

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WALTER SESSION, ET AL.
Plaintiffs,

VS.

RICK PERRY, ET AL.,
Defendants.

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CIVIL ACTION

NO. 2:03CV354

CONSOLIDATED

TEXAS NAACP RESPONSE BRIEF ON REMEDIAL PLANS

TO THE HONORABLE PANEL OF SAID COURT:

The Texas NAACP is pleased that no proposed plan to its knowledge proposes changes to the CDs 9, 18 and 30, the African American opportunity districts. We reurge the Panel take specific note of this critical issue for the African Americans in Texas. The Texas NAACP has reason to complain, however, regarding a number of the proposed plans that fail to follow the traditional and neutral redistricting principals, which most parties if not all espoused in their original filings to this panel upon remand. As such, the Texas NAACP provides the following responses upon those portions of the proposals that form the more notable discrepancies and/or violations of these principles or the Supreme Court's direction on issues within the scope of the interests of the Texas NAACP.

DISCREPANCIES AND/OR VIOLATIONS

State Defendants and Bonilla and Smith Plans

State Defendants and Bonilla and Smith admit that a criteria to be used by the Panel is refraining from the alteration of the partisan composition of the redrawn districts. However, both of these parties make the unsupported and contrary to the Supreme Court holding and VRA dictates supposition that somehow, retaining partisan composition of districts includes the one district that was struck down. CD 23's violations require that the district be redrawn to remedy the violation with the focus being that of returning to the voters that which was taken away from them: the right to chose and hold accountable the elected official of their choice and the right to do so as a minority opportunity district. Put another way, to remedy the district that was illegally created by the legislature in their attempt to thwart the will of the voters. As such, Representative Bonilla would presumptively have little to no leg to stand on in claiming a right to incumbency protection given the substantial likelihood that he would not have been returned to office but for the unconstitutional racial "insult" as referred to by Justice Kennedy that the legislature drew with the thinnest veil of racial cooptation.

On the other hand, the legislature when it broke Travis County into three CDs instead of a single district, as before, still provided the minority voters of Travis County an opportunity to elect a representative of their choice in CD 25 with Representative Doggett. The State would have the Panel protect Bonilla who was elected from an “illegally” created district yet remove the right of minority voters to have any deciding role to choose their Representative even though they had and executed that right in CD 25 for Representative Doggett. To Bonilla and Smith’s credit, they admit to the inappropriateness of pairing Mr. Doggett with Mr. Smith and removing Mr. Doggett from representing his constituency in Travis County.

GI Forum

The GI Forum although returning Webb County to its pre-illegal splitting, whole in CD 23, it changes more districts than necessary to remediate the violation (CD23) and recommendation (CD25) of the Supreme Court. The GI Forum also draws contrived and contorted districts while splitting communities of interest unnecessarily and joining diverse Hispanic communities of interest (Bexar and Travis along an ugly IH35 bridge of tentacles). The Texas NAACP is not categorically opposed to joining portions of Bexar and Travis Counties, however, only as a last resort and only if the African American communities therein are protected from

cracking. That is, substantial portions of the African American populations within both Austin and San Antonio are located in discrete geographic areas (some might say segregated into) and as such, we would urge the Panel to refrain from splitting these well-defined communities as well as refraining from removing these communities from districts where they have a chance to elect a representative of their choice.

LULAC

As with the GI Forum, LULAC properly returns Webb County whole to CD 23. However, leaving CD 25 unchanged is unsupportable given the Supreme Court's clear direction and the district's extreme geographic and political stretch.

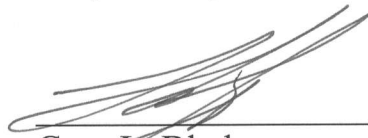
Texas Black Democrats

The Texas Black Democrats return Webb County whole to CD23 and make CD25 and CD28 more compact. However, the Texas Black Democrats attempt to alter more districts that are required which also affects a substantial geographic area that is also unnecessary as per the traditional principles and the Supreme Court's limited findings. Additionally, there are communities of interest that are joined with Travis County communities that do not appear to be as appropriate as Travis County or the Jackson Plaintiffs' proposed plans.

PRAYER

The Texas NAACP respectfully requests that this Panel remediate CD23 and CD25 in conjunction, while protecting the minority voting rights and strength that were able to be cobbled together since 2003, communities of interest and such other and further relief as justice and fairness so require.

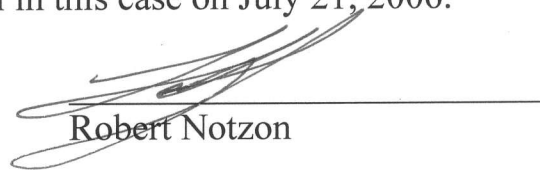
Respectfully submitted by,



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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the above and foregoing instrument was served via email delivery to counsel in this case on July 21, 2006.



Robert Notzon