

October 25, 2021

Sent via email

Waller County Commissioners Court
Attn: Redistricting
836 Austin St., Suite 203
Hempstead, Texas 77445
redistricting@wallercounty.us

Dear Members of the Waller County Commissioners Court:

We, the NAACP Legal Defense Fund, write to supplement the letter that we sent on October 19, 2021.¹ First, **attached** to this letter as **Appendix A** is an updated redistricting plan that places all incumbents within their current precincts. Otherwise, this map remains consistent with the plan attached as Appendix A to our previous letter, in that it contains two majority-minority precincts in Waller County—Precinct 1 and Precinct 3. This map, in comparison to that proposed by the Commissioners Court, better reflects the current demographics of and communities of interest in Waller County by providing the Black and Latino voting populations with the opportunity elect candidates of choice in two of the four single-member districts for the Commissioners Court.

As this body is well aware, indicators of communities of interest include shared socio-economic and educational statuses.² In Waller County the poverty rates for Latino and Black residents are 22.1% and 35.7%, respectively, compared with 7.3% for white residents.³ The median household income for white families is over three-fourths (77%) higher than for Latino families.⁴ Per capita income disparities in Waller County are even more pronounced. At \$37,458, white per capita income is nearly three times Black per capita income (\$12,795) and two and a half times higher than Latino per capita income (\$14,029).⁵ More than half of Latino Waller County residents 25 years and over are without a high school diploma, compared with under 10% for their white counterparts.⁶

¹ Ltr. from NAACP LDF to Waller County Commissioners Court (Oct. 19, 2021), available at <https://www.naacpldf.org/wp-content/uploads/Letter-to-Waller-County-Commissioners-Court-final.10.19.21.pdf>.

² NAACP Legal Defense and Educational Fund, Inc., Mexican American Legal Defense and Educational Fund, and Asian Americans Advancing Justice-AAJC, *Power on the Line(s): Making Redistricting Work for Us*, at 24-25 (May 11, 2021), https://www.naacpldf.org/wp-content/uploads/LDF_04142021_RedistrictingGuide-22e.pdf.

³ 2013-2017 American Community Survey data.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

The map in **Appendix A** proposed here includes Hempstead and Brookshire in Precinct 1 because of the communities of interest that exist between those municipalities. Black and Latino people comprise 30% and 61% of the population in Brookshire.⁷ Similarly, Black and Latino people comprise 43% and 34% of the population in Hempstead.⁸

The populations in Brookshire and Hempstead have comparable poverty rates of 27.1% and 34.8%, respectively.⁹ These are the highest rates in the county outside of Prairie View. Both of these municipalities have the highest shares of renters in the county with 62% of homes in Brookshire being rental homes and 49% of homes in Hempstead being rental homes.¹⁰ Brookshire and Hempstead also have a “large proportion of homes in the county valued less than \$50,000, at 45% and 40%, respectively.”¹¹

As this body is also well aware, it is incumbent that the Commissioners Court consider the past and present experiences with discrimination faced by Black and Latino voters in redistricting. While some of the history of Black voters in Texas generally and Waller County specifically was sufficiently detailed in our previous letter, this letter provides supplemental information about the experience of Latino voters in these jurisdictions. For example:

- Voting in Texas is based on a 150-year legacy of government-condoned discrimination against Latino, Black, and Asian-American voters.¹² In 1975, Congress acknowledged that “Texas has a long history of discriminating” against minorities using “myriad forms of discrimination,” including poll taxes, intimidation toward and alienation of Mexican-American voters, and state-condoned racism.¹³ In the same 1975 report, Congress acknowledged that even when Latino people were registered to vote, they

⁷ 2015-2019 American Community Survey data.

⁸ *Id.*

⁹ Texas Target Communities Program, *Waller County, TX: State of the Community Report 2016*, at 33 (2016), <https://oaktrust.library.tamu.edu/bitstream/handle/1969.1/158436/Waller%20County%20State%20of%20Community%20Report%202016.pdf>.

¹⁰ *Id.* at 35.

¹¹ *Id.* at 36.

¹² Expert Test. by Dr. Andrés Tijerina at 3, *Patino et al v. City of Pasadena*, 229 F.Supp.3d 582 (S.D. Tex. July 30, 2016), ECF. No. 75 4:14-cv-03241 (noting that beginning in 1836, when Anglo-American government took over the state through defeat of Mexico, Mexican American people have been subjugated in the political processes).

¹³ *Id.* at 33.

were threatened. For example, “a loan officer at the bank went to each Mexican-American who had loans with the bank and told them he expected their votes.”¹⁴

- The state’s history of voting discrimination against Latino voters led to Texas’s coverage by the preclearance requirement of the Voting Rights Act.¹⁵ The total number of Texas’s Section 5 objections between 1975 and 2013—107—was the second highest of any state (after Mississippi).¹⁶
- The Mexican American Legal Defense and Educational Fund (“MALDEF”) identified multiple voting rights violations that targeted Texas’s Latino voters during the 2004 federal election. For example, Texas failed to fully implement VRA’s language assistance provisions: MALDEF reported that “of the 101 counties investigated, 80% were unable to produce voter registration forms, official ballots, provisional ballots and their written voting instructions; only one county was able to produce evidence of full compliance.”¹⁷
- In 2006, the Supreme Court noted that the “‘political, social, and economic legacy of past discrimination’ for Latinos in Texas may well ‘hinder their ability to participate effectively in the political process.’” *LULAC v. Perry*, 548 U.S. 399, 439-40 (2006) (internal citations omitted).
- A federal district court issued extensive findings related to Texas’s 2012 voter ID law (S.B. 14) including that the low-income Texans most burdened by the law were disproportionately Latino or Black people. *See Veasey v. Perry*, 71 F. Supp. 3d 627, 665 (S.D. Tex. 2014), *aff’d in part, vacated in part, remanded sub nom. Veasey v. Abbott*, 796 F.3d 487 (5th Cir. 2015), *on reh’g en banc*, 830 F.3d 216 (5th Cir. 2016), *and aff’d in part, vacated in part, rev’d in part sub nom. Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016).
- Texas is plagued by polling place failures that disproportionately affect Latino voters.¹⁸
 - State-wide, the 50 Texas counties with the most Black and Latino residents had 542 polling place closures between 2012 and 2018, whereas the counties

¹⁴ *Id.* at 35.

¹⁵ Nina Perales et al., *Voting Rights in Texas: 1982-2006*, 17 S. Cal. Rev. L. & Social Justice 713 (2008).

¹⁶ *Id.* at 714.

¹⁷ Nina Perales et al., *supra* n.15, at 715.

¹⁸ Emily Eby, *Texas Election Protection 2018*, Texas Civil Rights Project (Mar. 2019), <https://txcivilrights.org/wp-content/uploads/2020/05/2019-Election-Protection-Report.pdf>.

with the least Black and Latino residents saw just 34 polling place closures during the same period.¹⁹ At the end of 2020, researchers examining the time and effort required to vote in different states ranked Texas as the worst for voting.²⁰

- Texas has closed more polling places since *Shelby County* than any other state. According to Beth Stevens, the former director of the Texas Civil Rights Project's Voting Rights Program: "Voters often don't hear that a beloved polling location near their home has closed until Election Day, forcing them to make disruptive changes on the spur of the moment to work schedules, childcare plans, and transportation arrangements. Even when they do hear about it ahead of time, voters may have to choose between going to a new polling place significantly further away and working enough hours that day to put food on the table — it's an impossible choice."²¹
- Following the 2019 mass shooting at an El Paso Wal-Mart, where 23 people were killed, over 80% of Latino voters in Texas reported fearing gun violence motivated by racism. The gunman in the El Paso shooting told authorities that he wanted to kill Mexican people.²²
- A new state-wide study shows that Latino people are most likely to be searched by Texas police, but white people are most likely to be found with contraband. Of Latino individuals found with contraband, 40.5% are arrested, compared to 37.8% of Black people and 32.7% of white people.²³

¹⁹ Richard Salame, *Texas Closes Hundreds of Polling Sites, Making it Harder for Minorities to Vote*, The Guardian (Mar. 2, 2020), <https://www.theguardian.com/us-news/2020/mar/02/texaspolling-sites-closures-voting>.

²⁰ Scot Schraufnagel et al., *Cost of Voting in the American States: 2020*, 19.4 ELECTION L.J. 503 (2020).

²¹ *Democracy Diverted: Polling Closures and the Right to Vote*, The Leadership Conference Education Fund (Sept. 2019), <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>.

²² Florian Martin, *Most Texas Latino Voters Fear Gun Violence Driven by Racism, According to Poll*, Houston Public Media (Sept. 27, 2019), <https://www.houstonpublicmedia.org/articles/news/2019/09/27/347475/most-texas-latino-voters-fear-gun-violence-driven-by-racism-according-to-poll/>.

²³ *2020 Racial Profiling Data Analysis for the State of Texas - Preliminary Report*, Institute for Predictive Analytics in Criminal Justice (Apr. 23, 2021), <https://web.tarleton.edu/ipac/>; Ella Malena Feldman, *Latinos Most Likely to be Searched by Texas Police, But White People More Likely to be Found with Contraband, Report Finds*, Austin-American Statesman (Jun. 8, 2021), <https://www.statesman.com/story/news/2021/06/08/texas-police-most-likely-search-latinos-find-contraband-whites-report-bias-criminal-justice/7550991002/>.

- In 2014, the principal of Hempstead Middle School, Amy Lacey, ordered students to stop speaking Spanish on campus. Hempstead has been experiencing rapid Latino population growth. The anti-Spanish language order has since been rescinded and Lacey effectively fired by the school board.²⁴

These and other conditions underscore that it is incumbent on the Commissioners Court to ensure that Latino as well as Black voters in Waller County have an equal opportunity to participate in the political process.

Please feel free to contact Leah Aden and/or Stuart Naifeh with any questions or to discuss these issues in more detail. We look forward to hearing from you soon and working together for the people of Waller County.

Sincerely,

/s/ Leah Aden

Leah Aden, Deputy Director of Litigation
Stuart Naifeh, Manager of the
Redistricting Project
Brittany Carter
NAACP Legal Defense & Educational
Fund, Inc.
40 Rector Street, 5th Fl.
New York, NY 10006
laden@naacpldf.org
snaifeh@naacpldf.org

Cc (by email): Gunnar Seaquist, counsel for County Commissioners Court

Elizabeth Dorsey, District Attorney, Waller County

Frank Jackson, Prairie View A&M University Director for Community
Affairs

Dr. Melanye Price, Director of the Prairie View A&M University Ruth J.
Simmons Center for Race and Justice

Marquinn Booker, Prairie View A&M University SGA President

²⁴ Tony Freemantle & James Pinkerton, *Hempstead Grapples with Demographic Change*, Houston Chronicle (Mar. 22, 2014), <https://www.houstonchronicle.com/news/houston-texas/houston/article/Hempstead-grapples-with-demographic-change-5341411.php>.

Shelbi McNulty, PVAMU SGA

Kala Washington, PVAMU SGA

Grachelle Jean-Philippe, PVAMU Student

Taylon Owens, PVAMU Student

Dr. Brian Rowland, Mayor of Prairie View

Waymond Perry, Prairie View City Council Member Position 1

Jonathon Randle, Prairie View City Council Member Position 2

Nathan Alexander, Prairie View City Council Member Position 3

Wendy Williams, Prairie View City Council Member Position 4

Xanté Wallace, Prairie View City Council Member Position 5

Josephine Kinney, City of Prairie View Planning and Zoning Commission,
alternate board member

Eric Green, Brookshire Alderman Position 5

Elaine Jackson, Justice of the Peace, Precinct 3

Ron Leverett, former Mayor of Prairie View

Gary Bledsoe, President, Texas State Conference of the NAACP

Robert Notzon, Legal Redress, Texas State Conference of the NAACP

Joe Darden, President of PVAMU NAACP

Herbert Thomas, Advisor, PVAMU NAACP

Imani Muhammad, NAACP Unit 6815

Dwayne Charleston, former Justice of the Peace, Precinct 1

Pastor Clarence Talley, Mt. Corinth Missionary Baptist Church

Rev. Rhonda Rogers, St Francis of Assisi Episcopal Church

New York Office
40 Rector Street, 5th Floor
New York, NY 10006-1738
T. (212) 965 2200 F. (212) 226 7592
www.naacpldf.org



Washington, D.C. Office
700 14th Street, NW, Suite 600
Washington, D.C. 20005
T. (202) 682 1300 F. (202) 682 1312

Frederick V. Roberts, founder of the Collegiate 100

Edmond Murrell