No. 07-689

IN THE
Supreme Court of the United States

GARY BARTLETT, *et al.*,
Petitioners,

v.

DWIGHT STRICKLAND, *et al.*,
Respondents.

On a Writ of Certiorari to the
Supreme Court of North Carolina

BRIEF FOR THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES AS *AMICUS CURIAE* SUPPORTING PETITIONERS

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INTEREST OF THE *AMICUS CURIAE*

The League of Women Voters of the United States is a nonpartisan, community-based organization that promotes political responsibility by encouraging Americans to participate actively in government and the electoral process.[1] The League was founded in 1920 as an outgrowth of the 72-year struggle to win voting rights for women through the Nineteenth Amendment to the United States Constitution. Today, the League has more than 150,000 members and supporters, and is organized in more than 850 communities and in every State.

The League has long been a leader in seeking to ensure that redistricting at every level of government promotes full and fair political participation by all Americans. In jurisdictions across the Nation, the League and its members participate in the redistricting process following each decennial census. And even before the "reapportionment revolution" commenced with this Court's decision in *Baker v. Carr*, 369 U.S. 186 (1962), the League worked to reform and modernize the redistricting process itself. *See, e.g.*, *Magraw v. Donovan*, 163 F. Supp. 184 (D. Minn. 1958) (three-judge court).

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[1] The parties have consented to the filing of this brief. No party, counsel for a party, or person other than the League, its members, or its counsel authored this brief in whole or in part or made a monetary contribution intended to fund its preparation or submission.

Recognizing that the Constitution's promise of fair and effective representation can never be realized so long as any American citizen's right to vote is denied or abridged, the League supports federal legislation to make the Fifteenth Amendment every bit as effective for minorities as the Nineteenth Amendment has been for women. The League and its members have long supported the Voting Rights Act of 1965, having worked for the reauthorization of Section 5 and the 1982 amendments to Section 2, which guarantee minority voters an equal opportunity "to participate in the political process and to elect representatives of their choice." 42 U.S.C. § 1973(b).

Because progress toward racial equality in electoral politics has not advanced at a uniform pace across all American jurisdictions, no nationwide cookie-cutter rule can adequately guarantee equal electoral opportunity for all races, in all places, at all times. Therefore, the League respectfully asks this Court to reject the so-called "50% Rule" and to hold that a vote-dilution claim under Section 2 of the Voting Rights Act does not require that a minority community's size meet a rigid numerical quota.

INTRODUCTION AND SUMMARY OF ARGUMENT

In the decision below, a sharply divided North Carolina Supreme Court adopted the so-called "50% Rule," which provides that a cognizable vote-dilution claim under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, requires that a racial minority group be large enough to constitute a literal, mathematical majority of a district's adult citizen population. Pet.

App. 27a, 48a. In so holding, the court ordered the dismantling of a highly compact, roughly 40% black district that the State of North Carolina had drawn to comply with the Voting Rights Act. That district, North Carolina House District 18, is based in New Hanover County's seat, the city of Wilmington, but also extends into adjoining Pender County. Under the North Carolina Constitution, a state-legislative district may cross county lines only if required by the Voting Rights Act or other federal law.

House District 18 repeatedly had elected an African-American candidate who built a successful interracial coalition by attracting strong support from Wilmington's black community and limited but reliable support from some white voters. Indeed, House District 18 was the only district in the entire region that sent an African-American to the General Assembly, due to persistent racially polarized voting throughout the southeastern part of the State (New Hanover, Pender, and six other counties). But because Wilmington and the rest of New Hanover County lack enough African-Americans to populate 50.001% of a state-legislative district, the court below found the Voting Rights Act inapplicable.

That ruling is incorrect. This Court should reverse the judgment below and reaffirm that members of a racial minority group can state a cognizable vote-dilution claim for a "coalition district," where minority-preferred candidates can prevail with limited but reliable crossover support from other voters.

The plain text of Section 2 requires an effective voting majority, not a formalistic and rigid 50.001%

majority. Specifically, the statute guarantees minority group members an equal "opportunity . . . to elect representatives of their choice." 42 U.S.C. § 1973(b). Congress could have qualified that guarantee by adding the words "in districts where they constitute at least 50 percent of the citizens of voting age." But it chose not to do so.

Indeed, it would have been bizarre for Congress to insert a rigid racial quota into a statute intended "to hasten the waning of racism in American politics." *Johnson v. De Grandy*, 512 U.S. 997, 1020 (1994). Section 2 was designed to equalize electoral opportunities across racial groups without needlessly injecting racial considerations into the political process. Over time, as voters become increasingly willing to judge candidates on their merits, rather than on the color of their skin, the demands of the Voting Rights Act must evolve. Congress enacted Section 2, after all, to foster our progress toward a color-blind politics, not to stymie that progress. According significance only to racially "safe" districts that are more than 50% African-American (or more than 50% Latino) would thus be antithetical to the very purpose of Section 2.

Ignoring both text and purpose, however, the court below read the 50% Rule into the statute based on a misunderstanding of the three-prong test set forth in *Thornburg v. Gingles*, 478 U.S. 30 (1986). The first of those three prongs requires Section 2 plaintiffs to show that their racial group is "sufficiently large . . . to constitute a majority in a single-member district." *Id.* at 50. Of course, the *Gingles* Court that coined this "majority"

requirement was construing Congress's text, not overruling it. And language in *Gingles* and later decisions suggested that the first *Gingles* prong referred to an "effective voting majority," not an absolute mathematical majority. *E.g.*, *De Grandy*, 512 U.S. at 1000, 1014, 1021; *see id.* at 1008 ("[T]he first *Gingles* condition requires the possibility of creating . . . [additional] districts with a sufficiently large minority population *to elect candidates of its choice*." (emphasis added)); *see also Gingles*, 478 U.S. at 38, 46 n.11 (referring to "effective voting majorities" and "ineffective [voting] minorit[ies]"). In the 16 cases in which this Court has cited *Gingles*, it has never superimposed an extratextual 50% requirement onto Section 2.

The court below, however, took that step because it assumed the statute's "opportunity to elect" standard was not "practicable." Pet. App. 26a. To the contrary, the "opportunity to elect" standard has not been unduly difficult for States to comply with or for trial judges to manage. *See, e.g.*, cases cited *infra* note 3. The standard calls for precisely the same evidence that the second and third prongs of the *Gingles* test already require Section 2 plaintiffs to produce in order to prove significant racially polarized voting. In this case, that evidence conclusively established that North Carolina House District 18 was a strong coalition district that gave African-American citizens a full "opportunity . . . to elect representatives of their choice." 42 U.S.C. § 1973(b).

The court below also held, incorrectly, that replacing the statute's "opportunity to elect"

standard with a judge-made 50% Rule would be "more logical and more readily applicable in practice." Pet. App. 19a-20a. But the 50% Rule would lack the benefits normally ascribed to bright-line rules. *First*, rather than simplifying redistricting litigation, attaching talismanic importance to the distinction between a 50.001% black district and a 49.999% black district necessarily would raise a slew of complex legal and factual issues, all of which can be avoided by holding coalition-district claims cognizable.[2] *Second*, imposing an ironclad 50% Rule would invite partisan manipulation of the Voting Rights Act, one of our Nation's greatest civil-rights statutes.

The court below also overlooked the substantial costs that switching to the 50% Rule would impose. *First*, the 50% Rule would create strong incentives for States to redraw reasonably compact coalition districts to turn them into majority-black districts. To reach that 50% target, redistricters would feel pressure to subordinate traditional race-neutral districting principles and to revert to the practices of the early 1990s, when States drew countless bizarrely misshapen racial gerrymanders in violation

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[2] Although Section 2 of the Voting Rights Act protects many racial and language minority groups — including Latinos, Asian-Americans, and Native Americans — this brief will often speak in terms of "blacks" (or "African-Americans") and "whites," which is both simpler and more pertinent to the southeastern region of North Carolina, where these two racial groups constitute about 97% of the population.

of the Equal Protection Clause. *See infra* pages 33, 35, and 37 (showing maps).

Second, and relatedly, eliminating districts like the one at issue here, which is roughly 40% black, would discourage the building of cross-racial coalitions. African-American candidates in heavily black districts would not need white support, and white candidates in heavily white districts would not need African-American support. One could hardly devise a better scheme for rolling back our Nation's recent progress toward ending racial isolation in politics. To do so in the name of the Voting Rights Act would be wrong.

ARGUMENT

I. THE TEXT AND PURPOSE OF SECTION 2 OF THE VOTING RIGHTS ACT AUTHORIZE COALITION-DISTRICT CLAIMS.

Section 2 of the Voting Rights Act prohibits redistricting plans that, "based on the totality of circumstances," are shown to offer members of a protected racial or language minority group "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 42 U.S.C. § 1973(b). The plain text of Section 2 thus focuses on minority groups' ability "to elect representatives of their choice." *Id.* Section 2 says nothing about "majority-black" or "majority-Latino" or "majority-minority" or "safe minority" districts. And it says nothing about "50 percent of the citizens of voting age."

The absence of any reference to a 50% Rule is fatal to respondents' case, because Congress knew

well how to include such language when it wanted to do so. Indeed, the Act's Section 4 ordered the Director of the Census to draw up a list of jurisdictions where election turnout had fallen below "50 per centum of the citizens of voting age." 42 U.S.C. § 1973b(b). But Congress did not use those words in Section 2 of the Act. "[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." *Duncan v. Walker*, 533 U.S. 167, 173 (2001) (citations and internal quotation marks omitted). Therefore, the Court should presume that Congress intentionally omitted from Section 2 any reference to a 50% threshold.

That omission should come as no surprise. Mandatory balkanization based on strict racial quotas would have been antithetical to Congress's central purpose in passing the Voting Rights Act: "to prevent discrimination in the exercise of the electoral franchise and to foster our transformation to a society that is no longer fixated on race." *Georgia v. Ashcroft*, 539 U.S. 461, 490 (2003). Requiring the creation of 50% black districts even where they are unnecessary to elect minority-preferred candidates would not reduce race consciousness, either in the redistricting process itself or in the political campaigns that follow. As Chief Justice Burger observed, using a "mathematical formula" to design safe minority districts "tends to sustain the existence of ghettos by promoting the notion that political clout is to be gained or maintained by marshaling

particular racial, ethnic, or religious groups in enclaves." *United Jewish Organizations of Williamsburgh, Inc. v. Carey*, 430 U.S. 144, 186 (1977) (dissenting opinion). In redistricting, "rigid adherence to quotas," *id.* at 185, threatens to carry us further from Congress's "goal of a political system in which race no longer matters," *Shaw v. Reno*, 509 U.S. 630, 657 (1993).

The basis for the proposed 50% Rule can therefore be found neither in the plain text of Section 2 nor in the congressional purpose motivating its enactment. Rather, that inflexible rule originated in some lower courts' misreading of this Court's gloss on the statute. In *Thornburg v. Gingles*, this Court established three "necessary preconditions" for proving vote dilution under Section 2: The plaintiffs' minority group must show that (1) it is "sufficiently large and geographically compact to constitute a majority in a single-member district"; (2) it is "politically cohesive"; and (3) its preferred candidates "usually" are defeated by white bloc voting. 478 U.S. at 50-51. But the *Gingles* Court warned against applying this three-prong test mechanically and instead called for a "flexible, fact-intensive," and "functional" approach to the political process, focusing on "intensely local," district-specific facts. *Id.* at 45-46, 48 n.15, 77-80.

As to the issue presented here, the *Gingles* Court explained that the test's first prong is needed because "[u]nless minority voters possess the *potential* to elect representatives in the absence of the challenged structure or practice, they cannot claim to have been injured by that structure or

practice." *Id.* at 50 n.17. And in assessing whether African-American concentrations were sufficiently large "to constitute effective voting majorities in [new] single-member districts" — that is, whether blacks had the potential to elect their preferred candidates — the Court considered the "size of the district" and the "percentage of registered voters in the district who are members of the minority group," as well as factors that would be irrelevant under the 50% Rule, such as the "number of minority group members [who] usually vote for the same candidates" and the number of "white 'crossover' votes" that those same minority-preferred candidates could reliably expect to attract. *Id.* at 38, 56.

As was typical in voting-rights litigation in the 1980s, the *Gingles* plaintiffs did not propose any new districts where blacks would have constituted less than 50% of the population. The Court therefore had no occasion to consider whether Section 2 permits "a claim brought by a minority group that is not sufficiently large and compact to constitute a majority in a single-member district." *Id.* at 46-47 n.12. In her concurrence, however, Justice O'Connor noted that voters belonging to such a minority group could nonetheless demonstrate their ability "to elect representatives of their choice" by showing that sufficient "white support would probably be forthcoming in some such district." *Id.* at 90 n.1 (O'Connor, J., concurring in judgment).

Over the next twenty years, this Court repeatedly assumed, without deciding, that "it is possible to state a § 2 claim for a racial group that makes up less than 50% of the [proposed district's] population,"

LULAC v. Perry, 126 S. Ct. 2594, 2624 (2006) (plurality opinion), so long as the group is large enough to elect its candidates of choice "with the assistance of cross-over votes from the white majority" or from other racial groups, *Voinovich v. Quilter*, 507 U.S. 146, 158 (1993); *see, e.g.*, *De Grandy*, 512 U.S. at 1009. And in dicta, the Court clarified that *Gingles*'s "sufficiently large . . . to constitute a majority" language focuses on electoral opportunity, rather than on an absolute numerical majority: "[T]he first *Gingles* condition requires the possibility of creating . . . [additional] districts with a sufficiently large minority population *to elect candidates of its choice*." *De Grandy*, 512 U.S. at 1008 (emphasis added); *cf. id.* at 1020-21 ("No single statistic provides courts with a shortcut to determine whether a set of single-member districts unlawfully dilutes minority voting strength.").

Despite this Court's guidance, the wording of the first *Gingles* prong has generated two conflicting interpretations in the lower courts. Some courts, including the North Carolina Supreme Court in this case, have misunderstood the first *Gingles* prong's use of the word "majority" to demand proof that a minority group can constitute a mathematical "majority" of a district's population. Pet. App. 27a. Other courts, citing the statute's plain text and *Gingles*'s concern for minority voters' "*potential* to elect representatives," 478 U.S. at 50 n.17, have understood the word "majority" as referring to an effective voting majority capable of "elect[ing] representatives of [the minority voters'] choice," 42 U.S.C. § 1973(b); *see, e.g.*, *Metts v. Murphy*, 363 F.3d

8, 11-12 (1st Cir. 2004) (en banc).[3] The United States, which has responsibility for enforcing Section 2, *see* 42 U.S.C. § 1973j(d), has taken the same position, dating back at least to 1990.[4]

The statutory text here is clear and should be followed. After all, the *Gingles* Court that coined the "majority" requirement was construing Congress's text, not overruling it. The word "majority" in *Gingles* and its progeny should therefore be understood to effectuate the statutory text

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[3] *See also Rodriguez v. Pataki*, 308 F. Supp. 2d 346, 373-77, 381-404 (S.D.N.Y.) (three-judge court), *summarily aff'd*, 543 U.S. 997 (2004); *Martinez v. Bush*, 234 F. Supp. 2d 1275, 1320 n.56, 1322 (S.D. Fla. 2002) (three-judge court); *Puerto Rican Legal Def. & Educ. Fund, Inc. v. Gantt*, 796 F. Supp. 681, 694-95 (E.D.N.Y. 1992) (three-judge court); *West v. Clinton*, 786 F. Supp. 803, 807 (W.D. Ark. 1992) (three-judge court); *Armour v. Ohio*, 775 F. Supp. 1044, 1059-60 (N.D. Ohio 1991) (three-judge court); *Jordan v. Winter*, 604 F. Supp. 807, 814-15 (N.D. Miss.) (three-judge court), *summarily aff'd sub nom. Mississippi Republican Executive Comm. v. Brooks*, 469 U.S. 1002 (1984); *Metts v. Murphy*, 347 F.3d 346, 2003 WL 22434637 (1st Cir. 2003) (withdrawn from bound volume following grant of rehearing en banc, which led to same result); *McNeil v. Legislative Apportionment Comm'n*, 828 A.2d 840, 853, 857 (N.J. 2003); Pet. App. 35a-50a (dissenting opinions).

[4] *See, e.g.*, Br. for U.S. as *Amicus Curiae* at 19-20 & n.10, *LULAC v. Perry*, 548 U.S. 399 (No. 05-276); Br. for U.S. as *Amicus Curiae* at 6-15, *Valdespino v. Alamo Heights Ind. Sch. Dist.*, 528 U.S. 1114 (No. 98-1987); Br. for U.S. as *Amicus Curiae* at 11, 17-18, *Campos v. City of Houston*, 113 F.3d 544 (5th Cir. 1997); Br. for U.S. at 33-38, *Garza v. County of Los Angeles*, 918 F.2d 763 (9th Cir. 1990). *But see* Br. for U.S. as *Amicus Curiae* at 10, 16, *Voinovich v. Quilter*, 507 U.S. 146 (1993) (No. 91-1618).

guaranteeing minority voters an equal "opportunity . . . to elect representatives of their choice." 42 U.S.C. § 1973(b). The language of a judicial opinion must be "read in context" and not "parsed" like a statute. *Reiter v. Sonotone Corp.*, 442 U.S. 330, 341 (1979). Reading the *Gingles* test in context, the Court should reject the 50% Rule as contrary to Section 2's plain text and overarching purpose, hold coalition-district claims cognizable, and reverse the judgment below.

II. THE "OPPORTUNITY TO ELECT" STANDARD DICTATED BY THE STATUTORY TEXT HAS PROVED TO BE JUDICIALLY MANAGEABLE.

Congress expressly chose a standard — the "opportunity to elect" standard — that state legislatures and other redistricting authorities could readily apply and that trial judges could efficiently manage. The court below flatly erred in suggesting that this standard needed to be replaced because it lacked any "logical or objective measure for establishing a threshold minority group size necessary for Section 2 legislative districts." Pet. App. 25a (citation and internal quotation marks omitted). To see why the court below is wrong, it is first necessary to explain briefly the types of evidence that plaintiffs typically adduce to meet the statute's "opportunity to elect" standard.

A determination of whether an existing or proposed district affords minority voters a realistic "opportunity . . . to elect representatives of their choice," 42 U.S.C. § 1973(b), *begins* with the district's racial composition. But it does not end there. Two additional facts must be analyzed. *First*, do the

district's minority group members turn out to vote at a different rate than others in the district (and if so, what is the magnitude of the difference)? *Second*, do the district's minority voters support different candidates than other voters in the district do (and if so, what is the magnitude of that difference)? *See generally* Bernard Grofman, Lisa Handley & David Lublin, *Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence*, 79 N.C. L. REV. 1383, 1403-08 (2001).

The answers to these two questions can be critically important in evaluating minority voters' actual electoral opportunities. For example, in this case, as to the second question, the evidence showed a significant asymmetry between black voters and white voters in and around North Carolina's House District 18. Especially in elections pitting one African-American candidate against one white candidate, African-American voters tended to be much more unified in supporting the African-American candidate than the white voters were unified in opposing that candidate. J.A. 123-26. This pattern prevailed in eight out of nine elections analyzed below and was statistically significant in seven of those elections. *See id.*

For example, when Sandra Spaulding Hughes (who now represents House District 18) ran in the November 1999 election for Wilmington City Council, she won the black vote roughly 93% to 7%, but lost the white vote roughly 33% to 67%. *Id.* at 126. Obviously, voting was racially polarized, as blacks and whites overwhelmingly supported opposing candidates. *See Gingles*, 478 U.S. at 59-60 & n.28,

80-82 (finding legally significant white bloc voting where minority candidates lost while garnering about one third of the white vote). As with any election exhibiting racially polarized voting, the winner would be determined by the racial composition of the electorate. In an electorate that was only 20% black, for instance, Ms. Hughes would have lost. But a 50% black electorate clearly was not needed for her to win. Indeed, a 50% black electorate would have generated a landslide 63%-to-37% victory for Ms. Hughes.

These findings are not atypical for this region of North Carolina. The evidence below showed that, on average, African-American candidates in these elections captured about 92% of the African-American vote but only about 25% of the white vote. *See* J.A. 123-26. Under these conditions, so long as black turnout rates are not dramatically lower than white turnout rates, black candidates preferred by black voters can win in constituencies that are — like the district at issue here — approximately 40% black. Pet. App. 5a.[5]

Calculating the rates of black and white turnout and the rates of black and white support for particular candidates has been a mainstay of Section 2 litigation at least since *Gingles*, nearly a quarter century ago. There, the Court relied on expert testimony using two standard statistical techniques — "extreme case analysis" and "bivariate ecological

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[5] Here is the arithmetic: 40% x 92% ≈ 37%. 60% x 25% = 15%. And 37% + 15% = 52%, a clear majority of the vote.

regression analysis" — to "yield[] data concerning the voting patterns of the two races, including estimates of the percentages of members of each race who voted for black candidates." *Gingles*, 478 U.S. at 52-53. The Court held that these estimates made out a showing of legally significant racially polarized voting, which satisfied the second and third prongs of the *Gingles* test. *See id.* at 52-74. Since that time, these same statistical techniques have been applied by plaintiffs and defendants alike in hundreds of Section 2 cases. *See generally* BERNARD GROFMAN, LISA HANDLEY & RICHARD G. NIEMI, MINORITY REPRESENTATION AND THE QUEST FOR VOTING EQUALITY 82-108 (1992).[6]

Indeed, these analyses are absolutely unavoidable under the three-part *Gingles* test. Without running these statistical techniques, it would be difficult or impossible to prove the second and third *Gingles* prongs. And once these statistical techniques have been run for purposes of the second and third prongs, it takes only the simplest arithmetic to apply the results to the first *Gingles* prong as well.

One additional technique that is routinely used in Section 2 litigation to assess racially polarized voting

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[6] In this case, the expert, Professor Richard L. Engstrom, used both of these techniques, as well as a third technique, "Ecological Inference," that is essentially a sophisticated hybrid of the first two. J.A. 117-18; *see also* GARY KING, A SOLUTION TO THE ECOLOGICAL INFERENCE PROBLEM (1997); *cf. Gingles*, 478 U.S. at 46 n.11, 48 n.15, 53 n.20, 55, 71 (citing Professor Engstrom's scholarship). The estimates cited above in text were derived using this newer technique.

and to determine the effectiveness of minority districts is too simple even to be called "statistical." When a candidate backed by the African-American community has run statewide, the vote totals for that candidate and his or her opponent can readily be calculated for any district that the legislature has enacted and for any alternative district that Section 2 plaintiffs might propose. If the minority-preferred candidate carried the vote in the plaintiffs' proposed district but not in any of the challenged districts covering the same area, that simple fact, especially if replicated across several elections, may suggest that the challenged map illegally dilutes minority voting strength. *See, e.g.*, *LULAC*, 126 S. Ct. at 2615 ("[Latino-preferred candidates] won the majority of the [proposed] district's votes in 13 out of 15 elections for statewide officeholders."); *Rodriguez v. Pataki*, 308 F. Supp. 2d 346, 395-97 (S.D.N.Y.) (three-judge court) (using "recompiled" election returns, which require no "statistical estimates, complicated regression analyses, or margins of error"), *summarily aff'd*, 543 U.S. 997 (2004).

Here, for example, North Carolina's then-Supreme Court Justice (now Congressman) G.K. Butterfield, who is African-American, lost a statewide election and failed to carry either New Hanover or Pender County, yet he prevailed handily, 64% to 36%, in the New Hanover and Pender County precincts that now comprise House District 18.[7]

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[7] *See* North Carolina General Assembly, House Redistricting Plans: Election Results; J.A. 35.

That is a powerful indication that this district provides a real opportunity for African-American voters to overcome racially polarized voting and elect a representative of their choice — even though the district's black population falls well short of 50%.[8] No court would deny the relevance of that evidence to the second and third *Gingles* prongs, and this Court should not render it irrelevant as a matter of law to the first *Gingles* prong by superimposing on Section 2 an extratextual 50% requirement.

III. THE BENEFITS OF REPLACING THE "OPPORTUNITY TO ELECT" STANDARD WITH THE 50% RULE WOULD BE MINIMAL.

The court below sought to justify its rigid 50% Rule on the ground that a bright-line rule of decision would be more easily and consistently applied. Pet. App. 23a-24a. But the usual benefits of bright-line rules — that they promote clarity, ensure uniformity, and cabin discretion — do not accrue to the 50% Rule. Indeed, actually applying this seemingly hard-

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[8] Evidence of this kind would not invariably justify an inference that a proposed district would afford minority voters a realistic opportunity to elect their preferred candidate. That inference might be precluded by special circumstances, such as evidence that the minority-preferred candidate would have to run as a challenger against a white incumbent. *See* Grofman, Handley & Lublin, *supra*, at 1404, 1411, 1415, 1419-23 (noting that black candidates need higher black percentages when they run against white incumbents); *cf. Gingles*, 478 U.S. at 57, 60 & n.29 (explaining why black incumbents' success did not necessarily show that minority voters had a realistic opportunity to elect).

and-fast rule turns out, on closer inspection, to be awfully hard and hardly fast.

A. The 50% Rule Would Raise a Host of Complex Legal and Factual Issues.

Acknowledging that the 50% Rule "'might conceivably foreclose a meritorious claim,'" the court below justified that cost by pointing to likely gains in "judicial economy." *Id.* at 23a-24a (citation omitted). But far from ending legal disputes about how to interpret and apply the first *Gingles* prong, adopting the 50% Rule would only multiply them.

The goals of clarity and uniformity would be better served by rejecting the 50% Rule and thus avoiding at least four thorny subsidiary legal issues. Because only one of these four issues is squarely presented on the record below, adopting the 50% Rule in this case would leave three of these critical issues unresolved for future litigation, causing more confusion among redistricters and more splits among the lower courts.

1. Fixing the "Denominator"

As the North Carolina Supreme Court explained, a 50% Rule poses the question, 50% "of *what*?" Pet. App. 15a. Contrary to Fourth and Sixth Circuit precedents,[9] the North Carolina court held that the answer was citizen voting-age population ("CVAP") — that is, total resident population minus children

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[9] *See Hall v. Virginia*, 385 F.3d 421, 427-32 (4th Cir. 2004) (requiring 50% voting-age population, or "VAP"); *Cousin v. Sundquist*, 145 F.3d 818, 828-29 (6th Cir. 1998) (same).

and noncitizens, neither of whom have voting rights. *Id.* at 17a. That solution seems to comport with the plain text of the statute, which speaks of "citizens" and "members of the electorate." 42 U.S.C. 1973(b); *see also LULAC*, 126 S. Ct. at 2616, 2619-21 (using CVAP to measure proportionality and electoral opportunity because "only eligible voters affect a group's opportunity to elect candidates"). *But cf. Karcher v. Daggett*, 462 U.S. 725, 727-44 (1983) (using total population, including children and noncitizens, to analyze "one person, one vote" claims); *id.* at 771-72 (White, J., dissenting).

What the North Carolina Supreme Court ignored, however, was that the official redistricting data published decennially by the Census Bureau (known as the "P.L. 94-171 file") provides no information on citizenship. That is because the census form delivered to every American household asks no questions about citizenship. Therefore, CVAP percentages for any proposed district must be calculated by combining voting-age population ("VAP") figures from the P.L. 94-171 file with citizenship estimates from another source, such as the Census Bureau's American Community Survey ("ACS"). The ACS is, as its title indicates, a survey, not an actual headcount, based on a rolling, multi-year sample of American households. ACS citizenship data therefore will reflect population on various dates, not the date of the decennial headcount. And ACS citizenship data will not be available for the smaller geographic units, such as "census blocks," that form the foundational building blocks for electoral districts.

Because CVAP measures necessarily rely on estimates, different experts, applying different methodologies to combine the P.L. 94-171 and ACS datasets, will reach conflicting conclusions about the African-American CVAP percentage for any given district. Districts that appear to exceed 50% black CVAP under some estimates will appear to fall just short of the 50% threshold under equally plausible alternative estimation techniques. And even if a district consistently falls on one side of the 50% line using any reasonable estimate of CVAP, it may well fall on the other side using VAP. Until the lower courts — and eventually this Court — resolve these questions about the proper "denominator," legislators will battle continually over whether the proper legal test uses VAP or CVAP and over the best statistical methods for estimating CVAP.

These ambiguities will leave too much unchanneled discretion in the hands of political line-drawers, especially in States with large noncitizen populations. Legislators from a State's dominant political party will adopt whichever interpretation suits their partisan interests. And legislators from the "out" party will couch their partisan grievances in race-based terms, injecting racialized arguments into the legislative record to lay the groundwork for an eventual Section 2 challenge in court. It would be a bitter irony indeed if this Court's attempt to impose bright-line clarity on the Voting Rights Act transformed it into a tool for "burden[ing] representational rights." *Vieth v. Jubelirer*, 541 U.S. 267, 307 (2004) (plurality opinion).

But if the Court rejects the 50% Rule outright and holds coalition-district claims cognizable, this issue will be rendered moot. Absent the 50% Rule, what matters is proof that minority group members can elect their preferred candidate in the plaintiffs' proposed district — not what precise percentage they constitute of the district's relevant population. *Cf. De Grandy*, 512 U.S. at 1017 n.14 (finding no need to choose between VAP and CVAP as a measure of proportionality, because neither should be treated as a "magic parameter").

2. Fixing the "Numerator"

A second area ripe for dispute is the proper "numerator" under the 50% Rule. When African-Americans bring a Section 2 case and claim to constitute a mathematical majority of the relevant population, who should count as an African-American? This issue is complicated because of the way the Census Bureau structures its questions on race and ethnicity. The Census form's race question has six answers — White, Black or African-American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, and Some Other Race. Each individual may check any number of those boxes, from one to six. The Census form has a separate question for Hispanic or Not Hispanic. Together, there are 126 combinations for answering these questions — 62 of which are at least somewhat ambiguous when determining who should count as "African-American" for purposes of the 50% Rule. Does someone who checked black and Hispanic count as black, or as Hispanic, or as both? Does someone who checked black and white count as

black? What about someone who checked black and Asian?

The U.S. Department of Justice's Civil Rights Division, while purporting to follow the Office of Management and Budget's guidance on how to count these persons, in fact seems to have adopted a contrary methodology. *Compare* 66 FED. REG. 5412, 5414 (Jan. 18, 2001) (allocating to the black category only half of the black/Hispanic and black/Asian populations) *with* OMB Bulletin No. 00-02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement (Mar. 9, 2000) (allocating to the black category the entire black/Hispanic and black/Asian populations, when discrimination against African-Americans has been alleged). Others might use yet a third method. *See, e.g.*, *Thompson v. Glades County Bd. of County Comm'rs*, 493 F.3d 1253, 1263 n.18 (11th Cir.) (rejecting district court's preferred method, which counted only single-race, non-Hispanic blacks as African-American), *vacated and reh'g en banc granted*, 508 F.3d 975 (11th Cir. 2007).

The impact of answering these questions one way rather than another is hardly trivial. The 2000 Census found more than 2.4 million Americans who fell into one of the 62 arguably ambiguous categories. *See* U.S. Bureau of the Census, Population by Race and Hispanic or Latino Origin for the United States: 1990 and 2000. And in *Georgia v. Ashcroft*, 195 F. Supp. 2d 25 (D.D.C. 2002) (three-judge court), *vacated*, 539 U.S. 461 (2003), the status of two state senate districts as majority-black or majority-nonblack hinged on how these categories were

treated. *See id.* at 38 & n.11, 56; *see also Georgia v. Ashcroft*, 539 U.S. at 473 n.1; *cf. LULAC*, 126 S. Ct. at 2613 (analyzing a district that was 55% Latino in total population, 51% Latino in VAP, and only 46% Latino in CVAP).

As with the "denominator" issue, this "numerator" issue would be dispositive only under the 50% Rule, which artificially exaggerates the significance of precise demographic figures. To make out a coalition-district claim, minority group members must show that they could actually elect their preferred candidates in their proposed district, not that they are sufficiently numerous to barely outnumber other adults (or other adult citizens) in that district.

3. Fixing the "Numerator" in Cases Brought by More than One Minority Group

Another legal question that is not even remotely presented on the record below but that would come to the fore if (and only if) this Court adopts the 50% Rule is whether two or more minority groups can be aggregated to reach the 50% threshold. For example, under the 50% Rule, blacks who constitute only 40% of a district might demand to be combined with a Latino population that constitutes 15%, to create a "majority-combined-minority district." At least two of the circuits that have adopted the 50% Rule have already diverged over whether such a claim is cognizable. *Compare, e.g.*, *Campos v. City of Baytown*, 840 F.2d 1240, 1244 (5th Cir. 1988) (holding claim cognizable), *with Nixon v. Kent County*, 76 F.3d 1381, 1393 (6th Cir. 1996) (en banc) (holding claim not cognizable). Absent the 50% Rule,

however, that question is likely irrelevant. If the black community that constitutes 40% of the district can forge coalitions with enough nonblack voters to actually win elections, it doesn't matter whether the coalition partners are Latino, white, Asian-American, or any other race.

4. Fixing the De Grandy *"Rough Proportionality" Defense*

Yet another legal question raised by the 50% Rule focuses not on the minority district that plaintiffs propose to create, but on other minority districts that already exist in the challenged map. Under this Court's seminal opinion in *De Grandy*, a key factor to consider in Section 2's "totality of circumstances" inquiry is whether the number of minority districts in the challenged map is already "roughly proportional" to the minority group's share of the population. *See* 512 U.S. at 1000. If it is, then the challenged map likely is not denying minority voters an equal opportunity to elect representatives of their choice. *See id.* at 1020-21. Although rough proportionality is never a "safe harbor," it is a strong indicator that a defendant is complying with Section 2. *Id.* at 1017-21; *see id.* at 1025-26 (O'Connor, J., concurring); *id.* at 1027-28 (Kennedy, J., concurring in part and concurring in judgment).

But what counts as a "minority district" for purposes of determining rough proportionality? If this Court adopts the 50% Rule, could a State invoke its coalition districts when arguing that it has already created enough minority districts? To adjudicate that defense, courts would have to make the very same determinations about the effectiveness

or ineffectiveness of the State's coalition districts that the 50% Rule is designed to obviate. And consequently, when drawing districts, state legislatures would have to make similar determinations about the effectiveness of potential coalition districts. In other words, under this interpretation of *De Grandy* (in which coalition districts do "count"), adopting the 50% Rule would not even eliminate the problem it is intended to solve.

Under the opposite interpretation, which applies the 50% Rule symmetrically to claims and defenses, a State could invoke only majority-black districts when arguing for a rough-proportionality defense under *De Grandy*. Coalition districts would not count. Applying the 50% Rule evenhandedly to claims and defenses alike seems reasonable, since generally a statute "is to be interpreted as a symmetrical and coherent regulatory scheme." *Gustafson v. Alloyd Co.*, 513 U.S. 561, 569 (1995). Indeed, this Court unanimously stated in *Growe v. Emison*, 507 U.S. 25 (1993), that the measure of whether a Section 2 violation has occurred is also the measure of whether a Section 2 violation has been remedied. *See id.* at 38 n.4. In other words, if there is no Section 2 right to a coalition district, the creation of a coalition district cannot compensate for the lack of a majority-black district. *Cf. LULAC*, 126 S. Ct. at 2617 (making the analogous argument as to noncompact minority districts, and rejecting "a one-way rule whereby plaintiffs must show compactness but States need not").

But symmetrically applying the 50% Rule to the *De Grandy* rough-proportionality defense would create a bizarre anomaly, in which plaintiffs could force a defendant to *maximize* the number of minority districts. A hypothetical helps illustrate the problem. A county that is 65% white and 35% black is governed by a five-member commission. Voting in the county is racially polarized. The county draws two 45% black districts that reliably elect minority-preferred candidates, and three 28% black districts that reliably elect white-preferred candidates. Minority plaintiffs sue under Section 2 of the Voting Rights Act, demanding that the three heavily white districts be redrawn to make one of them majority-black (while leaving the two coalition districts untouched). Even though two of the five districts in this 35% black county are already electing minority-preferred candidates, the county could not successfully invoke *De Grandy*'s rough-proportionality defense because the minority districts are 45% black coalition districts that do not "count," rather than majority-black districts complying with the 50% Rule. So the plaintiffs win their Section 2 suit, the county is forced to create a third minority district, and the white majority will be able to elect its preferred candidates in only two of the county's five districts. The 35% of the county's population that is black would determine electoral outcomes in 60% of the county's districts.

This is a formula for race-based maximization, not fair and effective representation for all citizens. As the *De Grandy* Court explained, it would be "absurd" to suggest that a districting plan's failure to

maximize a minority group's "effective political power . . . indicates a denial of equal participation in the political process. Failure to maximize cannot be the measure of § 2." *De Grandy*, 512 U.S. at 1017. Yet, ironically, this could be the outcome of replacing the statute's "opportunity to elect" standard with the rigid 50% Rule.

B. The 50% Rule Would Not Prevent Partisan Manipulation of the Voting Rights Act.

Another benefit of many bright-line rules, especially in the election-law arena, is that they reduce the danger that legal decisions will be reached on the basis of ideological or political preference. Advocates of the 50% Rule sometimes claim this benefit and assert that coalition-district claims unfairly favor the political party that is more heavily supported by minority voters. That assertion, however, is misguided.

As an initial matter, both major political parties have a powerful incentive to compete for the votes of white and black citizens alike. That has been particularly true during the period of partisan parity that has prevailed in the United States since the mid-1990s.

Moreover, legally mandating the creation of additional minority districts generally tends to help the minority-backed political party in some States and to hurt it in others. *See* Kenneth W. Shotts, *The Effect of Majority-Minority Mandates on Partisan Gerrymandering*, 45 AM. J. POL. SCI. 120, 128 (2001). For example, all other things being equal, mandating additional minority districts tends to help Democrats

in a Republican-leaning State like Texas, where it ensures at least some minimum number of Democratic districts. But it tends to hurt Democrats in a Democratic-leaning State like California, where it prevents Democratic mapmakers from spreading their strength across the maximum number of districts. Likewise, mandating additional minority districts hurts Republicans in South Florida, where the largest minority population is Cuban-American and votes heavily Republican. The idea that increasing the number of coalition districts consistently helps one political party, at the expense of the other, is therefore unfounded.

To be sure, any particular legal constraint on redistricting — or, for that matter, the removal of any legal constraint — can have a partisan impact in some cases, given the "inherently political" nature of redistricting. *Abrams v. Johnson*, 521 U.S. 74, 117 (1997) (Breyer, J., dissenting). But the 50% Rule is no less susceptible than coalition-district claims to being abused as a partisan tool.

Where Democrats control the redistricting process, they might take advantage of the 50% Rule to draw fewer minority districts and more districts controlled by white Democrats. For example, where voting is racially polarized and an African-American community is not quite large enough to fill half of a legislative district, the "opportunity to elect" standard might require placing the black community into one coalition district where African-American voters could elect their preferred representative. And that could make the adjoining district tilt Republican. But under the 50% Rule, the

Democratic mapmakers could refuse to draw the coalition district and instead could split the black community down the middle, ensuring two Democratic-leaning districts, both of which are likely to elect white candidates not preferred by minority voters.

Conversely, in an area such as North Carolina's New Hanover and Pender Counties, where the only Democratic district is a coalition district, Republicans might take advantage of the 50% Rule to dismantle that coalition district, fragment its African-American population among several districts, and thereby capture every legislative seat in the area. Here, respondents are the three Republicans on the five-member Pender County Commission; the two Democratic commissioners chose not to pursue this appeal. If the suit ultimately succeeds, the district now represented by the sole Democrat in the House delegation for Pender and New Hanover Counties will have to be redrawn, which would likely render the delegation 100% Republican.[10]

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[10] Currently, the two-county delegation to the North Carolina House of Representatives consists of Ms. Sandra Spaulding Hughes, an African-American Democrat from New Hanover County, who represents parts of both counties in District 18; Ms. Carolyn Justice, a white Republican from Pender County, who represents parts of both counties in District 16; and Mr. Daniel McComas, a white Republican from New Hanover County, who represents part of New Hanover County in District 19. For a color map of these districts, see Pet. App. 132a.

The simple truth is that politicians of any stripe will attempt to take advantage of redistricting laws. The 50% Rule is no exception.

IV. THE COSTS OF REPLACING THE "OPPORTUNITY TO ELECT" STANDARD WITH THE 50% RULE WOULD BE SUBSTANTIAL.

The 50% Rule's rather meager benefits would be more than offset by its costs. *First*, the 50% Rule would encourage States to subordinate traditional districting principles to racial considerations, as they would seek to push naturally formed coalition districts up over the arbitrary 50% mark by slicing off white neighborhoods and reaching out to grab distant pockets of black population. These incentives would heighten tensions between Section 2 and the Equal Protection Clause, with no offsetting gains to minority representation. *Second*, mandating the 50% Rule would retard the continued integration of American politics, as it would require the systematic replacement of racially mixed districts like the one at issue here with "safe" districts where one racial group easily dominates the electoral process.

A. The 50% Rule Would Revive the Racial Gerrymandering of the Early 1990s.

Adopting the 50% Rule could reverse much of the progress that race-neutral line-drawing has made in the 15 years since this Court decided *Shaw v. Reno*, 509 U.S. 630 (1993), and *Miller v. Johnson*, 515 U.S. 900 (1995). Those decisions held that the excessive and unjustified use of race in redistricting violated the Fourteenth Amendment's Equal Protection Clause. *See Miller*, 515 U.S. at 916; *Shaw*, 509 U.S.

at 649. In the 1990s, courts applying the *Shaw/Miller* doctrine struck down more than a dozen bizarrely irregular majority-minority congressional districts in Alabama, Florida, Georgia, Louisiana, New York, North Carolina, South Carolina, Texas, and Virginia. *See* J. GERALD HEBERT *ET AL.*, THE REALISTS' GUIDE TO REDISTRICTING 50 (A.B.A. 2000).

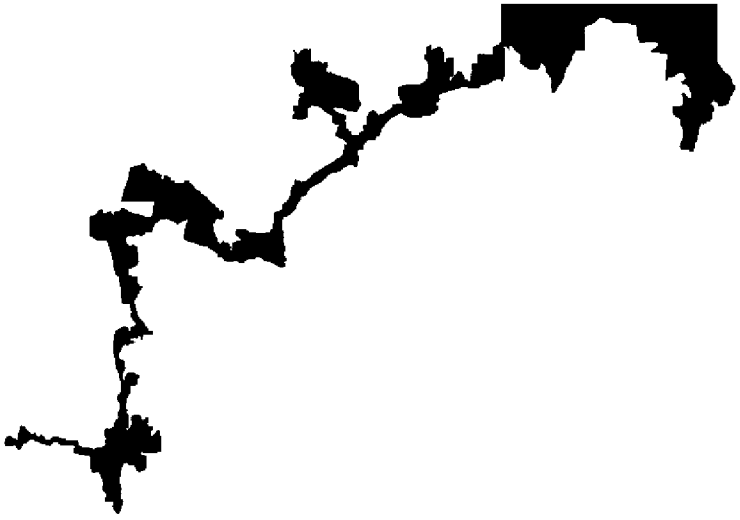
But the rarely told part of that story is that only one African-American Member of Congress lost his seat as a result. Why? Because (with one exception, in Louisiana) those districts were replaced by reasonably compact districts that were still fully capable of electing black candidates preferred by black voters — and many of those replacement districts were no longer majority-black. They were coalition districts.

After the post-2000 round of redistricting, not a single congressional district was invalidated for racial gerrymandering. And not a single congressional district looks like the North Carolina congressional district at issue in the *Shaw* litigation. Maps 1-A and 1-B portray silhouettes of the *Shaw* district, before and after it was struck down by this Court. Map 1-A shows the majority-black version of the district that North Carolina used in the 1992, 1994, and 1996 elections.

Map 1-B shows the coalition-district version that was used in the 1998 election. The same African-American Congressman prevailed in all four elections (and remains in Congress today).

MAP 1-A

53% Black Version of North Carolina CD 12



MAP 1-B

33% Black Version of North Carolina CD 12

A similar example comes from Texas's Thirtieth Congressional District. It was originally drawn in 1991 with the goal of inching up over the 50% threshold. *See Vera v. Richards*, 861 F. Supp. 1304, 1319 (S.D. Tex. 1994) (three-judge court) (noting that the district was intentionally drawn to be just over 50.0% African-American in VAP), *aff'd sub nom. Bush v. Vera*, 517 U.S. 952 (1996); *see also Bush v. Vera*, 517 U.S. at 966 (plurality opinion) ("[T]he redistricters pursued unwaveringly the objective of creating a majority-African-American district."). To reach 50%, the mapmakers had to shoot seven tentacles out from the district's heavily African-American core to reach smaller, distant pockets of black population. *See Vera*, 861 F. Supp. at 1319. And the tentacles had to be extremely thin, lest they pick up too much intervening white population. The result, as shown in Map 2-A, would make Jackson Pollock proud.

Following this Court's decision in *Bush v. Vera*, which struck the district down as an unconstitutional racial gerrymander, *see* 517 U.S. at 957, it was redrawn as a 42% black coalition district. Notably absent from the 1996 coalition-district version, shown in Map 2-B, are the seven tentacles that marked the 1991 version.

MAP 2-A

50% Black Version of Texas CD 30

MAP 2-B

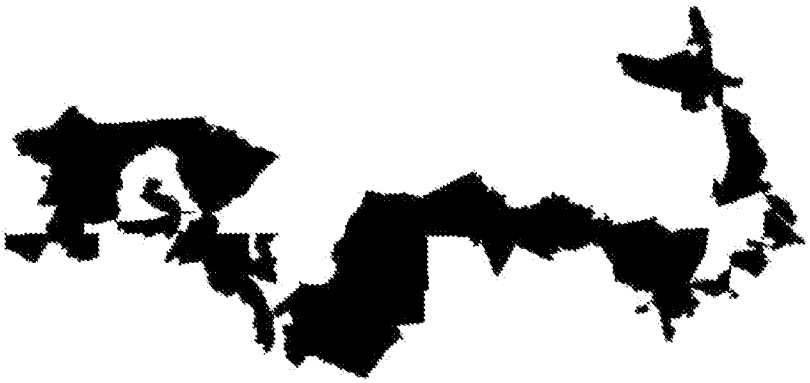
42% Black Version of Texas CD 30

The state-legislative district at issue in this case had a similar evolution, though its constitutionality under the *Shaw/Miller* doctrine was not actually litigated in the 1990s. Map 3-A shows the 1992 version, which the State of North Carolina drew at the U.S. Department of Justice's insistence. J.A. 68. The district (known then as District 98) elected an African-American state representative with overwhelming support from Wilmington's black community. Pet. App. 61a, 114a; J.A. 41-42. Under the 1990 census, its voting-age population was 56% black. Pet. App. 61a.

As redrawn today (*see* Map 3-B), the district's voting-age population is just under 40% black. The district (renumbered as House District 18) nonetheless reelected the same African-American state representative. And when the seat became vacant, he was replaced by an African-American successor, Sandra Spaulding Hughes, who is also strongly backed by Wilmington's black community.

MAP 3-A

56% Black Version of North Carolina HD 98 (now 18)



MAP 3-B

39% Black Version of North Carolina HD 18

These examples (as well as others shown in Maps 4-A through 5-B in the appendix to this brief) exhibit one constant and two variables. The one constant is that the initial early-1990s districts *and* their replacements elected African-American candidates preferred by African-American voters. What varied is that as the districts became more respectful of traditional nonracial districting principles (and thus more compact), the African-American percentage of the population dropped from more than 50% to less than 50%. Reducing race-consciousness in line-drawing thus did not reduce minority representation.

Adopting the 50% Rule would likely throw this process into reverse, stimulating a revival of racial gerrymandering. In many areas, rejiggering an indisputably compact coalition district to push its minority percentage up over an artificial 50% black threshold would require the same sorts of excessively race-based line-drawing that the *Shaw/Miller* doctrine has largely succeeded in eradicating. States should not be placed in the same quandary they faced during the 1991-1992 redistricting, feeling pressure to push the limits of the Equal Protection Clause in order to comply with the Voting Rights Act. *See Miller*, 515 U.S. at 927-28.

B. The 50% Rule Would Stymie the Continued Racial Integration of American Politics.

Just as adopting the 50% Rule would make the redistricting process itself more race-conscious, it also would foster racial isolation in our electoral politics. That would be a major step backwards.

In the early years of Voting Rights Act enforcement, it was widely believed that minority districts could overcome white bloc voting and elect minority-preferred candidates only if the minority group constituted at least 65% of the total population. *See, e.g.*, *Ketchum v. Byrne*, 740 F.2d 1398, 1413-17 (7th Cir. 1984) (citing sources). Later, the effectiveness threshold was thought to have dropped to about 50%. Today, as this Court recognized in *Georgia v. Ashcroft*, political scientists agree that in many places that figure has declined by another 10 or 15 percentage points. *See* 539 U.S. at 480, 483 (citing Grofman, Handley & Lublin, *supra*; Richard H. Pildes, *Is Voting-Rights Law Now at War With Itself? Social Science and Voting Rights in the 2000s*, 80 N.C. L. REV. 1517 (2002)).

In 1982, when Congress last amended Section 2, only four African-American Members of Congress hailed from districts whose voting-age populations were less than half black.[11] By contrast, today, most of the 41 African-American Members of Congress represent such constituencies, and there remains only one congressional district in the entire Nation that is at least 65% black.[12] This progress in overcoming racial isolation should be celebrated, not stymied.

At the same time, it is an empirical reality that the threshold at which minority voters have an

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[11] *See* POLITICS IN AMERICA 1982, at 103, 150, 156, 1190 (1981).

[12] *See* CQ'S POLITICS IN AMERICA 2008: THE 110TH CONGRESS 1143, 1160 (2007).

opportunity to elect their preferred candidates varies significantly depending on the State, the particular area within a given State, and the particular minority group or groups at issue. *Compare, e.g.*, *Page v. Bartels*, 144 F. Supp. 2d 346, 362-66 (D.N.J. 2001) (three-judge court) (holding that a 27.5% black district in New Jersey satisfied Section 2), *with Cottier v. City of Martin*, 475 F. Supp. 2d 932, 938 (D.S.D. 2007) (holding that a 54.5% Indian district in South Dakota did not satisfy Section 2).

All of this suggests that rejecting rigid numerical quotas and interpreting Section 2 flexibly will allow the Voting Rights Act's strictures to continue evolving as politics and housing patterns become increasingly integrated and as minority leaders build their capacity to "pull, haul, and trade" with their white counterparts. *De Grandy*, 512 U.S. at 1020. Over time, majority-black and majority-Latino districts will continue to be replaced by coalition districts, many of which will come to resemble microcosms of our increasingly diverse Nation. And the Voting Rights Act will naturally unwind itself, as it helps pave our "transition to a society where race no longer matters." *Georgia v. Ashcroft*, 539 U.S. at 490.

CONCLUSION

The decision of the North Carolina Supreme Court should be reversed.

Respectfully submitted,

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Maps 4-A through 5-B

APPENDIX

MAP 4-A

51% Black Version of Texas CD 18

MAP 4-B

44% Black Version of Texas CD 18

MAP 5-A

61% Latino Version of Texas CD 29

MAP 5-B

41% Latino Version of Texas CD 29