Exhibit 8 to Davis Intervenors’ Opposition to Plaintiff State of Texas’ Motion for Summary Judgment

Sworn Declaration of Sen. Wendy Davis
DECLARATION OF TARRANT COUNTY SENATOR WENDY DAVIS

Pursuant to 28 U.S.C. 1746, I, Wendy Davis declare that:

1. My name is Wendy Davis, and I am a resident of Fort Worth, Texas who has served as a Texas State Senator representing Senate District 10 since 2009. Immediately, prior to my election to the State Senate, I served for nine years on the Fort Worth City Council, representing a culturally and ethnically diverse city council district. For many years, I have worked with minority leaders in Tarrant County on issues that benefit and enhance the opportunities for minority citizens in our region.

2. Senate District 10 includes almost every minority neighborhood in the City of Fort Worth as well as close-in predominately minority suburbs such as Forest Hill and Everman and other growing minority neighborhoods in Arlington. Senate District 10 contains the third largest concentration of African American voters in the state of Texas, and its Hispanic population is large and growing.

3. I sought election to the State Senate in 2008 after intense consultation with, and encouragement from, African American and Hispanic leaders in Tarrant County. I would not have sought election in 2008 had I not received the strong and active support of local African American and Hispanic leaders. Moreover, the success of my election would not have been possible had I not received the near unanimous support of African American and Hispanic citizens voting in coalition to overcome opposition from a large majority of Anglo voters.

4. Prior to my seeking election, there had been wide recognition in Tarrant County that the Hispanic and African American population in Senate District 10 was growing relative to the Anglo population and had become a majority in the district. Consequently, African American and Hispanic leaders resolved to activate their coalition and commit the physical and financial resources required to overcome Anglo opposition and elect their candidate of choice. Their efforts were successful in 2008 and resulted in my election to the State Senate.

5. In its 2001 submission to the Department of Justice asking for preclearance of that Senate redistricting plan, the State of Texas acknowledged the likelihood that the minority population in Senate District 10 would grow sufficiently over the decade to unite to elect their candidate of choice. However, when that forecast was confirmed by my election in 2008, Texas State leaders used a purposefully discriminatory redistricting process to dismantle Senate District 10 as a majority minority district and to destroy the opportunity for African American and Hispanic voters to elect their candidate of choice.
6. Upon my election, I recognized my responsibility as the representative of a minority opportunity district to defend and protect the interests of the minority coalition in Senate District 10 and further recognized that I would be called upon to continue to earn the support of Hispanic and African American voters through my representation. During my service in the Senate, I have kept open and clear communication with minority leaders and other voters to insure that the positions I take and the votes I cast meet our community’s needs and are responsive to their concerns.

7. On a number of key issues, I have taken an active leadership role to promote the concerns of Senate District 10. I have fought hard and effectively against egregious cuts in funding for public schools, even leading a filibuster to block inexcusable cuts in public school funding. I led the effort to end payday lending that exploits those most in financial need and erodes the quality of life in the neighborhoods that I represent. I actively joined the coalition in arguing successfully to block a Voter Photo ID bill in 2009 and I played an important role in building the legislative record against the vote suppressing Voter Photo ID law passed by the legislature in 2011 that is under review by the US Department of Justice. Texas was among the first states to enact legislation that allows the children of illegal residents who were brought into our country as young children to attend Texas colleges and universities as instate students. I have fought back hard and successfully to block recent efforts by Anglo State Senators to repeal this policy. I also played a very active role in blocking “Sanctuary City” legislation from passage, which would have turned our government officials into immigration agents, even in our public school system. On every issue cited above, Senators Nelson (District 12) and Birdwell (District 22) – in whose districts minority neighborhoods from District 10 were assigned – adopted and promoted positions opposite of mine and contrary to the interests of minority citizens.

8. Certainly in redistricting I understood my responsibility to protect the voting strength of African Americans and Hispanics in Senate District 10. I made every possible effort throughout the legislative session to communicate the concerns and needs of my constituents and to gain information regarding the configuration of the Senate redistricting map. My efforts were aggressively rebuffed at every turn.

9. On many occasions early and throughout the session, I specifically requested to meet with Redistricting Committee Chairman Kel Seliger to discuss the needs of my constituents and to view and respond to draft configurations of Senate District 10. Senator Seliger refused to discuss redistricting in any substantive manner and failed to share any draft maps.
10. As the legislative session progressed, I was given one perfunctory opportunity, in March of 2011, to provide input to the redistricting process. During that meeting with Senator Seliger and his committee staffer, Doug Davis, I stressed the importance of keeping the existing minority coalition in place in Senate District 10. Though I asked for draft plans to be shared with me during that meeting, they were not. Neither were they shared with me after repeated requests subsequent to that meeting, though I was aware that other Senators who represented Anglo majorities were being provided an opportunity to see draft maps and to provide their feedback on those maps.

11. During late April and throughout May, 2011, draft maps were set up in a room adjacent to the senate floor and various members were invited, one by one, to leave the floor with Senator Seliger to review draft proposals and provide their feedback. When I realized that this was occurring, I asked Senator Seliger to be provided the same privilege but was never granted that opportunity. I also made this request to Senator Seliger’s committee staffer, Doug Davis, but was not granted the opportunity.

12. In early May, 2011, it became clear to me that Senator Seliger had arrived at a proposed plan for North Texas, including a proposed plan for Senate District 10, when I directly asked Senator Seliger to “tell me what you are proposing for my district.” Senator Seliger replied that it was oddly shaped but that he did not think that it was as harmful as I might fear. I asked to see it and was told that he was first working with the Senators representing districts adjacent to mine (all of whom represent Anglo districts) to resolve their concerns. He mentioned specifically that Senator Nelson had not yet been made happy with proposals for her district and that she “did not want to give up any of her existing district, even though it was overpopulated.” He indicated that they had shown her several alternatives that she had rejected and that they were “still working to get her happy.”

13. As the month progressed, I continued to make requests to see the proposed maps, culminating in a letter written and delivered to Senator Seliger on May 10, 2011 seeking that opportunity (letter attached). In spite of these repeated requests, the first opportunity I was given to see the proposed map was on the evening of May 11, 2011, less than 48 hours prior to the public hearing on the map and only five days prior to the floor vote approving the map.

14. Meanwhile, Senator Seliger and the staff responsible for drafting redistricting plans met repeatedly with Senators representing majority Anglo districts. These Senators were given full participation in the redistricting process and ultimately were provided with Districts that accommodated their specific requests.
15. Approximately two weeks prior to the public hearing on the maps, Senator John Carona, noticing my frustration, offered that he would show me what the plan was for my district. I met with him in his Senate office for that purpose, but he did not have the map. Instead, he revealed to me that there were several priorities that the Governor's office had expressed in re-districting, one of which was to make changes necessary in Senate District 10 to "get Wendy Davis." He also revealed that Republican members had been told that the map would likely not survive a voting rights challenge, and he expressed his concern that this would mean that the Court would be put in charge of redrawning the North Texas districts, which includes the district he represents. He indicated that he and Senator Shapiro (another North Texas Senator) had been involved in drafting the maps for their districts and that there had been some give and take between them regarding what was to be the final proposed plan. Both Senator Shapiro and Senator Carona represent districts controlled by Anglo voters.

16. Conversely, the boundaries of Senate District 10 were revealed to me only after they had been made final. Without any substantive input from minority citizens in Tarrant County or from their elected representative, Senate District 10 was converted from a majority minority district where Hispanics and African Americans could elect their candidate of choice to a majority Anglo district where the voice of minority voters would be silenced.

17. The map drawn by the Senate leadership and adopted by the Legislature reflects the lack of concern for the voting rights of minority citizens in Senate District 10 and an utter disrespect for the clear communities of interest within the district. Minority neighborhoods are deliberately targeted and broken apart in order to prevent them from maintaining the coalition that allowed them to elect their candidate of choice in 2008.

18. A number of important communities of interest in Tarrant County that have very large minority populations had remained together in a Senate district for generations. In the State's proposed map they have been ripped apart and attached to rural or exurban districts where they have little in common with residents of those districts and will have no electoral influence.

19. Fort Worth's historic Northside/Diamond Hill community is one of the oldest Hispanic communities in the region. It is a proud community of residential homes and commercial businesses lying northwest of downtown and south of NW Loop 820. This area is a vital mix of Fort Worth's western and Hispanic heritages. Under the State's plan this area is ripped from Senate District 10 and pulled apart from other urban communities with shared interests and attached to Senate District 12, which is an exurban district based in predominately Anglo Denton County.
20. Southeast Fort Worth and the nearby suburbs of Forest Hill and Everman comprise the largest concentration of African American citizens in Tarrant County and the third largest in the State of Texas. The Hispanic population in this community is also large and growing. The area contains historic neighborhoods including Polytechnic Heights, Meadowbrook, Eastern Hills and others and has always enjoyed recognition as an important electoral base for candidates running for city-wide election. These communities were a large and critical part of the coalition that elected me as the candidate of choice in 2008. Under the State's plan, the southeast Fort Worth, Forest Hill and Everman areas are pulled from Senate District 10 and made a small urban appendage to rural based Senate District 22 which is anchored in Waco and extends more than 100 miles to the south.

21. There are simply no mutual interests between this part of Tarrant County and any part of rural Senate District 22. In fact, the current incumbent Senator in District 22, Brian Birdwell, is a leader in the effort to repeal in-state tuition for undocumented students. Senator Birdwell's position on this issue may reflect the interests of rural voters in the base of Senate District 22, but his views are in direct conflict with the concerns and the interests of southeast Fort Worth, Forest Hill and Everman.

22. The Riverside community is located just to the northeast of downtown and has long been a racially diverse working class residential community with both large Hispanic and large African American populations. It has clear ties and common interests with the Northside and with southeast Fort Worth. Under the State's proposed plan, Riverside is left stranded in a majority Anglo District 10. Whereas the voters in Riverside were an important part of the effective minority coalition in current District 10, under the State's plan, their votes will be overwhelmed by the Anglo majority.

23. The Senate redistricting plan adopted by the State is a brutal example of State leaders using an intentionally discriminatory process to block the constructive participation of minority citizens and their elected leaders and to produce a map that overtly eliminates a minority opportunity district and badly reduces the electoral opportunities of minority citizens in Texas.
I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24th day of October, 2011.

WENDY R. DAVIS
May 10, 2011

The Honorable Kel Seliger
P.O. Box 12068
Capitol Station
Austin, Texas 78711

Dear Chairman Seliger:

As you know, I represent Senate District 10, which includes virtually every minority neighborhood in the City of Fort Worth. Senate District 10 also includes a large part of the City of Arlington and other smaller communities where both the African American and Hispanic populations are growing rapidly. Southeast Fort Worth, which serves as the political core of Senate District 10, is the third largest concentration of African American residents in the State of Texas. The City of Fort Worth and Senate District 10 also include one of the largest concentrations of Hispanic Texans not located on or along the border.

As the elected representative of so many minority residents, I have a responsibility to support and defend their interests before the Legislature. In light of this, I want to express my grave concern that my constituents have not been allowed to fairly participate in the redistricting process and, as a result, their rights under the US Voting Rights Act are being badly undermined.

The Senate Redistricting Committee has failed to adequately allow my constituents to provide comments or to be informed about the redistricting process or to offer views to the Legislature on the appropriate configuration of Senate Districts. The Redistricting Committee has not held any public hearings in the City of Fort Worth within any reasonable proximity of the minority neighborhoods in Senate District 10.

Moreover, I have not been provided information, access or input during important redistricting deliberations. By excluding my input as the elected representative from Senate District 10 during the deliberative process, you are excluding hundreds of thousands of minority residents in Senate District 10, thereby denying them their rights under the law.

Specifically, I asked to see maps being considered by you, your staff and apparently other Members on several occasions – most recently by direct request to you on Monday May 2nd, Tuesday May 3rd and Friday May 6th. Your committee clerk attended a meeting with me, yet intentionally failed to bring a map for me to review, in spite of my specific request that he do so. Your only visit to my office regarding this matter was late in the same day that I met with your committee clerk, which I understand you intended as a courtesy visit, but not one where you brought a map or were responding to my request to see a map. As it was late in the day on Friday, and as I had indicated to your committee clerk, I had already departed for the airport to return to the district when you stopped in.
In the meantime, I am aware that repeated meetings have been held with other Members of the Senate and that particular attention is being paid to the Members of the Senate in North Texas who represent Anglo-controlled districts. Your committee clerk personally told me that lawyers are reviewing draft plans. Clearly, the redistricting process is moving forward without the input of those representing large minority communities in Texas. Your failure to provide minority constituents in Fort Worth and Tarrant County the same access and level of participation as Anglo constituents is a profound and unfair denial of important and legally protected rights.

Just today I was allowed to review an already completed and predetermined proposed SD10 map that will be rolled out just hours from now in a Senate Redistricting Committee meeting which drastically alters the current coalition district and radically divides and undermines the minority communities of Tarrant County. This meeting does not represent any semblance of meaningful participation by me or the minority communities of Senate District 10.

As you know, I have provided both you and your committee clerk maps that I intend to formally offer as alternatives to the map that the committee will present which radically violates the protected coalition district and commits retrogression. Both of the proposed maps demonstrate that the large and concentrated minority population in North Texas can support at least two effective minority opportunity Senate Districts in North Texas – Senate District 10 and Senate District 23 – and that failure to retain two effective minority voter controlled districts in a new Senate map will violate the Voting Rights Act. In addition, of course, should you ignore these proposals and the Legislature ultimately enacts a plan reducing the voting strength of minority citizens in Senate District 10, you will have knowingly and deliberately undermined the voting rights of minorities in our state.

Please know that I remain prepared to work constructively with you to ensure the voting rights of the minority citizens I represent. We both have a legal and moral responsibility to head off a partisan redistricting plan that would cynically rob entire communities of their voting strength.

Sincerely,

[Signature]

Honorable Wendy Davis
Texas Senate, District 10