/ethnic group. This method has been widely used in voting rights cases and has been upheld by the Supreme Court as a valid method for providing evidence of racially polarized voting. However, sometimes the regression generates out-of-bounds estimates, *i.e.*, less than 0% or greater than 100% of voters supporting a particular candidate. This problem is especially acute when the relationship between race/ethnicity and vote choice is very strong and/or when the racial/ethnic group comprises a small share of the electorate. In Galveston County, racial/ethnic group composition at the precinct-level ranges from zero to 75% for each group—making out-of-bounds estimates common. King's EI and the RxC method prevent these out-of-bound estimates.

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<sup>22</sup> I also considered using homogenous precinct analysis. Homogenous precinct analysis identifies a set of VTDs in which a single racial/ethnic group comprises a very high (~90%) concentration of voters. By determining the share of the vote allocated to each candidate in these homogenous districts, an analyst can determine which candidate(s) the voters of the group in question supported. However, this type of analysis is only reasonable when districts are sufficiently homogenous. In Galveston County, there are no VTDs that feature such a high concentration of Black or Latino voters. Aside from this limited opportunity for analysis, homogenous precinct analysis is problematic for two additional reasons. First, it discards a tremendous amount of data. That is, we would like to be able to make use of the vote choices of Black and Latino residents who live in both integrated and segregated VTDs, not just those who live in the segregated districts. Second, (and related to the first point), the voters who live in segregated VTDs may not represent the broader Black or Latino community. The other three methods address these concerns by utilizing data from every VTD in the County.

*Kings EI and RxC: Maximum Likelihood Estimation*

Both King's EI and RxC use maximum likelihood estimation—which is different from the regression analysis that Goodman's uses—to predict how a VTD comprised of 100% of the group in question would have voted. This method takes information that we observe (*e.g.*, the total vote for the Latino candidate and the share of voters that are Latino) to make inferences about parameters that we do not observe (*e.g.*, the share of Latino voters who supported the Latino candidate). Additionally, King's EI and RxC incorporate information about the range of possible values (*e.g.*, vote proportions must lie between 0 and 1). The observed data is used to generate a set of feasible values for the unknown parameters, and the parameter values that maximize the likelihood of getting the data that we observed are estimated. King's EI technique was developed to generate estimates for elections with two candidates and two racial/ethnic groups. To estimate EI for elections with more than two candidates, the estimation is run repeatedly, pairing each candidate with the rest of the candidates. Later scholars (*e.g.*, Rosen et al. 2001, Lau et al. 2006), generalized the technique for elections with more than two candidates and/or more than two racial/ethnic groups so that the estimates are generated for all candidates and all racial/ethnic groups at the same time, namely the RxC method.

King's EI has been the benchmark method used by lower courts for evaluating racial polarization since the late 1990s (King, Rosen, and Tanner 2004). However, it is most suitable for jurisdictions in which there are only two major racial/ethnic groups, whereas the RxC method allows for both multiple racial/ethnic groups and multiple candidates. Political science has come to view RxC as the optimal methodology in these more complex electoral settings (Rosen et al., 2001).

Both EI and RxC prevent out-of-bounds estimates for any bivariate relationship, but, unlike Goodman's, both can generate totals that exceed 100% in the aggregate. For instance, the regression might predict that 40% of Latino voters supported candidate A, 60% supported candidate B, and 30% supported candidate C. Although this is not ideal, it is better than producing out of bounds estimates for each candidate given that the goal of this analysis is to determine point estimates of voter support and to compare them across candidates in a given election. Both EI and RxC allow researchers to determine which candidate received the largest share of the vote compared to all others. My analyses indicate that in Galveston County, RxC produces totals that are closer to 100% than does EI. So, while I present the results from all of these different methods, my summary conclusions and my discussion highlight the RxC results.

For all estimates included in this report, I used two software packages called eiPack (Lau, Moore, and Kellerman, 2020) and eiCompare for R (Collingwood et al., 2016). The package eiPack produces estimates from Goodman's and RxC regressions, while eiCompare produces iterated estimates from King's EI.

*Appendix C: Estimates of Racial/Ethnic Group Support for Candidates*



**General Elections for County Commissioners  
LATINO VOTE**

Election Date	Precinct	Candidate	Ethnicity <sup>23</sup>	Party	Won	RXC		EI		Goodman	
						EST	SE	EST	SD	EST	SE
5-Nov-02	4	Ken Clark	W	R	1	3.66	3.16	1.25	2.94	-7.07	10.29
5-Nov-02	4	Chris John Mallios	W	D	0	<b>95.66</b>	4.52	98.35	0.70	107.07	10.29
2-Nov-04	3	Stephen Holmes	B	D	1	<b>95.37</b>	4.31	43.82	1.13	98.43	8.61
2-Nov-04	3	Lewis Parker, Jr.	B	R	0	4.92	4.25	56.35	0.81	1.57	8.61
7-Nov-06	2	Bryan Lamb	W	D	1	<b>84.81</b>	11.81	96.78	3.77	96.59	22.72
7-Nov-06	2	Albert Choate	W	R	0	15.12	11.77	2.75	3.28	3.41	22.72
2-Nov-10	2	Kevin O'Brien	W	R	1	10.75	8.53	0.45	0.16	3.90	17.89
2-Nov-10	2	Bryan Lamb	W	D	0	<b>89.28</b>	8.48	95.94	4.45	96.10	17.89
6-Nov-12	1	Ryan Dennard	W	R	1	50.49	11.63	39.28	7.26	52.60	11.92
6-Nov-12	1	Winston Cochran	W	D	0	49.45	11.64	61.08	6.65	47.40	11.92

**Bold=Meets Cohesion Threshold**

<sup>23</sup> In all tables race/ethnicity codes are W for white, L for Latino/Hispanic, and B for Black/African American. If race/ethnicity could not be confirmed for a candidate, this column is left blank.

**General Elections for County Commissioners  
BLACK VOTE**

Election Date	Precinct	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
						EST	SE	EST	SD	EST	SE
5-Nov-02	4	Ken Clark	W	R	1	9.59	10.15	4.14	0.24	-45.64	30.49
5-Nov-02	4	Chris John Mallios	W	D	0	<b>90.72</b>	8.91	95.84	0.24	145.64	30.49
2-Nov-04	3	Stephen Holmes	B	D	1	<b>99.16</b>	0.93	99.33	0.15	110.00	3.68
2-Nov-04	3	Lewis Parker, Jr.	B	R	0	1.26	1.17	1.12	0.53	-10.00	3.68
7-Nov-06	2	Bryan Lamb	W	D	1	<b>72.15</b>	19.49	94.18	5.95	74.28	35.38
7-Nov-06	2	Albert Choate	W	R	0	27.21	19.29	2.84	4.01	25.72	35.38
2-Nov-10	2	Kevin O'Brien	W	R	1	16.78	13.41	2.45	2.85	5.73	27.87
2-Nov-10	2	Bryan Lamb	W	D	0	<b>83.10</b>	13.27	96.46	4.01	94.27	27.87
6-Nov-12	1	Ryan Dennard	W	R	1	19.05	12.30	12.15	5.78	13.83	15.26
6-Nov-12	1	Winston Cochran	W	D	0	<b>80.88</b>	12.28	87.46	5.64	86.17	15.26

**Bold=Meets Cohesion Threshold**

**General Elections for County Commissioners  
WHITE VOTE**

Election Date	Precinct	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
						EST	SE	EST	SD	EST	SE
5-Nov-02	4	Ken Clark	W	R	1	<b>88.37</b>	1.13	89.33	0.15	92.71	1.69
5-Nov-02	4	Chris John Mallios	W	D	0	11.55	1.06	10.54	0.03	7.29	1.69
2-Nov-04	3	Stephen Holmes	B	D	1	26.65	3.99	26.95	0.88	17.57	5.83
2-Nov-04	3	Lewis Parker, Jr.	B	R	0	<b>72.79</b>	4.24	73.73	0.07	82.43	5.83
7-Nov-06	2	Bryan Lamb	W	D	1	42.92	3.74	43.17	0.32	40.58	4.24
7-Nov-06	2	Albert Choate	W	R	0	57.16	3.76	56.69	0.29	59.42	4.24
2-Nov-10	2	Kevin O'Brien	W	R	1	<b>72.58</b>	2.88	74.08	0.50	74.72	3.34
2-Nov-10	2	Bryan Lamb	W	D	0	27.41	2.90	25.92	0.50	25.28	3.34
6-Nov-12	1	Ryan Dennard	W	R	1	<b>75.73</b>	3.37	79.68	1.58	75.75	3.24
6-Nov-12	1	Winston Cochran	W	D	0	24.27	3.36	20.22	1.50	24.25	3.24

**Bold=Meets Cohesion Threshold**

**General Elections for County Judge  
LATINO VOTE**

Election Date	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
					EST	SE	EST	SE	EST	SE
5-Nov-02	James D. Yarbrough	W	D	1	<b>97.50</b>	1.86	99.99	0.00	96.93	3.33
5-Nov-02	Dan Murphy		L	0	2.46	1.82	0.00	0.00	3.07	3.33
7-Nov-06	James D. Yarbrough	W	D	1	<b>96.37</b>	3.06	97.57	1.78	97.46	7.46
7-Nov-06	Chris Stevens		R	0	3.66	3.04	1.52	0.85	2.54	7.46
2-Nov-10	Mark Henry	W	R	1	6.40	4.76	10.41	2.93	15.13	8.66
2-Nov-10	James D. Yarbrough	W	D	0	<b>93.57</b>	4.74	90.11	2.90	84.87	8.66
4-Nov-14	Mark Henry	W	R	1	<b>62.18</b>	7.57	26.78	6.58	62.64	7.67
4-Nov-14	William F. "Bill" Young		I	0	37.86	7.53	73.33	6.49	37.36	7.67

**General Elections for County Judge  
BLACK VOTE**

Election Date	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
					EST	SE	EST	SE	EST	SE
5-Nov-02	James D. Yarbrough	W	D	1	<b>98.90</b>	0.94	80.89	0.11	101.87	2.33
5-Nov-02	Dan Murphy		L	0	1.10	0.93	19.10	0.08	-1.87	2.33
7-Nov-06	James D. Yarbrough	W	D	1	<b>98.15</b>	1.66	99.38	0.11	106.58	5.30
7-Nov-06	Chris Stevens		R	0	1.86	1.69	0.93	0.42	-6.58	5.30
2-Nov-10	Mark Henry	W	R	1	1.83	1.73	1.01	0.22	-14.66	6.16
2-Nov-10	James D. Yarbrough	W	D	0	<b>98.19</b>	1.67	99.11	0.16	114.66	6.16
4-Nov-14	Mark Henry	W	R	1	9.53	5.01	11.07	1.44	8.84	5.54
4-Nov-14	William F. "Bill" Young		I	0	<b>90.46</b>	5.00	88.70	1.51	91.16	5.54

**Bold=Meets Cohesion Threshold**

**General Elections for County Judge  
WHITE VOTE**

Election Date	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
					EST	SE	EST	SE	EST	SE
5-Nov-02	James D. Yarbrough	W	D	1	<b>80.61</b>	0.76	80.89	0.11	80.36	0.91
5-Nov-02	Dan Murphy		L	0	19.40	0.74	19.10	0.08	19.64	0.91
7-Nov-06	James D. Yarbrough	W	D	1	39.47	1.53	38.47	0.07	38.16	1.98
7-Nov-06	Chris Stevens		R	0	<b>60.50</b>	1.54	61.50	0.09	61.84	1.98
2-Nov-10	Mark Henry	W	R	1	<b>77.07</b>	1.91	77.43	0.44	77.11	2.30
2-Nov-10	James D. Yarbrough	W	D	0	22.95	1.93	22.59	0.43	22.89	2.30
4-Nov-14	Mark Henry	W	R	1	<b>80.40</b>	2.14	86.18	1.16	80.38	2.11
4-Nov-14	William F. "Bill" Young		I	0	19.61	2.14	13.85	1.22	19.62	2.11

**Bold=Meets Cohesion Threshold**

**Democratic Primaries for County Commissioners  
LATINO VOTE**

Election Date	Precinct	Candidate	Ethnicity	Won	RXC		EI		Goodman	
					EST	SE	EST	SD	EST	SE
12-Mar-02	2	Eddie Janek	W	1	39.36	22.96	43.43	0.04	30.79	29.27
12-Mar-02	2	Rosie Morales	L	0	<b>61.49</b>	23.48	56.55	0.02	69.21	29.27
9-Mar-04	1	Patrick Doyle	W	Run Off	19.92	16.62	6.79	0.31	-13.42	37.81
9-Mar-04	1	John Ford		Run Off	<b>45.55</b>	22.32	1.11	0.57	92.45	34.42
9-Mar-04	1	Tom Butler		0	6.71	5.71	0.30	0.08	-16.18	16.81
9-Mar-04	1	Larry Edrozo	L	0	20.43	14.11	2.44	2.77	12.74	25.74
9-Mar-04	1	Dianna Puccetti	W	0	25.09	15.94	0.90	0.21	24.41	31.65
13-Apr-04	1	Patrick Doyle	W	1	33.65	22.54	54.88	2.09	13.10	39.70
13-Apr-04	1	John Ford		0	<b>66.10</b>	22.53	44.80	0.84	86.90	39.70
7-Mar-06	2	Bryan Lamb	W	1	39.19	23.44	89.64	0.02	55.72	41.58
7-Mar-06	2	Robert Cheek	W	0	16.62	13.47	0.27	0.35	-13.95	28.76
7-Mar-06	2	Nick Stepchinski	W	0	16.48	13.62	1.13	0.73	-15.70	32.35
7-Mar-06	2	John Bertolino	W	0	<b>49.80</b>	14.13	35.89	0.11	73.94	19.40
4-Mar-08	3	Stephen Holmes	B	1	36.28	20.50	32.63	1.37	30.98	23.88
4-Mar-08	3	Eugene Lewis	B	0	32.40	16.81	33.89	0.63	44.26	24.78
4-Mar-08	3	Robert Hutchins	W	0	20.45	7.14	52.85	0.04	24.76	7.36
29-May-12	3	Stephen Holmes	B	1	<b>77.88</b>	9.89	83.21	4.07	74.41	11.42
29-May-12	3	James Hobgood	B	0	22.10	9.92	17.33	4.30	25.59	11.42

**Bold=Meets Cohesion Threshold**

**Democratic Primaries for County Commissioners  
BLACK VOTE**

Election Date	Precinct	Candidate	Ethnicity	Won	RXC		EI		Goodman	
					EST	SE	EST	SD	EST	SE
12-Mar-02	2	Eddie Janek	W	1	59.69	24.91	99.97	0.01	72.90	44.88
12-Mar-02	2	Rosie Morales	L	0	38.68	27.24	0.02	0.00	27.10	44.88
9-Mar-04	1	Patrick Doyle	W	Run Off	31.54	22.76	2.14	5.11	29.06	51.39
9-Mar-04	1	John Ford		Run Off	18.57	16.72	1.13	0.97	-86.00	46.79
9-Mar-04	1	Tom Butler		0	30.06	15.30	1.00	0.30	54.27	22.85
9-Mar-04	1	Larry Edrozo	L	0	34.48	21.90	2.34	2.39	33.36	34.99
9-Mar-04	1	Dianna Puccetti	W	0	<b>52.43</b>	25.55	1.60	1.15	69.30	43.02
13-Apr-04	1	Patrick Doyle	W	1	48.73	26.59	17.92	1.22	63.00	53.90
13-Apr-04	1	John Ford		0	51.52	26.53	81.17	2.40	37.00	53.90
7-Mar-06	2	Bryan Lamb	W	1	34.87	25.24	98.51	1.13	-21.20	64.80
7-Mar-06	2	Robert Cheek	W	0	<b>40.78</b>	24.48	0.78	0.54	65.50	44.82
7-Mar-06	2	Nick Stepchinski	W	0	34.10	23.39	2.11	1.68	48.23	50.42
7-Mar-06	2	John Bertolino	W	0	28.74	20.31	1.41	0.68	7.46	30.24
4-Mar-08	3	Stephen Holmes	B	1	<b>53.10</b>	10.46	57.46	0.39	53.72	10.19
4-Mar-08	3	Eugene Lewis	B	0	48.25	10.78	44.37	3.49	49.99	10.57
4-Mar-08	3	Robert Hutchins	W	0	1.60	1.46	3.12	0.22	-3.71	3.14
29-May-12	3	Stephen Holmes	B	1	<b>95.35</b>	3.53	99.11	0.38	1.00	0.06
29-May-12	3	James Hobgood	B	0	4.66	3.59	1.04	0.52	0.00	0.06

**Bold=Meets Cohesion Threshold**

**Democratic Primaries for County Commissioners  
WHITE VOTE**

Election Date	Precinct	Candidate	Ethnicity	Won	RXC		EI		Goodman	
					EST	SE	EST	SD	EST	SE
12-Mar-02	2	Eddie Janek	W	1	<b>61.21</b>	5.82	62.39	0.01	61.87	5.72
12-Mar-02	2	Rosie Morales	L	0	38.56	6.66	37.60	0.01	38.13	5.72
9-Mar-04	1	Patrick Doyle	W	Run Off	<b>55.74</b>	7.76	57.69	0.37	65.57	10.02
9-Mar-04	1	John Ford		Run Off	16.62	7.70	36.27	0.15	15.75	9.12
9-Mar-04	1	Tom Butler		0	3.15	2.24	3.79	0.19	5.60	4.45
9-Mar-04	1	Larry Edrozo	L	0	20.43	5.01	5.67	0.00	11.42	6.82
9-Mar-04	1	Dianna Puccetti	W	0	25.09	4.32	11.21	0.14	1.65	8.38
13-Apr-04	1	Patrick Doyle	W	1	<b>74.11</b>	8.71	77.12	0.34	78.20	10.50
13-Apr-04	1	John Ford		0	25.90	8.60	22.95	0.50	21.80	10.50
7-Mar-06	2	Bryan Lamb	W	1	<b>58.41</b>	6.96	58.24	0.01	59.44	7.60
7-Mar-06	2	Robert Cheek	W	0	20.93	4.55	29.40	0.13	24.81	5.26
7-Mar-06	2	Nick Stepchinski	W	0	14.03	4.87	17.92	0.26	18.96	5.92
7-Mar-06	2	John Bertolino	W	0	2.05	1.78	2.59	0.58	-3.21	3.55
4-Mar-08	3	Stephen Holmes	B	1	<b>66.53</b>	14.79	64.25	7.93	69.60	16.16
4-Mar-08	3	Eugene Lewis	B	0	12.28	9.23	7.10	1.59	0.13	16.77
4-Mar-08	3	Robert Hutchins	W	0	29.34	5.11	40.49	0.67	30.27	4.98
29-May-12	3	Stephen Holmes	B	1	<b>85.81</b>	5.68	80.8	1.9	85.66	6.08
29-May-12	3	James Hobgood	B	0	14.24	5.67	18.97	1.9	14.34	6.08

**Bold=Meets Cohesion Threshold**



**General Elections for Exogenous Partisan Elections  
LATINO VOTE**

							RXC		EI		Goodman	
Election Date	District	Candidate	Ethnicity	Party	Won	Position	EST	SE	EST	SE	EST	SE
3-Nov-20		Trochesset, Henry	W	R	1	Galveston	23.02	5.52	18.67	5.29	33.54	6.32
3-Nov-20		Salinas, Mark	L	D	0	County Sheriff	<b>77.06</b>	5.51	82.82	4.32	66.46	6.32
3-Nov-20	405	Robinson, Jared	W	R	1	District Court	25.15	6.12	17.58	4.97	37.88	6.72
3-Nov-20	405	Hudson, Teresa	B	D	0	Judge	<b>74.60</b>	6.24	82.93	3.72	62.12	6.72
3-Nov-20	14	Weber, Randy	W	R	1	U.S. House	24.24	5.37	NA		37.11	6.66
3-Nov-20	14	Bell, Adrienne	B	D	0		<b>75.95</b>	5.60	NA		62.89	6.66

**General Elections for Exogenous Partisan Elections  
BLACK VOTE**

							RXC		EI		Goodman	
Election Date	District	Candidate	Ethnicity	Party	Won	Position	EST	SE	EST	SE	EST	SE
3-Nov-20		Trochesset, Henry	W	R	1	Galveston County	1.38	1.31	0.57	0.17	-12.99	4.56
3-Nov-20		Salinas, Mark	L	D	0	Sheriff	<b>98.63</b>	1.29	99.46	0.11	112.99	4.56
3-Nov-20	405	Robinson, Jared	W	R	1	District Court Judge	1.17	1.13	1.01	0.56	-16.54	4.85
3-Nov-20	405	Hudson, Teresa	B	D	0		<b>98.89</b>	1.10	99.62	0.06	116.54	4.85
3-Nov-20	14	Weber, Randy	W	R	1	U.S. House	1.13	0.98	NA		-15.73	4.8
3-Nov-20	14	Bell, Adrienne	B	D	0		<b>98.85</b>	1.19	NA		115.73	4.8

**General Elections for Exogenous Partisan Elections  
WHITE VOTE**

							<b>RXC</b>		<b>EI</b>		<b>Goodman</b>	
<b>Election Date</b>	<b>District</b>	<b>Candidate</b>	<b>Ethnicity</b>	<b>Party</b>	<b>Won</b>	<b>Position</b>	EST	SE	EST	SE	EST	SE
3-Nov-20		Trochesset, Henry	W	R	1	Galveston County	<b>84.89</b>	1.76	86.05	0.55	84.29	1.74
3-Nov-20		Salinas, Mark	L	D	0	Sheriff	15.08	1.76	13.86	0.54	15.71	1.74
3-Nov-20	405	Robinson, Jared	W	R	1	District Court Judge	<b>84.43</b>	1.93	85.77	0.56	83.76	1.85
3-Nov-20	405	Hudson, Teresa	B	D	0		15.62	1.95	14.12	0.49	16.24	1.85
3-Nov-20	14	Weber, Randy	W	R	1	U.S. House	<b>84.92</b>	1.78	NA		84.13	1.83
3-Nov-20	14	Bell, Adrienne	B	D	0		14.80	1.96	NA		15.87	1.83

**Democratic Primary for Exogenous Partisan Elections  
LATINO VOTE**

Election Date	District	Candidate	Ethnicity	Won	Position	RXC		EI		Goodman	
						EST	SE	EST	SE	EST	SE
24-May-22		Jaworski, Joe	W	0	Attorney General	26.26	12.60	42.38	8.00	25.28	13.50
24-May-22		Garza, Rochelle Mercedes	L	1		<b>73.55</b>	12.64	59.73	7.62	74.72	13.50
24-May-22		Dudding, Janet	W	1	Comptroller of Public	18.57	9.83	23.84	3.46	17.33	10.96
24-May-22		Vega, Angel Luis	L	0	Accounts	<b>81.25</b>	9.87	76.77	3.1	82.67	10.96
24-May-22		Martinez, Sandragrace	L	0	Commissioner of	<b>86.23</b>	8.55	85.36	2.3	89.62	10.77
24-May-22		Kleberg, Jay	W	1	General Land Office	13.66	8.45	14.63	2.49	10.38	10.77
1-Mar-22	14	Williams, Mikal	W	1	U.S. House	<b>76.43</b>	11.38	75.97	2.43	78.11	11.22
1-Mar-22	14	Howard, Eugene	B	0		23.64	11.53	24.17	2.64	21.89	11.22
1-Mar-22		Collier, Mike	W	1	Lieutenant Governor	9.25	6.73	11.64	1.72	3.10	10.08
1-Mar-22		Brailey, Carla	B	0		46.83	6.98	58.25	0.00	46.86	6.84
1-Mar-22		Beckley, Michelle	W	0		<b>49.99</b>	6.97	45.79	0.10	50.04	6.90
1-Mar-22		Jaworski, Joe	W	Run Off	Attorney General	18.13	11.79	25.51	2.19	12.44	15.73
1-Mar-22		Garza, Rochelle Mercedes	L	Run Off		<b>43.57</b>	8.59	33.68	6.02	45.56	9.07
1-Mar-22		Merritt, Lee	B	0		15.97	7.27	27.81	5.00	15.51	7.67
1-Mar-22		Fields, Mike	B	0		15.50	4.10	11.60	0.18	15.53	4.01
1-Mar-22		Raynor, S. "TBone"	W	0		10.90	2.76	11.04	2.08	10.96	2.79
1-Mar-22		Dudding, Janet	W	Run Off	Comptroller of Public	23.58	9.01	12.39	1.64	23.46	9.11
1-Mar-22		Vega, Angel Luis	L	Run Off	Accounts	<b>68.82</b>	7.09	79.50	3.20	68.78	6.96
1-Mar-22		Mahoney, Tim	W	0		8.91	5.08	16.46	0.53	7.77	5.96
1-Mar-22		Martinez, Sandragrace	L	Run Off	Commissioner of General Land Office	<b>86.11</b>	7.46	84.59	2.33	87.37	8.41
1-Mar-22		Suh, Jinny	W	0		19.82	5.85	19.64	4.29	19.81	5.80
1-Mar-22		Kleberg, Jay	W	Run Off		5.47	4.62	9.93	1.38	-7.16	11.18
1-Mar-22		Lange, Michael	W	0		3.94	3.00	0.01	0.00	-0.02	4.97

**Bold=Meets Cohesion Threshold**

**Democratic Primary for Exogenous Partisan Elections  
BLACK VOTE**

Election Date	District	Candidate	Ethnicity	Won	Position	RXC		EI		Goodman	
						EST	SE	EST	SE	EST	SE
24-May-22		Jaworski, Joe	W	0	Attorney General	<b>77.50</b>	9.08	69.16	0.81	78.00	9.32
24-May-22		Garza, Rochelle Mercedes	L	1		22.51	9.04	30.64	0.83	22.00	9.32
24-May-22		Dudding, Janet	W	1	Comptroller of Public Accounts	<b>67.21</b>	7.48	71.63	0.79	67.7	7.56
24-May-22		Vega, Angel Luis	L	0		32.83	7.37	28.1	0.38	32.3	7.56
24-May-22		Martinez, Sandragrace	L	0	Commissioner of General Land Office	<b>74.47</b>	6.96	82.12	1.79	73.06	7.43
24-May-22		Kleberg, Jay	W	1		25.60	6.99	17.83	2.16	26.94	7.43
1-Mar-22	14	Williams, Mikal	W	1	U.S. House	12.83	6.06	20.79	2.81	11.99	5.94
1-Mar-22	14	Howard, Eugene	B	0		<b>87.13</b>	6.10	79.56	2.48	88.01	5.94
1-Mar-22		Collier, Mike	W	1	Lieutenant Governor	18.29	6.25	11.91	1.28	20.79	6.96
1-Mar-22		Brailey, Carla	B	0		<b>55.18</b>	4.75	60.14	0.01	55.15	4.72
1-Mar-22		Beckley, Michelle	W	0		24.11	4.85	28.90	0.80	24.05	4.77
1-Mar-22		Jaworski, Joe	W	Run Off	Attorney General	24.80	9.79	24.99	1.66	27.02	10.87
1-Mar-22		Garza, Rochelle Mercedes	L	Run Off		7.34	4.78	8.42	2.11	5.03	6.26
1-Mar-22		Merritt, Lee	B	0		<b>41.57</b>	5.23	38.60	2.99	41.70	5.30
1-Mar-22		Fields, Mike	B	0		21.67	2.84	20.99	0.14	21.67	2.77
1-Mar-22		Raynor, S. "TBone"	W	0		4.62	1.88	0.04	0.01	4.58	1.93
1-Mar-22		Dudding, Janet	W	Run Off		45.90	6.32	26.82	1.98	45.85	6.30
1-Mar-22		Vega, Angel Luis	L	Run Off	Comptroller of Public Accounts	18.17	4.88	31.12	0.81	18.23	4.81
1-Mar-22		Mahoney, Tim	W	0		35.42	3.99	31.94	0.37	35.92	4.12
1-Mar-22		Martinez, Sandragrace	L	Run Off		25.22	5.70	37.18	0.41	24.66	5.81
1-Mar-22		Suh, Jinny	W	0	Commissioner of General Land Office	30.73	4.05	28.39	0.64	30.70	4.01
1-Mar-22		Kleberg, Jay	W	Run Off		5.64	4.15	7.31	0.90	6.42	7.72
1-Mar-22		Lange, Michael	W	0		<b>36.62</b>	3.04	31.05	0.76	38.22	3.43

**Bold=Meets Cohesion Threshold**

**Democratic Primary for Exogenous Partisan Elections  
WHITE VOTE**

Election Date	Precinct	Candidate	Ethnicity	Won	Position	RXC		EI		Goodman	
						EST	SE	EST	SE	EST	SE
24-May-22		Jaworski, Joe	W	0	Attorney General	<b>73.62</b>	3.17	70.40	0.01	73.80	3.26
24-May-22		Garza, Rochelle Mercedes	L	1		26.44	3.15	29.70	0.03	26.20	3.26
24-May-22		Dudding, Janet	W	1	Comptroller of Public	<b>82.05</b>	2.54	79.49	0.01	82.29	2.64
24-May-22		Vega, Angel Luis	L	0	Accounts	17.99	2.52	20.51	0.01	17.71	2.64
24-May-22		Martinez, Sandragrace	L	0	Commissioner of	35.71	2.34	34.94	1.11	35.11	2.6
24-May-22		Kleberg, Jay	W	1	General Land Office	<b>64.30</b>	2.33	65.22	1.12	64.89	2.6
1-Mar-22	14	Williams, Mikal	W	1	U.S. House	57.39	3.16	59.85	2.02	57.28	2.85
1-Mar-22	14	Howard, Eugene	B	0		42.64	3.18	40.43	2.10	42.72	2.85
1-Mar-22		Collier, Mike	W	1	Lieutenant Governor	<b>49.88</b>	2.02	50.77	0.71	50.97	2.42
1-Mar-22		Brailey, Carla	B	0		22.80	1.66	23.13	1.02	22.79	1.64
1-Mar-22		Beckley, Michelle	W	0		26.24	1.68	28.34	0.43	26.24	1.66
1-Mar-22		Jaworski, Joe	W	Run Off	Attorney General	<b>50.43</b>	3.37	50.33	1.01	51.45	3.78
1-Mar-22		Garza, Rochelle Mercedes	L	Run Off		26.65	2.22	30.07	0.36	26.48	2.18
1-Mar-22		Merritt, Lee	B	0		13.08	1.78	10.31	0.04	13.18	1.84
1-Mar-22		Fields, Mike	B	0		6.54	0.99	5.94	0.22	6.54	0.96
1-Mar-22		Raynor, S. "TBone"	W	0		2.37	0.68	3.38	0.38	2.36	0.67
1-Mar-22		Dudding, Janet	W	Run Off	Comptroller of Public	<b>61.21</b>	2.21	57.40	0.75	61.25	2.19
1-Mar-22		Vega, Angel Luis	L	Run Off	Accounts	18.47	1.69	22.81	0.30	18.46	1.67
1-Mar-22		Mahoney, Tim	W	0		20.09	1.32	18.79	0.30	20.29	1.43
1-Mar-22		Martinez, Sandragrace	L	Run Off	Commissioner of General Land Office	26.97	1.92	32.32	0.84	26.77	2.02
1-Mar-22		Suh, Jinny	W	0		22.14	1.41	22.03	0.17	22.13	1.39
1-Mar-22		Kleberg, Jay	W	Run Off		<b>33.01</b>	1.98	30.86	0.49	35.78	2.68
1-Mar-22		Lange, Michael	W	0		14.64	0.96	12.15	0.17	15.32	1.19

**Bold=Meets Cohesion Threshold**

**General Elections for Exogenous Nonpartisan Elections  
LATINO VOTE**

Election Date	District	Candidate	Ethnicity	Won	City	Position	RXC		EI		Goodman	
							EST	SE	EST	SE	EST	SE
3-Nov-20	1	Johnson, E.R.	B	1	Galveston	City Council	<b>47.86</b>	27.96	94.33	1.77	6.08	95.30
3-Nov-20	1	Woods, Tarris L.	B	0	Galveston		42.30	25.66	0.05	0.01	54.17	59.38
3-Nov-20	1	Godinich, Doug	W	0	Galveston		27.36	20.32	65.23	8.65	39.76	36.23
3-Nov-20	4	Quiroga, Bill	L	1	Galveston	City Council	51.71	27.56	98.59	1.55	35.40	112.30
3-Nov-20	4	Hardcastle, Jason	W	0	Galveston		49.32	28.57	2.36	2.90	64.60	112.30
3-Nov-20		Quiroga, Roger "Bo"	L	1	Galveston	Mayor	<b>68.96</b>	15.28	NA		71.14	15.34
3-Nov-20		Brown, Craig	W	0	Galveston		19.83	12.33	NA		15.85	14.25
3-Nov-20		Guzman Jr., Raymond	L	0	Galveston		8.78	3.29	NA		8.65	3.06
3-Nov-20		Keese, Bill	W	0	Galveston		4.72	3.42	NA		2.29	4.42
3-Nov-20		Casey, James	W	0	Galveston		3.09	2.45	NA		2.07	4.14
3-Nov-20	B	Divine, Laura	W	1	La Marque	City Council	53.84	NA	NA		43.79	27.53
3-Nov-20	B	Compian, Joe	L	0	La Marque		<b>68.01</b>	NA	NA		76.01	23.42
3-Nov-20	B	Robinson, Raushida	B	0	La Marque		15.12	NA	NA		-19.80	4.12
3-Nov-20	5	Hicks, Justin	W	1	League City	City Council	<b>41.42</b>	5.50	33.95	0.34	54.29	8.19
3-Nov-20	5	Chorn, Wes	W	0	League City		36.48	20.23	74.02	11.68	10.11	14.07
3-Nov-20	5	Rogers, Fred	B	0	League City		28.64	4.64	30.56	1.00	35.60	8.90
3-Nov-20		Bowie, Thelma	B	1	Texas City	City Commission	9.78	7.80	9.29	9.08	-3.38	13.82
3-Nov-20		Yackly, Kevin	W	0	Texas City		48.08	7.80	53.93	1.91	50.41	7.37
3-Nov-20		Garza, Jr., Abel	L	0	Texas City		9.95	7.71	78.44	0.12	1.84	11.00
3-Nov-20		Clawson, Bruce	W	0	Texas City		<b>48.13</b>	10.65	52.70	6.00	51.13	10.20
3-Nov-20	4	Clark, Jami	W	1	Texas City	City Commission	40.79	NA	9.45	1.40	201.40	50.90
3-Nov-20	4	Gomez, Henry	L	0	Texas City		<b>79.99</b>	NA	90.89	0.42	-101.40	50.90
3-Nov-20		Johnson, Dredrick	B	1	Texas City	Mayor	<b>88.23</b>	10.32	35.71	0.10	113.90	19.50
3-Nov-20		Roberts, Phil	W	0	Texas City		11.96	10.52	64.42	0.02	-13.90	19.50
8-Nov-16	4	Kinsey, Todd	W	1	League City	City Council	22.32	8.85	3.31	4.52	36.67	9.99
8-Nov-16	4	Salcedo, Rudy	L	0	League City		<b>77.55</b>	8.91	99.52	0.35	63.33	9.99
8-Nov-16		Byrd, Dennis	W	1	Galveston		34.38	21.66	50.95	2.39	28.38	28.41

8-Nov-16	McDermott, Shane	W	0	Galveston	Nav. & Canal Commissioner	18.13	13.47	3.08	0.92	8.30	18.33
8-Nov-16	Quiroga, Bill	L	0	Galveston		<b>34.45</b>	9.01	55.20	0.72	40.96	9.60
8-Nov-16	Mihovil, Robert	W	0	Galveston		25.60	17.94	39.34	14.02	22.36	27.31

**Bold=Meets Cohesion Threshold**

**General Elections for Exogenous Nonpartisan Elections  
BLACK VOTE**

Election Date	District	Candidate	Ethnicity	Won	City	Position	RXC		EI		Goodman	
							EST	SE	EST	SE	EST	SE
3-Nov-20	1	Johnson, E.R.	B	1	Galveston	City Council	46.03	24.33	98.76	0.92	5.00	75.39
3-Nov-20	1	Woods, Tarris L.	B	0	Galveston		<b>51.25</b>	28.47	0.00	0.01	74.31	46.97
3-Nov-20	1	Godinich, Doug	W	0	Galveston		27.27	20.06	2.33	2.56	20.69	28.66
3-Nov-20	4	Quiroga, Bill	L	1	Galveston	City Council	52.06	28.03	99.99	0.00	76.20	230.10
3-Nov-20	4	Hardcastle, Jason	W	0	Galveston		49.27	28.65	1.88	2.11	23.80	230.10
3-Nov-20		Quiroga, Roger "Bo"	L	1	Galveston	Mayor	<b>40.47</b>	15.38	NA		39.01	14.69
3-Nov-20		Brown, Craig	W	0	Galveston		31.16	13.21	NA		32.61	13.65
3-Nov-20		Guzman Jr., Raymond	L	0	Galveston		17.50	3.25	NA		17.59	2.94
3-Nov-20		Keese, Bill	W	0	Galveston		10.09	4.04	NA		11.23	4.23
3-Nov-20		Casey, James	W	0	Galveston		2.52	2.17	NA		-0.44	3.97
3-Nov-20	B	Divine, Laura	W	1	La Marque	City Council	21.06	NA	NA		17.22	8.64
3-Nov-20	B	Compian, Joe	L	0	La Marque		<b>54.01</b>	NA	NA		54.05	7.35
3-Nov-20	B	Robinson, Raushida	B	0	La Marque		22.48	NA	NA		28.74	1.29
3-Nov-20	5	Hicks, Justin	W	1	League City	City Council	1.95	0.87	0.63	0.15	-28.93	8.67
3-Nov-20	5	Chorn, Wes	W	0	League City		<b>93.60</b>	7.17	93.36	11.30	145.90	14.88
3-Nov-20	5	Rogers, Fred	B	0	League City		3.05	2.83	0.69	0.20	-16.97	9.42
3-Nov-20		Bowie, Thelma	B	1	Texas City	City Commission	<b>82.23</b>	9.83	91.60	2.55	86.77	10.66
3-Nov-20		Yackly, Kevin	W	0	Texas City		3.47	3.15	0.10	0.04	-4.87	5.68
3-Nov-20		Garza, Jr., Abel	L	0	Texas City		23.38	8.65	13.34	3.37	24.41	8.48
3-Nov-20		Clawson, Bruce	W	0	Texas City		4.72	4.25	0.06	0.11	-6.31	7.86
3-Nov-20	4	Clark, Jami	W	1	Texas City	City Commission	20.15	NA	16.47	1.17	-165.00	61.00
3-Nov-20	4	Gomez, Henry	L	0	Texas City		46.17	NA	83.47	1.14	265.00	61.00
3-Nov-20		Johnson, Dredrick	B	1	Texas City	Mayor	<b>81.71</b>	12.03	97.75	3.95	83.50	15.10
3-Nov-20		Roberts, Phil	W	0	Texas City		18.21	12.20	5.13	2.59	16.50	15.10
8-Nov-16	4	Kinsey, Todd	W	1	League City	City Council	3.69	3.76	2.41	3.09	-25.85	10.55
8-Nov-16	4	Salcedo, Rudy	L	0	League City		<b>96.26</b>	3.79	99.45	0.15	125.85	10.55
8-Nov-16		Byrd, Dennis	W	1	Galveston		28.59	19.44	46.09	1.30	20.00	25.25



8-Nov-16	McDermott, Shane	W	0	Galveston	Nav. & Canal Commissioner	21.78	13.77	11.20	2.90	20.12	16.30
8-Nov-16	Quiroga, Bill	L	0	Galveston		<b>68.55</b>	9.47	86.65	1.42	70.28	8.53
8-Nov-16	Mihovil, Robert	W	0	Galveston		15.93	14.01	0.45	0.04	-10.40	24.27

**Bold=Meets Cohesion Threshold**

**General Elections for Exogenous Nonpartisan Elections  
WHITE VOTE**

Election Date	District	Candidate	Ethnicity	Won	City	Position	RXC		EI		Goodman	
							EST	SE	EST	SE	EST	SE
3-Nov-20	1	Johnson, E.R.	B	1	Galveston	City Council	<b>62.13</b>	26.33	22.62	0.01	100.70	47.77
3-Nov-20	1	Woods, Tarris L.	B	0	Galveston		24.72	21.56	68.13	3.23	-0.43	29.76
3-Nov-20	1	Godinich, Doug	W	0	Galveston		15.85	17.05	28.52	3.85	-0.26	18.16
3-Nov-20	4	Quiroga, Bill	L	1	Galveston	City Council	<b>64.42</b>	21.45	26.65	1.81	82.10	44.60
3-Nov-20	4	Hardcastle, Jason	W	0	Galveston		28.32	21.20	72.99	2.70	17.90	44.60
3-Nov-20		Quiroga, Roger "Bo"	L	1	Galveston	Mayor	37.38	4.50	NA		37.07	4.18
3-Nov-20		Brown, Craig	W	0	Galveston		<b>44.55</b>	4.06	NA		45.40	3.88
3-Nov-20		Guzman Jr., Raymond	L	0	Galveston		4.73	0.92	NA		4.75	0.84
3-Nov-20		Keese, Bill	W	0	Galveston		5.89	1.19	NA		6.34	1.20
3-Nov-20		Casey, James	W	0	Galveston		5.65	1.03	NA		6.44	1.13
3-Nov-20	B	Divine, Laura	W	1	La Marque	City Council	<b>43.18</b>	NA	NA		58.03	7.51
3-Nov-20	B	Compian, Joe	L	0	La Marque		3.75	NA	NA		6.29	6.39
3-Nov-20	B	Robinson, Raushida	B	0	La Marque		26.93	NA	NA		35.68	1.12
3-Nov-20	5	Hicks, Justin	W	1	League City	City Council	39.61	1.77	39.72	3.17	40.15	2.16
3-Nov-20	5	Chorn, Wes	W	0	League City		28.14	5.34	18.27	2.15	28.12	3.71
3-Nov-20	5	Rogers, Fred	B	0	League City		31.26	1.76	14.06	1.71	31.73	2.35
3-Nov-20		Bowie, Thelma	B	1	Texas City	City Commission	12.15	5.85	6.15	1.99	16.14	7.79
3-Nov-20		Yackly, Kevin	W	0	Texas City		<b>31.83</b>	4.39	44.72	0.16	33.47	4.15
3-Nov-20		Garza, Jr., Abel	L	0	Texas City		25.31	5.64	23.82	1.96	28.54	6.20
3-Nov-20		Clawson, Bruce	W	0	Texas City		19.73	5.97	32.52	4.38	21.86	5.75
3-Nov-20	4	Clark, Jami	W	1	Texas City	City Commission	<b>85.96</b>	NA	83.46	0.08	44.20	12.70
3-Nov-20	4	Gomez, Henry	L	0	Texas City		10.90	NA	16.53	0.08	55.80	12.70
3-Nov-20		Johnson, Dredrick	B	1	Texas City	Mayor	34.53	9.05	12.72	1.92	22.50	11.00
3-Nov-20		Roberts, Phil	W	0	Texas City		<b>65.55</b>	9.22	87.14	2.44	77.50	11.00
8-Nov-16	4	Kinsey, Todd	W	1	League City	City Council	<b>68.58</b>	2.83	68.46	1.87	68.32	2.71
8-Nov-16	4	Salcedo, Rudy	L	0	League City		31.45	2.82	31.53	1.86	31.68	2.71
8-Nov-16		Byrd, Dennis	W	1	Galveston		<b>43.09</b>	9.75	33.04	1.55	47.21	10.54

8-Nov-16	McDermott, Shane	W	0	Galveston	Nav. & Canal Commissioner	22.27	6.20	<b>34.29</b>	0.70	<b>26.04</b>	6.80
8-Nov-16	Quiroga, Bill	L	0	Galveston		2.99	2.53	1.90	1.27	-0.39	3.56
8-Nov-16	Mihovil, Robert	W	0	Galveston		19.97	7.99	<b>29.40</b>	2.47	<b>27.15</b>	10.13

**Bold=Meets Cohesion Threshold**

*Appendix D: Professor John Logan Data Appendix*

## Appendix A. CVAP Estimation

I estimated CVAP at the 2020 block level for every racial/ethnic category and for the total population, and I aggregated the estimates for every block within an enacted or proposed district to yield that category's percentage of the district's CVAP.

### The data sources I used are:

- Block-level population estimates by race/ethnicity and age in the Census 2020 Public Law 94-171 Summary File.
- Tract-level estimates of CVAP for a limited set of race and Hispanic origin categories in a "special file" of the 2016-2020 American Community Survey (ACS).
- Tract-level estimates of age for a limited set of race and Hispanic origin categories in the main 2016-2020 American Community Survey (ACS).

The ACS data are the only available estimate of CVAP. I rely on the five-year ACS 2016-2020 tabulations because tract data are only provided for five-year aggregations. A concern with relying on data for this cumulative sample is that a group's share of citizens in its voting-age population may have changed over time. If it were higher in 2020 than in 2016, the 2016-2020 estimate would underestimate it. In Step 3 below, I provide evidence that Hispanic citizen share was indeed rising in this period, so using the five-year series understates Hispanic citizen share and also the Hispanic CVAP percentage in legislative districts.

Relying on ACS data adds other complications to the estimation of CVAP in 2020. While the 2020 Census provides full-count estimates of the population age 18 and above for very detailed categories of race and Hispanic origin, the ACS data report voting age citizens and age for a more limited set of categories.

- CVAP should be estimated for African Americans, defined by OMB standards as persons who are "non-Hispanic black alone or in combination with any other race." The ACS does not report this category. It does report CVAP by three components (black alone, black and white, and black and American Indian/Alaska Native), but it does not report any other combinations.
- The ACS special tabulation of CVAP does not also report voting age population (VAP) by group (VAP) for census tracts. This tabulation is available separately from the main ACS, which reports the age distribution for Hispanics and several other race categories, but does not distinguish Hispanics from non-Hispanics within those race categories. Census 2020 data are a reliable source to estimate the non-Hispanic share of each race group for the 18+ population. I applied the 2020 "non-Hispanic share" to the ACS "race by age" tabulation to determine the estimated VAP by race and Hispanic origin that is needed as the denominator in calculating the CVAP percentage (CVAP/VAP) in 2016-2020. To do this requires the reasonable assumption that the non-Hispanic share of each group did not meaningfully change between 2016-2020 and 2020.

The following sections describe in some detail the steps taken to develop the CVAP estimates for 2020 blocks in Texas.

## Estimation steps

### 1. CVAP in the ACS at the 2010 tract level

My first step in estimation uses the ACS estimates of CVAP by race and Hispanic origin. In these tabulations the Census Bureau rounds the estimates (estimates between 1 and 7 are rounded to 4 and estimates 8 and higher are rounded to the nearest 5). The published categories are:

Total

Not Hispanic or Latino (NH)

\*NH White Alone (NHW)

\*NH Black or African American Alone (NHB)

\*NH Asian Alone (NHA)

\*NH Native Hawaiian or Other Pacific Islander Alone (NHPI)

\*NH American Indian or Alaska Native (AIAN) Alone

NH American Indian or Alaska Native and White

NH Asian and White

NH Black or African American and White

NH American Indian or Alaska Native and Black or African American

NH Remainder of Two or More Race Responses

\*Hispanic or Latino

I used the categories marked with an asterisk (\*) in the analysis. The remaining categories cannot be analyzed separately through the remaining steps, and I combined them in this analysis into a residual category (“NH Multiracial”).

The ACS reports CVAP for persons who are “NH Black or African American Alone” but not for “NH Black or African American Alone or in Combination with Another Race.” Fortunately, the citizen share for the “alone” category can also be applied to the “in combination” category. To test this approach, I analyzed microdata for the whole state of Texas from the 2019 ACS PUMS sample. As noted in my report, I did not use the 2020 ACS PUMS because the Census Bureau describes it as “experimental” due to the problems in sampling during the pandemic. The one-year sample for the whole state in 2019 is very large and it was designed to be representative at the state level, so I can rely on these most recent data rather than data for the whole 2015-2019 period. In this sample, in 2019 the “NH black alone” citizen share was .9520, compared to .9529 for “NH black alone or in combination,” which makes me confident that I can use the former as an estimate of the latter.

Note that the 2020 census’s “NH Other Race Alone” category also is not reported by the ACS, and it cannot be inferred as the difference between the “total” and the sum of all other categories because of the rounding of those categories’ counts. This is a small category. My analysis of the 2019 ACS PUMS microdata shows that it was 1.2% of the population in Texas. Its citizen share in 2019 was .8577. In the absence of a tract-level estimate, I estimate the citizen share for “NH Other Race Alone” persons in every tract at the statewide value of .8577.

### 2. VAP estimation

For areas larger than census tracts, the ACS CVAP tables also include estimates of the full voting age population (VAP) that can be used as the denominator in computing CVAP

percentage (CVAP/VAP). For tract estimates one must turn to the main ACS 2015-2019 or 2016-2020 tract files.

It is essential to use the ACS sample data for this purpose because it is the same sample from which CVAP is drawn, so the VAP will correspond to exactly the same people as the CVAP. The ACS provides the number of persons age 18 and over for the following categories of race and Hispanic origin:

- Hispanic or Latino
- NH White Alone
- White Alone
- Black or African American Alone
- Asian Alone
- Native Hawaiian or Pacific Islander Alone (NHPI)
- American Indian or Alaska Native Alone (AIAN)
- Some Other Race Alone
- Two or More Races

These categories mostly correspond to those for which CVAP is reported, noting that “Two or More Races” is the same as the “Multiracial” category created from the CVAP counts. There are two exceptions. The age distribution for Some Other Race Alone is reported, but it cannot be used because it is missing from the CVAP tabulation. More important, all the race categories except NH White Alone combine Hispanics and non-Hispanics. A further step is needed to estimate the non-Hispanic share of the 18+ population in the other five categories.

The age breakdown by race and Hispanic origin is not reported by the ACS. However, the 2020 block data include counts of persons age 18+ for 70 detailed combinations of race, separately for Hispanics and non-Hispanics. I aggregated these 2020 data into the race categories reported in the ACS race by age tabulation. Then I calculated the non-Hispanic counts of voting age population for each racial category as the product of its non-Hispanic share in the tract (from Census 2020) times its total 18+ population in the ACS (where Hispanics and non-Hispanics are combined).

### *3. CVAP percentage*

Step 2 yields estimates of VAP in the same categories as CVAP in Step 1. The CVAP percentage for each race/ethnic category is the ratio of CVAP to VAP in the census tract. I computed this ratio for the following categories:

- Hispanic or Latino
- NH White Alone
- NH Black or African American Alone
- NH Asian Alone
- NH Native Hawaiian or Pacific Islander Alone (NHPI)
- NH American Indian or Alaska Native Alone (AIAN)
- NH Multiracial

I set citizen share for NH Other Race Alone at .8577 for all tracts. Citizen share for multiracial persons includes those who are black and some other race, although in Step 4 this value is applied only to the count of multiracial persons who are not black.

As noted above, relying on ACS tract data for citizenship information requires the assumption that the citizen share of the 18+ population of every racial/ethnic category was unchanged between the ACS 2016-2020 estimates and the 2020 Census. However, it is possible to use the PUMS microdata from the ACS in 2015 and 2019 (a 1% sample of the population with weights intended to make it representative for large geographic units such as states) to examine this assumption. If the citizen share of a given group were rising in this period, I would conclude that the actual citizen share in 2020 was higher than the average for 2016-2020 as reported in the ACS tract data.

The PUMS microdata confirm that the citizen share among Hispanics age 18 and above was increasing in this period. It was .7072 in 2015 and rose to .7429 in 2019. This change is highly statistically significant, unlikely to be due to sampling variation. It is possible for rates to both rise and fall over time, depending in part on the volume of immigration by non-citizen adults. There are substantive reasons to interpret this rise as a natural tendency for a population group that is growing through fertility (as is the case for Hispanics), a point previously made by Chapa et al (2011).<sup>1</sup> First, many Hispanics who were age 14-17 at the time of ACS data collection had reached age 18 by 2020. Second, these young adults were more likely than older Hispanics to be citizens by virtue of being born in the U.S. Under these conditions, there would be a natural demographic trend toward increasing citizen share for Hispanics.

A similar smaller trend is observed for non-Hispanic Asians, whose citizen share statewide increased from .6408 in 2015 to .6502 in 2019.

Consequently, the CVAP percentages estimated for purposes of this report for 2020 blocks are a conservative estimate for Hispanics, possibly underestimating Hispanic CVAP percentage by 2-3%.

#### 4. *Block-level CVAP in 2020*

The final step is to multiply the tract-level estimate of CVAP percentage by the count of persons 18+ (VAP) in every block for each race/ethnic category. This step yields the group's CVAP estimate for the block. This is the procedure recommended by Chapa et al (2011, pp. 11-13) to develop CVAP estimates at units smaller than the county level.

In some cases, particularly for the smallest racial categories, there is no CVAP information for a tract in the ACS but nevertheless there is a non-zero VAP in the 2020 block. In these cases, I used the mean value of citizen share across all Texas census tracts in this step.

As noted in step 1, the citizen share estimated for persons who are "NH black alone" is applied twice. It is applied to the number of voting age residents who are NH black alone to estimate the NH black alone CVAP. It is also applied to the full number of persons who are "NH black alone and in combination."

The final categories for which I estimated CVAP in 2020 blocks are as follows:

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<sup>1</sup> Chapa, Jorge, Ana Henderson, Aggie Jooyoon Noah, Werner Schink, and Robert Kengle. 2011. "Redistricting: Estimating Citizen Voting Age Population." Research Brief of the Chief Justice Earl Warren Institute of Law and Social Policy, University of California, Berkeley Law School.



Hispanic or Latino  
NH White Alone  
NH Black Alone  
NH Black or African American Alone or in Combination  
NH Asian Alone  
NH Native Hawaiian or Pacific Islander Alone (NHPI)  
NH American Indian or Alaska Native Alone (AIAN)  
NH Other Race Alone  
NH Multiracial (non-black multiracial)

### **Alternative Estimation Using Texas Legislative Council Procedures**

I have created estimates of district CVAP percentages for Hispanics and persons who are non-Hispanic black alone or in combination. These estimates are based on 2016-2020 ACS data on citizen share at the tract level, which are then applied to each group's PL-94 2020 voting age population (VAP) for every block in the tract.

I have also created alternative estimates using the procedures followed by the Texas Legislative Council (TLC) in 2021, applying the TLC procedures to the recently released 2016-2020 ACS.

The procedure has these steps, which notably make no use of the voting age population by race/ethnicity from Census 2020. 1) The estimate of CVAP is taken from the ACS block group counts, using the racial/ethnic categories found in ACS. 2) Hispanics are one category. The ACS does not report CVAP for persons who are non-Hispanic black alone or in combination, which is how TLC describes the "black" population for redistricting purposes. TLC instead uses a "similar" ACS estimate that includes non-Hispanics who are black alone, black in combination with white, and black in combination with American Indian and/or Alaska Native. This count omits non-Hispanics who are black in combination with any other race or with any two or more other races. 3) To estimate each group's CVAP percentage in a district, TLC allocates whole block groups to districts. A block group is allocated to a district if it is wholly within the district or 50% or more of its total population as enumerated in Census 2020 is within the district. The 50% criterion assumes that each group's CVAP is located within or outside a district in the same proportion as the total population of all ages, whether citizen or not. TLC notes in addition that in cases of split block groups, the procedure results in some citizen voting age persons being counted as living in a district where they do not reside.

I have estimated CVAP for Congressional Districts in the Houston area using the TLC approach as applied to 2016-2020 ACS data. This is the one case where the Hispanic CVAP is close to the 50% threshold to be a majority Latino CVAP district. This procedure requires identifying which whole block groups to assign to each proposed district. It is carried out in two steps. 1) First, I identify blocks where the entire block group is within the same district. 2) For those block groups that are split between two districts, I calculate the 2020 populations of blocks in each district and assign all blocks to the district with the larger population share. Then I aggregate the ACS reported CVAP for Hispanics and for a "black" category that includes non-Hispanics who are black alone, black in combination with white, and black in combination with American Indian and/or Alaska Native. As stated in my report (p. 12), the TLC methodology yields

estimated Hispanic CVAP shares in proposed CD29' and CD38' (the districts with a Hispanic majority CVAP) that were within a tenth of a percent of my block-based procedure.

### **Census 2020 Undercount**

A concern with the PL94 data from Census 2020 is that the Census Bureau has reported results of its Post-Enumeration Survey that document systematic undercounting of African Americans, Hispanics, and American Indians or Alaska Natives (AIAN) and overcounting of non-Hispanic whites, Asians, and Native Hawaiians or Other Pacific Islanders (NHPI). Specifically, the [Bureau's report](#) concludes that the black population was undercounted by 3.30% (compared to 2.06% in 2010). The Hispanic population was undercounted by 4.99%, a statistically significant increase from the 2010 undercount of 1.54%. The AIAN undercount was 5.64%. In contrast, the overcount was 1.64% for non-Hispanic whites, 2.62% for Asians, and 1.28% for NHPI. The implications of the undercount are particularly relevant for Texas, due to its combination of large Hispanic and black populations.

I have calculated how my estimates of every group's CVAP percentages in each block are likely affected by the undercount. For example, if the Hispanic undercount in a given block were 4.99% (equal to the national average), the true Hispanic CVAP percentage in that block would be 5.25% higher than the undercounted value. Similarly, if the national estimate held for a given block, the true black CVAP percentage would be 3.41% higher than my estimate, and the true AIAN CVAP percentage would be 5.98% higher. Hence there is strong reason to conclude that the estimates of CVAP percentage in this report, where I make no undercount correction, are understated for these three groups.

## Appendix B. Data for Socioeconomic Disparities Analysis

### 1. ACS 2015-2019 PUMS Microdata

My analysis of socioeconomic disparities Texas-wide and in major urban areas is based on the ACS 2015-2019 PUMS microdata. In this file the survey data for a 1% sample of persons in every year is aggregated across five years. The Census Bureau designs the samples for each year so that the cumulative sample will be maximally representative of the population of small areas.

In order to protect the confidentiality of the sampled persons and households, people's location is identified only at one geographic scale within states. This scale is termed the Public Use Microdata Area (PUMA). It is much larger than a census tract and larger than many counties, with an average population size of 100,000. For the purpose of describing group-specific socioeconomic status in the areas of the state examined here, it was necessary to create a crosswalk between those areas and the PUMAs contained within them. The analyses reported here define the areas as follows:

Harris County	PUMAs 4601-4638.	County 201
Dallas County.	PUMAs 2301-2322.	County 113
Tarrant County	PUMAs 2501-2516	County 439
Bexar County	PUMAs 5901-5916.	County 029
El Paso County	PUMAs 3301-3306	County 141

The PUMS microdata make it possible to define subgroups of the population as non-Hispanic white alone, non-Hispanic black alone or in combination with another race, and Hispanic.

### 2. ACS 2015-2019 county tabulations

I used county-level tabulations from ACS 2015-2019 to distinguish counties within HD31. The PUMS microdata cannot be used for this purpose because HD31 includes portions of three PUMAs, which involve numerous other counties. No combination of PUMAs can represent the residents of HD31.

Data are reported separately for each of ten counties:

Brooks	County 47
Duval	County 131
Jim Hogg	County 247
Karnes	County 255
LaSalle	County 283
Live Oak	County 297
McMullen	County 311
Starr	County 427
Wilson	County 493
Zapata	County 505

Separate tabulations are reported by the Census Bureau for non-Hispanic white alone, non-Hispanic black alone, and Hispanic. Some additional combinations of black with another race are also available, but others are omitted. The ACS samples in these counties have small numbers of black respondents, and data are not reported separately for black residents for a number of counties and key variables. For this reason, my analysis of disparities in HD31 is limited to a comparison of whites and Hispanics.

### **Appendix C. Compactness of Proposed Districts**

This report refers to a variety of previous and currently enacted redistricting plans, and also to alternative illustrative plans that I developed.

A relevant quantitative measure to assess the maps I created is the *Polsby-Popper* measure of compactness. The Polsby-Popper measure is the isoperimetric ratio comparing a region's area to its perimeter. In the case where the district is a circle, this metric achieves its maximum value of 1. In real-world applications it tends to be much lower. I calculated the Polsby-Popper scores for Congressional Districts in Houston and West Texas and for State House Districts in West Texas, which I present below. For comparison I also calculated the Polsby-Popper scores for all of the enacted Congressional Districts and State House Districts in Texas (C2193 and H2361). The tables below show that the compactness of the districts I propose is well within the usual range for the State of Texas.

Appendix Table 1 reports these scores. The average enacted CD in Texas has a score of .189, with a wide range of values from .038 to .532. My illustrative CDs in Houston have a mean score of .185, and a range from .056 to .369. The three proposed CDs in West Texas range from .222 to .463. Enacted HDs in Texas have an average score of .251, with a range from .070 to .608. The proposed HDs in West Texas have a mean of .319, and a narrower range from .163 to .480. The proposed districts in these three areas have values of compactness that are within the usual distribution of values in Texas.

<b>Appendix Table 1. Polsby-Popper scores for CDs and HDs</b>					
<b>38 Enacted CDs</b>			<b>150 enacted HDs</b>		
<b>Mean</b>	0.189		<b>Mean</b>	0.251	
<b>Minimum</b>	0.038		<b>Minimum</b>	0.070	
<b>Maximum</b>	0.532		<b>Maximum</b>	0.608	
<b>Proposed CDs in Houston</b>			<b>Proposed HDs in West Texas</b>		
<b>18'</b>	0.056		<b>74'</b>	0.163	
<b>10'</b>	0.072		<b>81'</b>	0.171	
<b>29'</b>	0.083		<b>77'</b>	0.265	
<b>17'</b>	0.137		<b>79'</b>	0.365	
<b>38'</b>	0.138		<b>78'</b>	0.467	
<b>7'</b>	0.142		<b>75'</b>	0.480	
<b>2'</b>	0.150		<b>Mean</b>	0.319	
<b>8'</b>	0.203				
<b>22'</b>	0.232				
<b>9'</b>	0.252				
<b>36'</b>	0.275				
<b>14'</b>	0.297				
<b>27'</b>	0.369				
<b>Mean</b>	0.185				
<b>Proposed CDs in West Texas</b>					
<b>20'</b>	0.138				
<b>23'</b>	0.222				
<b>16'</b>	0.463				
<b>Mean</b>	0.275				

# **Exhibit 18**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

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DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117



*Plaintiffs,* §

v. §

GALVESTON COUNTY, TEXAS, §  
HONORABLE MARK HENRY, in §  
his official capacity as Galveston §  
County Judge, and DWIGHT D. §  
SULLIVAN, in his official capacity as §  
Galveston County Clerk §

*Defendants.* §

**REBUTTAL EXPERT REPORT OF ANTHONY E. FAIRFAX  
ON BEHALF OF THE UNITED STATES OF AMERICA**

April 7, 2023

1. I have been retained by the United States to determine whether it is possible to draw an Illustrative Plan with a majority-Black and Latino Commissioner Precinct in the County of Galveston, Texas. This additional report serves as a response to Dr. Mark Owens' report (dated March 17, 2023)<sup>1</sup>, which, among other things, evaluated my initial January 13, 2023 expert report and Illustrative Plan.
2. Dr. Owens makes several claims that are not directed to my expert report. Therefore, this rebuttal report will be focused on his findings and my responses that are germane to my Illustrative Plan ("the Illustrative Plan"). For reasons explained more fully below, it remains my expert opinion that a majority-Black and Latino Commissioner Precinct can be drawn adhering to state and federal redistricting criteria and satisfying the first precondition of *Thornburg v. Gingles* ("Gingles").<sup>2</sup>

**A. Response to Dr. Owens' Claims Regarding Compactness of Illustrative's Precinct 3**

3. First, Dr. Owens' claim that the "Illustrative Alternatives for Precinct 3 are Not Compact" is not substantiated.<sup>3</sup> The Illustrative Plan is shown to be "geographically compact" since it is more compact than the prior commissioners court redistricting plan for the County that was in effect from 2012 to 2021 ("the 2012-2021 Plan").<sup>4</sup> In my report, I used the 2012-2021 Plan to establish "acceptable" compactness scores because it is the last legally enforceable commissioners court plan used by the County. My report demonstrates that the Illustrative

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<sup>1</sup> This rebuttal addresses Dr. Owens' report that was served on March 17, 2023, which was later amended on March 31, 2023. None of the specific topics and conclusions addressed herein were amended or revised in Dr. Owens' March 31 amended report. However, the citations in this report refer to the March 31 amended report.

<sup>2</sup> *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)

<sup>3</sup> Owens March 31, 2023 Report, Page 15.

<sup>4</sup> The last legally enforceable commissioner precinct plan with the 2020 Census Data.

Plan is more compact than the 2012-2021 Plan overall and specifically with regard to the majority-Black and Latino Precinct (Commissioner Precinct 3).<sup>5</sup>

4. Even comparing the Illustrative Plan to the commissioners court redistricting plan approved in 2021 (“the 2021 Enacted Plan”) provides evidence that the Illustrative Plan is similarly compact. It is important to note that the first precondition of *Gingles* does not require the Illustrative Plan to be most compact plan or have the most compact commissioner precincts. Tables 1 – 3 contain Reock, Polsby-Popper, and Convex-Hull’s compactness scores for the 2012-2021, 2021 Enacted, and Illustrative Plans.

Table 1 - Reock scores for Precinct Plans

Reock score	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.
2012-2021 Plan	0.28	0.39	0.16	0.34	0.29
2021 Enacted Plan	<b>0.30</b>	0.24	<b>0.23</b>	0.29	0.27
Illustrative Plan	0.28	<b>0.39</b>	0.16	<b>0.34</b>	<b>0.29</b>

Table 2 - Polsby-Popper scores for Precinct Plans

Polsby-Popper	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.
2012-2021 Plan	0.23	0.28	0.09	0.14	0.19
2021 Enacted Plan	<b>0.28</b>	0.21	<b>0.12</b>	<b>0.22</b>	0.21
Illustrative Plan	0.23	<b>0.30</b>	0.10	0.14	0.19

Table 3 - Convex-Hull scores for Precinct Plans

Convex-Hull	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.
2012-2021 Plan	0.69	0.71	0.48	0.55	0.61
2021 Enacted Plan	<b>0.76</b>	0.71	0.47	<b>0.67</b>	0.65
Illustrative Plan	0.69	<b>0.73</b>	<b>0.49</b>	0.55	0.62

Source: Maptitude for Redistricting Compactness Reports

<sup>5</sup> Dr. Owens’ report has several numeric compactness differences from the actual Illustrative Plan. The Reock mean measurement for the 2012-2021 plan is 0.29 instead of 0.22 as he has in his table. Owens March 31, 2023 Report, Page 16. Also, the 2012-2021 Plan’s Convex Hull score for Precinct 4 is 0.55 instead of 0.15 and its mean is 0.61 instead of 0.51 as stated in his report. Owens March 31, 2023 Report, Page 17. These may be due to the shapefile from the County, configured such that it overlaps 2020 census blocks. Importing the plan into Maptitude leaves a few census blocks unassigned and must be manually assigned. If they are not assigned, inaccurate compactness measures may occur.

5. A review of all the compactness measures reveals that the 2021 Enacted Plan overall and its Commissioner Precinct 3 are only slightly more compact than the Illustrative Plan.<sup>6</sup>

Therefore, Dr. Owens' analysis does not provide enough evidence that the Illustrative Plan's Precinct 3 is not compact.<sup>7</sup>

#### **B. Response to Dr. Owens' Claims Regarding Illustrative Plan Prioritizing Race**

6. Second, Dr. Owens claims that the Illustrative Plan prioritizes race over traditional redistricting principles.<sup>8</sup> This is not the case. The Illustrative Plan was created using the "least change" approach, which makes only the most minimally required changes to satisfy equal population requirements.<sup>9</sup> Beginning with the 2012-2021 Plan—a legally enforceable plan without race being shown to predominate—I used the minimum changes to bring the 2012-2021 Plan to an acceptable population deviation, which is the commonly accepted standard of a 10% overall population deviation for local jurisdictions. This required that I move only one VTD from Commissioner Precinct 2 to Commissioner Precinct 3 to create the Illustrative Plan. Because the primary goal was to bring the Illustrative Plan within acceptable population deviation, race was not considered at all during the development process.

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<sup>6</sup> Dr. Owens also mentions, "the standard deviation of the scores across all districts is the lowest" In the 2021 Enacted Plan. Owens March 31, 2023 Report, Page 16. Standard deviation only provides an indication of the varying compactness scores. It does not provide an indication that assists in the determination of the "geographically compact" component of the first precondition of *Gingles*.

<sup>7</sup> Table 13 in Dr. Owens' report outlines travel contiguity, which he states is another factor in compactness. Owens March 31, 2023 Report, Page 17. However, most compactness analyses, articles, and reports that I have reviewed do not use travel contiguity as a measure of compactness. See, e.g., Fryer, R. G., & Holden, R. (2011). Measuring the Compactness of Political Districting Plans. *The Journal of Law & Economics*, 54(3), 493–535. <https://doi.org/10.1086/661511>.

<sup>8</sup> See Owens March 31, 2023 Report, Pages 18-20. Owens' discussion of the Illustrative Plan's alleged prioritization of race is a bit confusing. There are two paragraphs that focus on the Illustrative Plan, however they are almost identical. Owens March 31, 2023 Report, Page 20.

<sup>9</sup> Grofman, Bernard and Cervas, Jonathan, *The Terminology of Districting* (March 30, 2020). Available at SSRN: <https://ssrn.com/abstract=3540444>.

7. Further, since I developed the Illustrative Plan to satisfy the first precondition of *Gingles*, I also factored in whether the movement of one VTD made the precincts and plan more or less compact. Dr. Owens’ claim that the Illustrative Plan prioritized race over traditional redistricting criteria centers on the movement of this single VTD from Commissioner Precinct 2 to Commissioner Precinct 3. However, Dr. Owens provides no evidence to support his claim. As stated in my original report, the movement of VTD 218 makes the Illustrative Plan more compact than the 2012-2021 Plan and more compact than moving VTD 223, which Dr. Owens’ report implies should have been moved instead (see Appendix A).<sup>10</sup> Dr. Owens seems to critique the selection of VTD 218 over VTD 223 by only asserting that VTD 223 would bring the precincts closer to the ideal population size.<sup>11</sup> However, the movement of VTD 218 brings the plan within acceptable population deviation while achieving more compactness than moving VTD 223.
8. In addition, Dr. Owens seems to infer that it was inappropriate that I selected VTD 218 because it contains a lower Black citizen voting age population (“BCVAP”). He mentions, “...voting district 223 would have reduced the population deviation further and had a higher concentration of BCVAP than voting district 218.”<sup>12</sup> However, I selected VTD 218 because it improved Commissioner Precinct 3’s compactness and brought the plan within an acceptable population deviation.
9. Dr. Owens also states, “[t]his opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.”<sup>13</sup> His

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<sup>10</sup> Fairfax January 13, 2023 Report, Page 17, note 30.

<sup>11</sup> The ideal population size I calculated by dividing the number of commissioner precincts in the jurisdiction by the total population. Fairfax January 13, 2023 Report, Page 15.

<sup>12</sup> Owens March 31, 2023 Report, Page 20.

<sup>13</sup> Owens March 31, 2023 Report, Page 20.

comment seems to assert that selecting VTD 223 would prevent Commissioner Precinct 2 from being contiguous with the mainland portion of the precinct. This is true; adding VTD 223 to Commissioner Precinct 3 would cut off interstate I-45 and cause the island portion of Commissioner Precinct 2 to be noncontiguous with the mainland portion. This result reinforces the appropriateness of my decision to select VTD 218 as opposed to VTD 223.<sup>14</sup>

### **C. Response to Dr. Owens' Claims Regarding Galveston County Lacking a Compact Community of Interest**

10. Third, Dr. Owens' claims that Galveston County lacks a compact community of interest" is unsupported and misplaced.<sup>15</sup> Establishing a compact community of interest (COI) is not part of the Section 2 vote dilution test when considering the first precondition of Gingles. COIs could be considered or prioritized if the Galveston County Commissioners Court's redistricting criteria stipulated consideration of COIs for precinct creation. The commissioners court has no such redistricting criteria, if any criteria at all. Thus, the focus for developing this redistricting plan lies with satisfying the "sufficiently large" and "geographically compact" aspects of Gingles.

11. In addition, Dr. Owens uses data areas too large to perform the appropriate COI analysis. Dr. Owens analyzed the four small to very large populated Census County Divisions (CCDs) to conclude that because these CCDs differ in socioeconomic aspects, such as education attainment, income, employment status, and other characteristics by age and gender, within the Black and Latino communities both separately and combined, they lack a COI.<sup>16</sup>

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<sup>14</sup> Nevertheless, as stated in my report, moving either VTD would be acceptable to meet equal population considerations. Fairfax January 13, 2023 Report, Page 17, note 30.

<sup>15</sup> Owens March 31, 2023 Report, Page 26.

<sup>16</sup> See Owens March 31, 2023 Report, Page 9. CCDs are "designed to represent community areas focused on trading centers or, in some instances, major land use areas. They have visible, permanent, and easily described boundaries." <https://www2.census.gov/geo/pdfs/reference/GARM/Ch8GARM.pdf>

12. In addition to COIs being an unnecessary consideration here in seeking to satisfy the first precondition of *Gingles*, these socioeconomic data must be analyzed by commissioner precinct, specifically the majority-Black and Latino precinct in the 2012-2021 Plan's Commissioner Precinct 3, if one were trying to use that data to analyze certain common characteristics of the Black and Latino community. This can only be done by considering socioeconomic data provided by the Census Bureau at a lower level than CCDs, such as census block groups and census tracts.<sup>17</sup> Thus, the analysis Dr. Owens provides does not demonstrate that these common characteristics of COIs are not compact enough to form a majority-Black and Latino commissioner precinct.<sup>18</sup>

#### **D. Conclusion**


13. Despite Dr. Owens' claims, the Illustrative Plan is sufficiently compact, overall and with regard to Commissioner Precinct 3, and does not prioritize race. Therefore, I continue to conclude that the Black and Latino population in Galveston County, Texas, is sufficiently large and geographically compact to constitute a majority-Black and Latino commissioner precinct that adheres to state and federal redistricting criteria and satisfies the first precondition of *Gingles*.

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<sup>17</sup> See Education Examples: [https://data.census.gov/table?q=s1501&g=050XX00US48167\\$1400000](https://data.census.gov/table?q=s1501&g=050XX00US48167$1400000). Other census tract level tables are accessible for income (S1903) [https://data.census.gov/table?q=s1903&g=050XX00US48167\\$1400000](https://data.census.gov/table?q=s1903&g=050XX00US48167$1400000) and Work Full Time (S2303) [https://data.census.gov/table?q=s2303&g=050XX00US48167\\$1400000](https://data.census.gov/table?q=s2303&g=050XX00US48167$1400000). Dr. Owens wrongly states that he is not able to obtain this data though it is publicly available. Owens March 17, 2023 Report, Page 8

<sup>18</sup> Lastly, Dr. Owens asserts in his report that the Illustrative Plan must show that either the Black population or the Latino population separately comprise the majority of the VAP and CVAP to establish a majority-minority commissioner precinct. However, the test for *Gingles* is for the specific minority population to garner a majority; in this case, the coalition of Black and Latino voters must comprise a population majority of a commissioner precinct.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of April 2023.

A handwritten signature in black ink, reading "Anthony E. Fairfax", written over a horizontal line.

ANTHONY E. FAIRFAX



## **Appendix A**

### Redistricting Criteria Comparison Reports

#### Standard Maptitude Data Reports

(Illustrative, 2012-2021, and 2021 Commissioners Court Plans)

1. Population Deviation
2. Compactness
3. Travel Contiguity (Illustrative and 2021 Plans)

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Population Summary

Monday, April 3, 2023

9:10 AM

District	Population	Deviation	% Devn.
1	85,408	-2,263	-2.58%
2	90,968	3,297	3.76%
3	84,559	-3,112	-3.55%
4	89,747	2,076	2.37%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range:	84,559 to 90,968
Ratio Range:	0.08
Absolute Range:	-3,112 to 3,297
Absolute Overall Range:	6,409
Relative Range:	-3.55% to 3.76%
Relative Overall Range:	7.31%
Absolute Mean Deviation:	2,687.00
Relative Mean Deviation:	3.06%
Standard Deviation:	2,737.96

User: Tony Fairfax

Plan Name: Galveston TX 2012 Plan

Plan Type: County Commission

## Population Summary

Tuesday, April 4, 2023

11:35 AM

District	Population	Deviation	% Devn.
1	85,408	-2,263	-2.58%
2	95,596	7,925	9.04%
3	79,931	-7,740	-8.83%
4	89,747	2,076	2.37%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range:	79,931 to 95,596
Ratio Range:	0.20
Absolute Range:	-7,740 to 7,925
Absolute Overall Range:	15,665
Relative Range:	-8.83% to 9.04%
Relative Overall Range:	17.87%
Absolute Mean Deviation:	5,001.00
Relative Mean Deviation:	5.70%
Standard Deviation:	5,747.70

User: Tony Fairfax

Plan Name: Galveston TX 2021 Plan

Plan Type: County Commissioners

## Population Summary

Monday, April 3, 2023

9:07 AM

District	Population	Deviation	% Devn.
1	87,689	18	0.02%
2	87,697	26	0.03%
3	88,111	440	0.50%
4	87,185	-486	-0.55%

Total Population: 350,682

Ideal District Population: 87,671

### Summary Statistics:

Population Range:	87,185 to 88,111
Ratio Range:	0.01
Absolute Range:	-486 to 440
Absolute Overall Range:	926
Relative Range:	-0.55% to 0.50%
Relative Overall Range:	1.06%
Absolute Mean Deviation:	242.50
Relative Mean Deviation:	0.28%
Standard Deviation:	328.17

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Measures of Compactness Report

Thursday, December 22, 2022

1:33 PM

	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
Sum	N/A	N/A	N/A
Min	0.16	0.10	0.49
Max	0.39	0.30	0.73
Mean	0.29	0.19	0.62
Std. Dev.	0.10	0.09	0.11
<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
1	0.28	0.23	0.69
2	0.39	0.30	0.73
3	0.16	0.10	0.49
4	0.34	0.14	0.55

## Measures of Compactness Report

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Galveston TX CP Illustrative PI

### Measures of Compactness Summary

<b>Reock</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Polsby-Popper</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Area / Convex Hull</b>	The measure is always between 0 and 1, with 1 being the most compact.

User: Tony Fairfax

Plan Name: Galveston TX 2012 Plan

Plan Type: County Commission

## Measures of Compactness Report

Tuesday, April 4, 2023

11:33 AM

	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
Sum	N/A	N/A	N/A
Min	0.16	0.09	0.48
Max	0.39	0.28	0.71
Mean	0.29	0.19	0.61
Std. Dev.	0.10	0.09	0.11
<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
1	0.28	0.23	0.69
2	0.39	0.28	0.71
3	0.16	0.09	0.48
4	0.34	0.14	0.55

## Measures of Compactness Report

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Galveston TX 2012 Plan

### Measures of Compactness Summary

<b>Reock</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Polsby-Popper</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Area / Convex Hull</b>	The measure is always between 0 and 1, with 1 being the most compact.



User: Tony Fairfax

Plan Name: Galveston TX 2021 Plan

Plan Type: County Commissioners

## Measures of Compactness Report

Monday, April 3, 2023

9:04 AM

	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
Sum	N/A	N/A	N/A
Min	0.23	0.12	0.47
Max	0.30	0.28	0.76
Mean	0.27	0.21	0.65
Std. Dev.	0.04	0.07	0.13
<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>	<b>Area/Convex Hull</b>
1	0.30	0.28	0.76
2	0.24	0.21	0.71
3	0.23	0.12	0.47
4	0.29	0.22	0.67

## Measures of Compactness Report

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Galveston TX 2021 Plan

### Measures of Compactness Summary

<b>Reock</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Polsby-Popper</b>	The measure is always between 0 and 1, with 1 being the most compact.
<b>Area / Convex Hull</b>	The measure is always between 0 and 1, with 1 being the most compact.

User: Tony Fairfax

Plan Name: Galveston TX CP Illustrative Plan

Plan Type: Commissioner Precincts

## Travel Contiguity

Friday, March 31, 2023

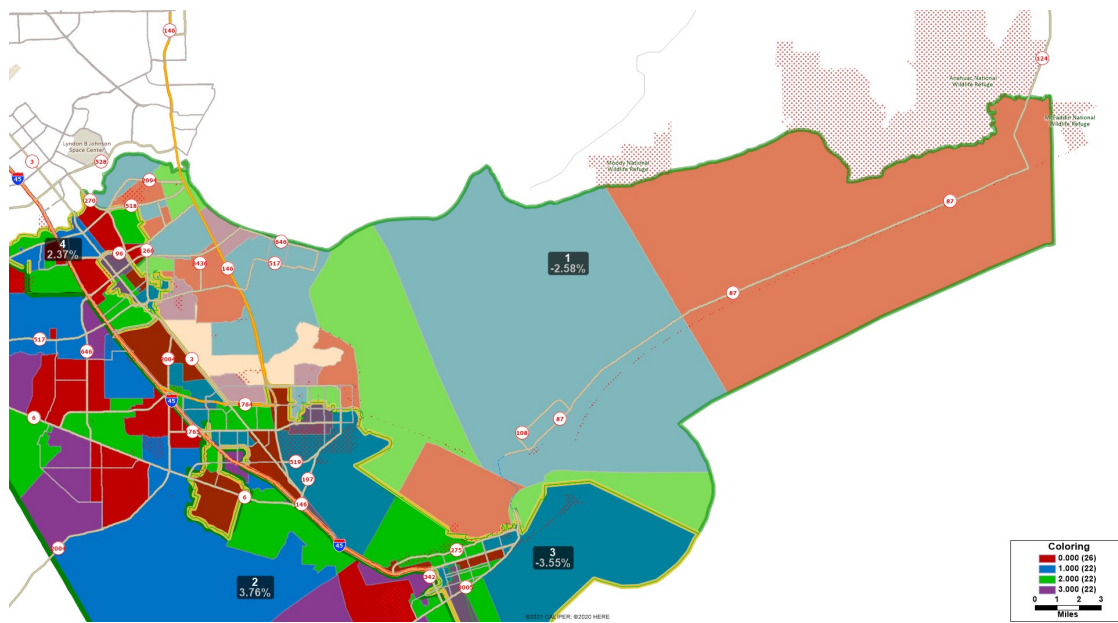
10:35 AM

Name	Combined %	Drive %	Walk %	Max Drive Distance	Max Drive Time	Max Walk Distance
1		58.5%		35.98	71.35	
2		84.0%		59.25	116.03	
3		91.0%		31.82	52.43	
4		89.4%		19.07	39.67	

# Travel Contiguity

Galveston TX CP Illustrative PI

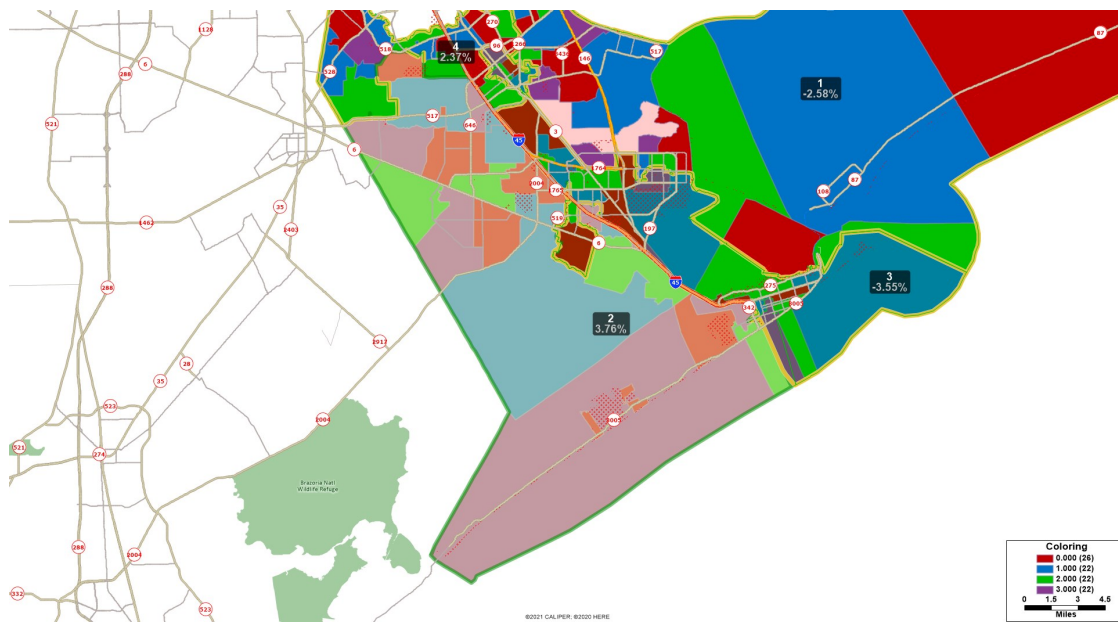
<b>Name</b>	1
<b>Combined %</b>	.0%
<b>Drive %</b>	58.5%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	35.98
<b>Max Drive Time</b>	71.35
<b>Max Walk Distance</b>	.00



# Travel Contiguity

Galveston TX CP Illustrative PI

<b>Name</b>	2
<b>Combined %</b>	.0%
<b>Drive %</b>	84.0%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	59.25
<b>Max Drive Time</b>	116.03
<b>Max Walk Distance</b>	.00

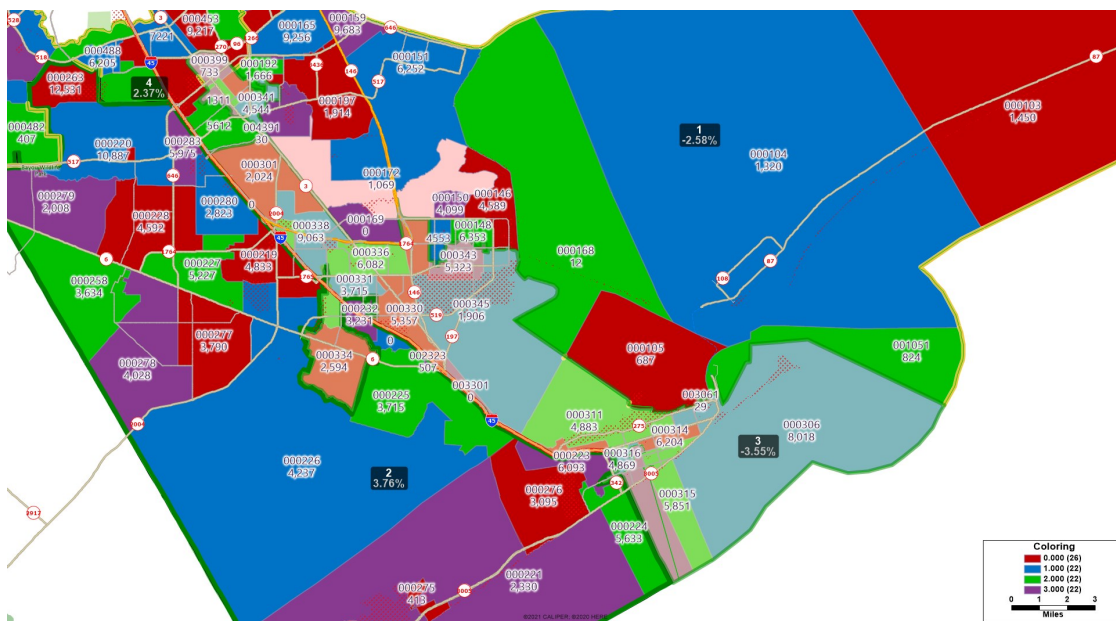


©2021 CALPINE. ©2020 HERE

# Travel Contiguity

Galveston TX CP Illustrative PI

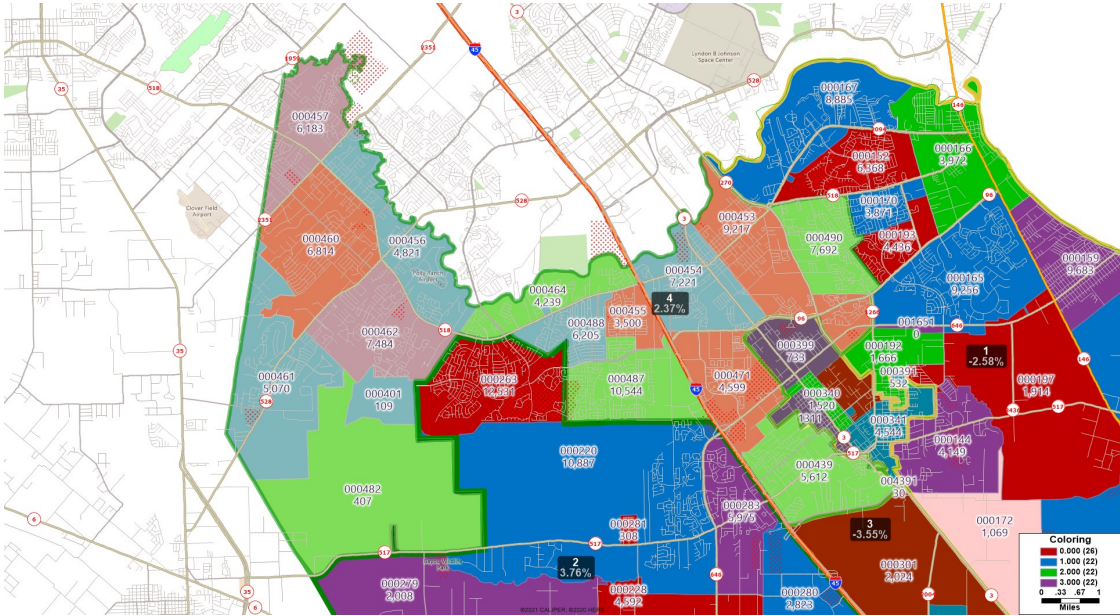
<b>Name</b>	3
<b>Combined %</b>	.0%
<b>Drive %</b>	91.0%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	31.82
<b>Max Drive Time</b>	52.43
<b>Max Walk Distance</b>	.00



# Travel Contiguity

Galveston TX CP Illustrative PI

<b>Name</b>	4
<b>Combined %</b>	.0%
<b>Drive %</b>	89.4%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	19.07
<b>Max Drive Time</b>	39.67
<b>Max Walk Distance</b>	.00



User: Tony Fairfax

Plan Name: Galveston TX 2021 Plan

Plan Type: County Commissioners

## Travel Contiguity

Thursday, March 30, 2023

11:17 PM

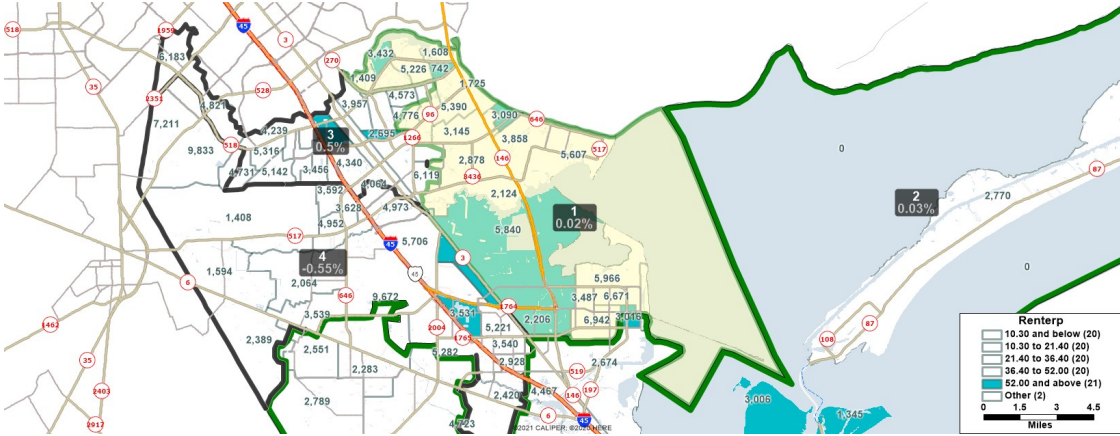
Name	Combined %	Drive %	Walk %	Max Drive Distance	Max Drive Time	Max Walk Distance
1		91.7%		25.20	46.18	
2		92.8%		66.84	145.71	
3		90.6%		17.47	40.91	
4		63.9%		25.72	48.81	



# Travel Contiguity

Galveston TX 2021 Plan

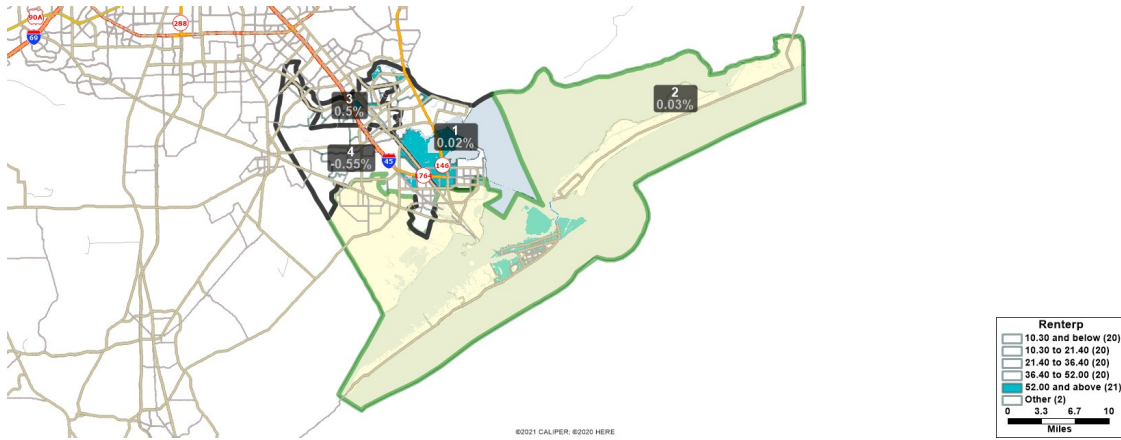
<b>Name</b>	1
<b>Combined %</b>	.0%
<b>Drive %</b>	91.7%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	25.20
<b>Max Drive Time</b>	46.18
<b>Max Walk Distance</b>	.00



# Travel Contiguity

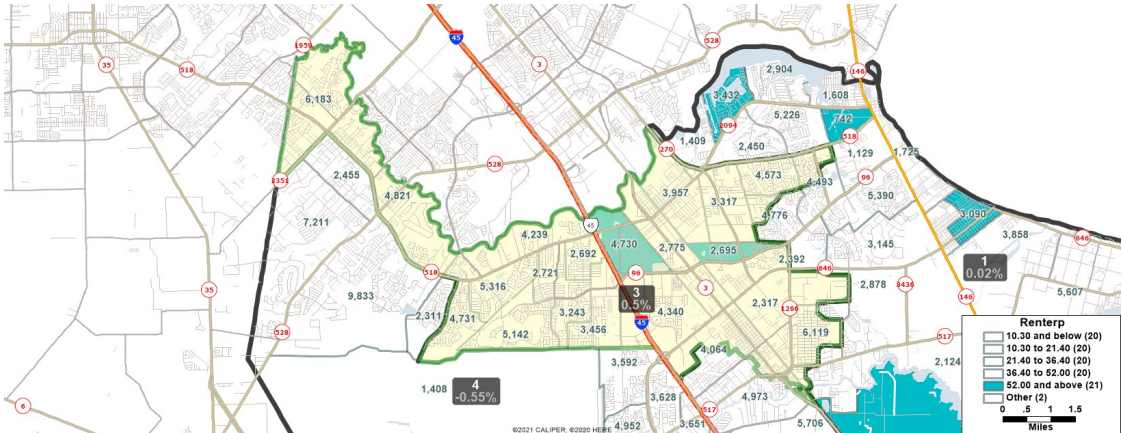
Galveston TX 2021 Plan

<b>Name</b>	2
<b>Combined %</b>	.0%
<b>Drive %</b>	92.8%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	66.84
<b>Max Drive Time</b>	145.71
<b>Max Walk Distance</b>	.00



# Travel Contiguity

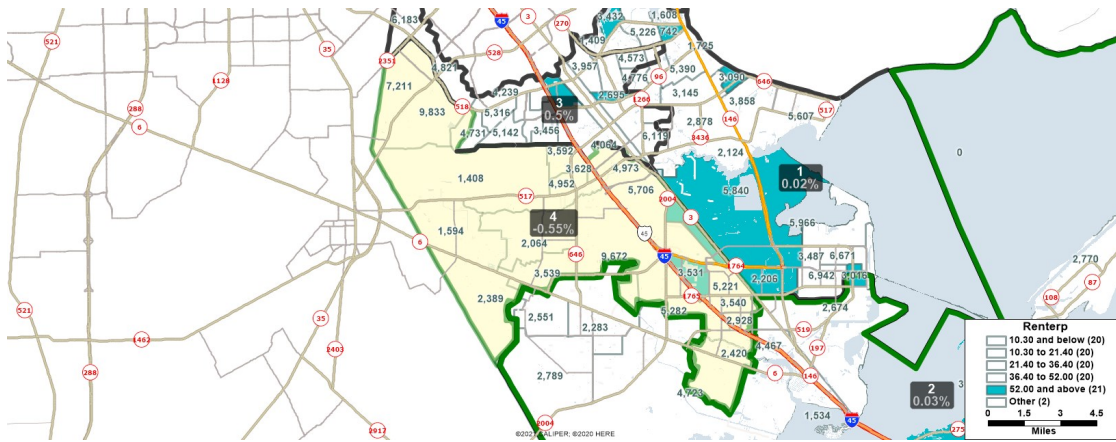
<b>Name</b>	3
<b>Combined %</b>	.0%
<b>Drive %</b>	90.6%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	17.47
<b>Max Drive Time</b>	40.91
<b>Max Walk Distance</b>	.00



# Travel Contiguity

Galveston TX 2021 Plan

<b>Name</b>	4
<b>Combined %</b>	.0%
<b>Drive %</b>	63.9%
<b>Walk %</b>	.0%
<b>Max Drive Distance</b>	25.72
<b>Max Drive Time</b>	48.81
<b>Max Walk Distance</b>	.00



# **Exhibit 19**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, et al.,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS, et al.

*Defendants.*

Civil Action No. 3:22-cv-57-JVB  
[Lead Consolidated Case]

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UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS, et al.,

*Defendants.*

Civil Action No. 3:22-cv-93-JVB

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DICKINSON BAY AREA BRANCH  
NAACP, et al.,  
,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS, et al.

*Defendants.*

Civil Action No. 3:22-cv-117- JVB

**DECLARATION OF LUCILLE MCGASKEY**

I, Lucille McGaskey, make this declaration in support of the United States’

Response in Opposition to the Defendants' Motion for Summary Judgment.

1. I am a resident of Texas City, Texas. I moved to Galveston County in 1974, and have lived here for 49 years.
2. I worked for nearly 20 years at NASA as an engineering assistant. I consider myself semi-retired. I am involved in the local community and I'm active with several non-profit organizations. For example, I am active with a local NAACP branch, local LULAC branches, the Kempner Fund, which assists people with housing, and also with church-related volunteer work. As part of my church volunteer work, I help educate voters on the candidates and issues and I assist with voter registration.
3. I have been active in Galveston County politics for approximately 49 years, when I first joined the NAACP. I served as campaign manager for Helen Truscott, who ran for district judge in 2002. She successfully won her primary election, but was defeated in the general election. During Ms. Truscott's campaign, we had campaign materials in both Spanish and English and had Spanish-speaking volunteers because, in my experience, we knew both the Black and Latino communities would support her campaign.
4. Based on my 49 years living in Galveston County, the Black and Latino communities have many issues in common: receiving quality healthcare, receiving a decent education, obtaining and maintaining good jobs with good benefits, and affordable housing. Black and Latino voters typically vote together because of their shared interests on these issues.

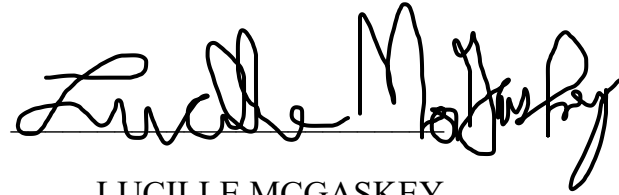
5. Based on my experience, such as working on Ms. Truscott's campaign, my observation is that Black and Latino voters in Galveston County usually vote together in both non-partisan and partisan races.
6. I believe Black and Latino voters in the Precinct 3 that was in place before 2021 voted together for Commissioner Stephen Holmes. Commissioner Holmes is the candidate of choice for the Black and Latino community in Galveston County.
7. Commissioner Holmes is an active commissioner who listens to the needs of the Black and Latino communities, particularly about issues related to housing, employment, health, and education. Because he focuses on the issues important to the minority community, I believe he gets very strong support from both Black and Latino voters.
8. Based on my experiences living in the county and being active in county politics, minority voters and Anglo voters in Galveston County tend to support different candidates. I do not believe Commissioner Holmes can be re-elected under the new commissioners court plan because his new precinct is majority-Anglo. In Galveston County, Anglo voters do not usually support a candidate favored by Black and Latino voters.
9. I think Commissioner Holmes's loss to the county's minority population would be devastating. The Black and Latino community would lose a critical link to the commissioners court. The minority community wants to preserve a majority-minority precinct to continue this link in the future.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, under the laws of



the United States, that the foregoing is true and correct to the best of my knowledge.

Dated this 31st day of May, 2023.

A handwritten signature in black ink, appearing to read "Lucille McGaskey", written over a horizontal line. The signature is cursive and somewhat stylized.

LUCILLE MCGASKEY

# **Exhibit 20**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

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

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UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	Civil Action No. 3:22-cv-93-JVB
	§	
GALVESTON COUNTY, TEXAS, et al.,	§	
	§	
<i>Defendants.</i>	§	

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

**DECLARATION OF SHARON B. LEWIS**

I, Sharon B. Lewis, make this declaration in support of the United States'

Response in Opposition to the Defendants' Motion for Summary Judgment.

1. I am a resident of Galveston, Texas. I was born in Galveston and I have lived in Galveston County for a total of 43 years.
2. I am a member of the Galveston City Council and have represented District 1 since September 2021.
3. Before serving on the Galveston City Council, I was an educator for more than 30 years, including many years in the Galveston Independent School District and in La Marque. I am also active in many community organizations, including serving as the former president and vice president of the Old Central Carver Park Neighborhood Association.
4. Based on my time living in Galveston County and being an elected official in the City of Galveston, I am aware of the political landscape in the county, the county's demographics, and how particular demographics in Galveston County vote.
5. For as long as I can remember, Black and Latino voters in Galveston County typically vote together based on their shared interests and experiences.
6. I have run in two elections for Galveston City Council, one in August 2021 and again in May 2022. In each election, I have sought and received support from Black and Latino voters.
7. Based on my experiences and observations, Black and Latino voters have typically voted together in both non-partisan and partisan elections.
8. Based on my 43 years living in Galveston County, I believe the Black and Latino communities share interests across many issues, such as affordable housing, quality

education, maintaining good, well-paying jobs, and seeking political representation in our local government.

9. District 1, which I represent on the Galveston City Council, lies entirely within commissioner Precinct 3 under the commissioners court plan in place before 2021.
10. I believe Black and Latino voters in the former Precinct 3 voted together for Commissioner Stephen Holmes, who was our candidate of choice. Commissioner Holmes is an attentive commissioner to our needs related to housing, employment, and education. He focuses on the issues important to our communities, and I believe he gets the support of both Black and Latino voters. He is a critical voice for the minority community in Galveston County.
11. Under the commissioners court map passed in 2021, I do not believe Commissioner Holmes would be able to be re-elected because of the demographics of the new majority-Anglo Precinct 3. I think his loss to the county's minority population would be incalculable because we would lose access to and representation of our issues on the commissioners court.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge.

Dated this 1st day of June, 2023.

*Sharon Lewis*

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SHARON B. LEWIS

# Exhibit 21

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

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DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117

<i>Plaintiffs,</i>	§
	§
v.	§
	§
GALVESTON COUNTY, TEXAS,	§
HONORABLE MARK HENRY, in	§
his official capacity as Galveston	§
County Judge, and DWIGHT D.	§
SULLIVAN, in his official capacity as	§
Galveston County Clerk	§
	§
<i>Defendants.</i>	§

**DECLARATION OF JESSICA TROUNSTINE**

I, Jessica Trounstine, pursuant to 28 U.S.C. § 1746, hereby declare and state as follows:

1. I have been asked by the United States to confirm the results of the Second Corrected Report (“Trounstine Report”) by isolating a commissioner precinct-level subset of the racially polarized voting (“RPV”) analysis described therein.
2. In so doing, I can confirm that the conclusions described in the Trounstine Report hold true across commissioner precinct 3 in the illustrative plan contained in the January 13, 2023, expert witness report of Anthony E. Fairfax (“Illustrative Precinct 3”). The voting patterns described in the Trounstine Report are likewise found in Illustrative Precinct 3.
3. Illustrative Precinct 3 contains an estimated 23.3% of Galveston County’s citizen voting age population (“CVAP”), 59.0% of the County’s Black CVAP, and 30.1% of the County’s Latino CVAP.



4. The Excel file entitled “Reconstituted\_VTDs,” which I understand was produced to Defendants as part of my replication files on January 27, 2023 (“Replication Files”), lists the voting districts (“VTDs”) found in Illustrative Precinct 3.

5. Using the Replication Files, including the “Reconstituted\_VTDs” Excel file and the same R code, I used R’s SUBSET command to select the VTDs in Illustrative Precinct 3 and derived point estimates and the corresponding standard errors and/or standard deviations for 15 of the 28 pre-2022 elections described in the Trounstine Report and assessed whether the RxC point estimates (“Illustrative Precinct 3 RxC Estimates”) aligned with the RxC point estimates found in the Trounstine Report (“Trounstine Report RxC Estimates”).

6. As Galveston County used different VTDs for elections held in 2022, I used ArcGIS to determine which 2022 VTDs were contained in Illustrative Precinct 3.

7. Using 2022 VTDs, the Replication Files, including the same R code, I used R’s SUBSET command to select the VTDs in Illustrative Precinct 3 and derived point estimates and the corresponding standard errors and/or standard deviations for all 8 of the 2022 elections described in the Trounstine Report and assessed whether the Illustrative Precinct 3 RxC Estimates aligned with the Trounstine Report RxC Estimates.

8. Due to data limitations (*e.g.*, Illustrative Precinct 3 contains fewer VTDs than the County as a whole), I was not able to confirm at the commissioner precinct-level the results of 13 of the elections described in the Trounstine Report.

9. For the other 23 elections, I determined an election was “not aligned” if:

- a. The Trounstine Report RxC estimates indicate that Black voters and Latino voters supported the same first choice candidate, but the Illustrative Precinct 3 RxC Estimates do not indicate the same; or
  - b. The Trounstine Report RxC estimates indicate that Black voters or Latino voters cohesively supported a different first choice candidate than did White voters, but the Illustrative Precinct 3 RxC Estimates do not indicate the same.
10. As can be seen in the table below, only 1 election was not aligned.

## Illustrative Precinct 3 RxC Point Estimates &amp; Standard Errors

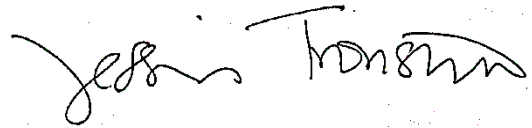
					Latino Vote		Black Vote		White Vote		Aligned with Trounstine Report?
Election Date	Type	Candidate	Jurisdiction	Position	EST	SE	EST	SE	EST	SE	
11/2/2004	General	Holmes, Stephen	Galveston County	Commissioner Court, Precinct 3	<b>90.20</b>	7.36	<b>98.74</b>	1.33	31.75	6.56	Yes
11/2/2004	General	Parker Jr., Lewis			8.97	7.50	1.25	1.23	<b>67.79</b>	5.75	
11/5/2002	General	Yarbrough, James D.	Galveston County	County Judge	<b>94.00</b>	3.51	<b>99.17</b>	0.79	<b>84.85</b>	2.99	Yes
11/5/2002	General	Murphy, Dan			6.06	3.52	0.82	0.77	15.11	3.01	
11/7/2006	General	Yarbrough, James D.	Galveston County	County Judge	<b>88.47</b>	9.11	<b>97.77</b>	2.22	46.39	8.19	Yes
11/7/2006	General	Stevens, Chris			11.45	9.00	2.15	2.14	53.69	8.21	
11/2/2010	General	Henry, Mark	Galveston County	County Judge	16.23	12.08	2.58	2.57	<b>65.42</b>	10.59	Yes
11/2/2010	General	Yarbrough, James D.			<b>83.70</b>	12.15	<b>97.37</b>	2.64	34.78	10.61	
11/4/2014	General	Henry, Mark	Galveston County	County Judge	<b>67.96</b>	13.49	18.01	8.09	<b>62.84</b>	9.84	Yes
11/4/2014	General	Young, William F. "Bill"			31.96	13.59	<b>82.00</b>	8.09	37.30	9.83	
3/4/2008	D Prim	Stephen Holmes	Galveston County	Commissioner Court, Precinct 3	<b>44.24</b>	24.07	<b>60.31</b>	13.56	<b>60.47</b>	19.30	Yes
3/4/2008	D Prim	Eugene Lewis			33.05	20.91	38.85	13.84	19.83	14.21	
3/4/2008	D Prim	Robert Hutchins			22.57	10.03	2.71	2.39	22.96	7.54	
5/29/2012	D Prim	Holmes, Stephen	Galveston County	Commissioner Court, Precinct 3	<b>76.04</b>	8.69	<b>94.09</b>	3.76	<b>93.32</b>	5.12	Yes
5/29/2012	D Prim	Hobgood, James			23.94	8.93	5.95	3.81	6.75	5.20	
11/3/2020	General	Johnson, E.R.	Galveston	City Council, District 1	<b>47.86</b>	27.96	46.03	24.33	<b>62.13</b>	26.33	Yes
11/3/2020	General	Woods, Tarris L.			42.30	25.66	<b>51.25</b>	28.47	24.72	21.56	
11/3/2020	General	Godinich, Doug			27.36	20.32	27.27	20.06	15.85	17.05	
11/3/2020	General	Quiroga, Roger "Bo"	Galveston	Mayor	<b>68.70</b>	20.75	<b>40.83</b>	19.61	35.70	11.08	Yes
11/3/2020	General	Brown, Craig			21.54	17.63	31.19	17.70	<b>47.03</b>	10.49	
11/3/2020	General	Guzman Jr., Raymond			9.38	4.31	18.74	4.50	3.91	2.01	
11/3/2020	General	Keese, Bill			5.90	4.22	12.69	5.08	3.93	2.14	

11/3/2020	General	Casey, James			4.58	3.32	3.38	2.96	3.90	1.74	
11/3/2020	General	Bowie, Thelma			6.57	8.23	<b>90.36</b>	7.18	5.77	6.29	Yes
11/3/2020	General	Yackly, Kevin	Texas City	City Commission	<b>67.77</b>	11.43	2.11	2.38	13.71	7.14	
11/3/2020	General	Garza, Jr., Abel			56.13	13.40	3.00	3.11	25.74	8.82	
11/3/2020	General	Clawson, Bruce			7.26	8.08	3.30	2.84	<b>34.29</b>	6.81	
11/3/2020	General	Johnson, Dredrick			Texas City	Mayor	<b>77.74</b>	18.83	<b>94.83</b>	6.06	35.24
11/3/2020	General	Roberts, Phil			22.28	18.90	5.10	5.87	<b>65.07</b>	15.57	
11/8/2016	General	Byrd, Dennis	Galveston	Navigation and Canal Commissioner	<b>42.99</b>	23.70	29.76	20.80	<b>37.84</b>	13.23	No
11/8/2016	General	McDermott, Shane			23.77	17.91	27.90	18.97	19.65	9.80	
11/8/2016	General	Quiroga, Bill			38.36	6.49	<b>71.03</b>	6.71	2.42	2.53	
11/8/2016	General	Mihovil, Robert			9.67	8.38	4.30	5.35	26.58	4.67	
11/3/2020	General	Trochesset, Henry	Galveston County	Galveston County Sheriff	42.75	8.55	3.63	2.98	59.30	5.94	Yes
11/3/2020	General	Salinas, Mark			57.21	8.49	<b>96.44</b>	2.95	40.68	5.91	
11/3/2020	General	Robinson, Jared	Statewide	District Court Judge, District 405	45.88	8.50	3.48	2.97	56.20	5.98	Yes
11/3/2020	General	Hudson, Teresa			52.69	8.95	<b>96.63</b>	2.66	43.50	5.72	
11/3/2020	General	Weber, Randy	U.S. House D14	U.S. House, District 14	45.69	9.18	3.87	2.95	57.29	6.29	Yes
11/3/2020	General	Bell, Adrienne			54.04	8.83	<b>96.27</b>	3.22	42.66	6.41	
5/24/2022	D Prim Runoff	Jaworski, Joe	Statewide	Attorney General	14.10	9.34	<b>71.70</b>	6.96	<b>92.25</b>	5.62	Yes
5/24/2022	D Prim Runoff	Garza, Rochelle Mercedes			<b>85.94</b>	9.41	28.56	6.91	7.61	5.47	
5/24/2022	D Prim Runoff	Dudding, Janet	Statewide	Comptroller of Public Accounts	31.82	13.19	<b>76.01</b>	7.49	<b>66.37</b>	8.47	Yes
5/24/2022	D Prim Runoff	Vega, Angel Luis			<b>68.05</b>	13.17	24.00	7.45	33.66	8.48	
5/24/2022	D Prim Runoff	Martinez, Sandra Grace	Statewide	Commissioner of General Land Office	<b>86.39</b>	8.54	<b>68.71</b>	5.84	38.89	6.10	Yes
5/24/2022	D Prim Runoff	Kleberg, Jay			13.47	8.45	31.33	5.81	<b>61.13</b>	6.03	
3/1/2022	D Prim	Williams, Mikal	U.S. House D14	U.S. House, District 14	<b>77.51</b>	15.84	18.64	9.13	47.78	13.73	Yes
3/1/2022	D Prim	Howard, Eugene			22.33	15.91	<b>81.29</b>	9.09	52.36	13.78	

3/1/2022	D Prim	Collier, Mike	Statewide	Lieutenant Governor	7.51	5.48	15.63	4.30	<b>53.96</b>	4.35	Yes
3/1/2022	D Prim	Brailey, Carla			48.47	8.35	<b>57.70</b>	4.66	18.02	5.24	
3/1/2022	D Prim	Beckley, Michelle			<b>48.59</b>	7.89	25.94	4.36	25.93	4.98	
3/1/2022	D Prim	Jaworski, Joe	Statewide	Attorney General	14.33	11.42	13.41	8.43	<b>72.56</b>	9.99	Yes
3/1/2022	D Prim	Garza, Rochelle Mercedes			<b>54.05</b>	11.49	10.27	5.78	15.31	7.01	
3/1/2022	D Prim	Merritt, Lee			12.59	6.48	<b>46.28</b>	4.44	6.91	3.93	
3/1/2022	D Prim	Fields, Mike			14.33	4.98	23.87	3.12	4.22	2.75	
3/1/2022	D Prim	Raynor, S. "TBone"			10.94	2.76	5.52	1.99	0.75	0.74	
3/1/2022	D Prim	Dudding, Janet	Statewide	Comptroller of Public Accounts	36.02	7.01	<b>45.62</b>	3.87	<b>53.83</b>	4.44	Yes
3/1/2022	D Prim	Vega, Angel Luis			<b>56.28</b>	8.70	17.43	4.80	25.79	5.44	
3/1/2022	D Prim	Mahoney, Tim			9.94	6.18	36.58	4.15	19.45	4.40	
3/1/2022	D Prim	Martinez, Sandragrace	Statewide	Commissioner of General Land Office	<b>84.07</b>	8.38	27.40	5.15	<b>25.71</b>	5.61	Yes
3/1/2022	D Prim	Suh, Jinny			24.21	4.97	30.38	2.77	20.92	3.14	
3/1/2022	D Prim	Kleberg, Jay			5.21	4.48	4.04	3.02	32.05	4.11	
3/1/2022	D Prim	Lange, Michael			3.12	2.79	<b>38.20</b>	3.24	12.34	2.96	

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of June 2023.

A handwritten signature in black ink, appearing to read "Jessica Trounstine". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

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JESSICA TROUNSTINE

# **Exhibit 22**

vtdst20	adopted	illustrative
170	100	
172		0
192	100	
218		100
225		0
263	81.6	
276		0
301		100
306		100
309		100
311		100
312		100
314		100
315		100
316		100
330		100
331		100
334		100
336		100
338		100
340	100	100
341	100	100
343		100
345		100
347		100
389	100	100
391	100	100
394	100	100
398	100	100
399	100	100
453	100	0
454	100	0
455	100	
456	100	
457	100	
464	100	
471	100	
487	100	
488	100	
490	79	
1051		0
3061		100
3301		0
3311		100



# Exhibit 23





Table with columns: Case ID, Name, Party, Address, Date, Status, and various numerical counts. The table lists numerous individuals and their associated records, including names like '193 Kasey Wells/Rachel Wells (W)', '193 P es dete R. Bodd e/E. C. Stoenham (W)', etc., and numerical values such as '0', '2055', '7', '0', etc.



Table with 5 columns: ID, Name, Status, Action, and Count. The table contains multiple rows of data, including names like '278 Ab am loeb/lemm fe ja aa (W)', '278 B an ca o/Alma Patel (W)', and '278 Gho a la R va/Leona P Pette (W)'. Each row shows a sequence of actions and their corresponding counts.

Table with columns for name, address, phone, and various status codes. The table lists numerous individuals and their associated information, including names like '312 Jo Jo gensen/emy', '312 Hove e Hawk n/angeWalle - GRN', and others, with corresponding codes and status indicators.





Table with columns for Case No., Name, Party, and various numerical columns (1-25). The table contains a large volume of repetitive data rows, likely representing a list of cases or transactions.

Table with columns for name, date, time, and status. The table contains a large number of rows, each representing a record with a unique identifier and a corresponding status or action.

























Table with columns for case details (e.g., 306 Stac W II arms, DEM), counts (e.g., 1893, 3308), and status (e.g., 0, 0, 0). The table contains multiple rows of data for various cases and items.

Table with columns for case number, name, address, phone, email, and status. The table contains multiple rows of data, including names like '144 G Shea D, T, ana, DEM', '145 Tom Ondo, D, LIB', etc., and their corresponding contact information and status.

Table with 4 columns: ID, Name, Status, and Percentage. The table lists numerous entries, each with a unique ID, a name (e.g., '309 G seld D, T, ana, DEM'), a status (e.g., '0', '1', '2'), and a percentage (e.g., '0.00%', '0.00%', '0.00%'). The entries are organized in a grid-like structure across the page.











Table with columns for ID, Name, Address, City, State, Zip, and various fields for ballot status (e.g., Reclected, Unresolved, Absentee, etc.) and counts.

Table with 4 columns: ID, Name, Status, and Percentage. The table lists numerous individuals and their corresponding status and percentage values, such as '330 Susan C ss, DEM 999 1566 42 0 0'.

Table with columns: ID, Name, Party, Status, Date, Time, Location, and various numerical counts. The table contains multiple rows of data for various individuals and entities, including names like '232 Mayes M ddition, REP' and '315 Mayes M ddition, REP'.

Table with 4 columns: ID, Name, Status, and Count. Rows include individuals like 401 B an J, Roger, S, DEM (0, 0, 0, 0) and 402 Dk ck llyes, L, B (0, 0, 0, 0).

Table with 4 columns: ID, Name, Status, and Count. Rows include individuals like 403 E g Bonners, REP (1653, 2450, 88, 0) and 404 B an J, Roger, S, DEM (729, 2450, 88, 0).

Table with 4 columns: ID, Name, Status, and Count. Rows include individuals like 405 D ck llyes, L, B (0, 0, 0, 0) and 406 E g Bonners, REP (1653, 2450, 88, 0).

Table with 4 columns: ID, Name, Status, and Count. Rows include individuals like 407 B an J, Roger, S, DEM (0, 0, 0, 0) and 408 E g Bonners, REP (1653, 2450, 88, 0).



Table with 4 columns: Name, Party, Status, and Percentage. The table lists numerous individuals and their corresponding percentages, such as '280 Jane Rob nson, DEM' with 390.935% and '101 Ven on ca R was-Molloy, DEM' with 1.000%.



Table with columns for case ID, name, date, status, and count. The table contains multiple rows of data, including entries like '105: Amapa o Mon que Gue a, DEM', '106: Te y Adams, REP', etc., with corresponding counts and dates.







Table with 4 columns: ID, Name, Status, and Percentage. The table lists numerous individuals and their corresponding status and percentage values, such as '312 Geo ge L Indey, DEM' with a percentage of 0.000%.







Table with columns for name, address, phone, and a large grid of 0/1 values representing data points for various categories.



Table with 4 columns: Case ID, Description, Status, and Value. The table contains a dense list of entries, each with a unique identifier and associated numerical data.



Table with 4 columns: Case ID, Status, Action, and Percentage. The table lists numerous entries for cases 283 AGAINST through 283 AGAINST, detailing various actions like 'Un resolved', 'Resolved', and 'Escalated' with corresponding percentages.











Table with columns for name, address, zip, phone, and various ballot status indicators (e.g., '0', '1', '2', '3', '4', '5', '6', '7', '8', '9', '10', '11', '12', '13', '14', '15', '16', '17', '18', '19', '20', '21', '22', '23', '24', '25', '26', '27', '28', '29', '30', '31', '32', '33', '34', '35', '36', '37', '38', '39', '40', '41', '42', '43', '44', '45', '46', '47', '48', '49', '50', '51', '52', '53', '54', '55', '56', '57', '58', '59', '60', '61', '62', '63', '64', '65', '66', '67', '68', '69', '70', '71', '72', '73', '74', '75', '76', '77', '78', '79', '80', '81', '82', '83', '84', '85', '86', '87', '88', '89', '90', '91', '92', '93', '94', '95', '96', '97', '98', '99').

Table with columns for Case Name, Case Number, Status, and Date. Rows include names like 148 Jam Cia K, 148 Hien Y Gomez, 150 Jam Cia K, etc., up to 218 Robe T Pat Ck da gje.







# **Exhibit 24**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, )  
et al., )  
Plaintiffs, )  
VS. )  
GALVESTON COUNTY, et al., )  
Defendants. )

CASE NO. 3:22-cv-00057

-----  
ORAL, VIDEOTAPED AND VIDEOCONFERENCED  
DEPOSITION OF  
JOHN R. ALFORD, PhD  
April 27, 2023  
VOLUME 1  
(Reported remotely in Denton County, Texas)  
-----

ORAL, VIDEOTAPED AND VIDEOCONFERENCED DEPOSITION OF  
JOHN R. ALFORD, PhD, produced as a witness at the  
instance of the Petteway Plaintiffs, was taken in the  
above-styled and numbered cause on April 27, 2023, from  
9:13 a.m. to 12:08 p.m., before Jamie K. Israelow,  
Certified Shorthand Reporter in and for the State of  
Texas, Registered Merit Reporter and Certified Realtime  
Reporter, reported by machine shorthand, with the  
witness appearing remotely in the City of League City,  
County of Galveston and State of Texas, and the  
provisions stated on the record or attached hereto; that  
the deposition shall be read and signed before any  
notary public.

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1                   So I'm going to go ahead and just jump  
2 right into it.

3                   Dr. Alford, your report relied on the  
4 analysis provided by Drs. Oskooii, Trounstine, Barreto,  
5 and Mr. Rios; is that correct?

6           A.     That's correct.

7           Q.     I mean, your report also relies on the election  
8 and demographic data which was provided in those  
9 experts' disclosures as well as the election returns on  
10 Galveston County's website, right?

11          A.     That's correct.

12          Q.     You didn't conduct any independent statistical  
13 analysis for your report, correct?

14          A.     There is an -- I would say an independent EI  
15 run on a variety of the elections in Dr. Trounstine's  
16 report. There's an EI run on the primaries in  
17 Dr. Oskooii's report. I don't think there's any  
18 independent analysis related to the general elections in  
19 any of the reports.

20          Q.     Okay. And through those EI runs, did you  
21 conduct those yourself?

22          A.     No. They were conducted by a colleague of  
23 mine, Randy Stevenson.

24          Q.     Okay. And what did he do for you, and what was  
25 the process of you two working together on this report?

1 we actually have, it's related to the patterns, the  
2 regularities that we see in the data.

3 Q. Okay. But -- so what you said, you didn't  
4 conduct any of your own analysis to ascertain the  
5 motivation of Galveston's voters; is that right?

6 A. Nobody has done -- in this case, has done -- I  
7 mean, I'm a defense expert, so much of my work is  
8 responsive to the work of -- of plaintiffs, with  
9 additions where I think it's useful or doable, and there  
10 is no analysis here of the motivations of voters.

11 Q. Okay. And you didn't conduct your own analysis  
12 of the motivations of voters?

13 A. No.

14 Q. You didn't conduct any analysis of whether  
15 Galveston County's Democrats are voting for their party  
16 because of their party affiliation or because of their  
17 race?

18 A. We all conducted that analysis.

19 Q. Sorry. I just want to clarify there. That  
20 seems to be an analysis of motivation, right, as to  
21 whether they're casting their votes because of their  
22 race or because of their partisan affiliation, right?

23 A. Right. And we're not doing anything at the  
24 individual level to establish which of those might be  
25 the case, but we are doing an aggregate-level analysis

1 that -- that provides information about the question  
2 about how voters cast votes when they're given signals  
3 about both of those things. So we are given a partisan  
4 signal on the ballot. Then they have racial or ethnic  
5 signals from the candidates themselves. We know then  
6 about the patterns that produces then in voting  
7 behavior. We don't necessarily know what motivates that  
8 pattern, but we do have information about that pattern.

9 Q. Okay. So you're just looking at the pattern of  
10 voting itself, not the motivation underlying any pattern  
11 of voting?

12 A. That's correct.

13 Q. So on your CV, you list several other times  
14 that you've served as an RPV expert witness. In any of  
15 those instances, have you found there to be racial  
16 polarization and not just partisan polarization?

17 A. Yes.

18 Q. And in which instances were those?

19 A. There would not be any instances in which I was  
20 a testifying expert for the defense, because if I'm  
21 brought in as a consulting expert and I find that  
22 there's racially polarized voting, given that that's my  
23 piece of the case, for the most part, these days, the --  
24 I explain that to the lawyers. Then we -- then we  
25 typically part ways. They -- you know, I leave them

1 A. Yes, I have.

2 Q. Wonderful.

3 So let's turn to Appendix B of Exhibit 1,  
4 which is -- starts on Page A-16. And just let me know  
5 when you're there, please.

6 MS. JAYARAMAN: And, Cathy, I don't know  
7 if we want to scroll on screen as well, just to keep it  
8 aligned.

9 A. Oh, so I -- basically seeing is the title page,  
10 Appendix C, and that's followed --

11 Q. (By Ms. Jayaraman) Yeah.

12 A. -- by the tables.

13 Q. Yes.

14 Professor, in Appendix C, Professor  
15 Trounstine provides three sets of point estimates for  
16 each of the elections that she analyzed as part of her  
17 racially polarized voting analysis, correct?

18 A. I believe that's correct, yes.

19 Q. And also in Appendix C, Professor Trounstine  
20 provides standard errors for her RxC estimates, correct?

21 A. Correct.

22 Q. And in Appendix C, Professor Trounstine  
23 provides standard deviations for her EI estimates,  
24 correct?

25 A. Correct.



1 Q. And in Appendix C, Professor Trounstine  
2 provides standard errors for her Goodman's estimates,  
3 correct?

4 Did you answer? I didn't hear you, if you  
5 did. My apologies.

6 A. I'm in -- I'm in process.

7 Q. Oh, okay.

8 A. Okay. So I -- I've just switched to looking at  
9 the -- at the electronic copy. These printed copies  
10 got -- because the -- the appendix is landscape, they  
11 got cut off, so I'm actually --

12 Q. Oh, okay.

13 A. The printed copy is confusing, because all I'm  
14 seeing on the printed copy was the RxC and EI, and I  
15 remembered there being all three.

16 So now I'm looking at the --

17 MS. OLALDE: Apologies.

18 A. -- what's on screen, and yes.

19 So there -- there are estimates and either  
20 standard errors or standard deviations for what is  
21 labeled RxC or what is labeled EI and what is labeled  
22 Goodman.

23 Q. (By Ms. Jayaraman) Thank you.

24 In your report, Professor, you don't offer  
25 any opinion on Professor Trounstine's reconstituted

1 election analysis, correct?

2 A. I don't recall addressing the reconstituted  
3 election analysis, no.

4 Q. And in your report, you don't mention  
5 Professor John Logan, correct?

6 A. I don't think I mentioned John Logan. I -- I  
7 may have -- I may in the report have mentioned something  
8 generally about reconstituted election analysis, in the  
9 sense that it basically just reflects the same partisan  
10 results that we see in the general election analysis,  
11 but I don't think I mentioned anything specific to any  
12 one expert's reconstituted election analysis.

13 MS. JAYARAMAN: Okay. Cathy, if we could  
14 put up Tab 1, please.

15 (Document displayed.)

16 Q. (By Ms. Jayaraman) And, Professor, so you can  
17 sort through your hard copies, Tab 1 is going to be your  
18 expert report.

19 A. Okay. I have my expert report, and what  
20 appears on the screen appears to be my expert report.

21 (Exhibit 2 was marked.)

22 Q. (By Ms. Jayaraman) Okay. So I'm showing you  
23 what has been marked as Exhibit 2, and would you agree  
24 that it is your expert report?

25 A. It appears to be a copy of my expert report.

1 Q. Could you please point me to where in your  
2 expert report you discuss reconstituted election  
3 analysis.

4 (Witness perusing document.)

5 A. I do not see any reference to it in my report.

6 Q. (By Ms. Jayaraman) And just to be clear, do  
7 you mention Professor John Logan in your report?

8 (Witness perusing document.)

9 A. I did not see any reference to Professor John  
10 Logan.

11 Q. (By Ms. Jayaraman) And do you mention  
12 Professor Stevenson in your report?

13 (Witness perusing document.)

14 A. I don't see a mention of Dr. Stevenson.

15 Q. (By Ms. Jayaraman) Okay. Let's turn to  
16 Page 12 of your report, which, again, is Exhibit 2.

17 And let me know when you're there. Sorry.

18 A. I'm there.

19 Q. Okay. So the heading above the first full  
20 paragraph is: Partisan General Elections in the Report  
21 of Dr. Jessica Trounstine. (As read)

22 Did I read that correctly?

23 A. Yes.

24 Q. Then starting in the second sentence of the  
25 first paragraph under that heading, you write:

1 cohesion. I think that's an uninformed opinion, and I  
2 can understand why a judge might not understand why,  
3 offhand, that's an uninformed opinion.

4           So I think we can provide context so that  
5 the judge understands, when they make the decision  
6 they're required to make, which is whether the threshold  
7 has been met, an odd decision to have to make when  
8 there's no definition of what the threshold is. So  
9 it's -- that's the position the judge is in. And we can  
10 certainly provide guidance, both on the basis of general  
11 experience and -- as well as on the basis of some of the  
12 mathematical properties of the -- of what might be a  
13 cohesion -- appropriate cohesion or useful cohesion  
14 threshold.

15           So we can draw a context for it, but I  
16 think the best -- absent a legal threshold or a  
17 threshold within our area of social science research, I  
18 think the most obvious and complete thing to do is to  
19 provide a table in which all of those estimates are  
20 present and that the judge would need that -- whether  
21 they were going to rule without a standard or rule with  
22 a standard, they would still need that information.

23           So I agree that providing that full table  
24 is useful, but I think we also can provide some advice  
25 or context about how one might interpret that table.

1 you do not opine that gender is more correlated with  
2 partisan voting behavior in Galveston County than race  
3 is, do you?

4 A. I don't think I have any opinion about gender  
5 in the report at all.

6 Q. And you don't opine that socioeconomic status  
7 is more correlated with partisan voting behavior in  
8 Galveston than race; is that right?

9 A. That's correct.

10 Q. And you don't opine that political issue  
11 attitudes are more correlated with partisan voting  
12 behavior in Galveston than race; is that right?

13 A. That's correct.

14 Q. And, in fact, you don't opine as to whether  
15 there's any variable about voters that is more  
16 correlated with partisan voting behavior in Galveston  
17 than race; is that right?

18 A. I don't think I'm opining about the correlation  
19 between race and voting -- or between anything and  
20 the -- and the voting pattern.

21 Q. Okay. In your report, you use the terms  
22 "partisan polarization" and "racial polarization." And  
23 when you're using these terms, the word "polarization"  
24 is referring to polarization in the electorate; is that  
25 right?

# **Exhibit 25**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )

Plaintiffs, )

CIVIL ACTION

v. )

NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )

Defendants. )

UNITED STATES OF AMERICA, )

Plaintiff, )

CIVIL ACTION

v. )

NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )

Defendants. )

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )

Plaintiffs, )

CIVIL ACTION

v. )

NO. 3:22-cv-117

1 )  
 GALVESTON COUNTY, TEXAS, )  
 2 HONORABLE MARK HENRY, in )  
 his official capacity as )  
 3 Galveston County Judge, )  
 and DWIGHT D. SULLIVAN, in )  
 4 his official capacity as )  
 Galveston County Clerk, )  
 5 )  
 Defendants. )

6 -----

7 ORAL AND VIDEOTAPED DEPOSITION OF

8 JOE COMPIAN

9 APPEARING IN HIS INDIVIDUAL CAPACITY

10 AND AS CORPORATE REPRESENTATIVE OF

11 PLAINTIFF GALVESTON LULAC COUNCIL 151

12 MARCH 31, 2023

13 -----

14 ORAL AND VIDEOTAPED DEPOSITION OF JOE COMPIAN,

15 produced as a witness at the instance of the DEFENDANTS,

16 and duly sworn, was taken in the above-styled and

17 numbered cause on the 31st of March, 2023, from 9:08

18 a.m. to 6:21 p.m., before Velma C. LaChausse, Shorthand

19 Reporter and Notary Public in and for the State of

20 Texas, reported by machine shorthand, at the law offices

21 of Greer Herz & Adams, L.L.P., One Moody Avenue,

22 Galveston, TX 77550, pursuant to the Federal Rules of

23 Civil Procedure and the provisions stated on the record

24 or attached hereto.  
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Ms. Angie Olalde  
Mr. Bruce B. Gear  
Ms. Joaquin Gonzalez  
Ms. Kathryn Garrett  
Mr. Mateo Forero  
Ms. Simone Leeper

1 A. No, sir.

2 Q. What about White? Those that identify as  
3 White, any idea how many of those members you would  
4 have?

5 A. Clarity, I'm just --

6 Q. I appreciate it.

7 A. For clarity, I'm White, so that -- I don't --  
8 I'm just -- I don't have any idea but just -- just to  
9 know.

10 Q. Yeah. I appreciate that. So -- well, let me  
11 refer to it this way: How many -- do you have any clue  
12 how many of the -- your members you have that are not  
13 Latino and don't identify as Black, how many -- what  
14 percentage of the remainder of the membership would be?

15 A. I don't know.

16 Q. When did -- what's your position with LULAC  
17 today?

18 A. Today I chair the Equal Rights Committee -- or  
19 I'm cochair. I should say cochair.

20 Q. When did you start that position?

21 A. Mr. Russo, I -- once again, I don't recall the  
22 number of years I've -- I'm older now, but it's been a  
23 while. Probably -- honestly, I don't know. I don't  
24 know how long.

25 Q. Okay. Have you held other positions in LULAC

1 Q. (BY MR. RUSSO) Okay. You don't -- do you  
2 recall seeing -- seeing people who you think you  
3 consider would probably identify as Black?

4 MS. VALL-LLOBERA: Objection; asked and  
5 answered.

6 A. I don't -- I don't know.

7 Q. (BY MR. RUSSO) No idea?

8 A. (Shaking head.) I don't -- at this point I  
9 have no idea.

10 Q. Okay. Is it -- is it --

11 A. I don't recall.

12 Q. Is it typical -- is it typical to see, at your  
13 membership meetings, individuals who identify as Black?

14 A. At what point?

15 Q. At any time.

16 A. Yes, sir. Yes.

17 Q. Okay. So --

18 A. Well, to clarify, I believe they're Black, but  
19 I don't know what they self-identify as. Let's put it  
20 that way. Okay?

21 Q. I understand. It's -- it's difficult these  
22 days. I get it. Things are changing as we speak.

23 A. Yes. That's all.

24 Q. Okay. But so, generally speaking, then, you do  
25 have people that are members -- that you believe are

1 members of LULAC 151 that, in your estimation, likely  
2 identify as Black. Is that what you're telling me?

3 A. Yes, sir.

4 Q. Okay.

5 A. And let me interject. I just -- just to be  
6 clear, it's sometimes here now as you rightfully said  
7 it's a touchy subject because we have Afro-Latinos who  
8 do not consider themselves Black. I'm just being very  
9 straightforward with you there.

10 Q. I understand. Okay. Well, let me ask it this  
11 way: Based upon your attending the meetings, would you  
12 say the majority of members of LULAC 151 would identify  
13 as Latino?

14 A. I have no idea.

15 Q. None? You don't know whether it's half?

16 A. I have no idea.

17 Q. 20 percent? 10 percent? No clue?

18 A. I wouldn't even dare make a guess. I have no  
19 idea. I can honestly say to you I have no idea.

20 Q. Okay. Is there anybody at LULAC 151 who could  
21 provide me with that estimate?

22 MS. VALL-LLOBERA: Objection; asked and  
23 answered.

24 A. I don't know of anybody. I don't know of  
25 anybody.

1 A. Yeah. That was the League City. It's going on  
2 now. They tried to bring it to our community; we said  
3 no way.

4 Q. So you said a couple of times that you would  
5 like to have, I guess, a representative that looked like  
6 you. Right?

7 MS. VALL-LLOBERA: Objection; misstates  
8 prior testimony.

9 A. I'm going to be up front. Yeah, it would be  
10 helpful. Mm-hmm.

11 Q. (BY MR. RUSSO) Do you think that African  
12 American voters want the same thing?

13 MS. VALL-LLOBERA: Objection; speculation.

14 A. I think they're comfortable and -- and I point  
15 to myself; I point to other members that previously  
16 served here in the old Precinct 3 as constables or --  
17 both Latino and African Americans. There's support of  
18 members of each community by others from the opposite  
19 community. Right? It's all -- we're focused on issues  
20 for our --

21 Q. (BY MR. RUSSO) So just so the testimony is  
22 clear, when you say you'd like a representative that  
23 looks like you, you're saying that's true if it's a  
24 Latino representative or an African American  
25 representative. Is that correct?

1 Q. Yeah. Would you expect, though, that, as it  
2 would be your testimony, that Latino Americans in  
3 Galveston County would vote consistent with the sort of  
4 positions that LULAC takes and its position statement?

5 MS. VALL-LLOBERA: Objection; calls for  
6 speculation.

7 A. Like I said, I repeat, we let people know these  
8 are our issues, and it's almost a report card. Here's  
9 where people stand on these issues. You make up your  
10 own mind.

11 Q. (BY MR. RUSSO) Is it your belief that African  
12 American and Latino voters have the same concerns that  
13 should be -- that can be voiced or should be voiced to  
14 the Galveston County Commissioners Court?

15 MS. VALL-LLOBERA: Objection; calls for  
16 speculation.

17 A. Are you asking me individually or?

18 Q. (BY MR. RUSSO) As LULAC representative.

19 A. LULAC. Yeah. We share -- we've shared -- we  
20 share concerns and issues.

21 Q. Are there any -- any -- is there any sense of  
22 divergence where the issues part, where the two groups  
23 have different concerns?

24 MS. VALL-LLOBERA: Objection; vague.

25 A. I'm not aware of any. I'm not aware of any

1 right now, no.

2 Q. (BY MR. RUSSO) All right. What types of  
3 issues faced by both Blacks and Latinos exist which  
4 should be -- what you feel should be addressed with the  
5 commissioners court?

6 A. Well, we continue to push for collectively in  
7 terms of our different collaborations to once again  
8 return the -- the qualifying level for the medically  
9 indigent program here in the county to 100 percent of  
10 the federal poverty level. That's one area. We both  
11 collectively push for increased funding for the social  
12 services department of Galveston County.

13 We have -- I think this one we've been  
14 successful -- I think it's because of the director of  
15 the health authority here who's a professor at UTMB --  
16 been very successful in asking for additional outreach  
17 in different events by the county health authority, and  
18 that's been successful.

19 What else? I think all of us, too -- I say  
20 all of us, maybe that includes even -- even -- even  
21 Anglos, but we appreciate the fact that the County has  
22 attempted to -- to toe the line in terms of property tax  
23 increases and -- and so those are the ones that come to  
24 mind right now.

25 Q. And you're saying that the County has not

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

---

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

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DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117



*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge, and DWIGHT D.  
SULLIVAN, in his official capacity as  
Galveston County Clerk

*Defendants.*

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**CERTIFICATE OF DEPONENT**

May 19, 2023

Joe Compián

March 31, 2023

1 CHANGES AND SIGNATURE

2 WITNESS NAME: JOE COMPIAN

3 DATE OF DEPOSITION: MARCH 31, 2023

4 PAGE LINE CHANGE REASON

5 Please see attached Errata sheet.

6 \_\_\_\_\_

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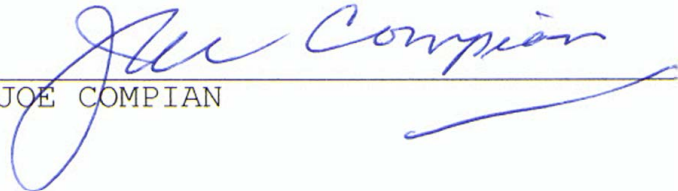
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Joe Compian  
March 31, 2023

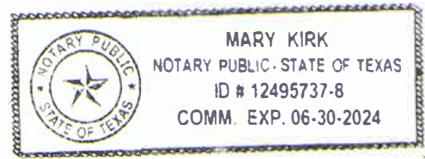
1 I, JOE COMPIAN, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.


4  
5   
6 JOE COMPIAN

7 THE STATE OF Texas  
8 COUNTY OF Cherokee

9  
10 Before me, MAY 19, 2023, on  
11 this day personally appeared JOE COMPIAN, known to me  
12 (or proved to me under oath or through  
13 TXDL) (description of identity  
14 card or other document) to be the person whose name is  
15 subscribed to the foregoing instrument and acknowledged  
16 to me that they executed the same for the purposes and  
17 consideration therein expressed.

18 Given under my hand and seal of office this  
19 19 day of May, 2023.



20  
21   
22 NOTARY PUBLIC IN AND FOR  
23 THE STATE OF Texas  
24 COMMISSION EXPIRES: 06/30/2024  
25

**DEPOSITION ERRATA SHEET FOR JOE COMPIAN/LULAC (MARCH 31, 2023)**

<b>Page</b>	<b>Line</b>	<b>Change</b>	<b>Reason</b>
6	14	“NAACP, Plaintiffs” to “NAACP Plaintiffs”	Typographic Error
30	8	“that was the bases for the” to “that was the basis for the”	Typographic Error
33	8	“across th” to “across the”	Typographic Error
61	19	“That’s a emergency” to “That’s an emergency”	Typographic Error
61	21	“ham -- ham license” to “REACT – drone” license	Transcription Error
67	20	“Isn’t still Judge Ewing” to “Isn’t it still Judge Ewing”	Typographic Error
68	4	“Kenyas” to “Quintanillas”	Transcription Error
68	7	“Kenyas” to “Quintanillas”	Transcription Error
82	7	“stupido” to “estupido”	Typographic Error
84	7	“marking” to “marketing”	Typographic Error
89	1	“commissioners court” to “Commissioners Court”	Typographic Error
94	9	“Apfell” to “Apffel”	Typographic Error
95	14	“counsel” to “council”	Typographic Error
97	3	“commissioners court” to “Commissioners Court”	Typographic Error
105	15	“commissioners court” to “Commissioners Court”	Typographic Error
107	15	“commissioners court” to “Commissioners Court”	Typographic Error
109	12	“They are” to “there are”	Typographic Error
113	22	“commissioners court” to “Commissioners Court”	Typographic Error
117	15	“commissioners court” to “Commissioners Court”	Typographic Error
118	6	“department of justice” to “Department of Justice”	Typographic Error
124	16	“Freddiesville area” to “Friendsville area”	Typographic Error
133	17	“And there had to fill in for” to “And they had to fill in for”	Typographic Error
133	24	“commissioner Apffel” to “Commissioner Apffel”	Typographic Error
149	18	“commissioners court” to “Commissioners Court”	Typographic Error
154	12	“commissioners court” to “Commissioners Court”	Typographic Error

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214	5	"commissioners court" to "Commissioners Court"	Typographic Error
215	20	"commissioners court" to "Commissioners Court"	Typographic Error
216	3	"commissioners court" to "Commissioners Court"	Typographic Error
219	6	"statute" to "statue"	Typographic Error
219	17	"statute" to "statue"	Typographic Error
234	23-24	"in which precinct it, although" to "in which precinct it is, although"	Typographic Error
237	16	"An" to "And"	Typographic Error
244	21	"moment to rad" to "moment to read"	Typographic Error
253	16	"All righty." To "All right."	To clarify record
256	1	"NALEO" to "NALEAO"	Typographic Error
256	5	"get COVID" to "got COVID"	Typographic Error
256	11	"NALEO" to "NALEAO"	Typographic Error
257	18	"NALEO" to "NALEAO"	Typographic Error
263	4	"also a very" to "also very"	

Subject to the above changes, on behalf of myself as an individual and a representative of LULAC 151, I certify that my deposition transcript is true and accurate.

By:


  
Joe Compian

Dated:

MAY 17, 2023

# Exhibit 26

Lucretia Lofton

April 26, 2023

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
Plaintiffs, )

V. ) Civil Action No.  
3:22-cv-57

GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
Plaintiff, )

V. ) Civil Action No.  
3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY COMMISSIONERS )  
COURT, and HONORABLE MARK )  
HENRY, in his official )  
Capacity as Galveston County )  
Judge, )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH NAACP, )  
MAINLAND BRANCH NAACP, )  
GALVESTON LULAC COUNCIL 151, )  
EDNA COURVILLE, JOE A. )  
COMPIAN, and LEON PHILLIPS, )  
Plaintiffs, )

V. ) Civil Action No.  
3:22-cv-117

GALVESTON COUNTY, TEXAS, )  
HONORABLE MARK HENRY, in his )  
Official capacity as Galveston )  
County Judge, and DWIGHT D. )  
SULLIVAN, in his official )  
Capacity as Galveston County )  
Judge, )  
Defendants. )

Lucretia Lofton

April 26, 2023

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ORAL AND VIDEOTAPED DEPOSITION OF  
LUCRETIA LOFTON INDIVIDUALLY AND AS  
CORPORATE REPRESENTATIVE OF  
DICKINSON BAY AREA BRANCH NAACP  
APRIL 26, 2023

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF LUCRETIA LOFTON,  
produced as a witness at the instance of DEFENDANTS,  
and duly sworn, was taken in the above-styled and  
numbered cause on Wednesday, APRIL 26, 2023, from 9:25  
a.m. to 5:39 p.m., before Kathleen Rossi Tyler, CSR in  
and for the State of Texas, recorded by machine  
shorthand, at the offices of GREER HERZ & ADAMS, LLP,  
2525 South Shore Boulevard, Suite 203, League City,  
Texas, pursuant to the Federal Rules of Civil Procedure  
and the provisions stated on the record or attached  
hereto; that the deposition shall be read and signed  
before any notary public.

JOB NO. 6363421-001



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A P P E A R A N C E S

FOR PLAINTIFFS:

MS. SARAH XIYI CHEN  
SKADDEN FELLOW, VOTING RIGHTS PROGRAM  
P.O. Box 17757  
Austin, Texas 78760  
(512) 474-5073  
e-mail: schen@texascivilrightsproject.org

-and-

MR. ANDREW SILBERSTEIN  
WILLKIE FARR & GALLAGHER LLP  
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New York City, New York 10019  
(212) 728-8000  
e-mail: asilberstein@willkie.com

FOR DEFENDANT:

MR. JOSEPH R. RUSSO, JR.  
GREER, HERZ & ADAMS, LLP  
One Moody Plaza, 18th Floor  
Galveston, Texas 77550  
(409) 797-3200  
e-mail: jrusso@greerherz.com

VIDEOGRAPHER:

MR. BILL HARTLEY

ALSO PRESENT:

MR. BRANDON GUERRERO

1 Q. Okay. Do you have any understanding of how --  
2 well, strike that.

3 Do -- all right. Looking back at  
4 Exhibit 1 --

5 A. Uh-huh.

6 Q. -- were there any areas and topics that you  
7 reviewed where you had to go and find information from  
8 other people in the organization?

9 A. Yes.

10 Q. Okay. What -- which were those, if you recall?

11 A. Anything that discuss anything prior to my  
12 position as a president.

13 Q. Okay. And -- and that's -- glad you brought  
14 that up. When did -- when were you installed as a  
15 president?

16 A. 2020.

17 Q. And when do those installations happen or  
18 elections happen? Is there a particular month, time  
19 period?

20 A. Prior to the installation, the fall prior to  
21 their -- the elections happening, you are installed the  
22 -- about January, February, the next -- the following.

23 Q. So your -- your belief is that you took over in  
24 January of 2020?

25 A. Yes.

1 at. Do you -- are there multiples that you're aware  
2 of?

3 A. To my knowledge.

4 Q. Okay. And specifically, members of your unit  
5 that would have been able to vote in old Precinct 3?

6 A. Yes.

7 Q. Okay. All right. So -- and I'm aware -- well,  
8 let me ask you this way: How closely would you say the  
9 -- you -- NAACP Dickinson Bay Area Branch works with  
10 the area LULAC organization?

11 A. Closely.

12 Q. Pretty close?

13 A. (Nodding head.)

14 Q. Are there any particular projects that you can  
15 recall since you've been a member of the unit where  
16 both those organizations work together?

17 A. Is there a particular event? Is that what  
18 you're asking?

19 Q. You can start, yes, with events. That's a --  
20 one good -- one way to look at it.

21 A. There are -- there -- we -- as nonpartisan  
22 organizations that advocate for people of color, we  
23 collectively get together in capacities to talk about  
24 how things are impacting our communities.

25 Q. How often does that happen?

1 A. How often has it happened while I was president  
2 is what I can speak on.

3 Q. Okay. Well, we can start -- yeah. We can  
4 start with that.

5 A. It's been a few times.

6 Q. there -- are there any that are unrelated to  
7 this lawsuit, to the redistricting effort that  
8 culminated in this suit?

9 A. Unrelated to redistricting?

10 Q. Yes.

11 A. Yes.

12 Q. And what were those?

13 A. We formed a correlation [sic] to gather the  
14 -- the Hispanic and Black businesses in the area. Not  
15 specific to redistricting, though. But, I mean, just  
16 something to show that -- with the Black and brown  
17 businesses -- small businesses look like in the area.  
18 And that was compose -- composed of NAACP and LULAC.

19 Q. Okay. And -- and when did that happen?

20 A. Before -- before this. So I believe it was 20  
21 -- I'm not sure. I would have to look at my e-mails to  
22 really clarify the date.

23 Q. Uh-huh.

24 A. I don't want to misspeak a date, but, yeah, we  
25 did something that didn't have -- that -- those

1 meetings didn't have anything to do with redistricting  
2 or anything like that. It was all to support one  
3 another's communities and to show that we are united  
4 and we are in support of one another.

5 Q. Okay. Is it -- in your history with NAACP, u-  
6 -- the unit, is it -- do you remember any instances  
7 where the NAACP and LULAC's interests diverged, were  
8 different?

9 A. Not to my knowledge.

10 Q. Okay. Do you have any belief as to, you know,  
11 what -- what happens to the -- what would happen to the  
12 -- the -- in a situation where the two parties were  
13 working together on something but there wasn't  
14 divergent interest, a different interest?

15 MS. CHEN: Objection, form.

16 A. I can't speak to that. I have no knowledge  
17 of --

18 Q. (BY MR. RUSSO) You ever see that happen?

19 A. No.

20 Q. No. Does the NAACP have any marketing efforts  
21 that you're aware of that specifically target Latinos?

22 A. The NAACP marketing is inclusive. So it will  
23 not just target a specific group. It's inclusive.

24 Q. Okay. So -- but there's nothing that you can  
25 recall that is like -- that is the effort of let's --

# **Exhibit 27**

Patricia Toliver  
March 28, 2023

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
 )  
Plaintiffs, ) Civil Action  
 ) No. 3:22-CV-57  
vs. )  
 )  
GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
 )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 ) Civil Action  
vs. ) No. 3:22-CV-93  
 )  
 )  
GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
 )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA COURVILLE, )  
JOE A. COMPIAN, and LEON )  
PHILLIPS, ) Civil Action

Patricia Toliver  
March 28, 2023

1		) No. 3:22-CV-117
		)
2	Plaintiffs,	)
		)
3	vs.	)
		)
4	GALVESTON COUNTY, TEXAS,	)
	HONORABLE MARK HENRY, in his	)
5	official capacity as Galveston	)
	County Judge, and DWIGHT D.	)
6	SULLIVAN, in his official	)
	capacity as Galveston County	)
7	Clerk,	)
		)
8	Defendants.	)

9

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ORAL/VIDEOTAPED DEPOSITION OF  
PATRICIA TOLIVER  
MARCH 28, 2023

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ORAL/VIDEOTAPED DEPOSITION OF PATRICIA  
TOLIVER, produced as a witness at the instance of the  
Defendants, and duly sworn, was taken in the  
above-styled and numbered cause on March 28, 2023, from  
10:00 a.m. to 4:40 p.m., Nilda Codina, Notary in and  
for the State of Texas, recorded by machine shorthand,  
from Greer Herz & Adams, L.L.P. 1 Moody Avenue,  
Galveston, Texas, 77550, County of Galveston, pursuant  
to the Federal Rules of Civil Procedure, and the  
provisions stated on the record or attached hereto.



Patricia Toliver  
March 28, 2023

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A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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Fax: (866) 422-4352  
jraschkeelton@greerherz.com

ALSO PRESENT: Bill Hartley, Videographer  
REMOTELY: NAACP, Angie Olalde, Adrienne Spoto,  
K'Shaani Smith, Joaquin Gonzalez, Mateo Forero, Sarah  
Chen, Andrew Silberstein.

Patricia Toliver  
March 28, 2023

1 question?

2 THE WITNESS: Oh, I thought you said  
3 objection. Okay.

4 A. So would you mind repeating that question?

5 Q. (BY MR. RUSSO:) Yes, ma'am. Well -- so do --  
6 do you recall -- as you're looking at the complaint --

7 A. Uh-huh.

8 Q. -- do you recall any specific paragraphs or  
9 statements in the -- in the complaint?

10 A. I just -- I just recall looking at who all  
11 the plaintiffs were. And I recognized the names Joe  
12 Compian, Leon Phillips. I recognize the name LULAC. I  
13 know the organization NAACP works closely with LULAC.  
14 And the other -- these people were all -- and -- and I  
15 think that all -- the majority of them were at the  
16 meeting on November 12. So I remember that.

17 Q. Okay.

18 A. And I was reading the introduction about the  
19 long history of racial discrimination, and it -- it  
20 takes me back and I related to a lot of that. Yes, I  
21 remember.

22 Q. Did you -- did you participate in sort of the  
23 original drafting of the original complaint before it  
24 was filed, you -- you personally?

25 A. No.

Patricia Toliver  
March 28, 2023

1 A. I'm sorry. That's not true. On the second  
2 Thursday of every month.

3 Q. Okay. And where are the meetings held?

4 A. They're virtual right now. Before then they  
5 were held at Old Central, in the library. No, that's  
6 -- that's not true, either.

7 (Laughter.)

8 A. Because they was held at Old Central, in the  
9 library. And then they moved them to Avenue L Church  
10 because Reverend Johnson was the first vice president  
11 of the NAACP.

12 And he let us have meetings over there. And  
13 we didn't have to pay for them. At Old Central we paid  
14 a fee. I am the second vice president of the NAACP.  
15 This is my second term, then the second vice president.

16 Q. When did that term start?

17 A. November. I think it was November.

18 Q. Of '22?

19 A. '22. It was when we had the election. Then  
20 we had the installation like January.

21 Q. What's the -- what's the role of the second  
22 vice president?

23 A. To do whatever -- whatever the president  
24 can't do, or not able to do. Just to fill in.

25 Q. Yeah. Who's the first vice president, again?

Patricia Toliver  
March 28, 2023

1 A. Not as much as I would like them to.

2 Q. And --

3 A. Mary Patrick, our president, she mostly  
4 informs them about everything. The presidents  
5 communicate a lot.

6 Q. Is it the NAACP Galveston's view that there  
7 -- there are some differences in interests between the  
8 two organizations, LULAC and NAACP?

9 A. I think that they try -- they try -- I think  
10 that they're all on one accord. They try to be on one  
11 accord, try to work together, and not be split and  
12 separate. You know what I mean?

13 Q. I -- I -- I think so. But I want to explore  
14 that a little bit. Did -- are -- are there areas where  
15 the two organizations differ?

16 A. We haven't clashed at all yet.

17 Q. Well, that's a good thing. But to your  
18 understanding are there -- are there different -- any  
19 --

20 A. Not that I know of.

21 Q. No -- no different interests between LULAC  
22 and -- and NAACP from your awareness?

23 A. I think that we all want the same things, to  
24 be treated equal. Equal education, equal social, to  
25 have equal representation when we go to court, to not

March 28, 2023

1 be harassed because of the color of our skin.

2 Q. Is -- is it -- is it your view that the only  
3 way that that can happen is to effectively create the  
4 -- you know -- or recreate Precinct 3, as it existed  
5 prior to 2021?

6 A. Well, yes. But I wish that we had all of our  
7 districts -- all of the districts would have a complete  
8 representation of all of the races. That's what I  
9 would like, for everything to be fair and equal. I  
10 mean, that's where we can only elect one minority.

11 I would like for the representation to be  
12 that we can elect all minorities, all Whites, all  
13 Hispanics, that everybody would have fair and equal  
14 opportunity to be elected, that we would have a cross  
15 section where everybody would have fair and equal  
16 opportunity.

17 Q. Do you have any suggestion as to how -- how  
18 to sort of -- well --

19 A. No. But we're going to make it happen one  
20 day.

21 Q. No. Let me -- let me back up. So I think I  
22 have the answer to that question already.

23 A. I don't know, but the professional mappers,  
24 they might know how to do it. But that -- that's what  
25 we all live to see one day, where everything could be