

Exhibit 5

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO ARTEAGA, PLAINTIFFS

v. CIVIL ACTION NO. 12-cv-3108-TOR

CITY OF YAKIMA, WASHINGTON, *et al.* DEFENDANTS

SECOND SUPPLEMENTAL DECLARATION OF WILLIAM S. COOPER

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. §1746, the Federal Rules of Civil Procedure 26(a)(2)(B), and Rules 702 and 703 of the Federal Rules of Evidence, does hereby declare and say:

1. My name is William S. Cooper. I serve as a demographic and redistricting expert for the Plaintiffs. I filed a Declaration in this case on February 1, 2013 and a Supplemental Declaration on April 19, 2013.

2. Subsequent to my provision of declarations in this matter, the U.S. Census Bureau published new *American Community Survey (ACS)* data¹ and the Yakima County Elections Division updated its voter registration data after the election in November 2013. At the request of the Plaintiffs' attorneys in this matter,

¹ The Census Bureau released the *2010-2012 American Community Survey 3-Year Estimates* dataset in November 2013 and the *2008-2012 American Community Survey 5-Year Estimates* dataset in December 2013. The 2008-2012 special tabulation block group citizenship estimates by race and ethnicity were released in January 2014.

I have updated the citizenship and voter registration statistics reported in my previous declarations to provide the Court with the most current information available from the ACS and the Yakima County Elections Division. I have also prepared and included as **Exhibit C** a 64-page document of charts and tables based on the *2010-2012 ACS*, which updates the *2008-2010 ACS* document I attached as Exhibit H to my April 19, 2013 Supplemental Declaration.

3. This declaration also provides information regarding compactness and incumbency with respect to the illustrative and hypothetical plans included in my previous declarations.

I. Updated Latino Citizenship and Registered Voter Statistics – Yakima

4. As anticipated in my February 1, 2013 Declaration (§ 24), the Latino non-citizen rate in Yakima continues to drop.

5. According to the 3-year *2010-2012 ACS*, 27.67% of the overall Latino population is non-citizen and 43.17% of the voting age population is non-citizen. This represents more than a 2 percentage point decline for both non-citizen categories compared to the 3-year *2009-2011 ACS*, which were 29.39% and 45.95%, respectively.²

6. The 5-year *2008-2012 ACS* shows slightly higher non-citizen rates for Yakima's Latinos – 29.30% of all Latinos and 45.47% of the Latino voting age

² Cooper Declaration, February 1, 2013, § 22.

population. This represents about a 1 percentage point decline for both categories compared to the 5-year *2007-2011 ACS* – 30.08% and 46.78%, respectively.³

7. The Latino non-citizen rate in Yakima will likely continue to drop. Of the 15,946 Latinos in Yakima under the age of 18 in the *2010-2012 ACS*, just 4.36% are non-citizens. Of the 15,500 Latinos in Yakima under 18 in the *2008-2012 ACS*, just 5.29% are non-citizens.

8. According to the *2010-2012 ACS*, Latinos represent 35.67% of the citizen population in Yakima and 24.17% of the citizen voting age population. According to the *2008-2012 ACS*, Latinos comprise 34.34% of the citizen population in Yakima and 22.66% of the citizen voting age population. Thus, as shown in **Figure 1**, Latino citizenship as a percentage of all citizens and adult citizens increased year-over-year in the two ACS survey datasets.

Figure 1 – Percent Latino Citizenship by 3-Year and 5-year ACS Dataset

	2007-11 ACS	2008-12 ACS	Point Change	2009-11 ACS	2010-12 ACS	Point Change
% Latino citizens all ages	32.96	34.34	+1.38	34.13	35.67	+1.54
% Latino CVAP	21.34	22.66	+1.32	22.21	24.17	+1.96

9. According to March 2014 data reported by the Yakima County Elections Division, there are 7,454 Latino registered voters in Yakima, or 19.03% of the total number of 39,166 registered voters. After including persons with compound or

³ Ibid.

hyphenated Spanish surnames, the surname matched registered voter count is 7,661 or 19.56%. Thus, Latino registered voters as a percentage of overall registered voters climbed by over a percentage point from 18.42% in January 2013 to 19.56% in March 2014.⁴

II. Updated Latino Citizenship and Registered Voter Statistics by Plan

10. **Exhibit A** contains updated summary demographic tables for *Illustrative Plans 1* and *2*, *Hypothetical Plans A, B, and C*, and the current *2011 Plan* – taking into account the new *2008-2012 ACS* block group citizenship estimates⁵ and the March 2014 voter registration data.⁶ The updated statistics in the exhibit are in the three lower rightmost columns – percent Latino CVAP, percent Latino registered voters, and percent Latino citizens (all ages). For ease of reference, summary tables highlighting District 1 are included in **Figures 2** and **3** below.

11. **Figure 2** reports the LCVAP for District 1 by plan under the *2007-2011 ACS* and the updated estimates based on the *2008-2012 ACS*. The LCVAP is reported for both Method 1 and Method 2. (See ¶¶ 4-28 in my April 19, 2013 Supplemental Declaration for a discussion about the two methods.)

⁴ See Cooper Declaration, February 1, 2013, ¶ 36.

⁵ The *2008-2012 ACS* block group special tabulation dataset prepared by the Census Bureau was released on January 28, 2014 and is available for download at: http://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html.

⁶ I have not compiled additional and updated information for *Hypothetical Plans D* and *E* presented in my April 19, 2013 Supplemental Declaration because those two plans were drawn for rhetorical purposes in response to Dr. Peter Morrison's report.

Figure 2 – Percent LCVAP by Plan – 2007-11 ACS and 2008-12 ACS

District	Method 1 2007-11 ACS % Latino CVAP	Method 1 2008-12 ACS % Latino CVAP	Method 1 Change – 2007-11 to 2008-12 ACS	Method 2 2007-11 ACS % Latino CVAP	Method 2 2008-12 ACS % Latino CVAP	Method 2 Change – 2007-11 to 2008-12 ACS
Illustrative 1						
1	50.25%	54.51%	+ 4.26%	48.31%	52.52%	+ 4.21%
Illustrative 2						
1	50.13%	54.70%	+ 4.57%	47.95%	52.67%	+ 4.72%
Hypothetical A						
1	52.17%	55.53%	+ 3.36%	50.18%	53.27%	+ 3.09%
Hypothetical B						
1	56.12%	59.30%	+ 3.18%	53.01%	56.31%	+ 3.30%
Hypothetical C						
1	57.74%	60.91%	+ 3.17%	54.16%	57.48%	+ 3.32%

12. As shown in **Figure 2**, with the latest 5-year ACS dataset, the LCVAP in District 1 goes up significantly across all illustrative and hypothetical plans – gaining 3.17 to 4.57 percentage points under Method 1. Method 2 also yields across-the-board LCVAP increases – gaining 3.09 to 4.72 percentage points compared to the prior year. As a result, District 1 is now over 50% LCVAP in all five plans under both Method 1 and Method 2.

13. **Figure 3** displays Latino registered voters for District 1 by plan, comparing statistics for January 2013 with March 2014. Based on the surname match to the March 2014 Yakima County Elections Division data, the Latino registered

voter percentage is no less than 52% and as high as almost 61% for each of the iterations of District 1 contained in *Illustrative Plans 1 and 2* and *Hypothetical Plans A, B, and C*.

Figure 3 – Percent Latino Registered Voters by Plan – Jan. 2013 and Mar. 2014

District	Jan. 2013 %_Latino Registered (of all registered)	Mar. 2014 %_Latino Registered (of all registered)	Jan. 2013 to Mar. 2014 Change
Illustrative 1			
1	51.66%	52.78%	+ 1.12%
Illustrative 2			
1	51.86%	52.76%	+ 0.90%
Hypothetical A			
1	54.56%	55.51%	+ 0.95%
Hypothetical B			
1	58.92%	56.33%	-2.59%
Hypothetical C			
1	59.74%	60.77%	+ 1.03%

III. Compactness Scores

14. As I mentioned during my deposition in this case, all of the districts included in my illustrative and hypothetical plans are reasonably compact and sufficiently regular in shape to pass muster, and there is no reason to rely upon quantitative measures of compactness. That said, because the issue of quantitative compactness scores arose during my deposition, I provide in **Figure 4** the compactness scores of the districts included in my illustrative and hypothetical

plans, as well as the scores for the *2011 Plan* currently in effect. These compactness scores are generated by the Reock test.⁷

Figure 4 – Reock Compactness Score Comparison by Plan

District	Illustrative 1	Illustrative 2	Hypothetical A	Hypothetical B	Hypothetical C	2011 Plan
1	0.38	0.42	0.39	0.28	0.23	0.47
2	0.44	0.43	0.37	0.36	0.37	0.44
3	0.33	0.34	0.33	0.35	0.35	0.37
4	0.41	0.39	0.38	0.39	0.39	0.51
5	0.44	0.44	0.44	0.40	0.40	
6	0.40	0.40	0.40	0.53	0.53	
7	0.25	0.25	0.25	0.24	0.24	
Mean	0.38	0.38	0.37	0.36	0.36	0.45

15. Because the Reock measure is based on an ideal geometric form, there is no bright-line rule on what constitutes a “passing grade” with respect to this compactness measure for purposes of evaluating a local election plan. By way of example, because the City of Yakima is not itself shaped like a circle, no districting plan can be “perfect” under the Reock measure. In fact, as a single district, the entire City of Yakima scores .45 under the Reock test.

⁷ “The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.” (Source: *Mapitude for Redistricting* documentation).

16. District 1 under *Illustrative Plans 1 and 2* and *Hypothetical Plan A* exceeds the .37 Reock score for the current *2011 Plan* District 3, which – like illustrative District 1 – is anchored in east Yakima.

17. For purposes of comparison, I have produced Reock compactness scores for a few other statewide and municipal election district plans in Washington.

18. Based on my analysis, the Washington State Legislature plan has a mean Reock score of .42. However, over one-fourth (26.5%) of the legislative districts score below .37. Seven of the 49 legislative districts score below .30, with a minimum score of .20. According to the Reock test, the Washington Congressional plan is slightly less compact, with a mean score of .38. Three of the 10 Congressional districts score below .30.⁸

19. I also examined compactness scores for three Washington cities with district-based election plans – Pasco, Spokane, and Tacoma.⁹ The mean Reock score for the 5-district plan in Pasco is .35, with a minimum of .23. The mean Reock score for the 3-district plan in Spokane is .35, with a minimum of .26. The

⁸ GIS shapefiles for the Washington State Legislature and Congressional plans are available via:

<http://www.redistricting.wa.gov/maps.asp>.

⁹ GIS shapefiles for the election plans in the three cities are available via:

Pasco: <http://gis.co.franklin.wa.us/download.asp>.

Spokane: <http://www.spokanecity.org/services/gis/data/>.

Tacoma: <http://wspdsmap.ci.tacoma.wa.us/samples/map2.asp?theOption=2>.

mean Reock score for the 5-district plan in Tacoma is .51, with a minimum of .40.

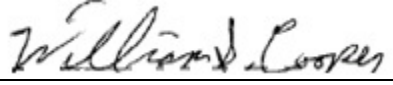
IV. Incumbents by District Assignments

20. I understand that the Councilmembers testified about their places of residence in their depositions, and that there is a new councilmember (Thomas Dittmar) on the Yakima City Council. The table in **Exhibit B** shows incumbent assignments by district for the illustrative and hypothetical plans I have submitted in this matter.

#

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: April 25, 2014


WILLIAM S. COOPER

Population Summary Report

Yakima City Council --Illustrative Plan 1

District	Population	Deviation	% Deviation	Hisp.	% Hisp.	Minority	% Minority	Group Quarters Incarcerated	Group Quarters College Dorms	Group Quarters Military
1	12533	-497	-3.81%	9626	76.81%	10227	81.60%	0	0	0
2	13358	328	2.52%	9713	72.71%	10505	78.64%	273	0	0
3	12859	-171	-1.31%	4395	34.18%	5297	41.19%	0	91	0
4	13175	145	1.11%	5724	43.45%	6761	51.32%	778	0	0
5	12683	-347	-2.66%	3668	28.92%	4464	35.20%	0	0	0
6	13176	146	1.12%	1820	13.81%	2648	20.10%	0	0	0
7	13283	253	1.94%	2641	19.88%	3642	27.42%	58	0	0
Total	91067			37587	41.27%	43544	47.82%	1109	91	0

Ideal 13030

Total Deviation 6.33%

District	18+_Pop	18+ Hisp.	% 18+ Hisp.	18+ NH DOJ Indian	%18+ NH DOJ Indian	18+ Minority	% 18+ Minority	% Latino CVAP	% Latino Registered (of all registered)	% Latino Citizens (all ages)
1	7604	5335	70.16%	195	2.56%	5748	75.59%	54.51%	52.78%	71.93%
2	8545	5639	65.99%	182	2.13%	6182	72.35%	46.31%	53.35%	63.26%
3	9377	2564	27.34%	222	2.37%	3200	34.13%	24.80%	18.18%	32.22%
4	9716	3523	36.26%	334	3.44%	4301	44.27%	26.69%	25.24%	34.57%
5	9801	2152	21.96%	247	2.52%	2755	28.11%	12.21%	14.48%	20.17%
6	10175	1083	10.64%	125	1.23%	1612	15.84%	7.11%	6.91%	11.39%
7	10069	1541	15.30%	172	1.71%	2199	21.84%	15.14%	10.59%	23.24%
Total	65287	21837	33.45%	1477	2.26%	25997	39.82%	22.66%	19.56%	34.34%

Notes:

- (1) Group quarters data are from the 2010 Advance Group Quarters File released by the Census Bureau on April 20, 2011
- (2) With post-Census 2010 annexation affecting Districts 6 and 7, current city population is 91,208. Deviation is calculated based on ideal district size of 13,030 (91,208/7).
- (3) % LCVAP calculated by disaggregating 2008-2012 ACS block group estimates for 18+ citizen Hispanics and Non-Hispanics to 2010 census blocks.
- (4) % Latino registered based on Spanish surname match to registered voter list current through mid-March 2014
- (5) % Latino citizen calculated by disaggregating 2008-2012 ACS block group estimates for citizen Hispanics and Non-Hispanics to 2010 census blocks.

Population Summary Report

Yakima City Council --Illustrative Plan 2

District	Population	Deviation	% Deviation	Hisp.	% Hisp.	Minority	% Minority	Group Quarters Incarcerated	Group Quarters College Dorms	Group Quarters Military
1	12969	-61	-0.47%	10006	77.15%	10613	81.83%	0	0	0
2	12822	-208	-1.60%	9237	72.04%	10018	78.13%	273	0	0
3	13079	49	0.38%	4505	34.44%	5425	41.48%	0	91	0
4	13431	401	3.08%	5873	43.73%	6925	51.56%	778	0	0
5	12761	-269	-2.06%	3574	28.01%	4366	34.21%	0	0	0
6	12722	-308	-2.36%	1751	13.76%	2555	20.08%	0	0	0
7	13283	253	1.94%	2641	19.88%	3642	27.42%	58	0	0
Total	91067			37587	41.27%	43544	47.82%	1109	91	0

Ideal 13030

Total Deviation 5.44%

District	18+_Pop	18+ Hisp.	% 18+ Hisp.	18+ NH DOJ Indian	%18+ NH DOJ Indian	18+ Minority	% 18+ Minority	% Latino CVAP	% Latino Registered (of all registered)	% Latino Citizens (all ages)
1	7860	5534	70.41%	196	2.49%	5948	75.67%	54.70%	52.76%	72.06%
2	8242	5388	65.37%	177	2.15%	5923	71.86%	45.58%	52.93%	62.35%
3	9532	2629	27.58%	230	2.41%	3278	34.39%	24.78%	18.28%	32.23%
4	9900	3619	36.56%	340	3.43%	4414	44.59%	26.81%	25.44%	35.01%
5	9876	2084	21.10%	241	2.44%	2684	27.18%	11.53%	14.14%	19.11%
6	9808	1042	10.62%	121	1.23%	1551	15.81%	7.19%	6.81%	11.56%
7	10069	1541	15.30%	172	1.71%	2199	21.84%	15.14%	10.59%	23.24%
Total	65287	21837	33.45%	1477	2.26%	25997	39.82%	22.66%	19.56%	34.34%

Notes:

- (1) Group quarters data are from the 2010 Advance Group Quarters File released by the Census Bureau on April 20, 2011
- (2) With post-Census 2010 annexation affecting Districts 6 and 7, current city population is 91,208. Deviation is calculated based on ideal district size of 13,030 (91,208/7).
- (3) % LCVAP calculated by disaggregating 2008-2012 ACS block group estimates for 18+ citizen Hispanics and Non-Hispanics to 2010 census blocks.
- (4) % Latino registered based on Spanish surname match to registered voter list current through mid-March 2014
- (5) % Latino citizen calculated by disaggregating 2008-2012 ACS block group estimates for citizen Hispanics and Non-Hispanics to 2010 census blocks.

Population Summary Report

Yakima City Council - Hypothetical Plan A

District	Population	Deviation	% Deviation	Hisp.	% Hisp.	Minority	% Minority	Group Quarters Incarcerated	Group Quarters College Dorms	Group Quarters Military
1	12819	-211	-1.62%	10038	78.31%	10612	82.78%	0	0	0
2	12421	-609	-4.67%	8875	71.45%	9630	77.53%	273	0	0
3	13026	-4	-0.03%	4511	34.63%	5413	41.56%	0	0	0
4	12676	-354	-2.72%	5329	42.04%	6370	50.25%	778	91	0
5	13666	636	4.88%	4373	32.00%	5229	38.26%	0	0	0
6	13176	146	1.12%	1820	13.81%	2648	20.10%	0	0	0
7	13283	253	1.94%	2641	19.88%	3642	27.42%	58	0	0
Total	91067			37587	41.27%	43544	47.82%	1109	91	0

Ideal 13030

Total Deviation 9.55%

District	18+_Pop	18+ Hisp.	% 18+ Hisp.	18+ NH DOJ Indian	%18+ NH DOJ Indian	18+ Minority	% 18+ Minority	% Latino CVAP	% Latino Registered (of all registered)	% Latino Citizens (all ages)
1	7862	5680	72.25%	186	2.37%	6067	77.17%	55.53%	55.51%	72.39%
2	7873	5062	64.30%	182	2.31%	5586	70.95%	47.26%	52.39%	63.70%
3	9487	2651	27.94%	221	2.33%	3280	34.57%	24.81%	18.28%	32.48%
4	9431	3301	35.00%	329	3.49%	4085	43.31%	25.08%	24.36%	32.43%
5	10390	2519	24.24%	262	2.52%	3168	30.49%	13.58%	15.19%	23.49%
6	10175	1083	10.64%	125	1.23%	1612	15.84%	7.11%	6.91%	11.39%
7	10069	1541	15.30%	172	1.71%	2199	21.84%	15.14%	10.59%	23.24%
Total	65287	21837	33.45%	1477	2.26%	25997	39.82%	22.66%	19.56%	34.34%

Notes:

- (1) Group quarters data are from the 2010 Advance Group Quarters File released by the Census Bureau on April 20, 2011
- (2) With post-Census 2010 annexation affecting Districts 6 and 7, current city population is 91,208. Deviation is calculated based on ideal district size of 13,030 (91,208/7).
- (3) % LCVAP calculated by disaggregating 2008-2012 ACS block group estimates for 18+ citizen Hispanics and Non-Hispanics to 2010 census blocks.
- (4) % Latino registered based on Spanish surname match to registered voter list current through mid-March 2014
- (5) % Latino citizen calculated by disaggregating 2008-2012 ACS block group estimates for citizen Hispanics and Non-Hispanics to 2010 census blocks.

Population Summary Report

Yakima City Council - Hypothetical Plan B

District	Population	Deviation	% Deviation	Hisp.	% Hisp.	Minority	% Minority	Group Quarters Incarcerated	Group Quarters College Dorms	Group Quarters Military
1	12995	-35	-0.27%	10420	80.18%	11100	85.42%	0	0	0
2	12706	-324	-2.49%	7401	58.25%	8181	64.39%	273	0	0
3	12632	-398	-3.05%	4759	37.67%	5626	44.54%	0	91	0
4	12866	-164	-1.26%	6437	50.03%	7421	57.68%	778	0	0
5	13323	293	2.25%	3956	29.69%	4751	35.66%	0	0	0
6	13413	383	2.94%	1879	14.01%	2758	20.56%	0	0	0
7	13132	102	0.78%	2735	20.83%	3707	28.23%	58	0	0
Total	91067			37587	41.27%	43544	47.82%	1109	91	0

Ideal 13030

Total Deviation 5.99%

District	18+_Pop	18+ Hisp.	% 18+ Hisp.	18+ NH DOJ Indian	%18+ NH DOJ Indian	18+ Minority	% 18+ Minority	% Latino CVAP	% Latino Registered (of all registered)	% Latino Citizens (all ages)
1	7917	5913	74.69%	176	2.22%	6383	80.62%	59.30%	56.33%	75.4%
2	8584	4351	50.69%	211	2.46%	4876	56.80%	34.62%	36.42%	47.5%
3	9096	2748	30.21%	223	2.45%	3367	37.02%	26.75%	20.34%	35.3%
4	9213	3818	41.44%	325	3.53%	4560	49.50%	31.11%	24.70%	44.4%
5	10249	2296	22.40%	233	2.27%	2899	28.29%	11.77%	13.57%	21.1%
6	10294	1105	10.73%	136	1.32%	1662	16.15%	7.20%	7.37%	12.5%
7	9934	1606	16.17%	173	1.74%	2250	22.65%	15.62%	11.31%	22.7%
Total	65287	21837	33.45%	1477	2.26%	25997	39.82%	22.66%	19.56%	34.34%

Notes:

- (1) Group quarters data are from the 2010 Advance Group Quarters File released by the Census Bureau on April 20, 2011
- (2) With post-Census 2010 annexation affecting Districts 6 and 7, current city population is 91,208. Deviation is calculated based on ideal district size of 13,030 (91,208/7).
- (3) % LCVAP calculated by disaggregating 2008-2012 ACS block group estimates for 18+ citizen Hispanics and Non-Hispanics to 2010 census blocks.
- (4) % Latino registered based on Spanish surname match to registered voter list current through mid-March 2014
- (5) % Latino citizen calculated by disaggregating 2008-2012 ACS block group estimates for citizen Hispanics and Non-Hispanics to 2010 census blocks.

Population Summary Report

Yakima City Council - Hypothetical Plan C

District	Population	Deviation	% Deviation	Hisp.	% Hisp.	Minority	% Minority	Group Quarters Incarcerated	Group Quarters College Dorms	Group Quarters Military
1	12384	-646	-4.96%	10077	81.37%	10676	86.21%	0	0	0
2	13243	213	1.63%	7705	58.18%	8558	64.62%	273	0	0
3	12632	-398	-3.05%	4759	37.67%	5626	44.54%	0	91	0
4	12940	-90	-0.69%	6476	50.05%	7468	57.71%	778	0	0
5	13323	293	2.25%	3956	29.69%	4751	35.66%	0	0	0
6	13413	383	2.94%	1879	14.01%	2758	20.56%	0	0	0
7	13132	102	0.78%	2735	20.83%	3707	28.23%	58	0	0
Total	91067			37587	41.27%	43544	47.82%	1109	91	0

Ideal 13030

Total Deviation 7.90%

District	18+_Pop	18+ Hisp.	% 18+ Hisp.	18+ NH DOJ Indian	%18+ NH DOJ Indian	18+ Minority	% 18+ Minority	% Latino CVAP	% Latino Registered (of all registered)	% Latino Citizens (all ages)
1	7570	5742	75.85%	152	2.01%	6167	81.47%	60.91%	60.77%	76.87%
2	8881	4498	50.65%	231	2.60%	5062	57.00%	34.50%	38.76%	47.72%
3	9096	2748	30.21%	223	2.45%	3367	37.02%	26.75%	20.72%	35.26%
4	9263	3842	41.48%	329	3.55%	4590	49.55%	31.11%	25.86%	44.44%
5	10249	2296	22.40%	233	2.27%	2899	28.29%	11.77%	13.61%	21.14%
6	10294	1105	10.73%	136	1.32%	1662	16.15%	7.20%	7.00%	12.50%
7	9934	1606	16.17%	173	1.74%	2250	22.65%	15.62%	11.11%	22.71%
Total	65287	21837	33.45%	1477	2.26%	25997	39.82%	22.66%	19.56%	34.34%

Notes:

- (1) Group quarters data are from the 2010 Advance Group Quarters File released by the Census Bureau on April 20, 2011
- (2) With post-Census 2010 annexation affecting Districts 6 and 7, current city population is 91,208. Deviation is calculated based on ideal district size of 13,030 (91,208/7).
- (3) % LCVAP calculated by disaggregating 2008-2012 ACS block group estimates for 18+ citizen Hispanics and Non-Hispanics to 2010 census blocks.
- (4) % Latino registered based on Spanish surname match to registered voter list current through mid-March 2014
- (5) % Latino citizen calculated by disaggregating 2008-2012 ACS block group estimates for citizen Hispanics and Non-Hispanics to 2010 census blocks.

Population Summary Report

Yakima City Council -- 2011 Plan

District	Population	Deviation	% Deviation	Hisp.	% Hisp.	Minority	% Minority	Group Quarters Incarcerated	Group Quarters College Dorms	Group Quarters Military
1	21951	-851	-3.73%	3733	17.01%	5326	24.26%	58	0	0
2	21380	-1422	-6.24%	9048	42.32%	10458	48.91%	0	91	0
3	23831	1029	4.51%	16111	67.61%	17739	74.44%	1051	0	0
4	23905	1103	4.84%	8695	36.37%	10021	41.92%	0	0	0
Total	91067			37587	41.27%	43544	47.82%	1109	91	0
Ideal	22,802									
Total Deviation			11.08%							

District	18+_Pop	18+ Hisp.	% 18+ Hisp.	18+ NH DOJ Indian	%18+ NH DOJ Indian	18+ Minority	% 18+ Minority	% Latino CVAP	% Latino Registered (of all registered)	% Latino Citizens (all ages)
1	16549	2168	13.10%	248	1.50%	3176	19.19%	11.55%	8.36%	18.24%
2	15151	5240	34.59%	355	2.34%	6195	40.89%	25.74%	23.67%	34.02%
3	15803	9443	59.75%	494	3.13%	10671	67.53%	44.13%	46.46%	61.82%
4	17784	4986	28.04%	380	2.14%	5955	33.49%	18.31%	16.65%	28.88%
Total	65287	21837	33.45%	1477	2.26%	25997	39.82%	22.66%	19.56%	34.34%

Notes:

- (1) Group quarters data are from the 2010 Advance Group Quarters File released by the Census Bureau on April 20, 2011
- (2) With post-Census 2010 annexation affecting Districts 6 and 7, current city population is 91,208. Deviation is calculated based on ideal district size of 13,030 (91,208/7).
- (3) % LCVAP calculated by disaggregating 2008-2012 ACS block group estimates for 18+ citizen Hispanics and Non-Hispanics to 2010 census blocks.
- (4) % Latino registered based on Spanish surname match to registered voter list current through mid-March 2014
- (5) % Latino citizen calculated by disaggregating 2008-2012 ACS block group estimates for citizen Hispanics and Non-Hispanics to 2010 census blocks.

District Assignments by Plan

Council Member	Illustrative 1	Illustrative 2	Hypothetical A	Hypothetical B	Hypothetical C	2011 Plan
Maureen Adkison (D. 1)	6	6	6	6	6	1
Thomas Dittmar (D. 2)	3	3	3	3	3	2
Richard (Rick) L. Ensey (D. 3)	5	1	5	5	5	3
Kathy J. Coffey (D. 4)	5	5	5	5	5	4
William (Bill) G. Lover (At Large)	4	4	4	4	4	4
Micah Cawley (At Large)	3	3	3	3	3	2
Dave Ettl (At Large)	7	7	7	7	7	4

Selected Socio-Economic Data

Yakima city, Washington

Latino and White, Not Hispanic

Data Set: 2010-2012 American Community Survey 3-Year Estimates

www.fairvote2020.org

www.fairdata2000.com

[1-Dec-13](#)

C02003. RACE - Universe: TOTAL POPULATION

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington		
	Population	Margin of Error (+/-)	% of Total
Total:	92,506	38	100.0%
Population of one race:	88,692	766	95.9%
White	65,557	2,614	70.9%
Black or African American	961	318	1.0%
American Indian and Alaska Native	1,408	622	1.5%
Asian alone	1,433	523	1.5%
Native Hawaiian and Other Pacific Islander	35	69	0.0%
Some other race	19,298	2,522	20.9%
Population of two or more races:	3,814	771	4.1%
Two races including Some other race	1,183	522	1.3%
Two races excluding Some other race, and three or more races	2,631	630	2.8%
Population of two races:	3,602	770	3.9%
White; Black or African American	943	391	1.0%
White; American Indian and Alaska Native	1,054	486	1.1%
White; Asian	313	170	0.3%
Black or African American; American Indian and Alaska Native	56	68	0.1%
All other two race combinations	1,236	527	1.3%
Population of three races	212	164	0.2%
Population of four or more races	0	115	0.0%

Note: Hispanics may be of any race. See Table C03002 and chart.

Source: U.S. Census Bureau, 2010-2012 American Community Survey

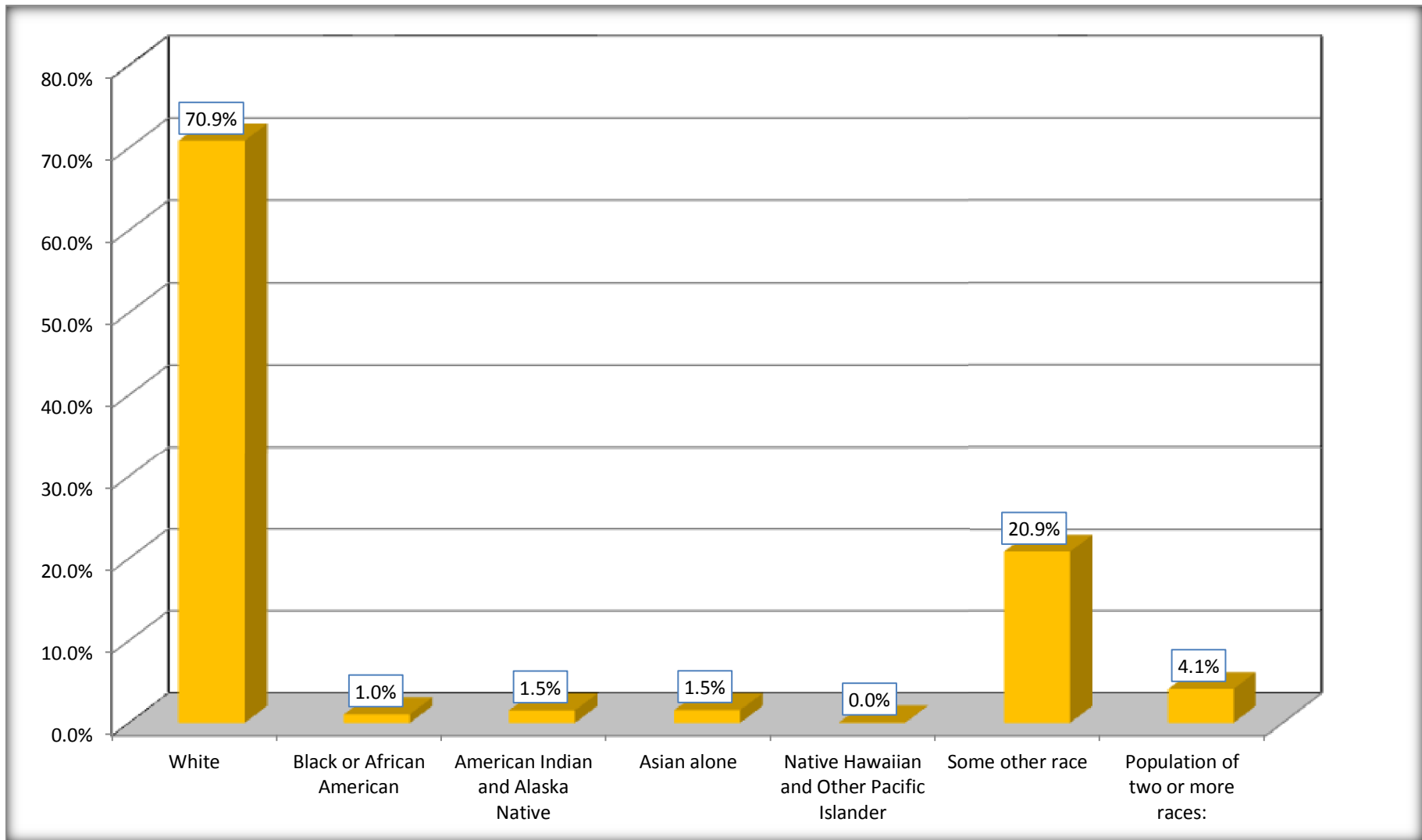
Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Population by Race

Yakima city, Washington



Source: C02003. RACE - Universe: TOTAL POPULATION
Data Set: 2010-2012 American Community Survey 3-Year Estimates

C03002. HISPANIC OR LATINO ORIGIN BY RACE - Universe: TOTAL POPULATION

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington		
	Population	Margin of Error (+/-)	% of Total
Total:	92,506	38	100.0%
Not Hispanic or Latino:	52,586	1617	56.8%
White alone	46,849	1,560	50.6%
Black or African American alone	853	306	0.9%
American Indian and Alaska Native alone	1,036	421	1.1%
Asian alone	1,406	521	1.5%
Native Hawaiian and Other Pacific Islander alone	35	69	0.0%
Some other race alone	50	58	0.1%
Two or more races:	2,357	613	2.5%
Two races including Some other race	52	51	0.1%
Two races excluding Some other race, and three or more races	2,305	609	2.5%
Hispanic or Latino	39,920	1616	43.2%

Source: U.S. Census Bureau, 2010-2012 American Community Survey

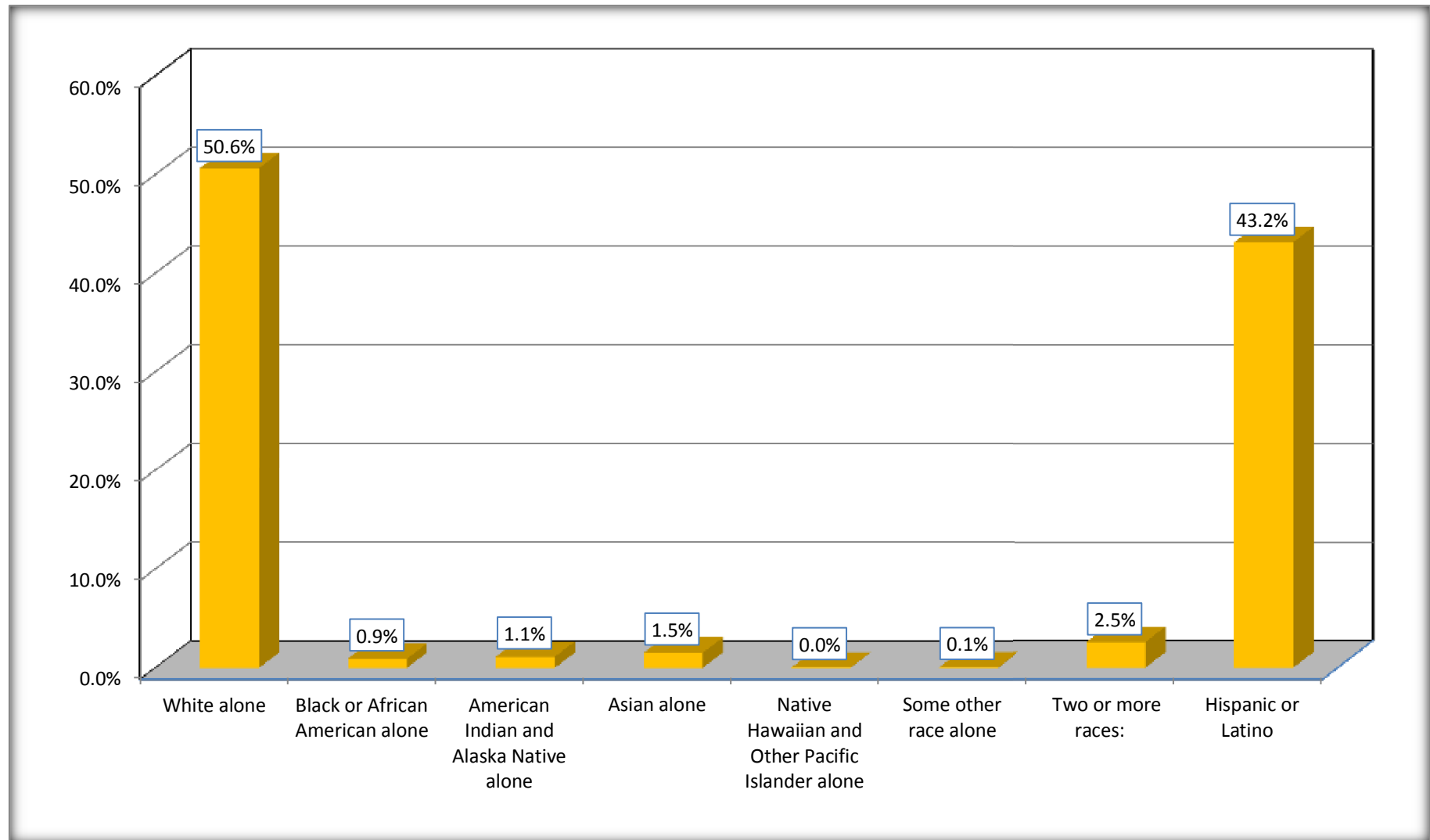
Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Non-Hispanic by Race and Hispanic Population

Yakima city, Washington



Source: C03002. HISPANIC OR LATINO ORIGIN BY RACE - Universe: TOTAL POPULATION

Data Set: 2010-2012 American Community Survey 3-Year Estimates

B03002. HISPANIC OR LATINO ORIGIN BY RACE

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington		
	Population	Margin of Error (+/-)	% of Total
Hispanic or Latino:	39,920	1616	100.0%
White alone	18,708	2,616	46.9%
Black or African American alone	108	113	0.3%
American Indian and Alaska Native alone	372	343	0.9%
Asian alone	27	45	0.1%
Native Hawaiian and Other Pacific Islander alone	0	115	0.0%
Some other race alone	19,248	2,526	48.2%
Two or more races:	1,457	613	3.6%
Two races including Some other race	1,131	518	2.8%
Two races excluding Some other race, and three or more races	326	247	0.8%

Source: U.S. Census Bureau, 2010-2012 American Community Survey

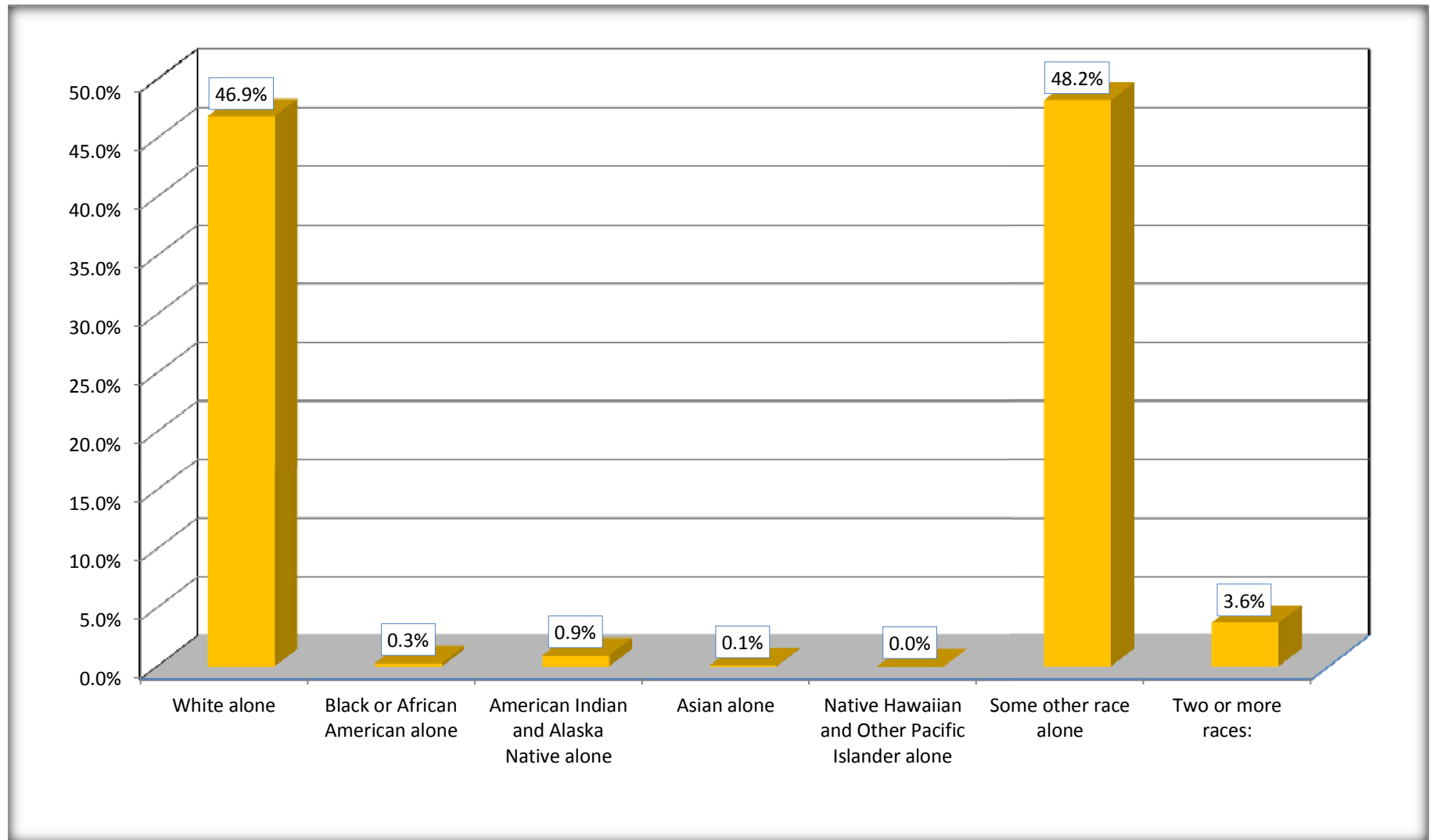
Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Hispanic or Latino Origin by Race

Yakima city, Washington



Source: B03002. HISPANIC OR LATINO ORIGIN BY RACE
Data Set: 2010-2012 American Community Survey 3-Year Estimates

C01001. SEX BY AGE

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	39,920	1616	100.0%	46,849	1,560	100.0%
Under 18 years	15,946	NC	39.9%	7,487	NC	16.0%
18 to 64 years	22,436	NC	56.2%	28,596	NC	61.0%
65 years and over	1,538	NC	3.9%	10,766	NC	23.0%
Male:	20,896	1,051	52.3%	22,463	992	47.9%
Under 18 years	8,235	835	20.6%	4,029	519	8.6%
18 to 64 years	11,900	749	29.8%	14,064	807	30.0%
65 years and over	761	212	1.9%	4,370	389	9.3%
Female:	19,024	1,041	47.7%	24,386	970	52.1%
Under 18 years	7,711	789	19.3%	3,458	498	7.4%
18 to 64 years	10,536	655	26.4%	14,532	684	31.0%
65 years and over	777	212	1.9%	6,396	407	13.7%

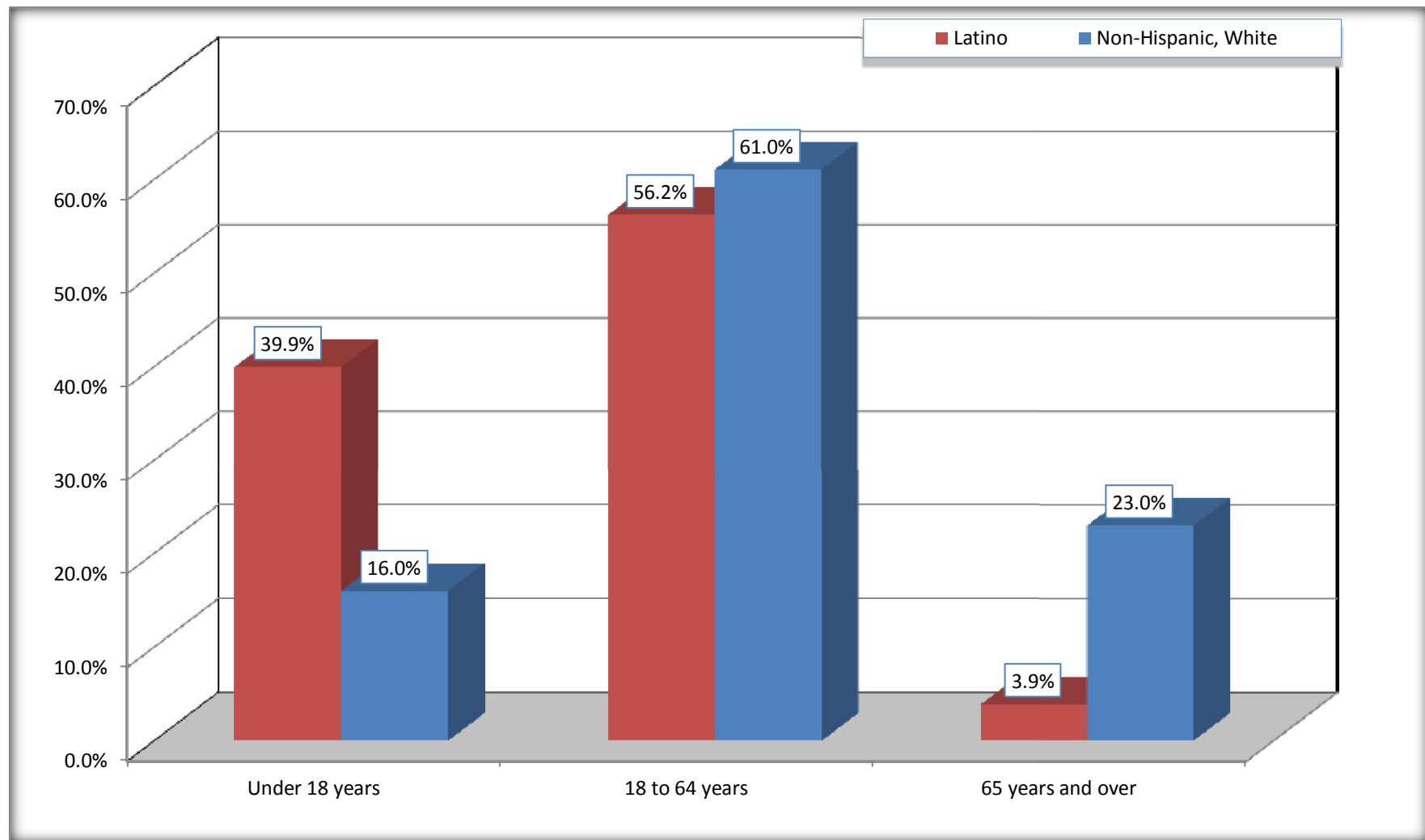
Source: U.S. Census Bureau, 2010-2012 American Community Survey

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Population by Age
Yakima city, Washington



Source: C01001. SEX BY AGE

Data Set: 2010-2012 American Community Survey 3-Year Estimates

B05003. SEX BY AGE BY CITIZENSHIP STATUS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total by Age	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total by Age
Total:	39,920	1616	100.0%	46,849	1,560	100.0%
Under 18 years:	15,946	NC	100.0%	7,487	NC	100.0%
Native	15,234	NC	95.5%	7,463	NC	99.7%
Foreign born:	712	NC	4.5%	24	NC	0.3%
Naturalized U.S. citizen	16	NC	0.1%	24	NC	0.3%
Not a U.S. citizen	696	NC	4.4%	0	NC	0.0%
18 years and over:	23,974	NC	100.0%	39,362	NC	100.0%
Native	10,050	NC	41.9%	38,883	NC	98.8%
Foreign born:	13,924	NC	58.1%	479	NC	1.2%
Naturalized U.S. citizen	3,574	NC	14.9%	327	NC	0.8%
Not a U.S. citizen	10,350	NC	43.2%	152	NC	0.4%
Male:	20,896	1,051	52.3%	22,463	992	47.9%
Under 18 years:	8235	835	100.0%	4029	519	100.0%
Native	7,914	828	96.1%	4,029	519	100.0%
Foreign born:	321	183	3.9%	0	115	0.0%
Naturalized U.S. citizen	16	26	0.2%	0	115	0.0%
Not a U.S. citizen	305	181	3.7%	0	115	0.0%
18 years and over:	12,661	799	100.0%	18,434	823	100.0%
Native	5,659	844	44.7%	18,162	839	98.5%
Foreign born:	7,002	833	55.3%	272	148	1.5%
Naturalized U.S. citizen	1,753	448	13.8%	202	127	1.1%
Not a U.S. citizen	5,249	757	41.5%	70	78	0.4%

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total by Age	White, Not Hispanic	Margin of Error (+/-)	% of NHW by Age
Female:	19,024	1,041	47.7%	24,386	970	52.1%
Under 18 years:	7,711	789	100.0%	3,458	498	100.0%
Native	7,320	771	94.9%	3,434	495	99.3%
Foreign born:	391	188	5.1%	24	39	0.7%
Naturalized U.S. citizen	0	115	0.0%	24	39	0.7%
Not a U.S. citizen	391	188	5.1%	0	115	0.0%
18 years and over:	11,313	681	100.0%	20,928	810	100.0%
Native	4,391	596	38.8%	20,721	809	99.0%
Foreign born:	6,922	755	61.2%	207	111	1.0%
Naturalized U.S. citizen	1,821	507	16.1%	125	85	0.6%
Not a U.S. citizen	5,101	668	45.1%	82	68	0.4%

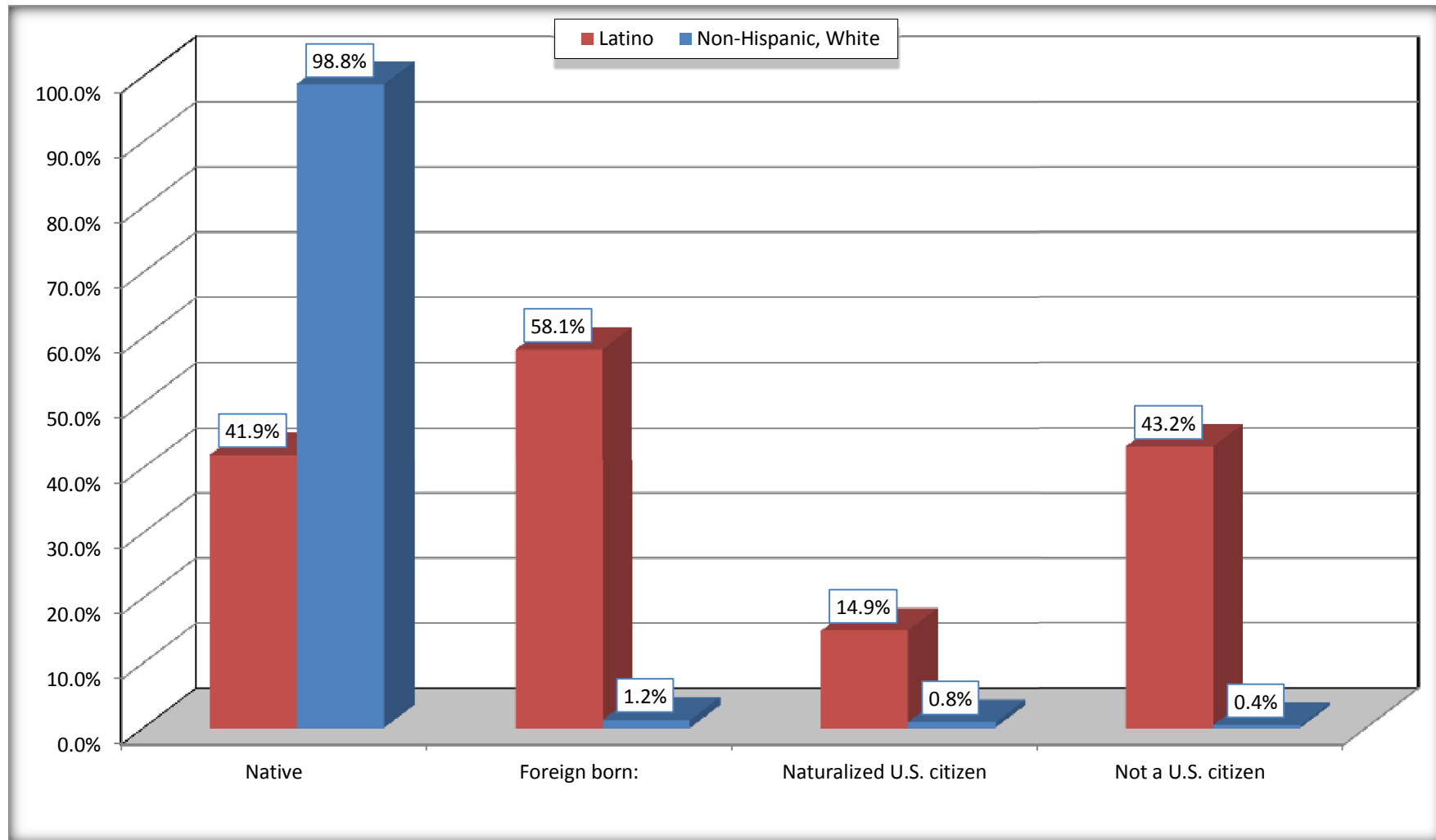
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Citizenship Status of Voting Age Population (18 and Over)

Yakima city, Washington



Source: B05003. SEX BY AGE BY CITIZENSHIP STATUS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

**B07004. GEOGRAPHICAL MOBILITY IN THE PAST YEAR BY RACE FOR CURRENT RESIDENCE IN THE UNITED STATES - Universe:
POPULATION 1 YEAR AND OVER**

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	38,910	1,619	100.0%	46,374	1,530	100.0%
Same house 1 year ago	29,734	1,958	76.4%	38,511	1,699	83.0%
Moved within same county	7,725	1,826	19.9%	5,554	1,016	12.0%
Moved from different county within same state	620	314	1.6%	1,268	544	2.7%
Moved from different state	776	625	2.0%	878	342	1.9%
Moved from abroad	55	56	0.1%	163	124	0.4%

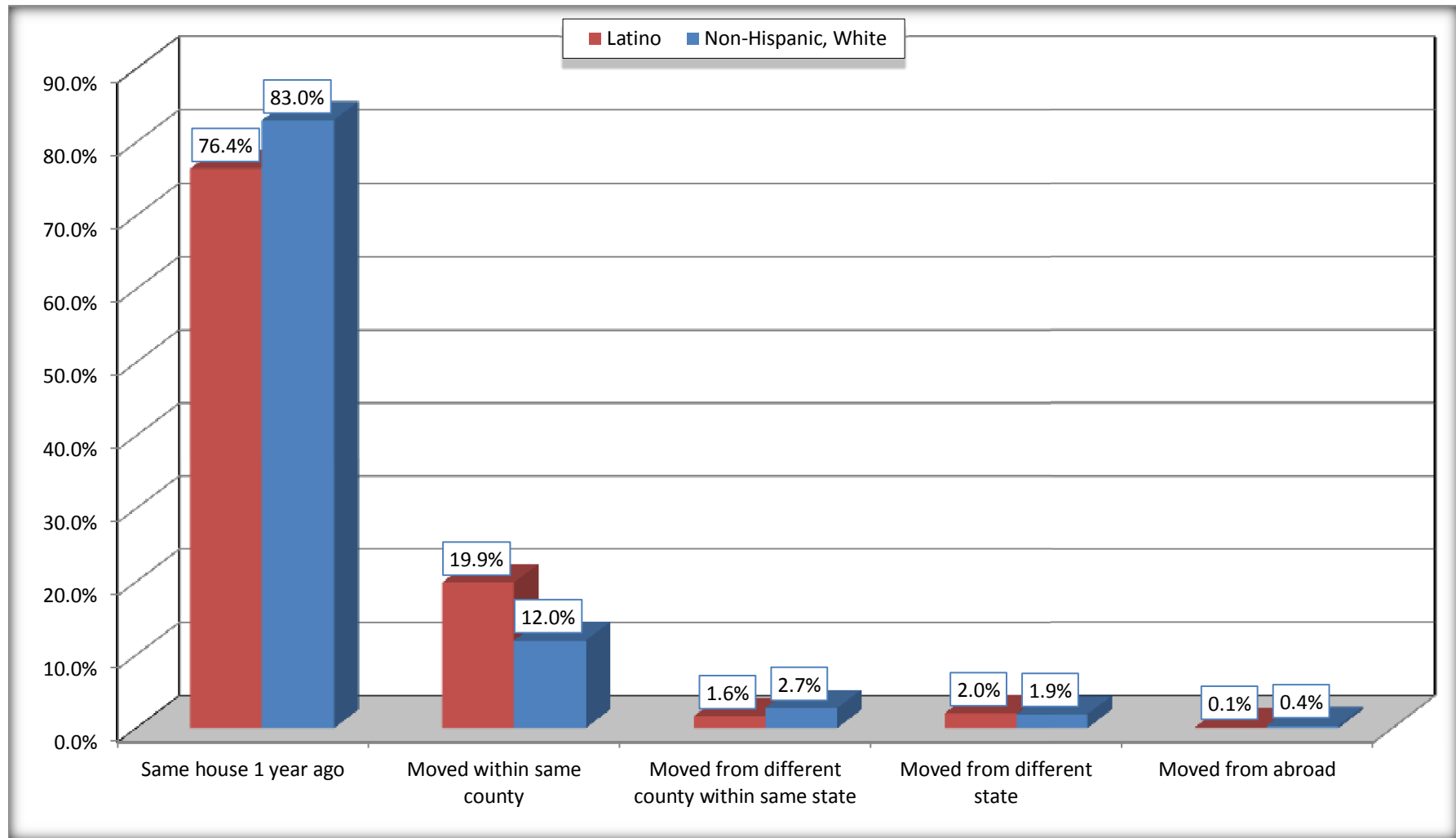
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Geographical Mobility in the Past Year (Population 1 Year and Over)

Yakima city, Washington



Source: B07004. GEOGRAPHICAL MOBILITY IN THE PAST YEAR BY RACE FOR CURRENT RESIDENCE IN THE UNITED STATES - Universe: POPULATION 1 YEAR AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C08105. MEANS OF TRANSPORTATION TO WORK - Universe: WORKERS 16 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	14817	1164	100.0%	20322	985	100.0%
Car, truck, or van - drove alone	11181	1114	75.5%	16803	983	82.7%
Car, truck, or van - carpooled	2558	549	17.3%	1507	369	7.4%
Public transportation (excluding taxicab)	171	159	1.2%	318	192	1.6%
Taxicab, motorcycle, bicycle, walked, or other means	517	263	3.5%	968	384	4.8%
Worked at home	390	376	2.6%	726	224	3.6%

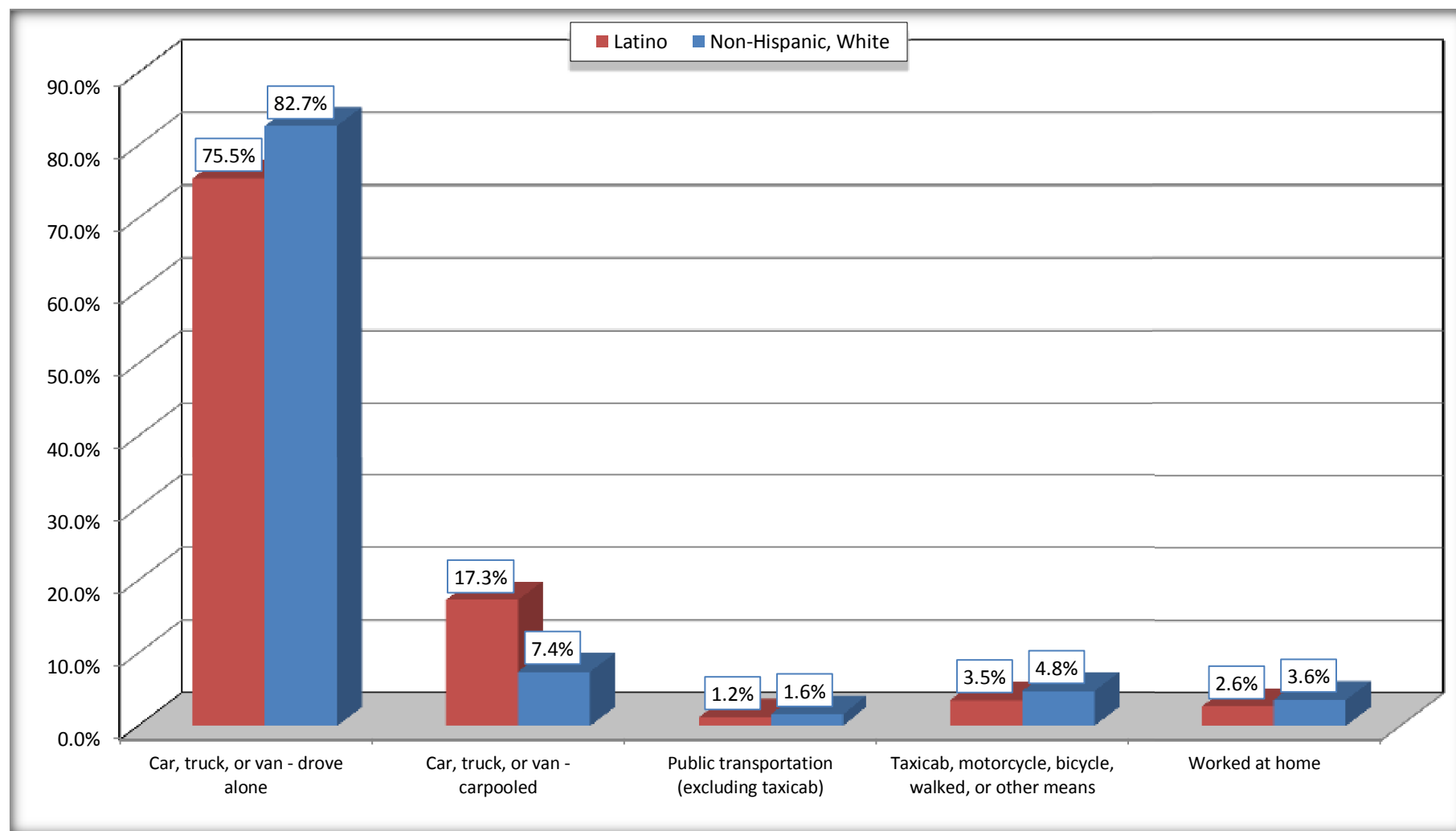
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Means of Transportation to Work (Workers 16 Years and Over)

Yakima city, Washington



Source: C08105. MEANS OF TRANSPORTATION TO WORK - Universe: WORKERS 16 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C11002. HOUSEHOLD TYPE FOR POPULATION IN HOUSEHOLDS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	37497	1926	100.0%	47932	1966	100.0%
In family households	35530	1945	94.8%	37165	2004	77.5%
In nonfamily households	1967	731	5.2%	10767	1187	22.5%

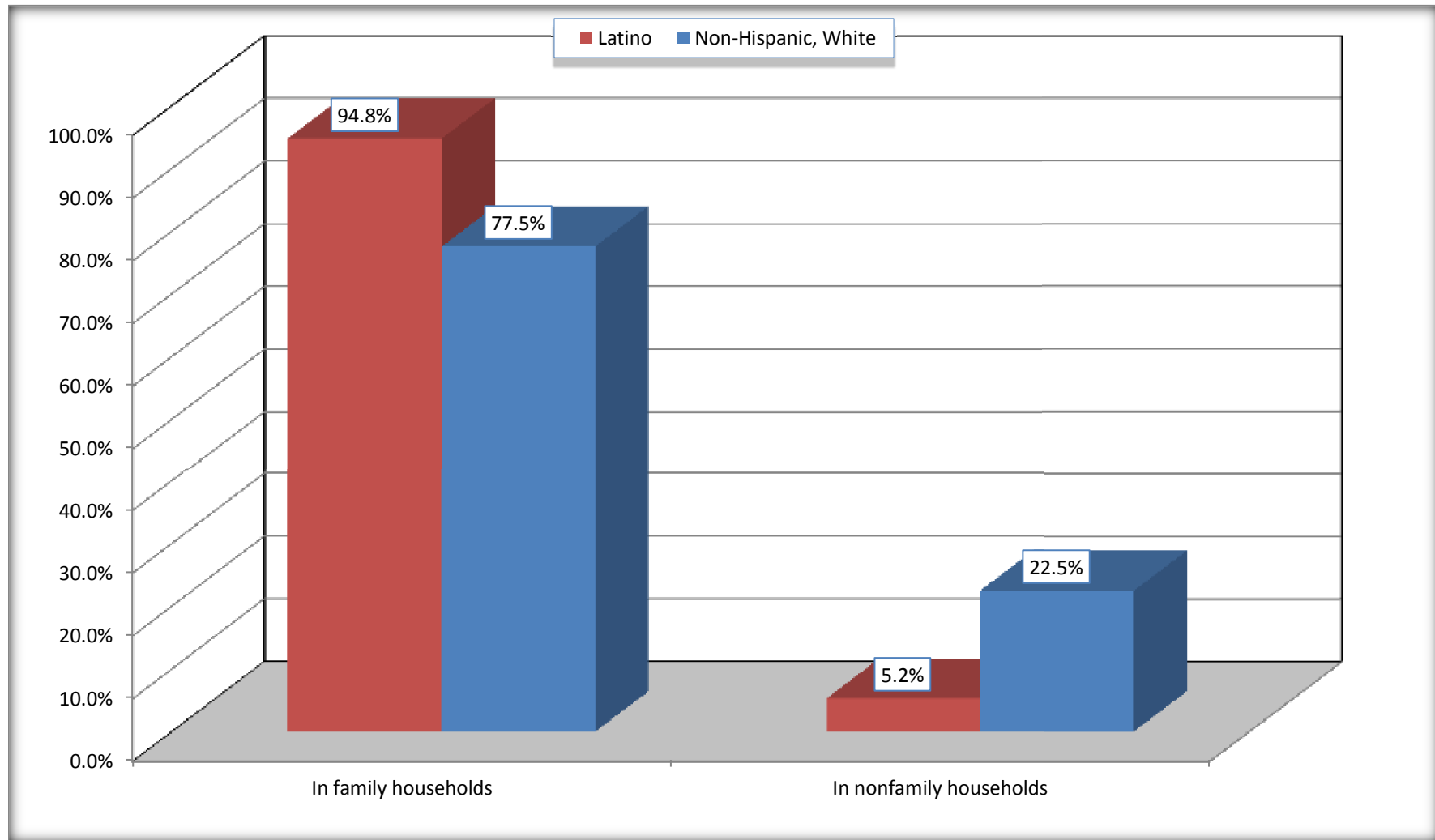
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Household Type for Population in Households

Yakima city, Washington



Source: C11002. HOUSEHOLD TYPE FOR POPULATION IN HOUSEHOLDS
Data Set: 2010-2012 American Community Survey 3-Year Estimates

C12002. MARITAL STATUS FOR THE POPULATION 15 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	26,183	1,290	100.0%	40,796	1,344	100.0%
Never married	11,273	1,177	43.1%	9,738	940	23.9%
Now married (except separated)	11,897	1,275	45.4%	19,746	1,256	48.4%
Separated	783	334	3.0%	662	264	1.6%
Widowed	678	249	2.6%	4,241	540	10.4%
Divorced	1,552	442	5.9%	6,409	671	15.7%

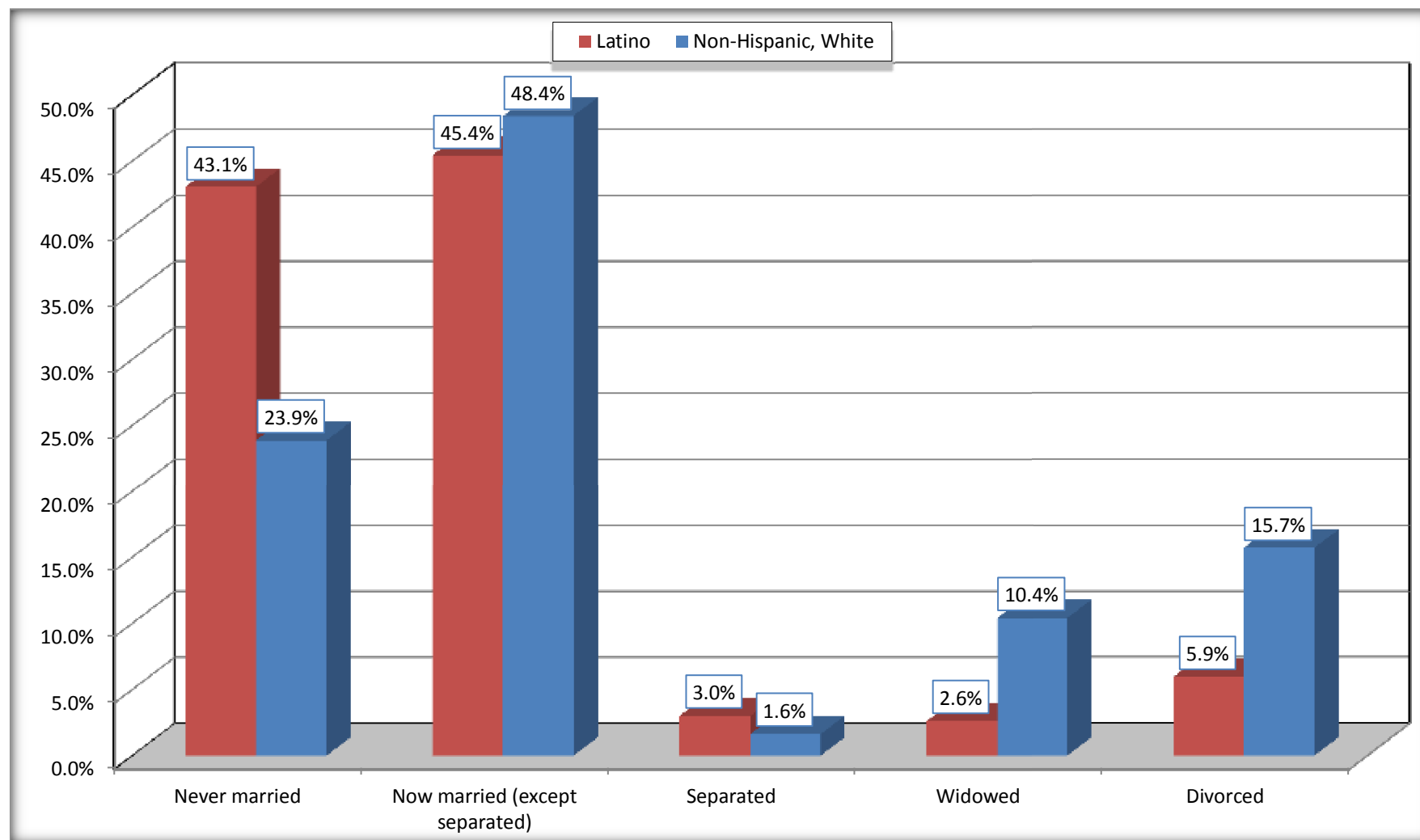
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Marital Status for the Population 15 Years and Over

Yakima city, Washington



Source: C12002. MARITAL STATUS FOR THE POPULATION 15 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	18,732	1,162	100.0%	36,029	1,225	100.0%
Less than high school diploma	10,364	NC	55.3%	4,462	NC	12.4%
High school graduate, GED, or alternative	4,370	NC	23.3%	9,904	NC	27.5%
Some college or associate's degree	3,263	NC	17.4%	12,633	NC	35.1%
Bachelor's degree or higher	735	NC	3.9%	9,030	NC	25.1%
Male:	9,739	715	52.0%	16,673	726	46.3%
Less than high school diploma	5,895	725	31.5%	2,239	414	6.2%
High school graduate, GED, or alternative	1,986	494	10.6%	4,669	635	13.0%
Some college or associate's degree	1,435	452	7.7%	5,457	633	15.1%
Bachelor's degree or higher	423	269	2.3%	4,308	508	12.0%
Female:	8,993	675	48.0%	19,356	765	53.7%
Less than high school diploma	4,469	605	23.9%	2,223	438	6.2%
High school graduate, GED, or alternative	2,384	518	12.7%	5,235	613	14.5%
Some college or associate's degree	1,828	372	9.8%	7,176	692	19.9%
Bachelor's degree or higher	312	161	1.7%	4,722	591	13.1%

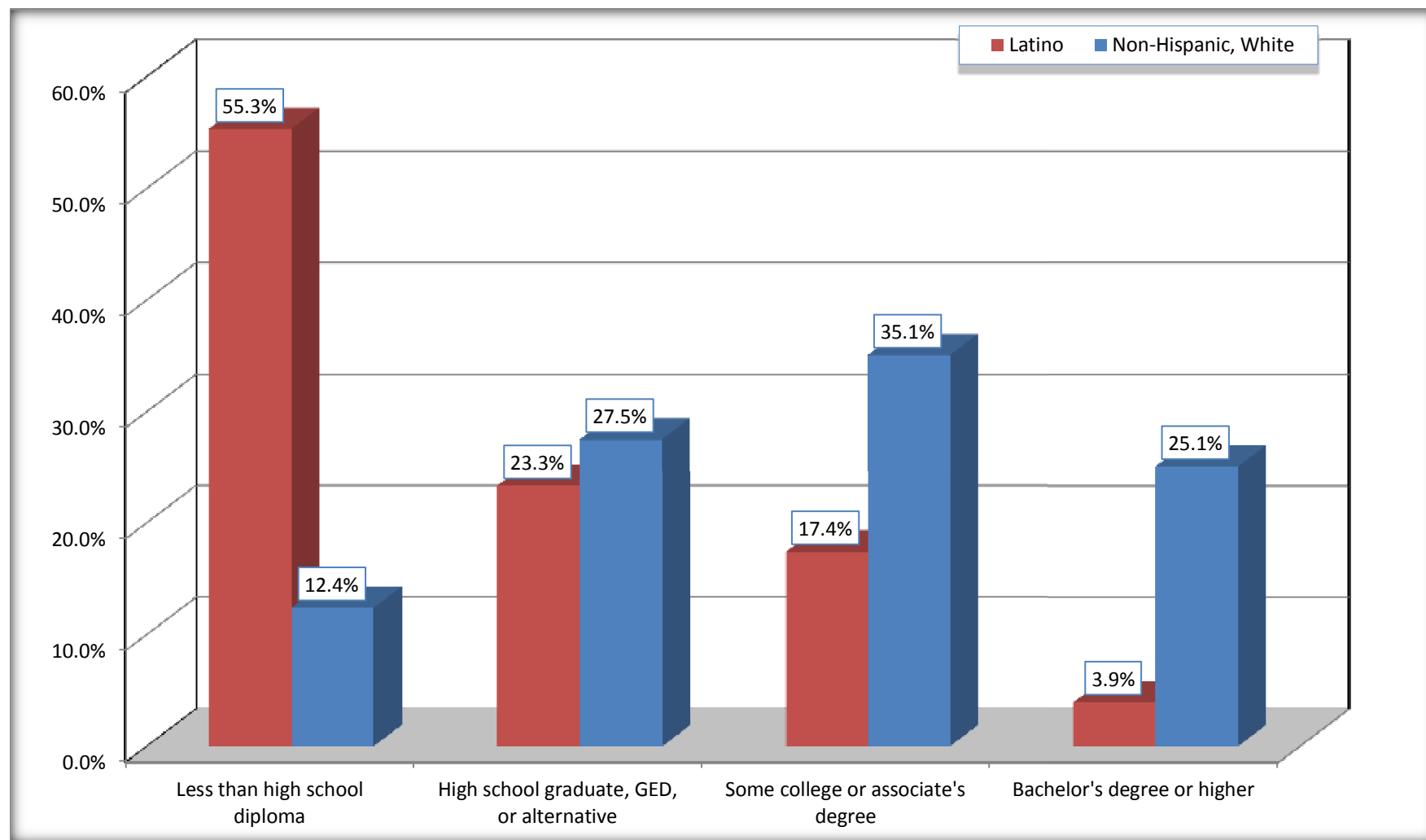
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Educational Attainment for the Population 25 Years and Older

Yakima city, Washington



Source: C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER
Data Set: 2010-2012 American Community Survey 3-Year Estimates

Case 2:12-cv-03108-TOR Document 66-2 Filed 07/01/14

B16005. NATIVITY BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER
Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	34,191	1,616	100.0%	44,716	1,486	100.0%
Speak only English	5,114	NC	15.0%	43,385	NC	97.0%
Speak another language	29,077	NC	85.0%	1,331	NC	3.0%
Speak English "very well"	12,217	NC	35.7%	1,184	NC	2.6%
Speak English "less than very well"	16,860	NC	49.3%	147	NC	0.3%
Native:	19,640	1,465	57.4%	44,213	1,503	98.9%
Speak only English	5,027	1,022	14.7%	43,018	1,503	96.2%
Speak another language	14,613	1,309	42.7%	1,195	395	2.7%
Speak English "very well"	9,194	1,277	26.9%	1,098	381	2.5%
Speak English "less than very well"	5,419	891	15.8%	97	89	0.2%
Foreign born:	14,551	1,448	42.6%	503	205	1.1%
Speak only English	87	76	0.3%	367	173	0.8%
Speak another language	14,464	1,437	42.3%	136	102	0.3%
Speak English "very well"	3,023	735	8.8%	86	66	0.2%
Speak English "less than very well"	11,441	1,238	33.5%	50	57	0.1%

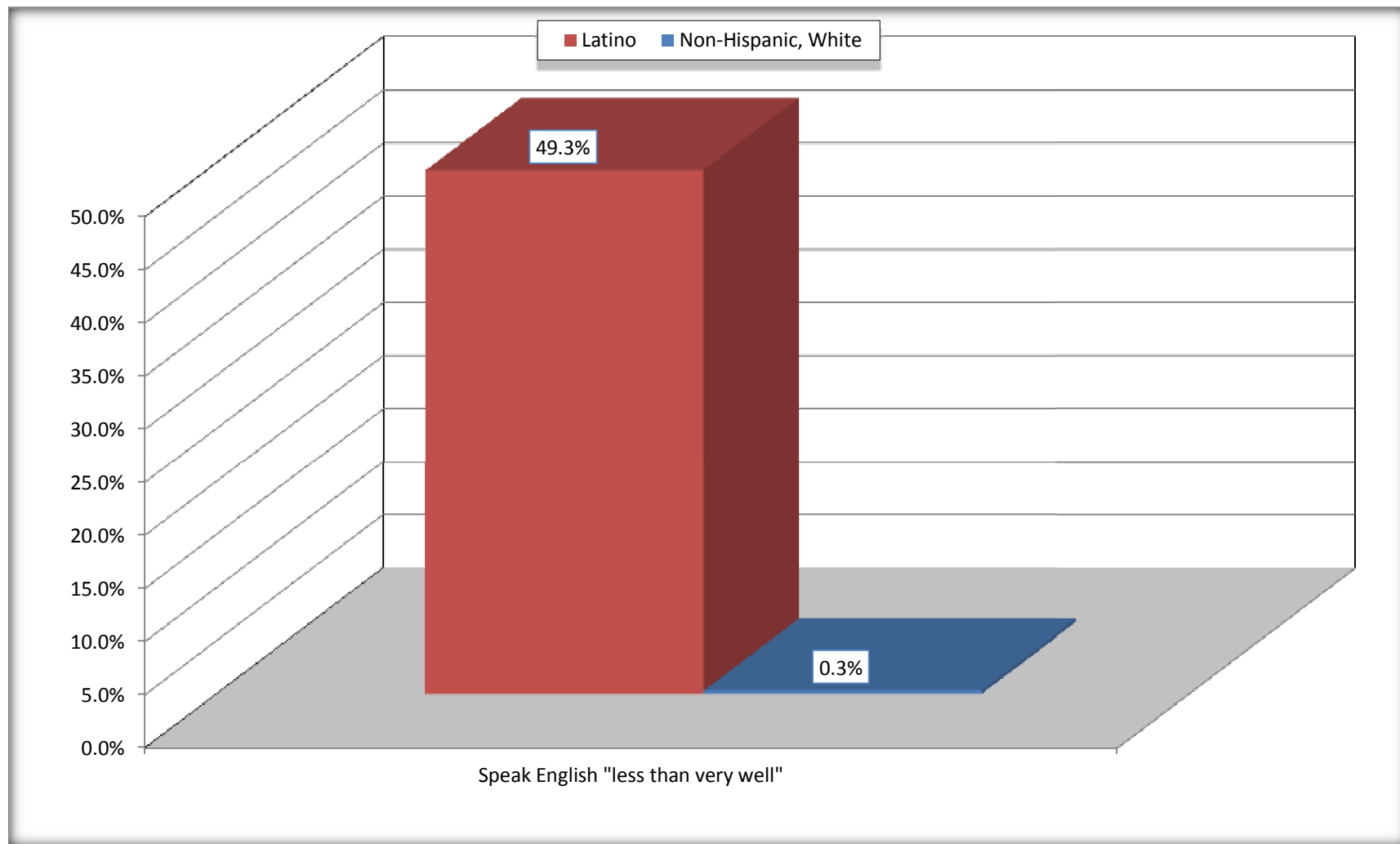
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Speak English "Less than Very Well" (Population 5 Years and Over)

Yakima city, Washington



Source: B16005. NATIVITY BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER
Data Set: 2010-2012 American Community Survey 3-Year Estimates

C17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	8,476	575	100.0%	12,283	679	100.0%
Income in the past 12 months below poverty level:	2,559	482	30.2%	1,215	361	9.9%
Married-couple family:	885	343	10.4%	286	138	2.3%
With related children under 18 years	745	303	8.8%	160	105	1.3%
Other family:	1,674	396	19.7%	929	324	7.6%
Male householder, no wife present	376	209	4.4%	149	106	1.2%
With related children under 18 years	330	205	3.9%	122	95	1.0%
Female householder, no husband present	1,298	322	15.3%	780	308	6.4%
With related children under 18 years	1,248	319	14.7%	483	222	3.9%
Income in the past 12 months at or above poverty level:	5,917	620	69.8%	11,068	691	90.1%
Married-couple family:	4,144	620	48.9%	8,967	659	73.0%
With related children under 18 years	2,795	534	33.0%	2,834	414	23.1%
Other family:	1,773	445	20.9%	2,101	375	17.1%
Male householder, no wife present	818	284	9.7%	754	262	6.1%
With related children under 18 years	567	259	6.7%	407	181	3.3%
Female householder, no husband present	955	331	11.3%	1,347	286	11.0%
With related children under 18 years	542	267	6.4%	800	229	6.5%

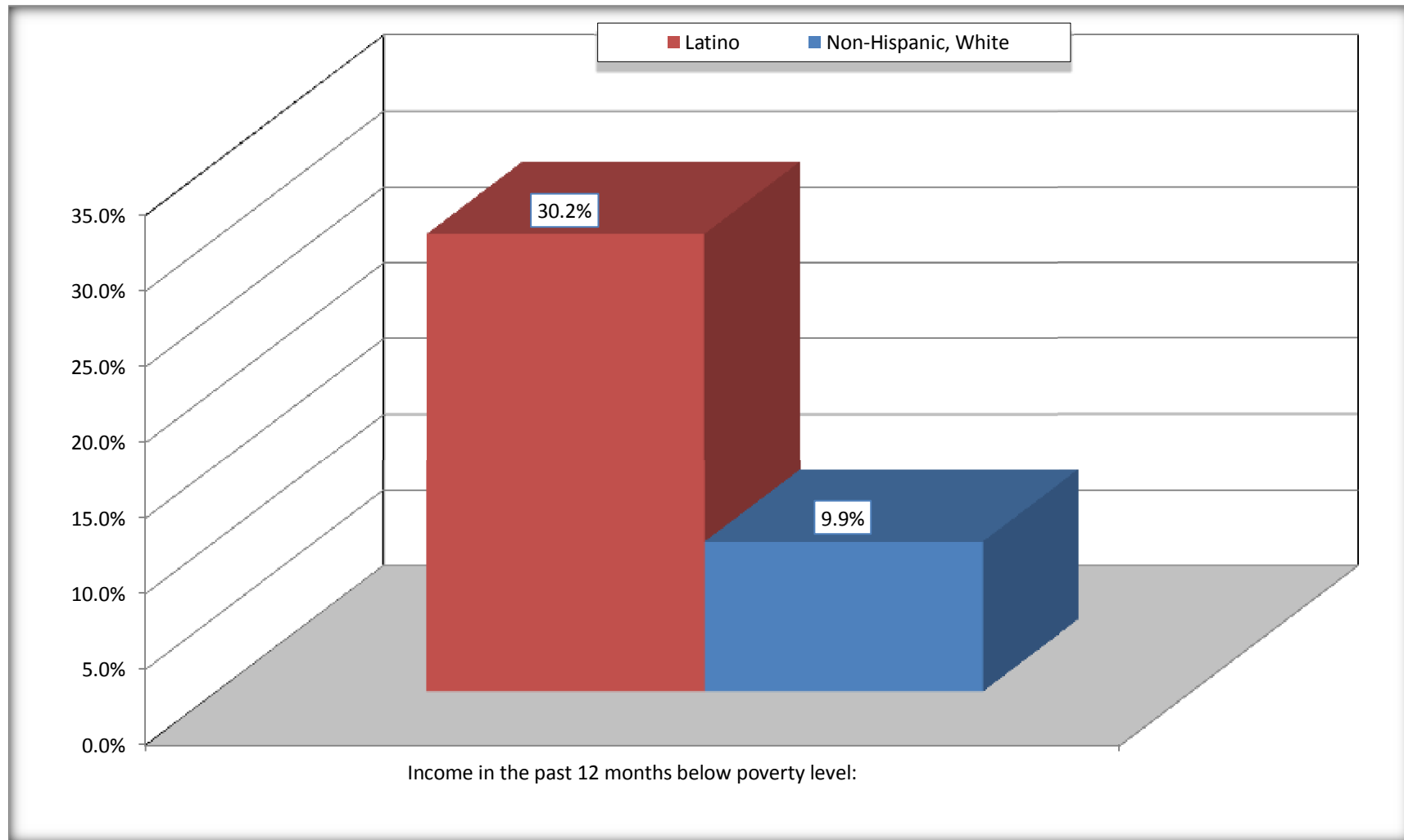
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Family Households Below Poverty in the Past 12 Months

Yakima city, Washington

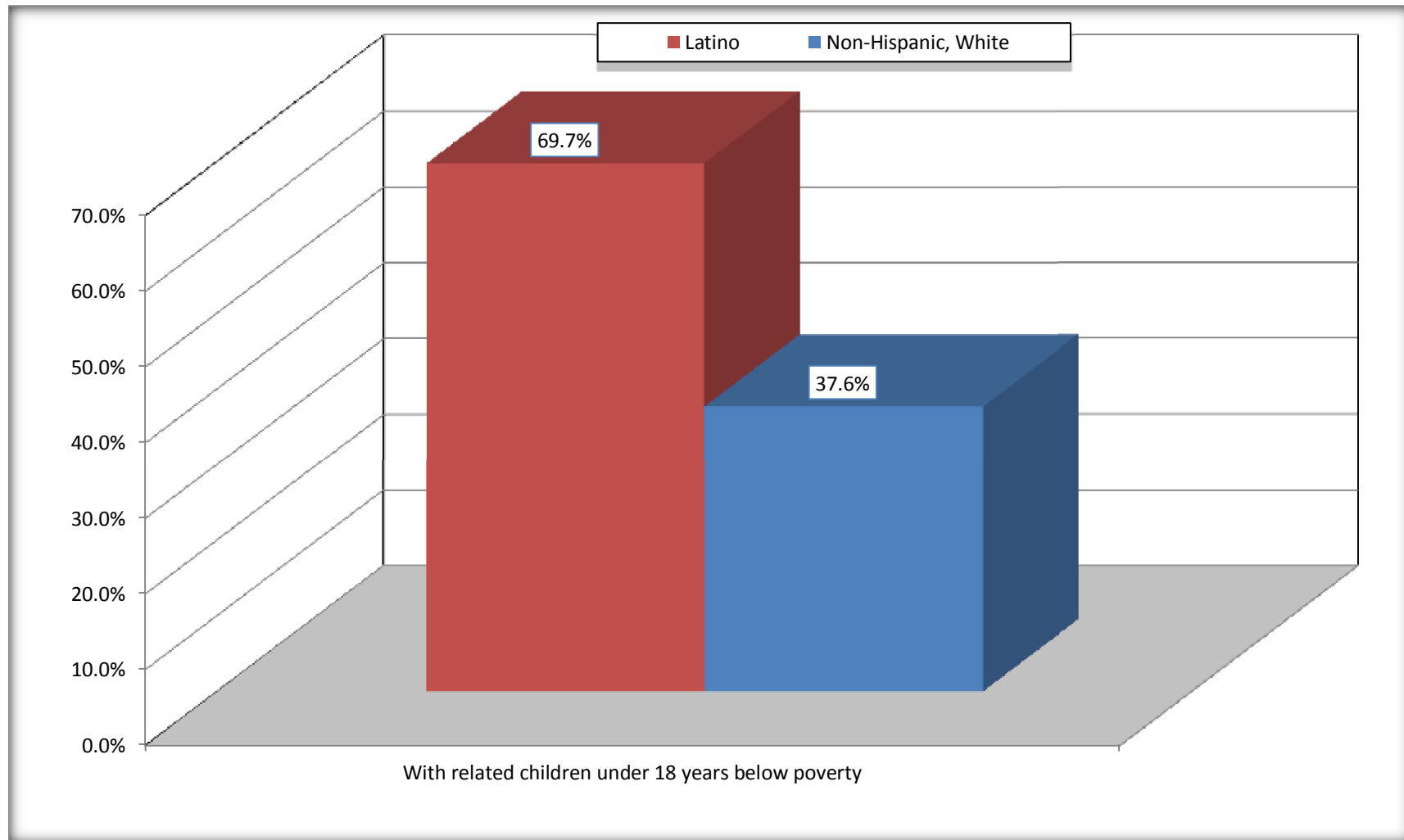


Source: C17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

Female-headed Households with Related Children Below Poverty in the Past 12 Months

Yakima city, Washington



Source: C17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C17020 POVERTY STATUS IN THE PAST 12 MONTHS BY AGE - Universe: POPULATION FOR WHOM POVERTY STATUS IS DETERMINED

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino By Age	White, Not Hispanic	Margin of Error (+/-)	% of NHW By Age
Total:	39,064	1,649	100.0%	45,344	1,513	100.0%
Income in the past 12 months below poverty level:	14,060	2,399	36.0%	6,260	1,070	13.8%
Under 18 years	7,352	1,590	46.8%	1,011	468	14.2%
18 to 64 years	6,358	1,142	29.1%	4,237	728	15.1%
65 years and over	350	193	23.3%	1,012	287	9.9%
Income in the past 12 months at or above poverty level:	25,004	2,462	64.0%	39,084	1,655	86.2%
Under 18 years	8,349	1,312	53.2%	6,103	813	85.8%
18 to 64 years	15,500	1,461	70.9%	23,752	1,157	84.9%
65 years and over	1,155	317	76.7%	9,229	660	90.1%

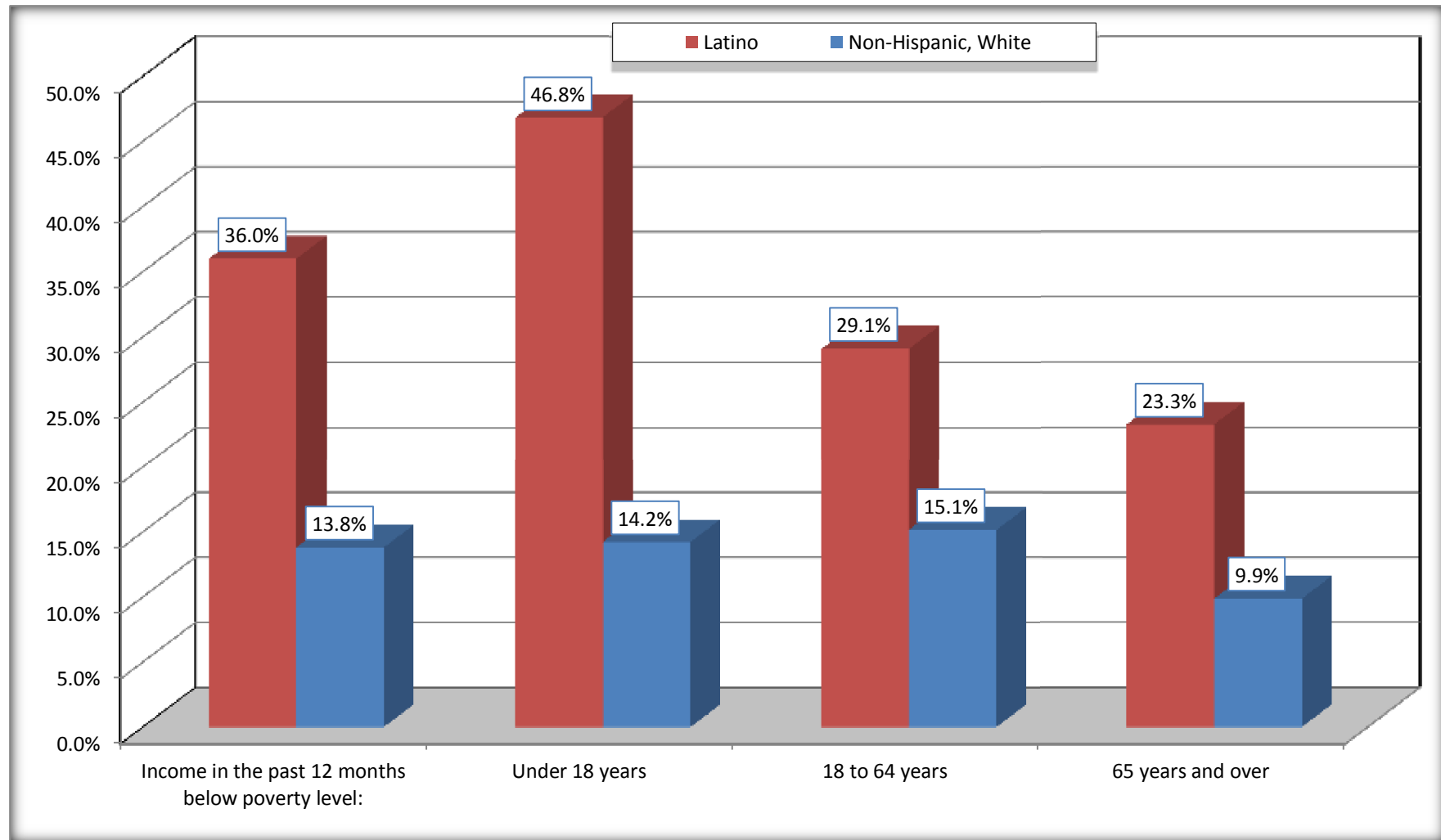
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Population Below Poverty in the Past 12 Months

Yakima city, Washington



Source: C17020 POVERTY STATUS IN THE PAST 12 MONTHS BY AGE - Universe: POPULATION FOR WHOM POVERTY STATUS IS DETERMINED
Data Set: 2010-2012 American Community Survey 3-Year Estimates

C19001. HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	9,701	628	100.0%	21,487	919	100.0%
Less than \$ 10,000	853	276	8.8%	1,631	336	7.6%
\$ 10,000 to \$ 14,999	620	252	6.4%	1,269	345	5.9%
\$ 15,000 to \$ 24,999	2,225	402	22.9%	3,127	468	14.6%
\$ 25,000 to \$ 34,999	1,257	399	13.0%	2,599	476	12.1%
\$ 35,000 to \$ 49,999	1,909	453	19.7%	2,879	397	13.4%
\$ 50,000 to \$ 74,999	1,752	387	18.1%	3,394	505	15.8%
\$ 75,000 to \$ 99,999	571	223	5.9%	2,871	447	13.4%
\$ 100,000 to \$ 149,999	359	224	3.7%	2,305	448	10.7%
\$ 150,000 to \$ 199,999	133	180	1.4%	823	255	3.8%
\$ 200,000 or more	22	35	0.2%	589	255	2.7%

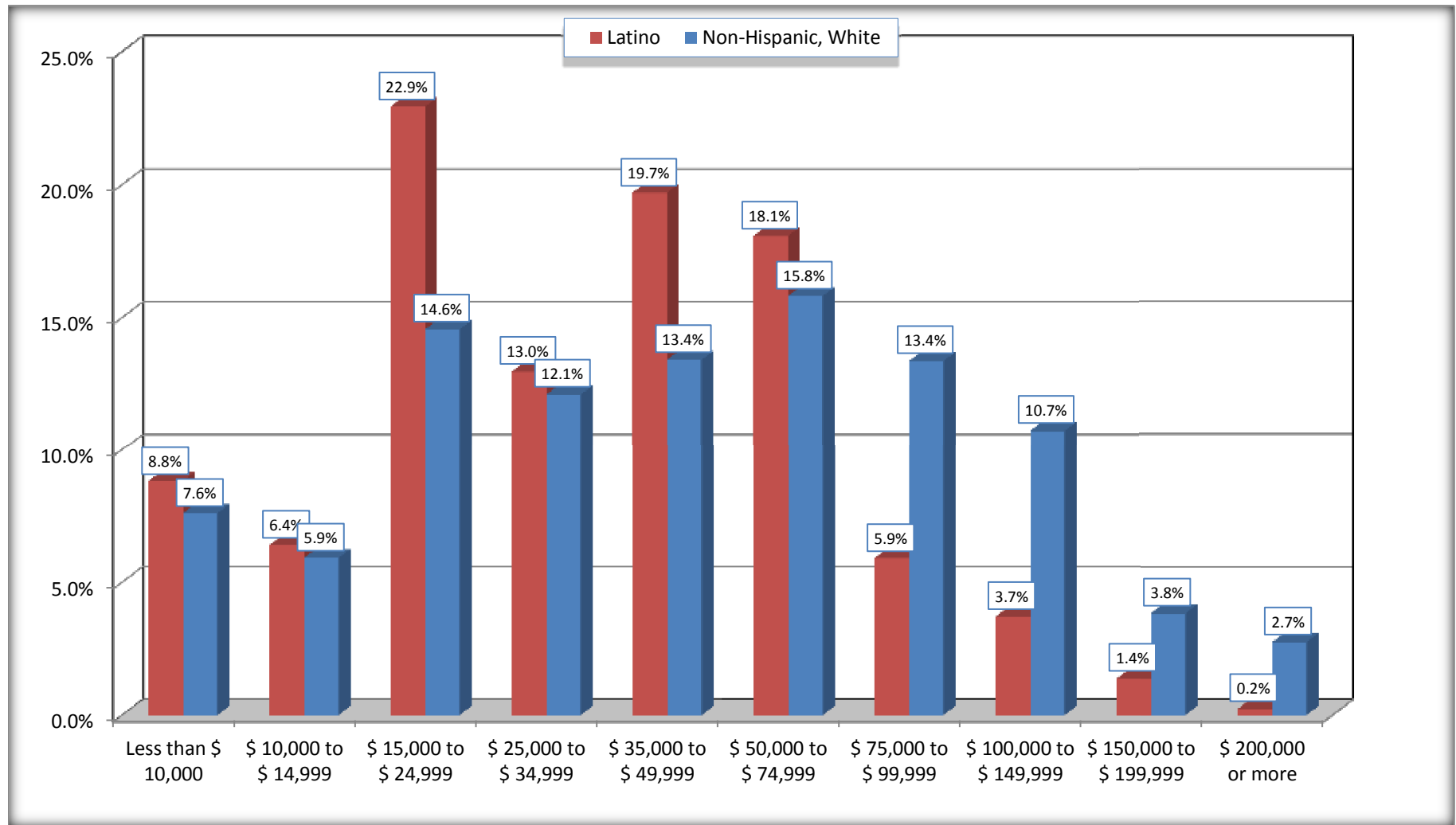
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Household Income in the Past 12 Months

Yakima city, Washington



Source: C19001. HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

B19013. MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington			
	Latino	Margin of Error (+/-)	White, Not Hispanic	Margin of Error (+/-)
Median household income in the past 12 months (in 2012 inflation-adjusted dollars)	\$ 33,507	\$ 6,289	\$ 45,468	\$ 3,782

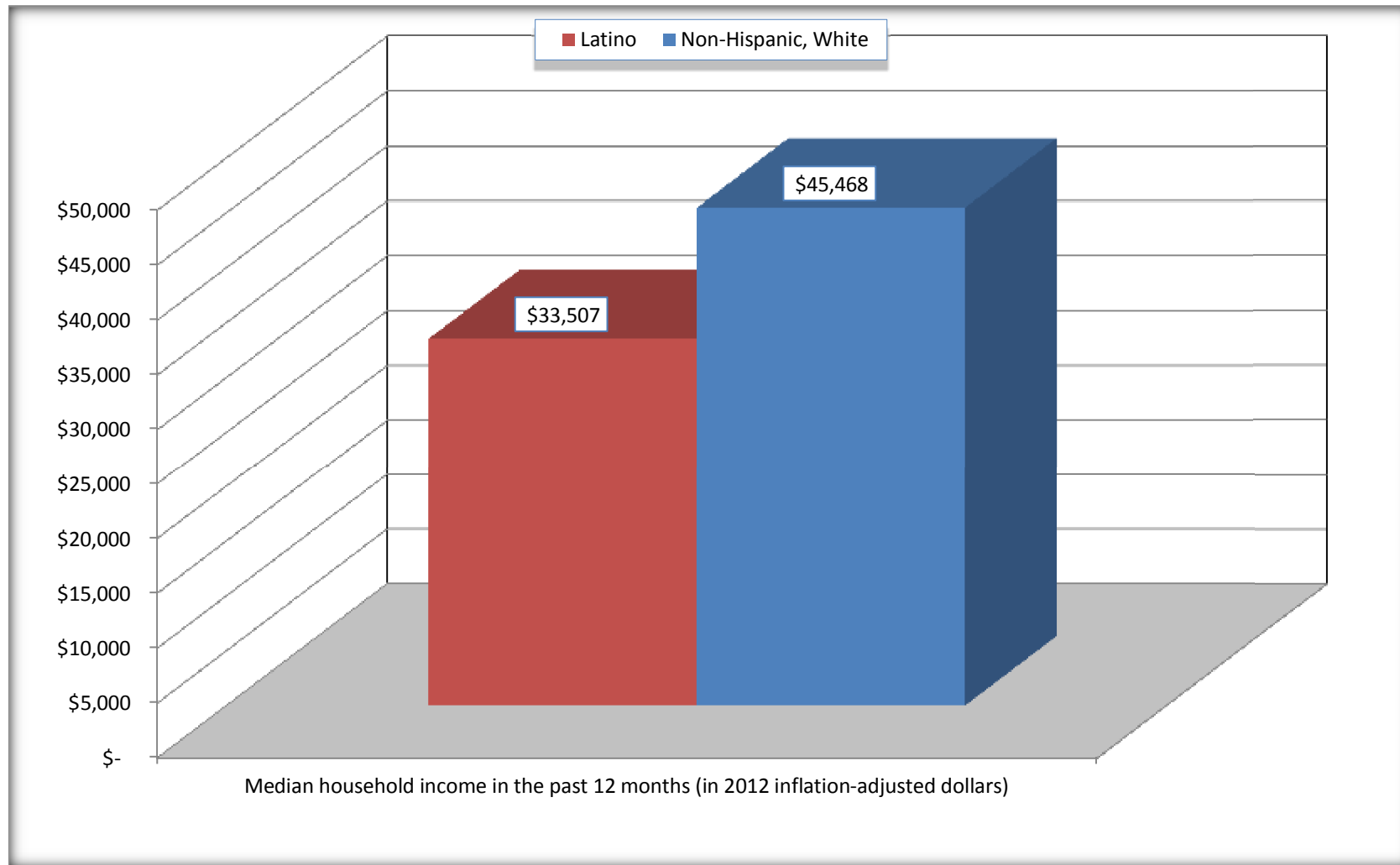
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Median Household Income in the Past 12 Months

Yakima city, Washington



Source: B19013. MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C19101. FAMILY INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	8,476	575	100.0%	12,283	679	100.0%
Less than \$ 10,000	855	273	10.1%	552	251	4.5%
\$ 10,000 to \$ 14,999	638	249	7.5%	297	157	2.4%
\$ 15,000 to \$ 24,999	2,067	483	24.4%	990	321	8.1%
\$ 25,000 to \$ 34,999	1,088	367	12.8%	1,100	340	9.0%
\$ 35,000 to \$ 49,999	1,557	427	18.4%	1,704	308	13.9%
\$ 50,000 to \$ 74,999	1,394	390	16.4%	2,415	383	19.7%
\$ 75,000 to \$ 99,999	448	195	5.3%	2,050	361	16.7%
\$ 100,000 to \$ 149,999	274	193	3.2%	2,032	387	16.5%
\$ 150,000 to \$ 199,999	133	180	1.6%	654	242	5.3%
\$ 200,000 or more	22	35	0.3%	489	188	4.0%

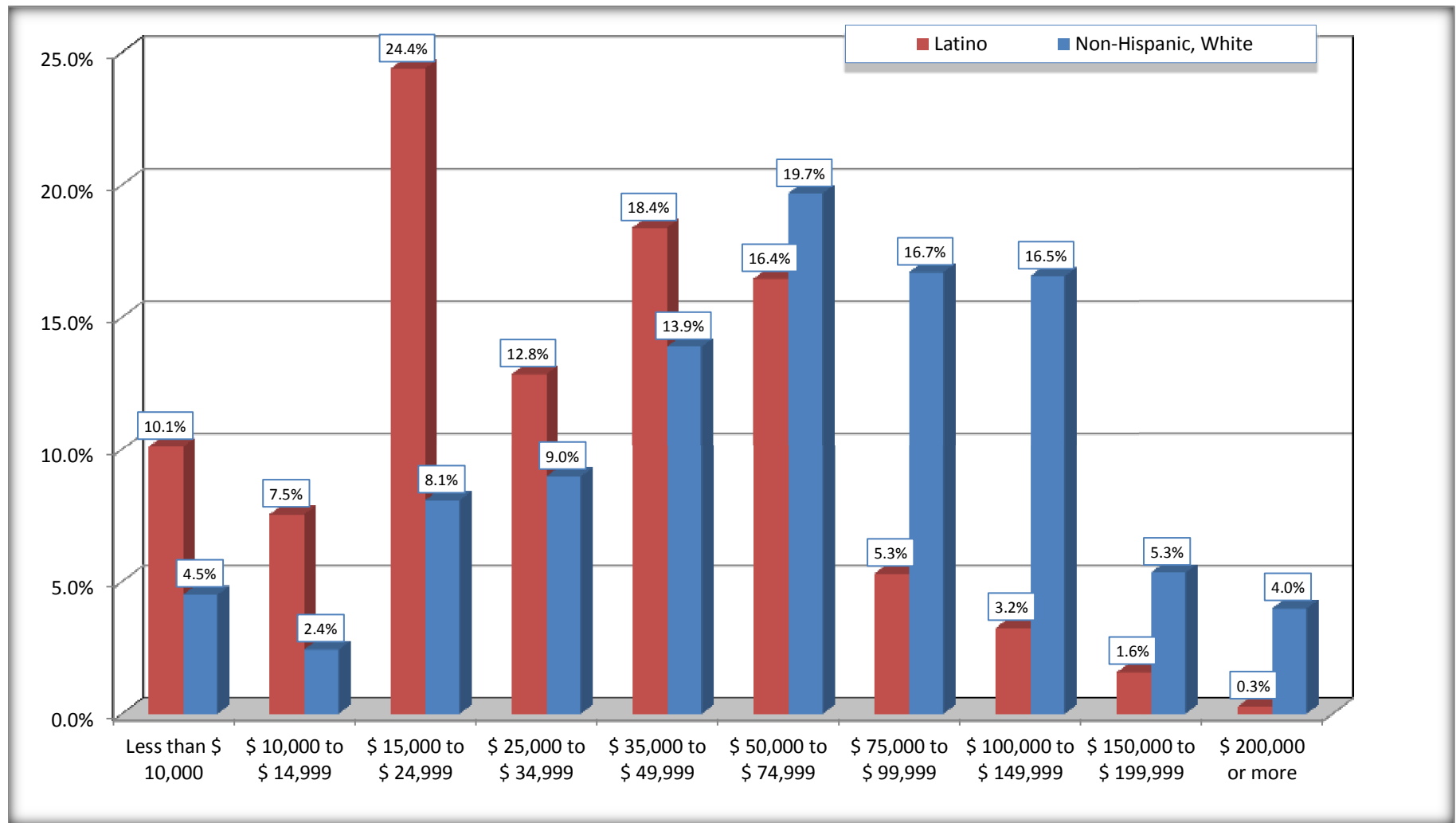
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Family Income in the Past 12 Months

Yakima city, Washington



Source: C19101. FAMILY INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington			
	Latino	Margin of Error (+/-)	White, Not Hispanic	Margin of Error (+/-)
Median family income in the past 12 months (in 2012 inflation-adjusted dollars)	\$ 29,846	\$ 4,137	\$ 65,636	\$ 3,123

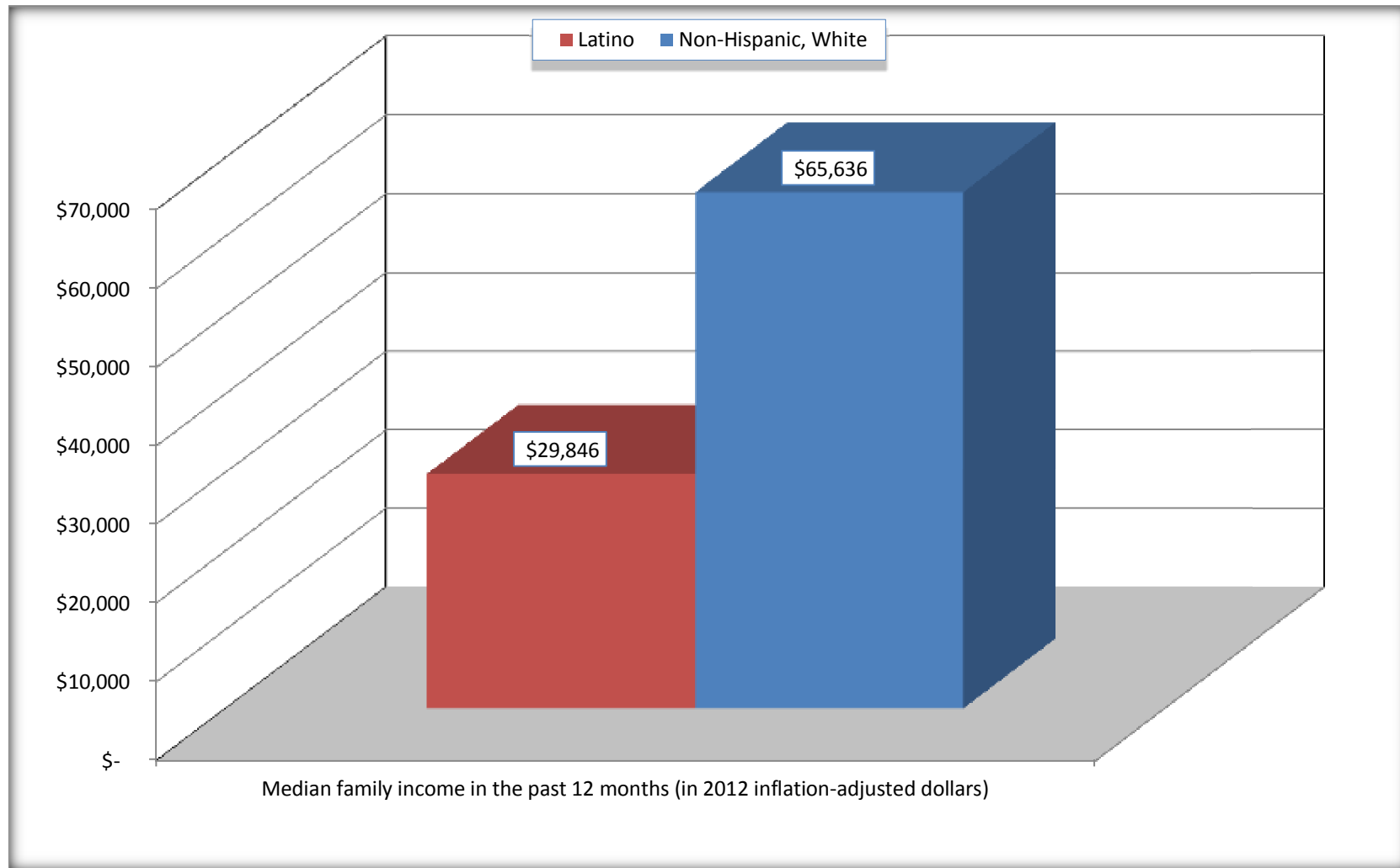
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Median Family Income in the Past 12 Months

Yakima city, Washington



Source: B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

B19202. MEDIAN NONFAMILY HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington			
	Latino	Margin of Error (+/-)	White, Not Hispanic	Margin of Error (+/-)
Median nonfamily household income in the past 12 months (in 2012 inflation-adjusted dollars)	\$ 26,992	\$ 12,716	\$ 26,543	\$ 2,460

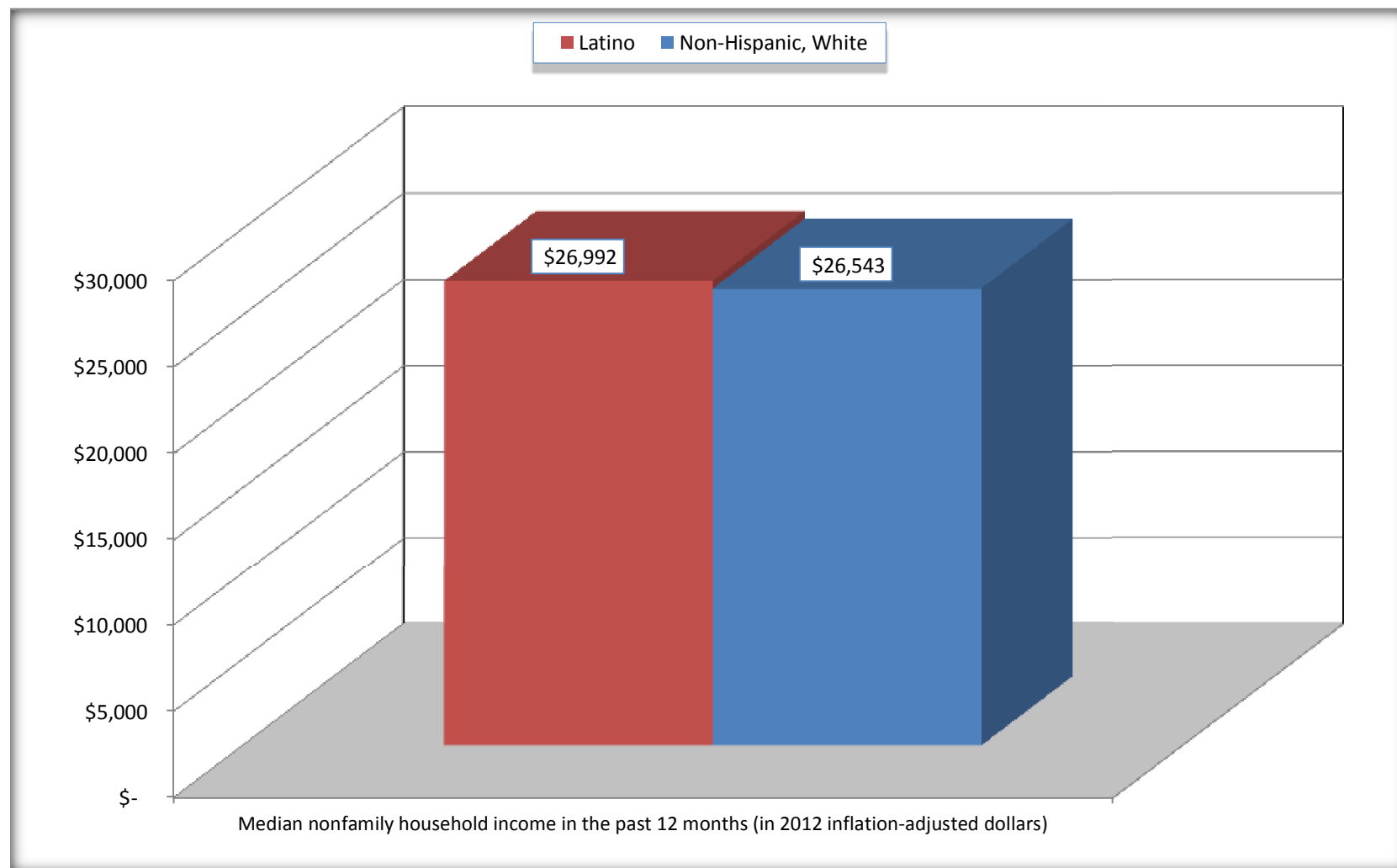
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Median Non-Family Income in the Past 12 Months

Yakima city, Washington



Source: B19202. MEDIAN NONFAMILY HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)
Data Set: 2010-2012 American Community Survey 3-Year Estimates

B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington			
	Latino	Margin of Error (+/-)	White, Not Hispanic	Margin of Error (+/-)
Per capita income in the past 12 months (in 2012 inflation-adjusted dollars)	\$ 10,593	\$ 993	\$ 29,586	\$ 1,777

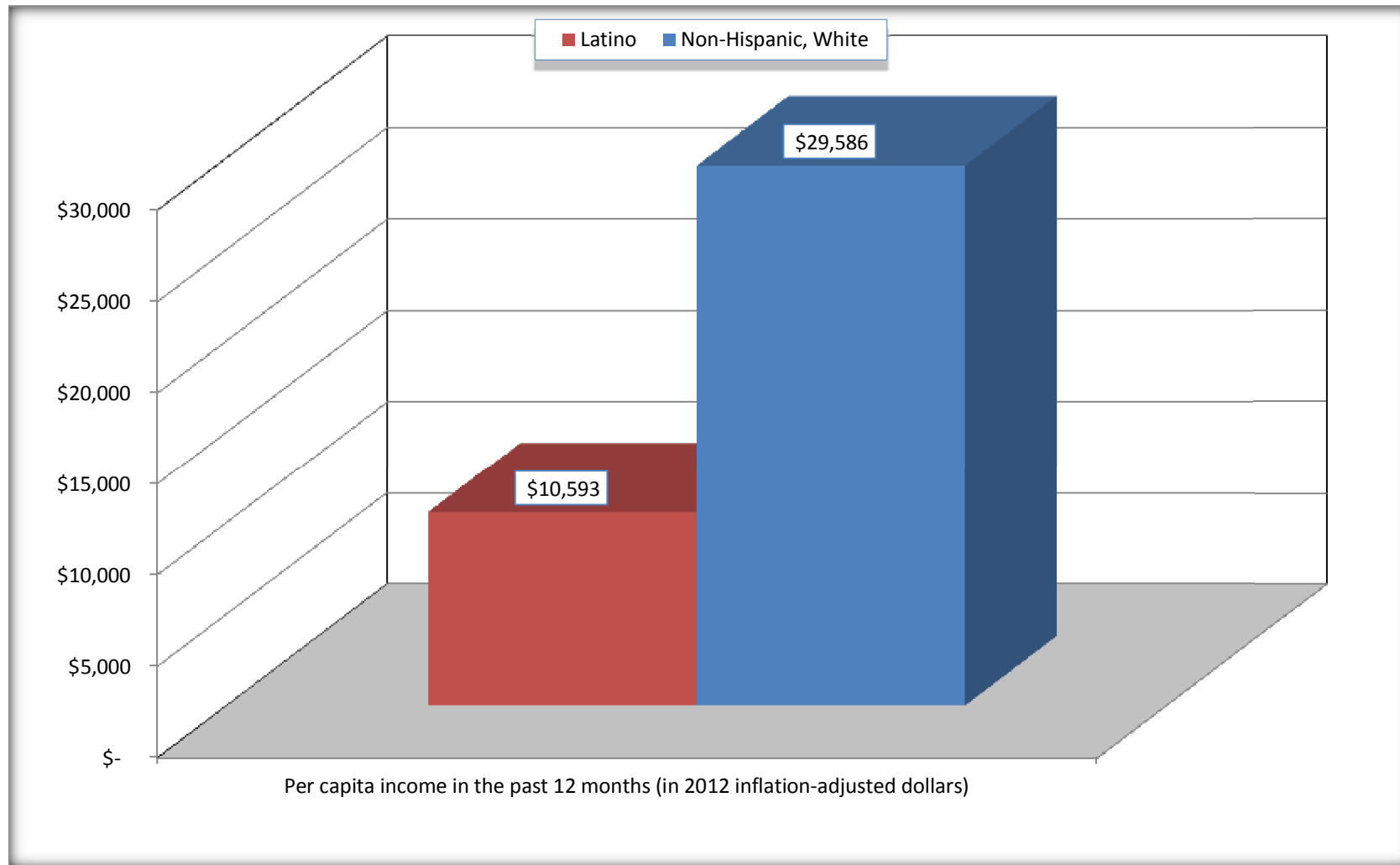
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Per capita Income in the Past 12 Months

Yakima city, Washington



Source: B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS)

Data Set: 2010-2012 American Community Survey 3-Year Estimates

B20017. MEDIAN EARNINGS IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS) BY SEX BY WORK EXPERIENCE IN THE PAST 12 MONTHS FOR THE POPULATION 16 YEARS AND OVER WITH EARNINGS IN THE PAST 12 MONTHS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington			
	Latino	Margin of Error (+/-)	White, Not Hispanic	Margin of Error (+/-)
Median earnings in the past 12 months (in 2012 inflation-adjusted dollars) --				
Total:	\$ 16,857	\$ 1,255	\$ 30,549	\$ 2,079
Male --				
Total	\$ 19,808	\$ 2,797	\$ 35,366	\$ 3,886
Worked full-time, year-round in the past 12 months	\$ 28,853	\$ 3,456	\$ 46,877	\$ 3,421
Other	\$ 10,334	\$ 1,465	\$ 11,846	\$ 2,081
Female --				
Total	\$ 14,593	\$ 1,345	\$ 27,005	\$ 4,283
Worked full-time, year-round in the past 12 months	\$ 20,965	\$ 1,121	\$ 37,479	\$ 4,803
Other	\$ 7,029	\$ 2,214	\$ 11,269	\$ 1,249

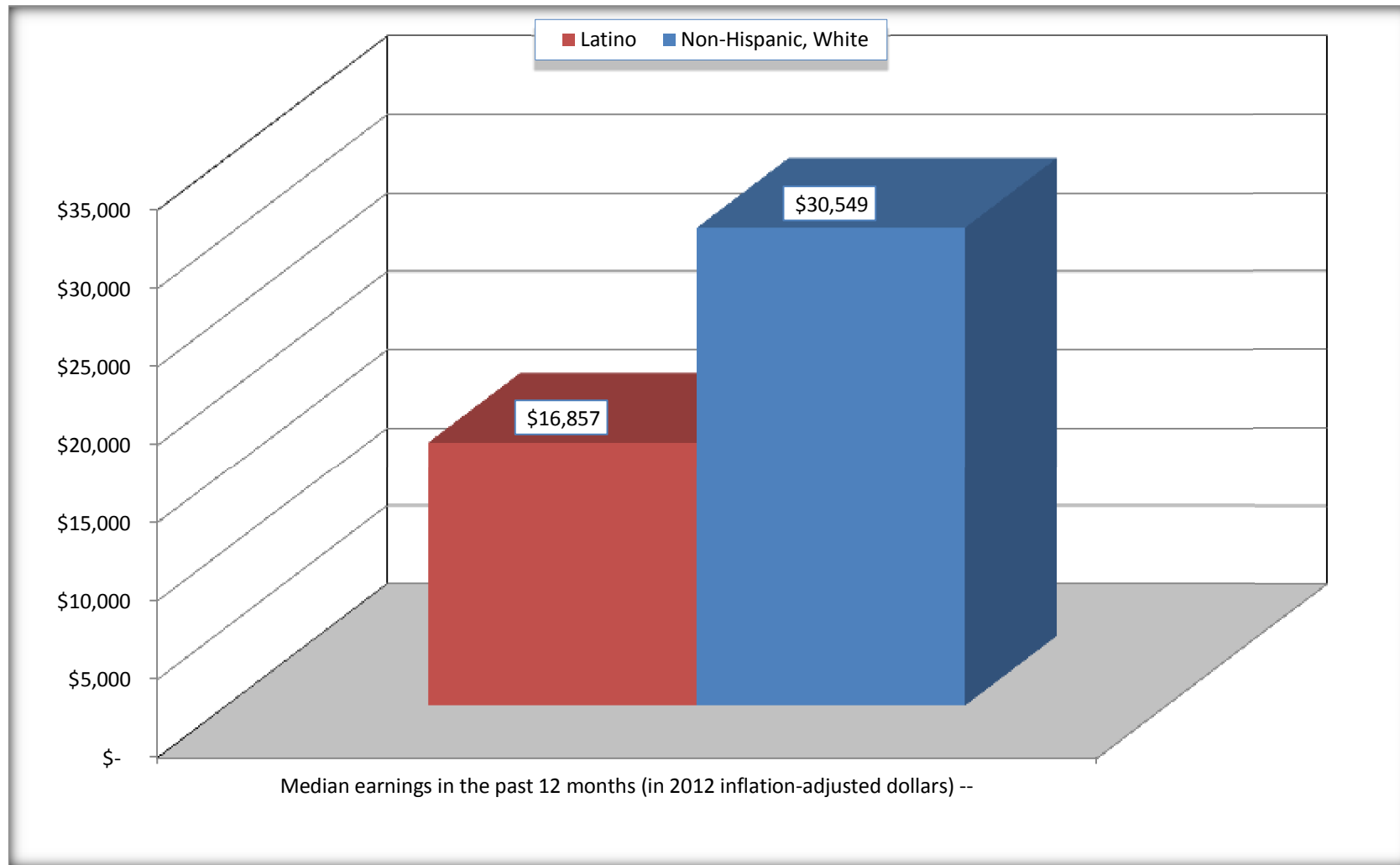
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Median earnings in the Past 12 Months (16 Years and Over with Earnings)

Yakima city, Washington



Source: B20017. MEDIAN EARNINGS IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS) BY SEX BY WORK EXPERIENCE IN THE PAST 12 MONTHS FOR THE POPULATION 16 YEARS AND OVER WITH EARNINGS IN THE PAST 12 MONTHS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C20005. SEX BY WORK EXPERIENCE IN THE PAST 12 MONTHS BY EARNINGS IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS) FOR THE POPULATION 16 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	25,282	1,246	100.0%	40,390	1,349	100.0%
Worked full-time, year-round in the past 12 months:	9,207	NC	36.4%	14,594	NC	36.1%
No earnings	0	NC	0.0%	0	NC	0.0%
With earnings:	9,207	NC	36.4%	14,594	NC	36.1%
\$ 1 to \$ 9,999 or less	233	NC	0.9%	197	NC	0.5%
\$ 10,000 to \$ 19,999	2,751	NC	10.9%	1,702	NC	4.2%
\$ 20,000 to \$ 29,999	2,720	NC	10.8%	2,230	NC	5.5%
\$ 30,000 to \$ 49,999	2,440	NC	9.7%	4,793	NC	11.9%
\$ 50,000 to \$ 74,999	808	NC	3.2%	2,939	NC	7.3%
\$ 75,000 or more	255	NC	1.0%	2,733	NC	6.8%
Other:	16,075	NC	63.6%	25,796	NC	63.9%
No earnings	6,769	NC	26.8%	16,371	NC	40.5%
With earnings: less than full time, year-round	9,306	NC	36.8%	9,425	NC	23.3%
\$ 1 to \$ 9,999 or less	4,879	NC	19.3%	4,063	NC	10.1%
\$ 10,000 to \$ 19,999	3,020	NC	11.9%	2,761	NC	6.8%
\$ 20,000 to \$ 29,999	793	NC	3.1%	831	NC	2.1%
\$ 30,000 to \$ 49,999	406	NC	1.6%	798	NC	2.0%
\$ 50,000 to \$ 74,999	208	NC	0.8%	774	NC	1.9%
\$ 75,000 or more	0	NC	0.0%	198	NC	0.5%
Male:	13,334	799	52.7%	18,906	867	46.8%
Worked full-time, year-round in the past 12 months:	5,511	695	21.8%	7,556	614	18.7%
No earnings	0	115	0.0%	0	115	0.0%
With earnings:	5,511	695	21.8%	7,556	614	18.7%
\$ 1 to \$ 9,999 or less	96	115	0.4%	71	67	0.2%
\$ 10,000 to \$ 19,999	1,314	431	5.2%	678	254	1.7%
\$ 20,000 to \$ 29,999	1,496	382	5.9%	1,132	299	2.8%
\$ 30,000 to \$ 49,999	1,837	494	7.3%	2,129	466	5.3%
\$ 50,000 to \$ 74,999	582	297	2.3%	1,661	316	4.1%
\$ 75,000 or more	186	219	0.7%	1,885	381	4.7%

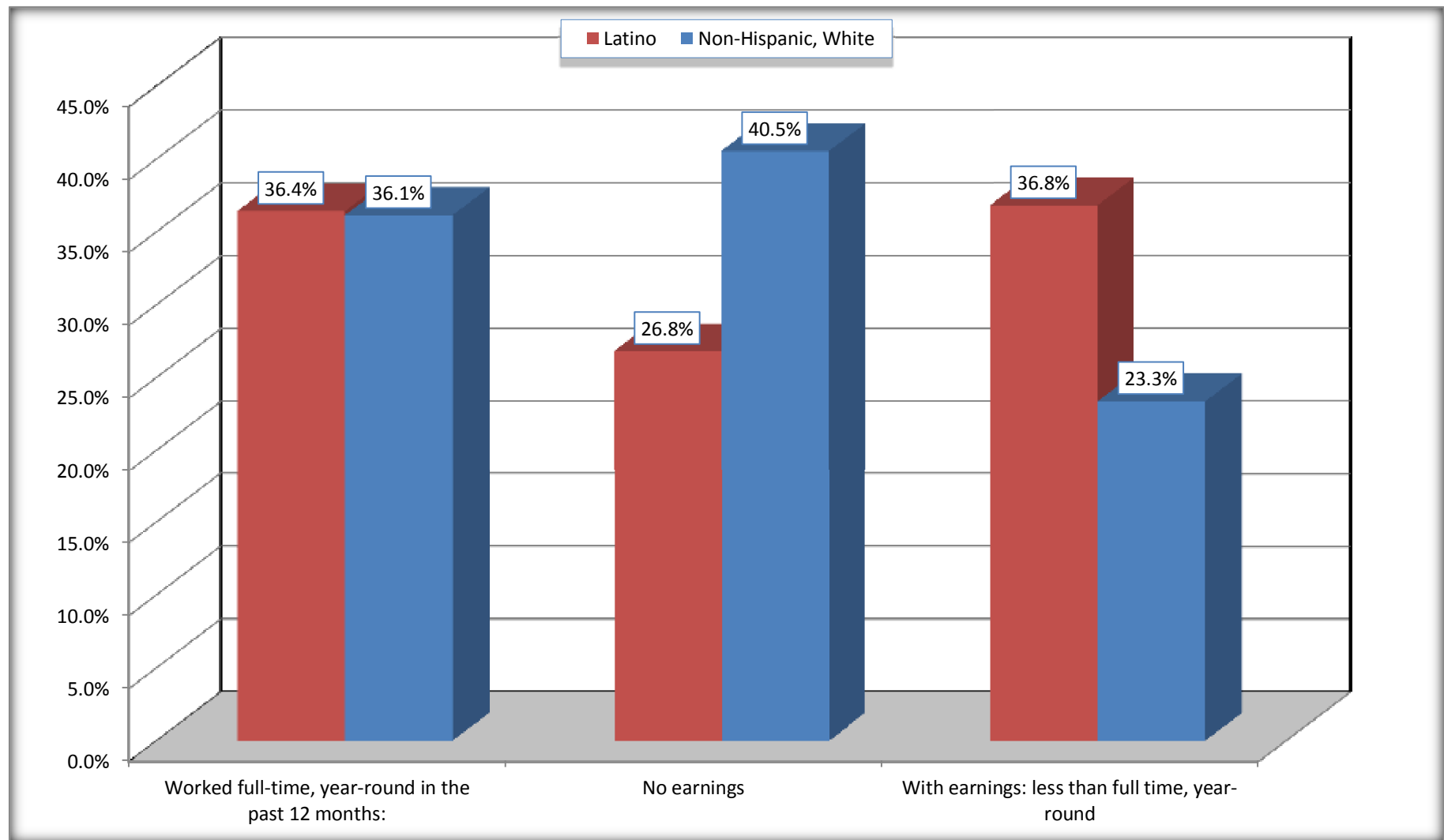
	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Other:	7,823	734	30.9%	11,350	830	28.1%
No earnings	2,925	559	11.6%	6,902	646	17.1%
With earnings:	4,898	700	19.4%	4,448	610	11.0%
\$ 1 to \$ 9,999 or less	2,350	540	9.3%	1,933	409	4.8%
\$ 10,000 to \$ 19,999	1,485	391	5.9%	1,004	265	2.5%
\$ 20,000 to \$ 29,999	633	287	2.5%	499	220	1.2%
\$ 30,000 to \$ 49,999	325	173	1.3%	433	176	1.1%
\$ 50,000 to \$ 74,999	105	123	0.4%	421	215	1.0%
\$ 75,000 or more	0	115	0.0%	158	167	0.4%
Female:	11,948	706	47.3%	21,484	851	53.2%
Worked full-time, year-round in the past 12 months:	3,696	593	14.6%	7,038	748	17.4%
No earnings	0	115	0.0%	0	115	0.0%
With earnings:	3,696	593	14.6%	7,038	748	17.4%
\$ 1 to \$ 9,999 or less	137	141	0.5%	126	115	0.3%
\$ 10,000 to \$ 19,999	1,437	422	5.7%	1,024	395	2.5%
\$ 20,000 to \$ 29,999	1,224	347	4.8%	1,098	311	2.7%
\$ 30,000 to \$ 49,999	603	267	2.4%	2,664	488	6.6%
\$ 50,000 to \$ 74,999	226	144	0.9%	1,278	329	3.2%
\$ 75,000 or more	69	67	0.3%	848	283	2.1%
Other:	8,252	757	32.6%	14,446	984	35.8%
No earnings	3,844	585	15.2%	9,469	762	23.4%
With earnings:	4,408	624	17.4%	4,977	675	12.3%
\$ 1 to \$ 9,999 or less	2,529	524	10.0%	2,130	480	5.3%
\$ 10,000 to \$ 19,999	1,535	397	6.1%	1,757	412	4.4%
\$ 20,000 to \$ 29,999	160	123	0.6%	332	150	0.8%
\$ 30,000 to \$ 49,999	81	89	0.3%	365	187	0.9%
\$ 50,000 to \$ 74,999	103	97	0.4%	353	171	0.9%
\$ 75,000 or more	0	115	0.0%	40	48	0.1%

Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

Employment and Earnings in in the Past 12 Months (16 Years and Over)

Yakima city, Washington



Source: C20005. SEX BY WORK EXPERIENCE IN THE PAST 12 MONTHS BY EARNINGS IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS) FOR THE POPULATION 16 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C21001. SEX BY AGE BY VETERAN STATUS FOR THE CIVILIAN POPULATION 18 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	23,974	1,229	100.0%	39,332	1,294	100.0%
Veteran	459	NC	1.9%	5,174	NC	13.2%
Nonveteran	23,515	NC	98.1%	34,158	NC	86.8%
Male:	12,661	799	52.8%	18,404	820	46.8%
18 to 64 years:	11,900	749	49.6%	14,034	802	35.7%
Veteran	387	246	1.6%	2,108	357	5.4%
Nonveteran	11,513	672	48.0%	11,926	866	30.3%
65 years and over:	761	212	3.2%	4,370	389	11.1%
Veteran	72	64	0.3%	2,722	401	6.9%
Nonveteran	689	203	2.9%	1,648	328	4.2%
Female:	11,313	681	47.2%	20,928	810	53.2%
18 to 64 years:	10,536	655	43.9%	14,532	684	36.9%
Veteran	0	115	0.0%	234	134	0.6%
Nonveteran	10,536	655	43.9%	14,298	669	36.4%
65 years and over:	777	212	3.2%	6,396	407	16.3%
Veteran	0	115	0.0%	110	75	0.3%
Nonveteran	777	212	3.2%	6,286	418	16.0%

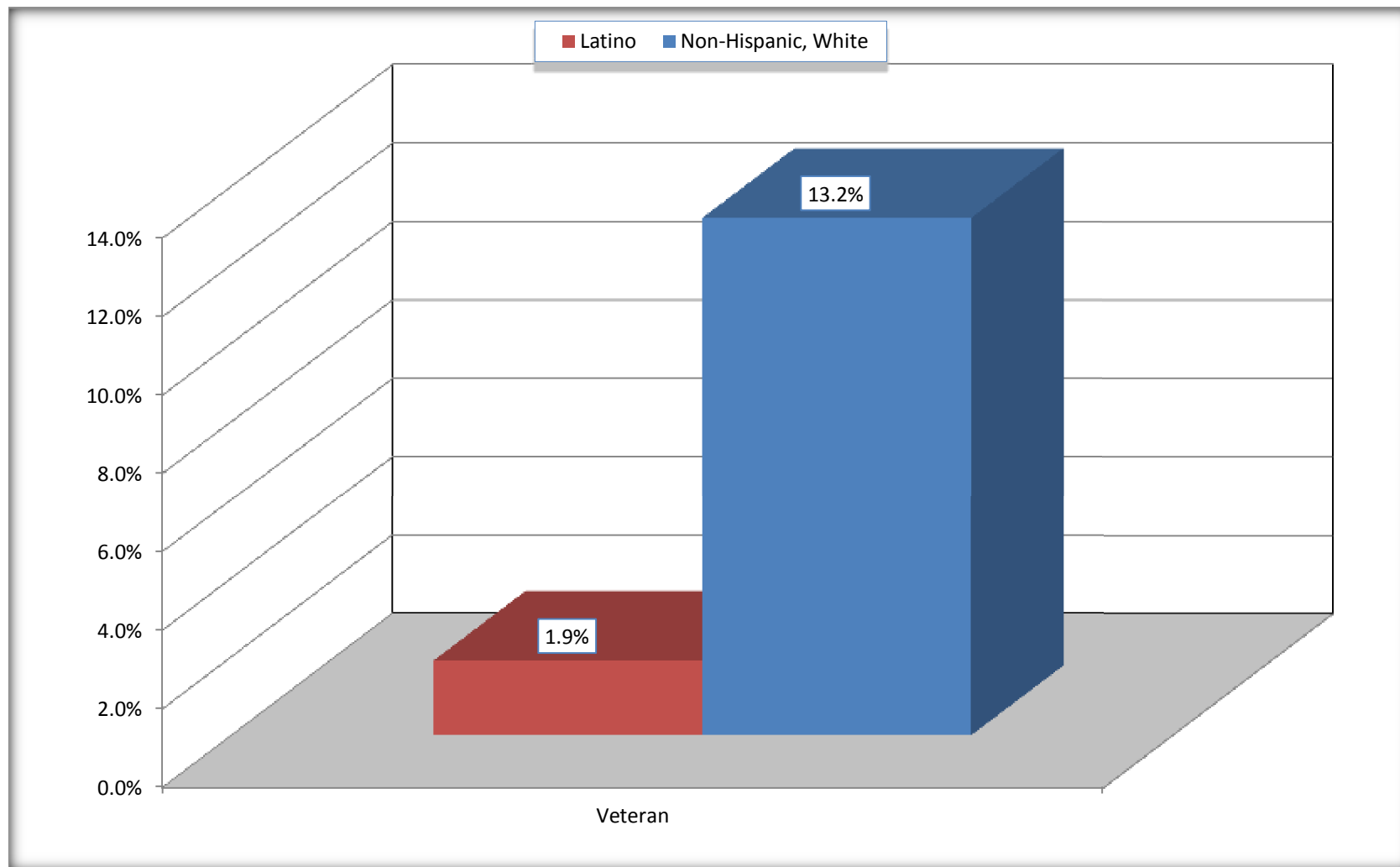
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Veterans in the Civilian Population 18 Years and Over

Yakima city, Washington



Source: C21001. SEX BY AGE BY VETERAN STATUS FOR THE CIVILIAN POPULATION 18 YEARS AND OVER
Data Set: 2010-2012 American Community Survey 3-Year Estimates

B22005. RECEIPT OF FOOD STAMPS/SNAP IN THE PAST 12 MONTHS BY RACE OF HOUSEHOLDER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	9,701	628	100.0%	21,487	919	100.0%
HH received Food Stamps/SNAP in the past 12 months	3,867	575	39.9%	3,871	523	18.0%
HH did not receive Food Stamps/SNAP in the past 12 months	5,834	699	60.1%	17,616	856	82.0%

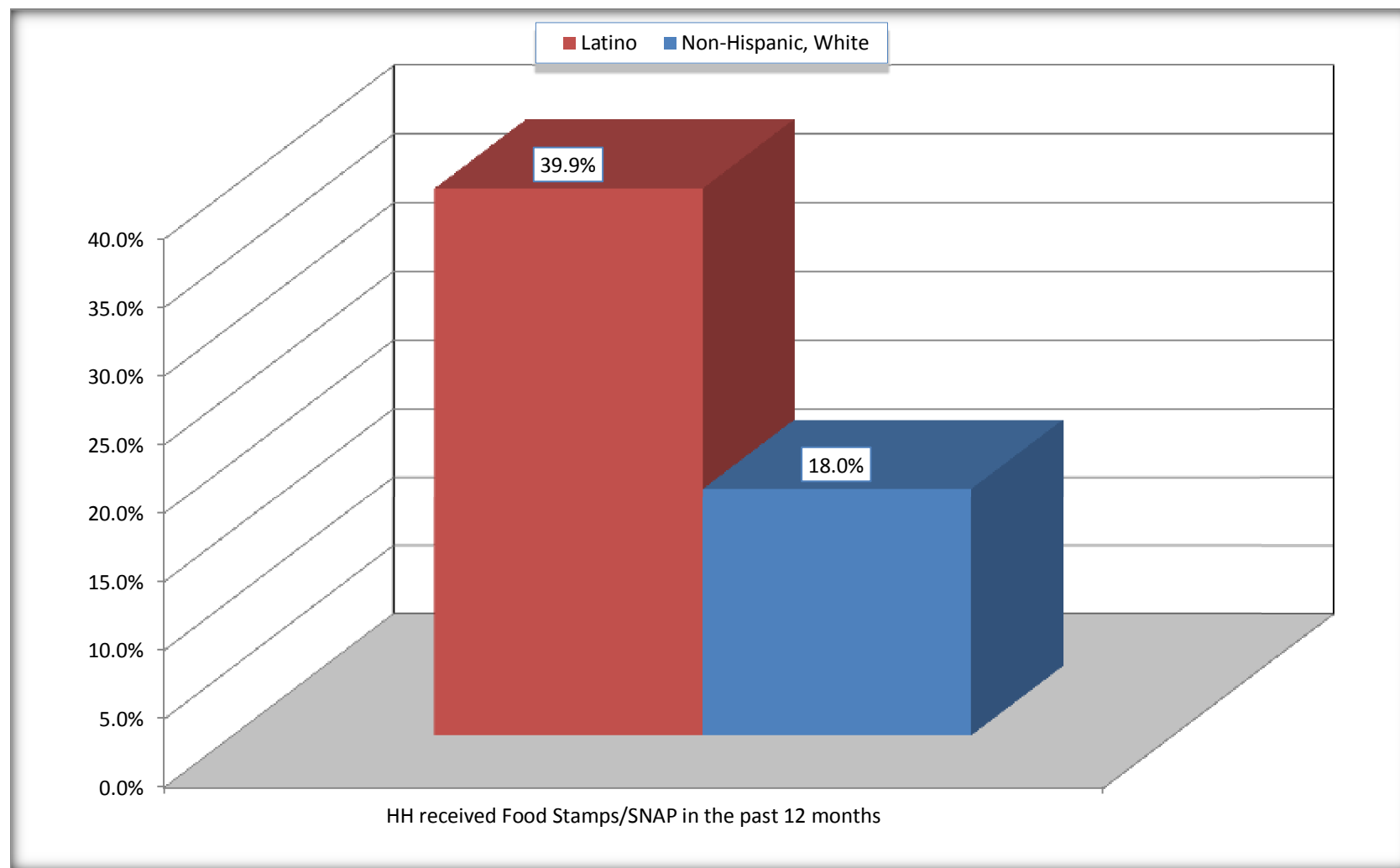
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Receipt of Food Stamps/SNAP in the Past 12 Months by Household

Yakima city, Washington



Source: B22005. RECEIPT OF FOOD STAMPS/SNAP IN THE PAST 12 MONTHS BY RACE OF HOUSEHOLDER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

C23002. SEX BY AGE BY EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	25,282	1,246	100.0%	40,390	1,349	100.0%
In labor force:	17,505	NC	69.2%	23,307	NC	57.7%
In Armed Forces	0	NC	0.0%	30	NC	0.1%
Civilian:	17,076	NC	67.5%	22,018	NC	54.5%
Employed	15,192	NC	60.1%	20,972	NC	51.9%
Unemployed	2,313	NC	9.1%	2,305	NC	5.7%
Not in labor force	7,777	NC	30.8%	17,083	NC	42.3%
Male:	13,334	799	52.7%	18,906	867	46.8%
16 to 64 years:	12,573	768	49.7%	14,536	853	36.0%
In labor force:	9,550	772	37.8%	10,829	845	26.8%
In Armed Forces	0	115	0.0%	30	51	0.1%
Civilian:	9,550	772	37.8%	10,799	837	26.7%
Employed	8467	755	33.5%	9508	728	23.5%
Unemployed	1,083	366	4.3%	1,291	381	3.2%
Not in labor force	3,023	670	12.0%	3,707	570	9.2%
65 years and over:	761	212	3.0%	4,370	389	10.8%
In labor force:	313	157	1.2%	700	221	1.7%
Employed	244	161	1.0%	651	213	1.6%
Unemployed	69	60	0.3%	49	56	0.1%
Not in labor force	448	156	1.8%	3,670	412	9.1%

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Female:	11,948	706	47.3%	21,484	851	53.2%
16 to 64 years:	11,171	669	44.2%	15,088	720	37.4%
In labor force:	7,526	728	29.8%	11,219	623	27.8%
In Armed Forces	0	115	0.0%	0	115	0.0%
Civilian:	7,526	728	29.8%	11,219	623	27.8%
Employed	6,409	736	25.4%	10,278	652	25.4%
Unemployed	1,117	393	4.4%	941	303	2.3%
Not in labor force	3,645	621	14.4%	3,869	522	9.6%
65 years and over:	777	212	3.1%	6,396	407	15.8%
In labor force:	116	81	0.5%	559	213	1.4%
Employed	72	71	0.3%	535	209	1.3%
Unemployed	44	44	0.2%	24	38	0.1%
Not in labor force	661	201	2.6%	5,837	456	14.5%

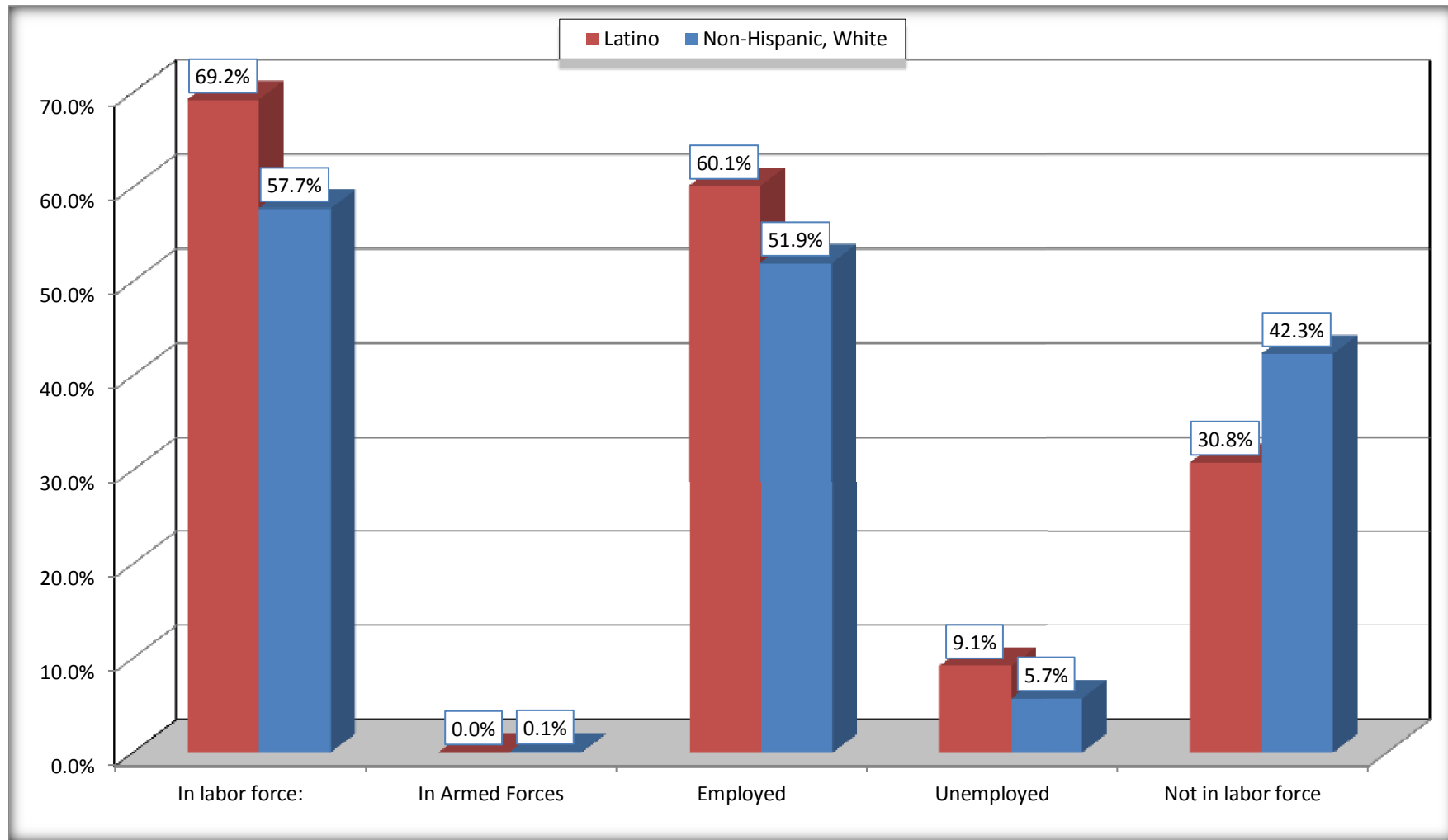
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Employment Status for the Population 16 years and over

Yakima city, Washington

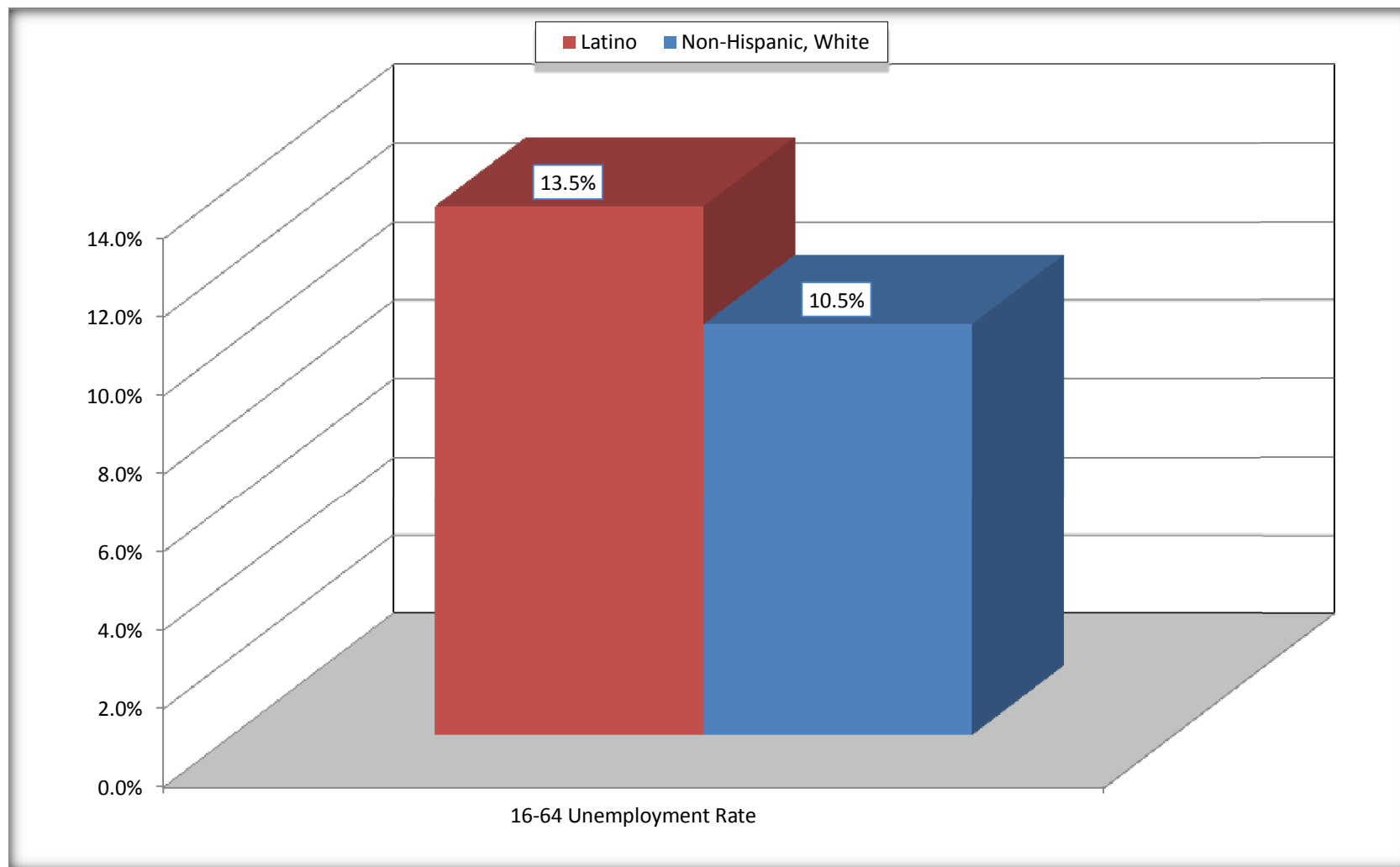


Source: C23002. SEX BY AGE BY EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

**Unemployment of Working Age Population (Ages 16 to 64)
(As a Percent of 16-64 Civilian Labor Force)**

Yakima city, Washington



Source: C23002. SEX BY AGE BY EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER
Data Set: 2010-2012 American Community Survey 3-Year Estimates

C24010. SEX BY OCCUPATION FOR THE CIVILIAN EMPLOYED POPULATION 16 YEARS AND OVER

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	15,192	1,177	100.0%	20,972	1,025	100.0%
Management, professional, and related occupations	1,393	NC	9.2%	8,119	NC	38.7%
Service occupations	2,489	NC	16.4%	4,184	NC	20.0%
Sales and office occupations	2,881	NC	19.0%	4,635	NC	22.1%
Natural resources, construction, and maintenance occupations:	4,411	NC	29.0%	2,123	NC	10.1%
Production, transportation, and material moving occupations	4,018	NC	26.4%	1,911	NC	9.1%
Male:	8,711	793	57.3%	10,159	732	48.4%
Management, business, science, and arts occupations:	873	333	5.7%	3,452	524	16.5%
Service occupations	1,040	356	6.8%	1,622	371	7.7%
Sales and office occupations	928	401	6.1%	1,628	424	7.8%
Natural resources, construction, and maintenance occupations:	3,216	733	21.2%	1,936	463	9.2%
Production, transportation, and material moving occupations	2,654	593	17.5%	1,521	313	7.3%
Female:	6,481	735	42.7%	10,813	703	51.6%
Management, professional, and related occupations	520	205	3.4%	4,667	536	22.3%
Service occupations	1,449	379	9.5%	2,562	506	12.2%
Sales and office occupations	1,953	490	12.9%	3,007	468	14.3%
Natural resources, construction, and maintenance occupations:	1,195	371	7.9%	187	169	0.9%
Production, transportation, and material moving occupations	1,364	399	9.0%	390	155	1.9%

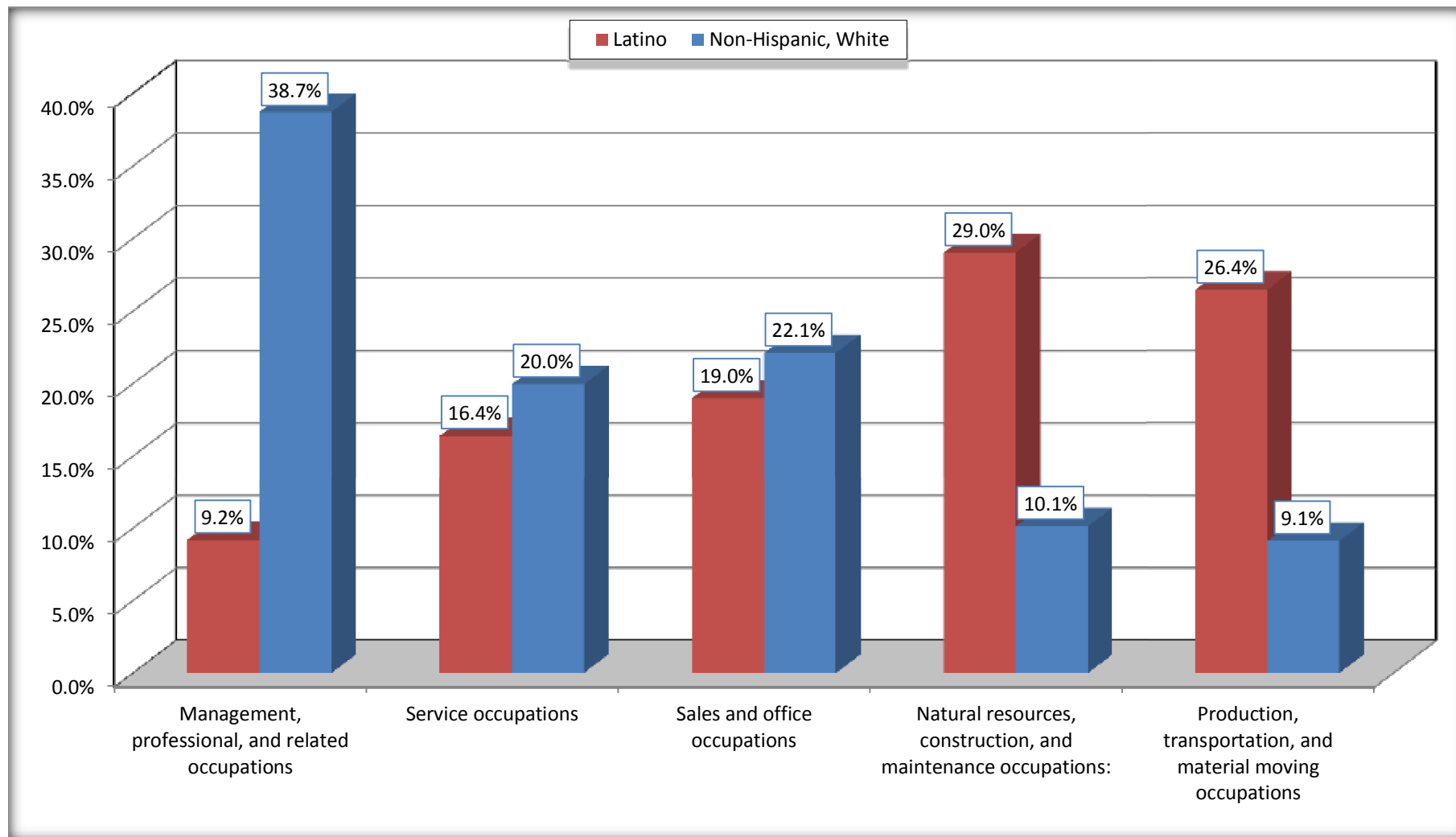
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Occupation for the Civilian Employed 16 Years and Over Population

Yakima city, Washington



Source: C24010. SEX BY OCCUPATION FOR THE CIVILIAN EMPLOYED POPULATION 16 YEARS AND OVER
Data Set: 2010-2012 American Community Survey 3-Year Estimates

B25003. TENURE - Universe: OCCUPIED HOUSING UNITS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	9,701	628	100.0%	21,487	919	100.0%
Owner occupied	3,653	530	37.7%	13,683	838	63.7%
Renter occupied	6,048	594	62.3%	7,804	673	36.3%

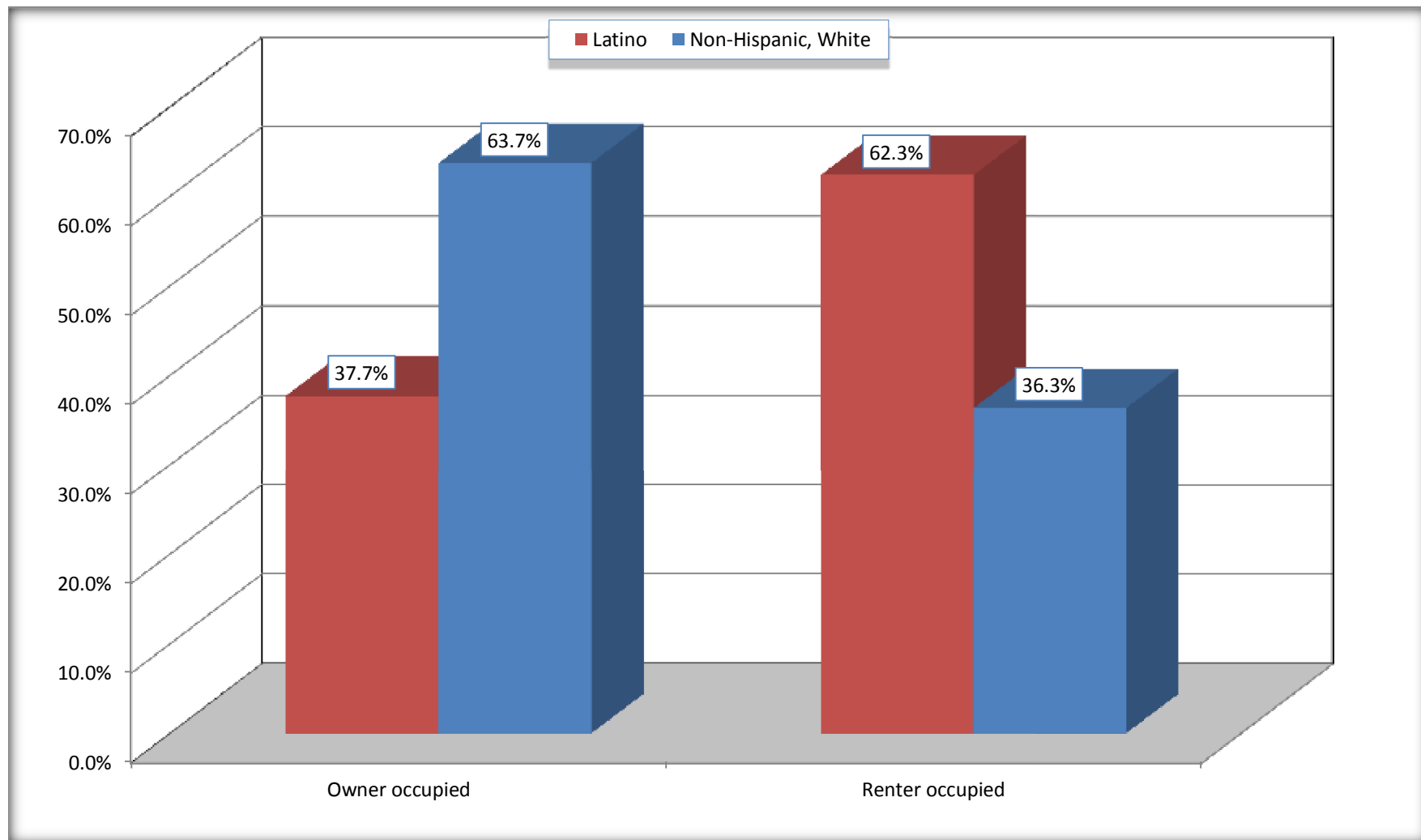
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.h>

Home Owners and Renters by Household

Yakima city, Washington



Source: B25003. TENURE - Universe: OCCUPIED HOUSING UNITS
Data Set: 2010-2012 American Community Survey 3-Year Estimates

B25014. OCCUPANTS PER ROOM - Universe: OCCUPIED HOUSING UNITS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	9,701	628	100.0%	21,487	919	100.0%
1.00 or less occupants per room	8,357	676	86.1%	21,313	961	99.2%
1.01 or more occupants per room	1,344	344	13.9%	174	148	0.8%

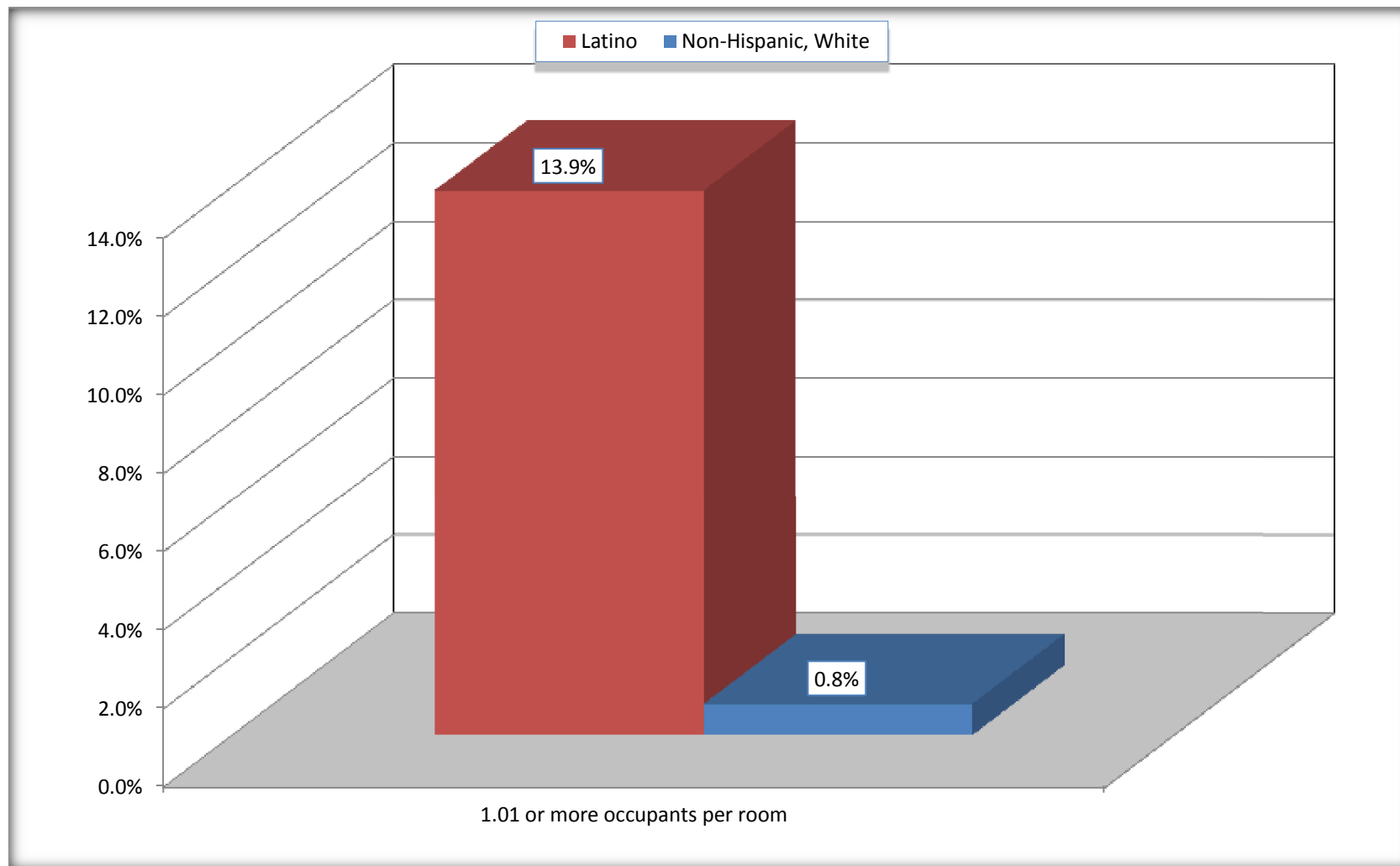
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.ht>

More than One Person per Room (Crowding) by Household

Yakima city, Washington



Source: B25014. OCCUPANTS PER ROOM - Universe: OCCUPIED HOUSING UNITS
Data Set: 2010-2012 American Community Survey 3-Year Estimates

Data Set: 2010-2012 American Community Survey 3-Year Estimates

	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	39,300	1,613	100.0%	45,734	1,534	100.0%
Under 18 years:	15,937	1,116	40.6%	7,484	830	16.4%
With a disability	584	245	1.5%	282	162	0.6%
No disability	15,353	1,140	39.1%	7,202	854	15.7%
18 to 64 years:	21,858	1,171	55.6%	28,009	1,139	61.2%
With a disability	1,336	285	3.4%	4,452	607	9.7%
No disability	20,522	1,153	52.2%	23,557	1,114	51.5%
65 years and over:	1,505	359	3.8%	10,241	617	22.4%
With a disability	584	233	1.5%	4,617	518	10.1%
No disability	921	282	2.3%	5,624	587	12.3%

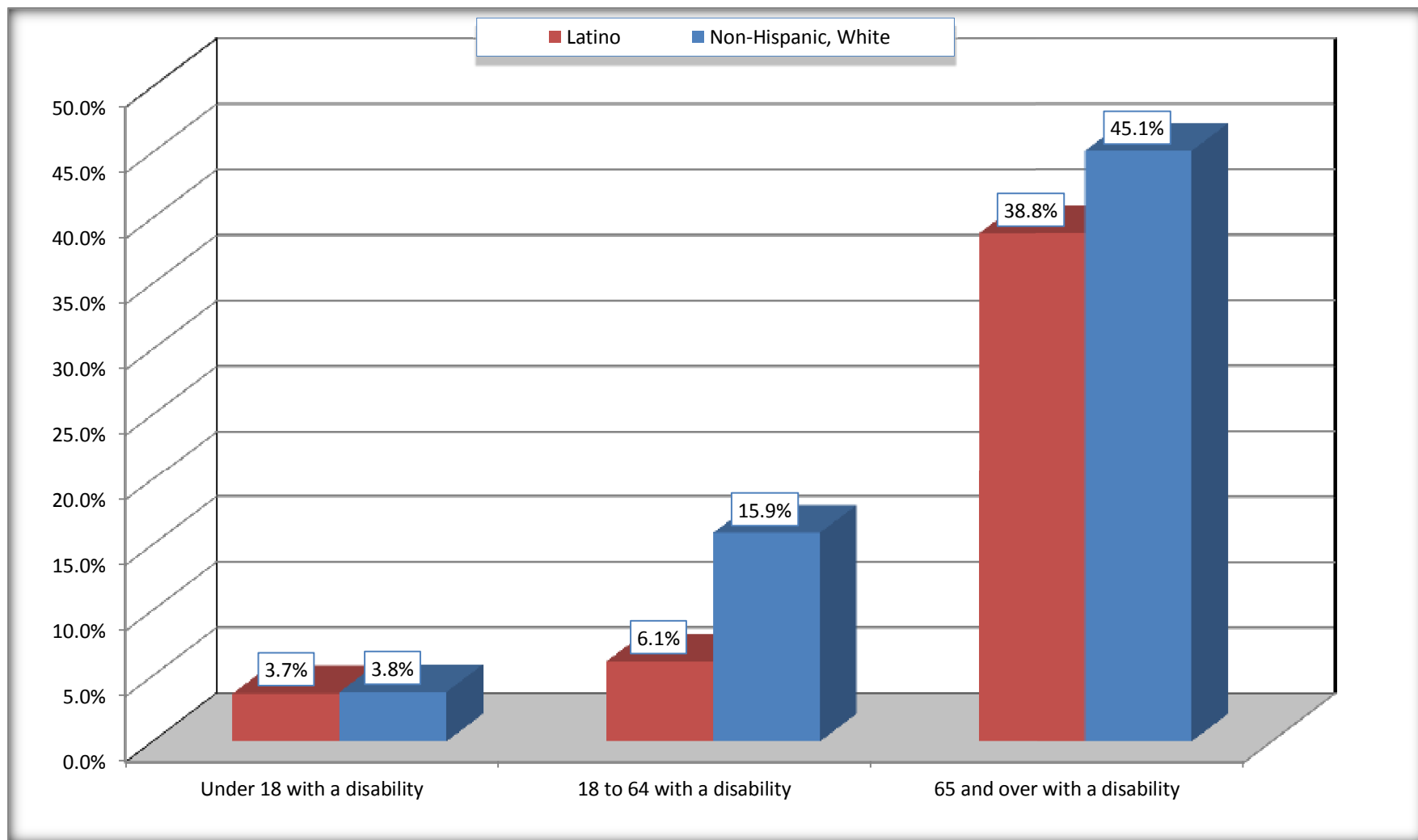
Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Disability by Age

Yakima city, Washington



Source: B18101: AGE BY DISABILITY STATUS

Data Set: 2010-2012 American Community Survey 3-Year Estimates

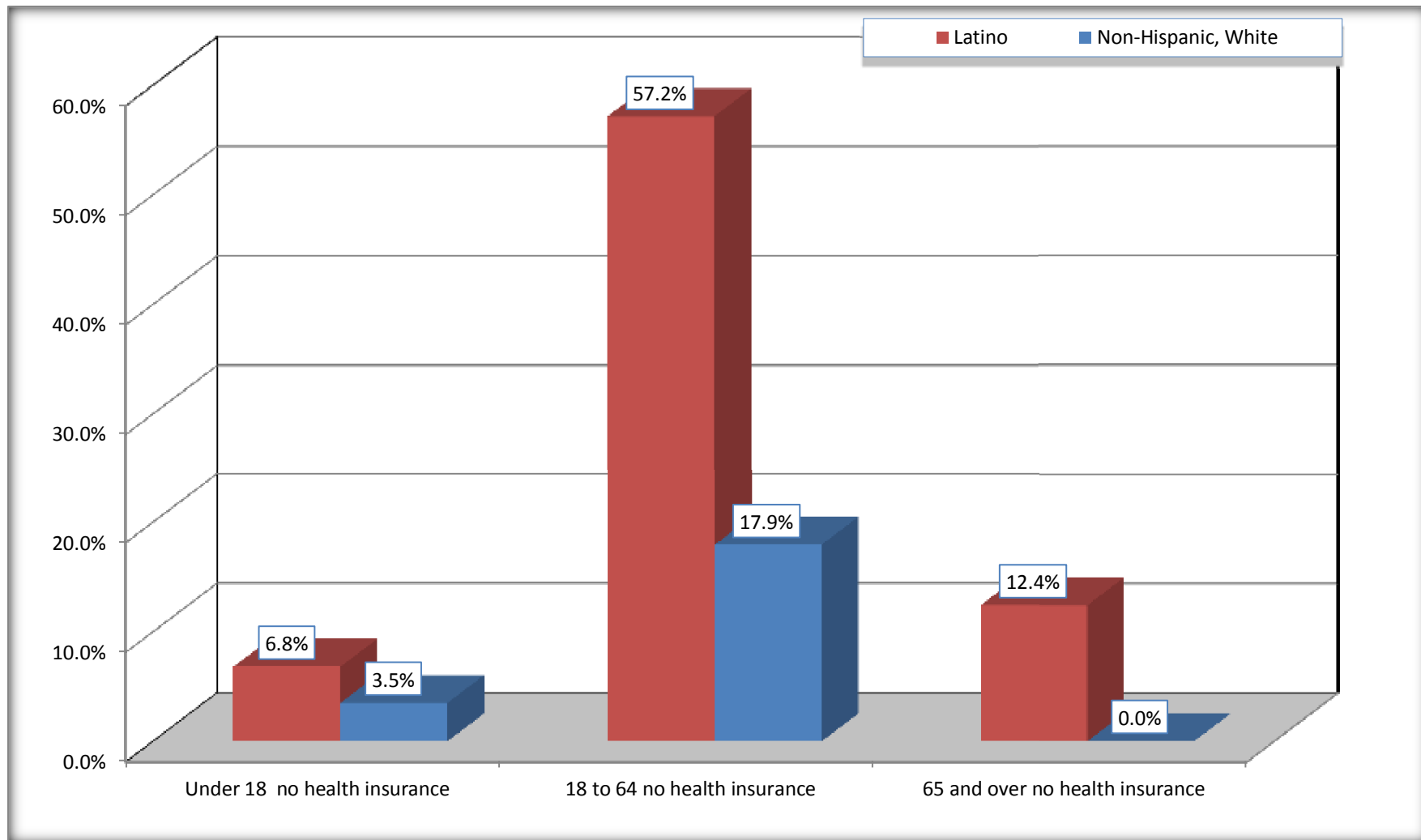
	Yakima city, Washington					
	Latino	Margin of Error (+/-)	% of Latino Total	White, Not Hispanic	Margin of Error (+/-)	% of NHW Total
Total:	39,300	1,613	100.0%	45,734	1,534	100.0%
Under 18 years:	15,937	1,116	40.6%	7,484	830	16.4%
With health insurance coverage	14,854	1,155	37.8%	7,222	810	15.8%
No health insurance coverage	1,083	411	2.8%	262	253	0.6%
18 to 64 years:	21,858	1,171	55.6%	28,009	1,139	61.2%
With health insurance coverage	9,364	980	23.8%	22,984	1,163	50.3%
No health insurance coverage	12,494	1,084	31.8%	5,025	777	11.0%
65 years and over:	1,505	359	3.8%	10,241	617	22.4%
With health insurance coverage	1,318	347	3.4%	10,241	617	22.4%
No health insurance coverage	187	160	0.5%	0	115	0.0%

Source: U.S. Census Bureau, 2010-2012 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.
<http://www.census.gov/acs/www/UseData/index.htm>

Lack of Health Insurance Coverage by Age

Yakima city, Washington



Source: C27001: HEALTH INSURANCE COVERAGE STATUS BY AGE

Data Set: 2010-2012 American Community Survey 3-Year Estimates

Exhibit 6

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO ARTEAGA, PLAINTIFFS

v. CIVIL ACTION NO. 12-cv-3108-TOR

CITY OF YAKIMA, WASHINGTON, *et al.* DEFENDANTS

SUPPLEMENTAL DECLARATION OF WILLIAM S. COOPER

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. §1746, the Federal Rules of Civil Procedure 26(a)(2)(B), and Rules 702 and 703 of the Federal Rules of Evidence, does hereby declare and say:

1. My name is Williams S. Cooper. I serve as a demographic and redistricting expert for the Plaintiffs. I filed a declaration in this case on February 1, 2013. I submit this supplemental declaration in response to the March 22, 2013 report of Dr. Peter Morrison (the “Morrison Report”) and to his supplemental April 6, 2013 report (the “Morrison Supplemental Report”).

2. In this supplemental declaration, I address Dr. Morrison’s claim that the Latino citizen voting age (LCVAP) majority districts in *Illustrative Plans 1* and *2* do not satisfy the *Gingles 1* precondition that the minority population must be “sufficiently large and geographically compact to constitute a majority in a single-member district.” I also address Dr. Morrison’s opinion that the creation of a

district with an LCVAP majority would result in an “unavoidable electoral imbalance [that is] decidedly non-neutral along racial and ethnic lines”.¹ Finally, I examine several methodological issues discussed in Dr. Morrison’s report.

3. I conclude and reiterate that both *Illustrative Plans 1* and 2 as presented in my February 1, 2013 declaration satisfy *Gingles 1*. If for some reason those two illustrative plans are deemed unsatisfactory, then *Hypothetical Plans A, B, and C* submitted with this supplemental declaration would in my opinion meet the *Gingles 1* test. I also conclude that contrary to Dr. Morrison’s claim, there is no electoral imbalance or dilution of minority voting strength in *Illustrative Plans 1* and 2.

A. Dr. Morrison’s CVAP Disaggregation and Allocation Method is Conceptually Flawed

4. At the outset, I must challenge Dr. Morrison’s assertion that the methodology I use to allocate citizen voting age population (CVAP) is “fatally flawed”. In this section, I demonstrate that my method (Method 1) is analytically sound and that Dr. Morrison’s CVAP methodology (Method 2) is conceptually flawed. By way of example, I will explain how Dr. Morrison’s methodology can lead to nonsensical CVAP calculations in election districts where a significant percentage of block groups are split between two or more districts – as is the case in District 1 under *Illustrative Plans 1* and 2.

¹ Morrison Report, p. 25.

5. There are several reasons why CVAP must be disaggregated from the block group level to census blocks for redistricting in a relatively small city such as Yakima, which encompasses just 67 block groups.² This includes such objectives as – following precinct boundaries, taking into account municipal boundaries, complying with one-person, one-vote and, of course, avoiding the dilution of minority voting strength. In fact, without block group splits, many small cities and rural counties in the nation with significant Latino populations would be barred from creating Latino districts even though there is adequate LCVAP to do so.

6. The table in **Figure 1** below lists the 11 block groups that are wholly or partially contained in District 1 of *Illustrative Plan 1*.³ (The shading identifies the eight block groups that are split between districts.) The first three numerical columns show the official CVAP by block group according to the 2007-2011 American Community Survey (ACS). The fourth column shows the Method 1 calculated CVAP, which adds the non-Hispanic CVAP (official ACS estimate) plus the Latino CVAP (official ACS estimate). The last two columns show the difference and percent difference between the ACS total (official ACS estimate) in numerical column 1 and the calculated Method 1 CVAP (column 4).

² The hybrid at-large, 4-residency district *2011 Plan* adopted by City Council splits populated areas of six block groups – excluding several jurisdictional splits (see ¶ 69 *infra*). Three of these splits involve District 3 on the east side of Yakima.

³ Morrison Supplemental Report, ¶ 6.

Figure 1 **Block Groups in District 1 of Illustrative Plan 1**
(Shading Indicates a Split)

Block Group	Total CVAP (ACS Total)	Latino CVAP (ACS Total)	Non- Hispanic CVAP (ACS Total)	Method 1 CVAP (Calculated Total)	Difference (ACS Total- Method 1 CVAP)	% Difference
530770001001	560	125	435	560	0	0.0%
530770001002	990	330	660	990	0	0.0%
530770002001	1160	430	730	1160	0	0.0%
530770002002	395	165	230	395	0	0.0%
530770002003	630	310	325	635	5	0.8%
530770003001	1715	280	1435	1715	0	0.0%
530770006001	320	170	150	320	0	0.0%
530770006002	1005	450	550	1000	-5	-0.5%
530770006003	1150	610	545	1155	5	0.4%
530770007001	725	100	630	730	5	0.7%
530770015014	550	265	285	550	0	0.0%
Total	9200	3235	5975	9210	10	0.1%

7. **Figure 1** shows that there is virtually no difference between the official ACS total and the Method 1 calculated total. Three block groups have a calculated Method 1 CVAP that exceeds the ACS total by 5 persons and one block group has a Method 1 calculated CVAP that is 5 persons less than the ACS total. The net total difference is 10 persons, which represents about one-tenth of a percentage point of the combined ACS total CVAP for all 11 block groups – 9,200. As explained in the Census Bureau’s documentation, a minor discrepancy of this magnitude is expected.⁴

⁴ See p.6 of *CVAP Documentation* prepared by the Census Bureau. Available for download at:
http://www.census.gov/rdo/pdf/CVAP_07to11_Documentation.pdf.

8. Thus, for all intents and purposes, Dr. Morrison and I agree on (and are consistent with) the official ACS CVAP totals by block group. Where we differ is in the method used to allocate the two component parts of CVAP – Latino CVAP and non-Hispanic CVAP. When disaggregating from the block group to the census block level, I allocate both components, while Dr. Morrison leaves non-Hispanic CVAP unaccounted for at the block level. Instead, he opts to impute the non-Hispanic CVAP estimate at the block level – i.e., $CVAP - LCVAP = \text{non-Hispanic CVAP}$ (imputed). Dr. Morrison completely ignores the fact that the ACS data already provides non-Hispanic CVAP as a single direct estimate. There is no reason to impute this value at the block level.

9. To reiterate, Dr. Morrison's disaggregation method (Method 2) allocates just one of the two component parts of CVAP to the block level – Latino CVAP. The all-important non-Hispanic CVAP is an unreliable imputed value in the Method 2 equation at the block level. My disaggregation method (Method 1) correctly allocates both CVAP components to the block level – Latino CVAP and non-Hispanic CVAP.

10. Method 1 and Method 2 generate virtually identical results where an election district is composed of entire census block groups or where (as in most state legislative and congressional districts) split block groups comprise a tiny percentage of the overall number of block groups in a given district.

11. However, where a high percentage of block groups are split to create an election district, as is the case with District 1 under *Illustrative Plan 1*, there is the potential for significant distortion if Method 2 is employed to disaggregate the block group data to the census block level. As shown in **Figure 1**, District 1 splits 8 of 11 block groups. All told, 58.4% of the VAP (4,446 of 7,604 persons over 18) in *Illustrative Plan 1* District 1 resides in a block group that is divided between two or more districts. Therefore, Dr. Morrison's Method 2 should not be used for election plan analysis in Yakima.

The Conceptual Flaw in Method 2 – A Hypothetical Example

12. Consider the following extreme example. A block group has 1,000 persons of voting age, of whom 800 are Latino and 200 are non-Hispanic. All 200 non-Hispanics are citizens, but just 400 of the 800 voting age Latinos are citizens. So 60% of the VAP in the block group are citizens (400 plus 200, or 600 of 1,000).

13. Assume this block group is split between two election districts with the entire Latino VAP in Ward A (800) and the entire non-Hispanic VAP in Ward B (200). **Figure 2** on page 8 below summarizes the calculations that follow.

14. Method 2 correctly allocates the entire 400 LCVAP to Ward A. But Method 2 incorrectly allocates a total of 480 CVAP to Ward A (80% of 600 citizens) – corresponding to the 80% of VAP residing in the Ward A portion of the block group (800 of 1,000 VAP). So the LCVAP under Method 2 in the split area of

Ward A is 83.3% (400 divided by 480). Of course, this is a logical impossibility because the entire population in the split area of Ward A is Latino (both voting age and CVAP).

15. Logically, the LCVAP should equal 100% in the Ward A split (400 of 400), but Method 2 in effect creates 80 phantom non-Hispanic citizens in Ward A (480-400). And, as a consequence, Method 2 incorrectly allocates a CVAP of 120 to the Ward B split (20% of 600 citizens) – in effect creating 80 phantom Latino non-citizens in the Ward B split.

16. Method 1 also correctly allocates the entire 400 LCVAP to Ward A. Just as important, Method 1 correctly allocates the 200 non-Hispanic CVAP to Ward B – consistent with the 100% non-Hispanic VAP in the Ward B split. Put differently, the entire 200 non-Hispanic CVAP is assigned to Ward B because there are zero voting age non-Hispanics in the Ward A split and 200 non-Hispanics of voting age in the Ward B split.

17. **Figure 2** summarizes the calculated results under Method 1 and Method 2. The illogical Method 2 calculations are displayed in red – creating phantom non-Hispanic citizens in Ward A and phantom Latino non-citizens in Ward B.

Figure 2 Hypothetical Block Group Split – Method 1 vs. Method 2

	Block Group Ward A Split		Block Group Ward B Split	
	(Method 1)	(Method 2)	(Method 1)	(Method 2)
VAP	800	800	200	200
Latino VAP	800	800	0	0
Non-Hispanic VAP	0	0	200	200
Allocated Total CVAP	400	480	200	120
Allocated Latino CVAP	400	400	0	NA
% Latino CVAP	100.00%	83.33%	0.00%	NA
Allocated Non-Hispanic CVAP	0	NA	0	120
% Non-Hispanic CVAP	0.00%	NA	100.00%	60.00%

18. To recap, under Method 1, the Ward A split calculates to 100% LCVAP – 400 divided by 400. There are no phantom non-Hispanic citizens in Ward A. By contrast, under Method 2, the LCVAP in the Ward A split is understated by nearly 17 percentage points – 83.3% versus the logically correct 100% LCVAP (Method 1).

The Conceptual Flaw in Method 2 – Illustrative Plans 1 and 2

19. As the preceding example reveals, Method 2 is systematically biased toward understating the LCVAP in areas with split block groups where the population is segregated along ethnic lines. This built-in bias explains why Method 2 yields an LCVAP for District 1 under *Illustrative Plan 1* that is nearly 2 percentage points lower than the Method 1 calculation. And there is no way to correct this split block group issue except to adopt Method 1 as the disaggregation tool.

20. In fact, Method 2 is so analytically flawed that it yields two opposite conclusions with regard to whether or not voting age citizen Latinos constitute a majority in District 1 under *Illustrative Plans 1* and 2.

21. **Figure 3** shows the Method 2 calculations for the non-Hispanic CVAP in District 1 under *Illustrative Plans 1* and 2. Non-Hispanic citizens of voting age are a minority under both illustrative plans, according to Method 2.

Figure 3 Percent non-Hispanic CVAP by Method 2 – Illustrative Plans 1 & 2

	Illustrative Plan 1	Illustrative Plan 2
	District 1 (Method 2)	District 1 (Method 2)
Total CVAP	4590.69	4753.88
Non-Hispanic CVAP	2196.17	2267.27
% Non-Hispanic CVAP	47.84%	47.7%

22. **Figure 4** shows the Method 2 calculations for the Latino CVAP in District 1 under *Illustrative Plans 1* and 2.⁵ Latino citizens of voting age are also a minority under both illustrative plans, according to Method 2.

Figure 4 Percent Latino CVAP by Method 2 – Illustrative Plans 1 & 2

	Illustrative Plan 1	Illustrative Plan 2
	District 1 (Method 2)	District 1 (Method 2)
Total CVAP	4590.69	4753.88
Latino CVAP	2217.91	2279.36
% Latino CVAP	48.31%	47.95%

⁵ See Morrison Supplemental Report ¶ 3. These calculations match Dr. Morrison's figures.

23. Thus, according to Method 2, both voting age non-Hispanic citizens and voting age Latino citizens are a minority in District 1 under *Illustrative Plans 1* and 2 – a logical and real-world impossibility.

24. Clearly, Method 2 is unreliable and conceptually flawed when applied to small population districts with split block groups. In contrast, Method 1 is logical and consistent. Method 1 does not misallocate citizens and non-citizens. Latino CVAP plus non-Hispanic CVAP for each district always adds to a rounded 100%. Logical inconsistencies do not occur.

A Block Group (with one split) LCVAP-Majority District Example

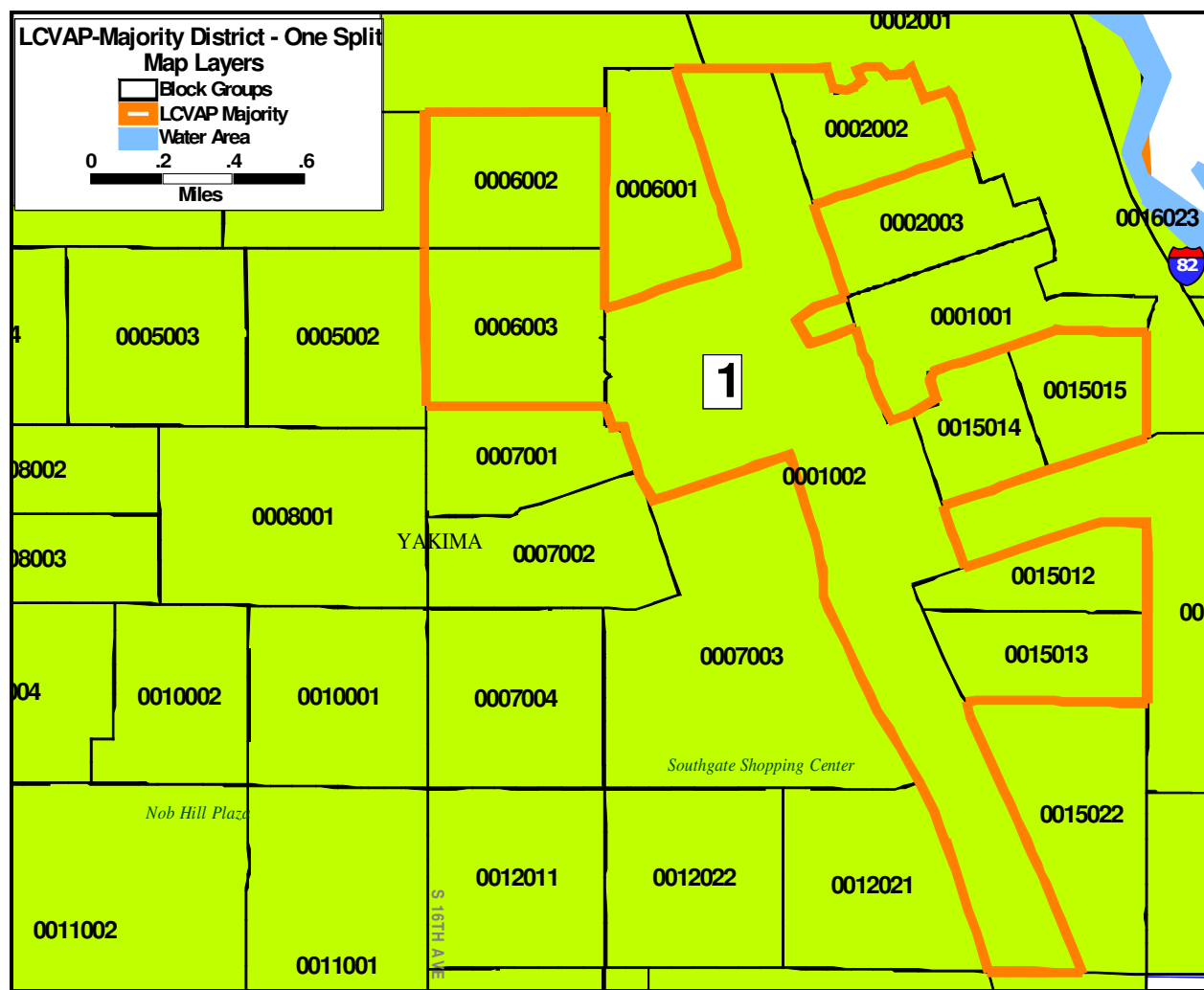
25. As expected, when split block groups are minimized in Yakima, Method 1 and Method 2 yield similar results. For instance, as shown in the table in **Figure 5** and map in **Figure 6**, a majority LCVAP and majority registered Latino voter district can be drawn in Yakima with just one block group split – removing a single 719-person census block in Block Group 0001002. Method 2 comes within a tenth of a percentage point of generating the correct answer – 50.58%, calculated under Method 1.

Figure 5 Majority-LCVAP District with One Split Block Group Summary

District	Population	% Deviation	% Latino CVAP (Method 1)	% Latino CVAP (Method 2)	% Latino Registered (of all registered)
1	12819	-1.62%	50.58%	50.48%	52.85%

26. The map in **Figure 6** below zooms in to display east Yakima. The example District 1 is delineated with thick orange lines. Thin black lines show block group boundaries. Split Block Group 0001002 is the elongated block group in the center of the example district.

Figure 6 Majority-LCVAP District with One Split Block Group



Hypothetical Plan A

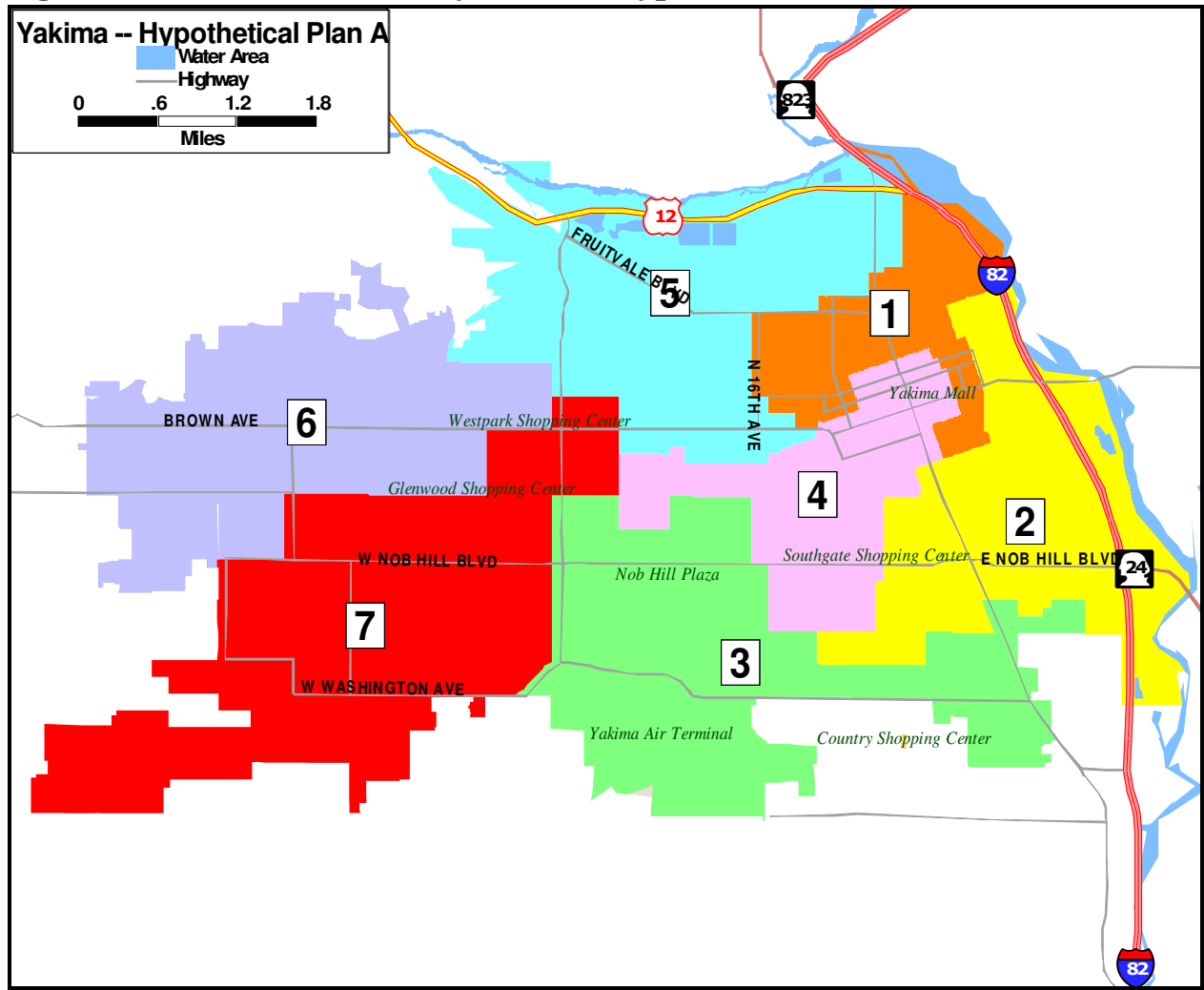
27. I have no confidence in the analytic validity of Method 2 for redistricting Yakima – assuming districts are drawn with split block groups. However, for the record, I have developed a third illustrative plan – *Hypothetical Plan A* – that creates one LCVAP-majority district and two registered Latino voter-majority districts according to **both** Method 1 and Method 2. The table in **Figure 7** provides summary population statistics by district for *Hypothetical Plan A*, with a map depicting the plan in **Figure 8**.

28. The Method 2 LCVAP calculations in **Figure 7** are in red because, in my opinion, they understate the LCVAP in Districts 1 and 2. A detailed demographic summary and map for *Hypothetical Plan A* are attached as **Exhibit A**.

Figure 7 Yakima City Council Hypothetical Plan A Summary

District	Population	Deviation	% Deviation	18+_Pop	18+Hisp.	% 18+ Hisp.	% Latino CVAP (Method 1)	% Latino Registered (of all registered)	% Latino CVAP (Method 2)
1	12819	-211	-1.62%	7862	5680	72.25%	52.17%	54.56%	50.18%
2	12421	-609	-4.67%	7873	5062	64.30%	43.07%	50.10%	41.81%
3	13026	-4	-0.03%	9487	2651	27.94%	23.68%	16.99%	24.16%
4	12676	-354	-2.72%	9431	3301	35.00%	25.42%	22.07%	25.78%
5	13666	636	4.88%	10390	2519	24.24%	13.48%	14.10%	13.54%
6	13176	146	1.12%	10175	1083	10.64%	7.13%	6.62%	7.14%
7	13283	253	1.94%	10069	1541	15.30%	14.14%	10.37%	14.16%

Figure 8 **Yakima City Council Hypothetical Plan A**



29. Under *Hypothetical Plan A*, Districts 1 and 2 are majority-Latino voting age – 72.25% and 64.30%, respectively. District 1 is majority-Latino citizen voting age (52.17 % LCVAP under Method 1 and 50.18% LCVAP under Method 2). District 1 has a Latino registered voter majority, based on the geocoded January 2013 Yakima City registered voter list (54.56%). District 2 is also majority-Latino registered voter (50.10%).

30. Under *Hypothetical Plan A*, District 1 encompasses a land area of 1.93 square miles and District 2 covers 3.87 square miles. District 4 has a land area of 2.29 square miles. The remaining districts range in geographic size from 4.19 square miles (District 6) to 5.71 square miles (District 7).

31. *Hypothetical Plan A* meets one-person, one-vote requirements. The ideal district size for a 7-district plan is 13,030 (91,208 /7). *Hypothetical Plan A* has an overall deviation from the ideal district size of 9.55%.

32. *Hypothetical Plan A* complies with key traditional redistricting criteria, including one-person one-vote, compactness, contiguity, respect for communities of interest, and the non-dilution of minority voting strength.

B. Dr. Morrison Has Not Demonstrated That an LCVAP District Cannot Be Drawn in Yakima

33. Dr. Morrison never states in his declarations that an LCVAP district cannot be created in a 7-single member district plan for the city council. Rather he points to two alleged flaws in my illustrative plans. His quixotic efforts to discount the potential for an LCVAP district rely on speculative imputations of census data or arguably illegal apportionment schemes. He fails to consider trending demographics and current voter registration data – all of which provide ample justification for a threshold 50% LCVAP district and two majority-Latino registered voter districts. He fails to examine whether an LCVAP district could be created using citizens or voting age citizens as the apportionment base.

34. In Sections III and IV below, I present four additional hypothetical 7-district plans that I believe demonstrate conclusively that the first prong of *Gingles* can be met with ease. Dr. Morrison's purported concern about the dilution of minority voting strength is all for naught. First, I present two out of many possible plans that can be created with much higher LCVAP districts than under *Illustrative Plans 1* and *2* and *Hypothetical Plan A*. Second, I present two hypothetical plans that show LCVAP-majority districts can be drawn using either citizens or voting age citizens as the apportionment base.

35. For the remainder of the text in this declaration, all LCVAP calculations are based on Method 1. The flaws inherent to Method 2 would only add unnecessary confusion if reported.

C. Voting Age Latino Citizen Majority Districts Can Be Drawn in a Variety of Ways in Yakima

36. It is my understanding that in order to meet the *Gingles 1* test in a Section 2 Voting Rights Act lawsuit there must be at least one district where the minority community at issue has a citizen voting age majority. However, demonstrative plans developed for a Section 2 lawsuit should take into account more than just the first prong of *Gingles*. A viable demonstrative plan must avoid packing the minority community into a single district in a manner that would dilute overall minority voting strength in the jurisdiction.

37. According to the 2010 Census, Latinos in Yakima comprise 41.27% of the overall population. According to the *2009-2011 American Community Survey 3-Year Estimates*, Latinos represent 34.13% of the citizen population in Yakima. In my opinion and consistent with the interests of the plaintiffs, election plans for Yakima should balance the Latino population so that Latino registered voters would constitute a majority in two out of seven districts (28.57%).

Illustrative Plans 1 and 2 and LCVAP

38. In each illustrative plan, I drew a single LCVAP-majority district just above 50% LCVAP with a corresponding Latino registered voter majority. Consistent with demographic trends and current voter registration data, I then created a second Latino registered voter majority district in each plan. I drew the threshold 50% LCVAP district in order to avoid packing Latino registered voters into one district at the expense of creating a second district where Latino registered voters would constitute a majority and have a reasonable opportunity to elect their candidate of choice.

39. In drafting *Illustrative Plans 1 and 2*, I relied upon the block group-level *Citizen Voting Age Population (CVAP) Special Tabulation From the 2007-2011 5-Year American Community Survey* prepared by the U.S. Census Bureau for

the U.S. Department of Justice.⁶ The citizen population estimates reported in the special tabulation are the only historical block group citizenship estimates available for the City of Yakima.

40. The 5-year ACS citizenship special tabulation is used by courts and states throughout the nation to classify districts as Latino-majority. The ACS is the gold standard for reporting historical citizenship rates by legislative district and is routinely employed by government entities, the U.S. Department of Justice, and federal courts for redistricting.

41. In drafting *Illustrative Plans 1* and 2, I also relied on the January 2013 registered voter list for the City of Yakima prepared by the Yakima County Elections Division. I geocoded the registered voter list to the census block level using *Maptitude 2012* software.⁷

42. The block-level geocoded registered voter list is more geographically precise than the ACS LCVAP estimates. This is because the ACS citizenship data is available only at the block group level and must be mathematically allocated to

⁶ The five additional hypothetical plans submitted with this declaration also use this dataset. Available for download at:

http://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html

⁷ See February 1, 2013, Declaration of William S. Cooper, ¶ 36. The resultant Spanish surname registered voter list does not include a number of voters with non-Spanish surnames that the Yakima County Elections Division has classified as Latino (See ¶ 42).

the census block level based on voting age population (VAP) reported in the 2010 Census.

43. The geocoded City of Yakima registered voter list is a more accurate measure than the ACS LCVAP estimates to evaluate present-day Latino voting strength by election district. This is because the registered voter list is based on current data and is not an historical sample survey. By contrast, the ACS LCVAP estimates are derived from a 5-year survey for the 2007 to 2011 period. The midpoint of the 2007-2011 ACS period is July 1, 2009 (pre-dating the 2010 Census). Thus, the 5-year ACS is, on average, about three and one-half years behind the real-time registered voter list.⁸

44. The geocoded registered voter database suggests that the LCVAP is on the increase in Districts 1 and 2 of the illustrative plans. The January 2013 Latino registered voter percentage exceeds the 2007-2011 historical LCVAP in both districts under both plans.

⁸ The 5-year LCVAP estimates reflecting July 2013 as a midpoint will not be available until late January 2017 when the 2011-2015 ACS special tabulation is released.

45. A gradual uptick from year to year in Yakima's LCVAP seems likely given that approximately 95% of all Latinos under the age of 18 are citizens according to the 2007-2011 ACS.⁹

46. In my February 1, 2013 Declaration, I did not report the Latino citizen population percentages for all ages by district in the illustrative plans. For the record, the table in **Figure 9** below compares the Latino citizen percentages for all ages and voting age for Districts 1 and 2 under the two illustrative plans.

Figure 9 Comparison of Latino Citizen Population Percentages

District	Illustrative Plan 1				Illustrative Plan 2		
	% Latino Citizens (All Ages)	% Latino CVAP	Differential (All Ages minus CVAP)		% Latino Citizens (All Ages)	% Latino CVAP	Differential (All Ages minus CVAP)
1	69.69%	50.25%	19.44%		70.03%	50.13%	19.90%
2	61.79%	43.15%	18.64%		60.78%	42.61%	18.17%

47. As can be seen from **Figure 9**, there is a huge differential between the Latino citizen population percentage and the LCVAP in both districts under both plans. The Latino citizen population percentage is more than 19 points higher in District 1 and more than 18 percentage points higher in District 2. This suggests that the current (April 2013) LCVAP is higher than the 2007-2011 historical (July 2009 midpoint) estimate for both districts under both plans.

⁹ February 1, 2013, Declaration of William S. Cooper, ¶ 25.

48. An analysis of voters who registered after the April 1, 2010 Census provides corroborating evidence that the LCVAP is increasing in the area encompassed by Districts 1 and 2 under *Illustrative Plans* 1 and 2. **Figure 10** below shows that a total of 1,728 persons in the area have registered to vote since April 2, 2010. Of those, 1,033 (59.78%) are Latino. Three-fourths of the 472 new registrants who turned 18 after the 2010 Census are Latino. About one-third of all new registrants (34.5%) in the District 1 and 2 areas of *Illustrative Plans 1* and 2 were under 18 at the time of the 2010 Census.¹⁰

Figure 10 District 1 and 2 Voter Registration After April 1, 2010

	District 1 and 2 of Illustrative Plans 1 and 2				District 1 of Illustrative Plan 1		
	Total	Latino	% Latino		Total	Latino	% Latino
New Registrants – Registered After April 1, 2010	1728	1033	59.78%		784	465	59.31%
New Registrants – Under 18 on April 1, 2010	472	356	75.42%		209	155	74.16%
Total Registered (Jan. 2013)	5740	2914	50.77%		2433	1257	51.66%
% Under 18 on April 1, 2010 of New Registrants	27.3%	34.5%			26.7%	33.3%	
% Registered After April 1, 2010	30.1%	35.4%			32.2%	37.0%	

¹⁰ Data source: Geocoded using *Maptitude 2012* from the Yakima City registered voter list for January 2013 prepared by the Yakima County Division of Elections. (See February 1, 2013, Declaration of William S. Cooper, ¶¶36 and ¶42.) Three voters with reported dates of birth after April 1, 1992, but who registered prior to April 1, 2010, are not included in the **Figure 10** new registrant tabulation.

49. A separate breakout in **Figure 10** for LCVAP-majority District 1 in *Illustrative Plan 1* shows a nearly identical trend. Latinos comprise 59.31% of all new registrants since the 2010 Census and 74.16% of all new registrants who have turned 18 since the 2010 Census are Latino. About one-third of all new registrants (33.3%) in *Illustrative Plan 1* District 1 were under 18 at the time of the 2010 Census.

Use of LCVAP in State Redistricting Plans

50. The block group ACS citizenship calculations are estimates from a rolling sample survey over a five-year period. There is a margin of error. However, districts that are considered Latino-majority with LCVAP majorities near 50% as drawn in the illustrative plans are not uncommon. For example, there are two districts in the court-drawn 2013-2014 Texas House Plan with LCVAP percentages close to 50% – District 90 (50.9 %) and District 104 (51.3%).¹¹ The calculated margin of error (MOE) in both districts is + or - 1.9% (meaning the negative MOE range falls below 50%). There are six districts in the adopted 2011 California Assembly Plan with LCVAP percentages ranging between 50.002% (District 59)

¹¹ Source: Texas Legislative Council. Available for download at: ftp://ftpgis1.tlc.state.tx.us/PlanH309/Reports/PDF/PlanH309_RED116_ACS_Special_Tabulation_2007-2011.pdf.

and 50.81% (District 31).¹² The California Assembly Plan was precleared by the U.S. Department of Justice in 2011 and has withstood legal challenges in federal courts.

Hypothetical Plan B

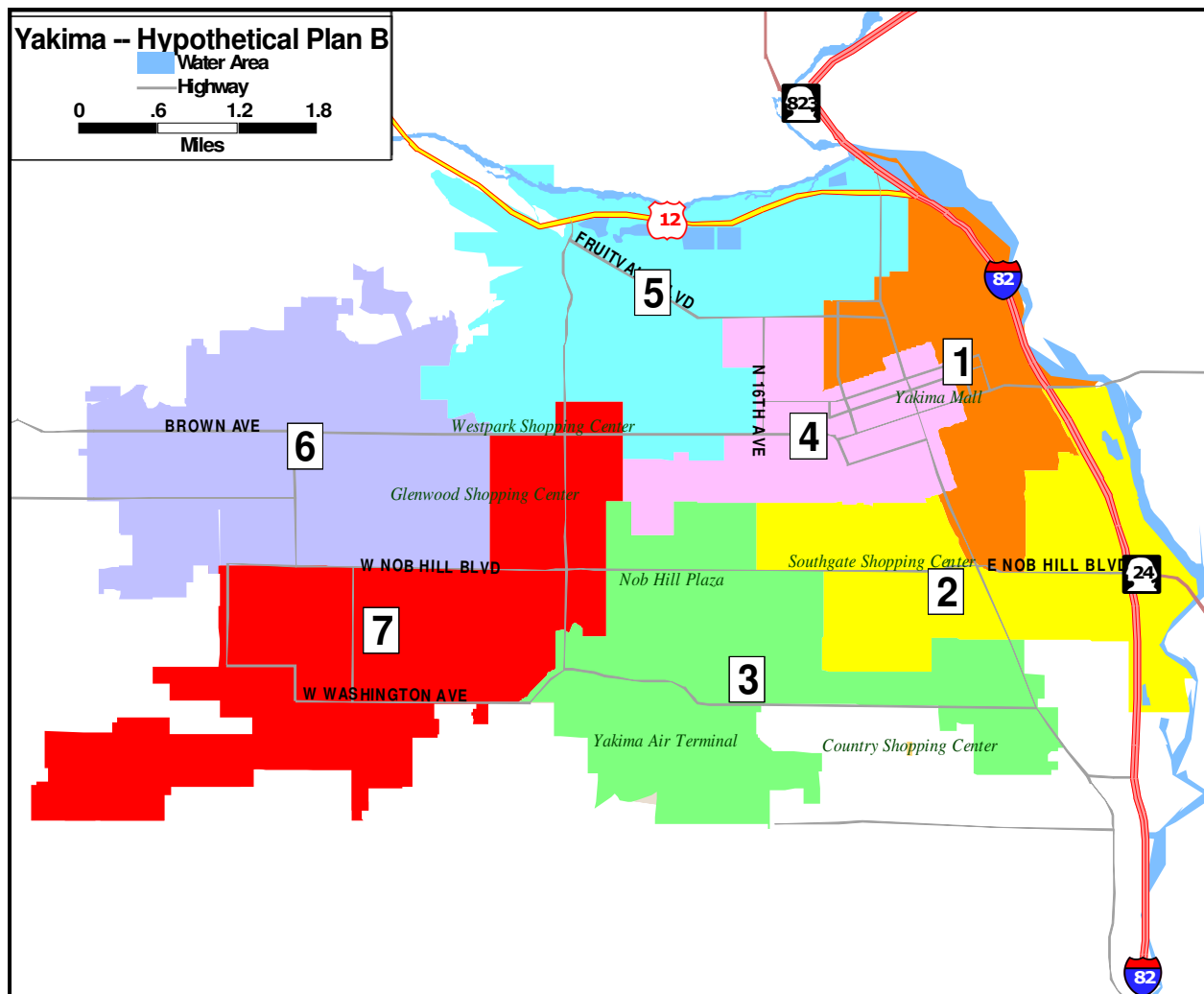
51. For demonstration purposes, districts with significantly higher LCVAP-majorities than District 1 in *Illustrative Plans 1* and 2 can be drawn. The table in **Figure 11** below provides summary population statistics by district for *Hypothetical Plan B* with an accompanying map in **Figure 12**. A detailed demographic summary and map for *Hypothetical Plan B* are attached as **Exhibit B**.

Figure 11 Yakima City Council Hypothetical Plan B Summary

District	Population	Deviation	% Deviation	18+_Pop	18+ Hisp.	% 18+ Hisp.	% Latino CVAP	% Latino Registered (of all registered)
1	12995	-35	-0.27%	7917	5913	74.69%	56.12%	58.92%
2	12706	-324	-2.49%	8584	4351	50.69%	31.91%	35.65%
3	12632	-398	-3.05%	9096	2748	30.21%	25.51%	19.12%
4	12866	-164	-1.26%	9213	3818	41.44%	30.08%	24.06%
5	13323	293	2.25%	10249	2296	22.40%	11.48%	12.69%
6	13413	383	2.94%	10294	1105	10.73%	7.37%	6.59%
7	13132	102	0.78%	9934	1606	16.17%	14.81%	11.16%

¹² Source: *California Citizens Redistricting Commission Final Report, Appendix B*, pp.7-8. Available for download at: http://wedrawthelines.ca.gov/downloads/meeting_handouts_082011/crc_20110815_5appendix_3.pdf.

Figure 12 **Yakima City Council Hypothetical Plan B**



52. *Under Hypothetical Plan B*, District 1 has an LCVAP of 56.12% and a Latino registered voter percentage of 58.92%. The plan has an overall deviation of 5.99%. After allocating the block group-level CVAP to the corresponding 2010 census blocks under *Hypothetical Plan B*, there are 2,312 Latino citizens of voting age and 1,808 non-Hispanic citizens of voting age in District 1. This represents a voting age Latino citizen advantage of more than 500 persons – a margin that I

believe would undoubtedly satisfy *Gingles*¹, even under the inappropriately strict standards articulated by Dr. Morrison.

53. The Latino registered voter advantage in District 1 under *Hypothetical Plan B* is also overwhelming. Of the 2,631 registered voters geocoded to District 1, 1,553 are Latino, resulting in a 475-person margin over the 1,078 non-Hispanic registered voters in the district.

54. The 56.12% LCVAP District 1 in *Hypothetical Plan B* has a higher LCVAP percentage than three of the four LCVAP districts presented by the plaintiffs to the court in *Fabela v. City of Farmers Branch*.¹³ In the opinion in that case, the court ruled that the plaintiffs had met *Gingles* 1.

55. According to the expert for the defendants in the *Farmers Branch* case, the four demonstrative districts had LCVAP percentages of 53.1%, 52.9%, 54.9%, and 53.7% – all lower than District 1 in *Hypothetical Plan B*. According to the plaintiffs' expert in the *Farmers Branch* case, only one of the four demonstration districts had a higher LCVAP at 57.29%.¹⁴

56. Not a single demonstration district in the *Farmers Branch* litigation had a Latino registered voter percentage higher than District 1 in *Hypothetical*

¹³ *Fabela, et al. v. City of Farmers Branch, et al.*, Civil Action No. 3:10-CV-1425-D (N.D. Tex.), August 12, 2012.

¹⁴ *Ibid.*, p.10. The two experts in the case calculated different LCVAPs by district. The text of the opinion includes a summary table.

Plan B (or, for that matter, under the two illustrative plans presented in my February 1, 2013 declaration). According to the expert for the plaintiffs, only one of the demonstrative districts in the *Farmers Branch* case exceeded 50% registered Latino voters.¹⁵

Hypothetical Plan C

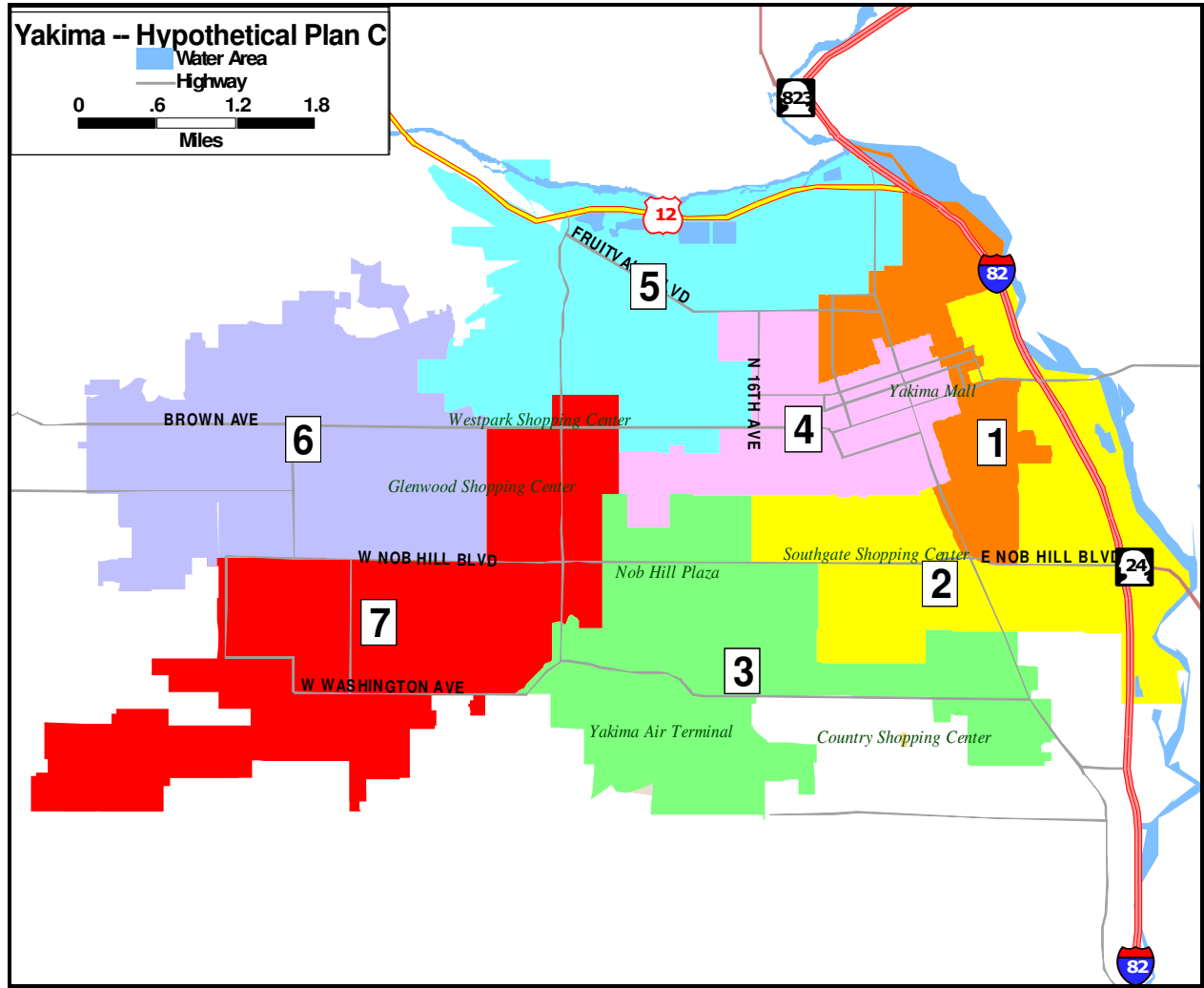
57. The 56.12% LCVAP District 1 depicted in *Hypothetical Plan B* is not the maximum possible LCVAP district that can be drawn in Yakima. For example, as shown in the statistical summary in **Figure 13** and map in **Figure 14** below, I have developed *Hypothetical Plan C* with a District 1 that is 57.74% LCVAP and 59.74% Latino registered voters. A detailed demographic summary and map for *Hypothetical Plan C* are attached as **Exhibit C**.

Figure 13 Yakima City Council Hypothetical Plan C Summary

District	Population	Deviation	% Deviation	18+_Pop	18+ Hisp.	% 18+ Hisp.	% Latino CVAP	% Latino Registered (of all registered)
1	12384	-646	-4.96%	7570	5742	75.85%	57.74%	59.74%
2	13243	213	1.63%	8881	4498	50.65%	31.84%	35.78%
3	12632	-398	-3.05%	9096	2748	30.21%	25.51%	19.12%
4	12940	-90	-0.69%	9263	3842	41.48%	30.11%	24.09%
5	13323	293	2.25%	10249	2296	22.40%	11.48%	12.69%
6	13413	383	2.94%	10294	1105	10.73%	7.37%	6.59%
7	13132	102	0.78%	9934	1606	16.17%	14.81%	11.16%

¹⁵ *Ibid.*

Figure 14 Yakima City Council Hypothetical Plan C



58. A hypothetical district with a higher LCVAP than that achieved in *Hypothetical Plan C* is possible. But within the context of this particular Section 2 lawsuit, I believe that such a district, as well as the LCVAP-majority districts under *Hypothetical Plans B* and *C*, would unnecessarily pack Latinos into a single district.

Both hypothetical plans would dramatically cut the Latino registered voter percentage in District 2 from about 51% under the illustrative plans to 36%.

D. Voting Age Latino Citizen Majority Districts in Yakima Can Be Drawn Using Citizens or 18+ Citizens as the Apportionment Base

59. Dr. Morrison suggests that total population is not the appropriate apportionment base to use in Yakima. He apparently advocates the use of CVAP to correct an “electoral imbalance”.¹⁶ I have drafted thousands of redistricting plans covering hundreds of jurisdictions across the country over the past 25 years. I am unaware of any jurisdiction (including the City of Yakima) that uses citizen population or CVAP as the apportionment base.¹⁷

Hypothetical Plan D

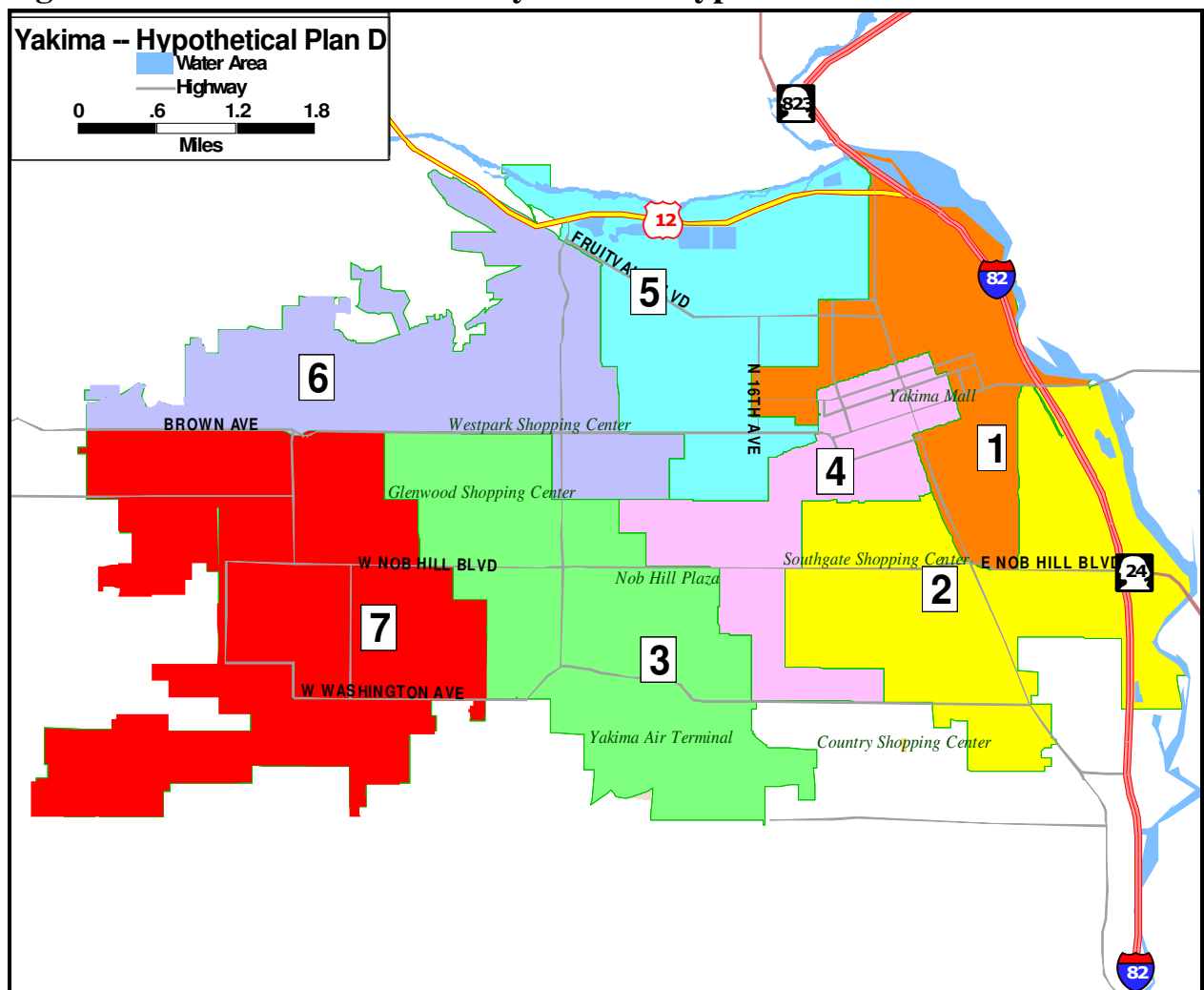
60. Nevertheless, in response to Dr. Morrison’s concerns, I demonstrate in **Figures 15** and **16** below that an LCVAP-majority district can be drawn with citizen population (all ages) as the apportionment base. A detailed demographic summary and map for *Hypothetical Plan D* are attached as **Exhibit D**.

¹⁶ Morrison Report, ¶¶ 37-43.

¹⁷ Some jurisdictions exclude non-resident prison inmates from the apportionment base, but use total population after the exclusion.

Figure 15 Yakima City Council Hypothetical Plan D Summary

District	Population	Citizens	Deviation	% Deviation	18+_Pop	18+ Hisp.	% 18+ Hisp.	% Latino CVAP	% Latino Registered (of all registered)
1	16622	10866	-303	-2.71%	10262	7435	72.45%	55.25%	55.65%
2	14403	11155	-14	-0.13%	9837	4778	48.57%	30.13%	32.54%
3	11601	11142	-27	-0.24%	8947	1652	18.46%	14.45%	12.49%
4	11783	10779	-390	-3.49%	8676	2866	33.03%	28.38%	21.38%
5	12372	11087	-82	-0.73%	8811	3005	34.11%	20.35%	20.31%
6	11821	11412	243	2.17%	9568	937	9.79%	5.89%	6.91%
7	12465	11580	411	3.68%	9186	1164	12.67%	12.13%	7.94%

Figure 16 Yakima City Council Hypothetical Plan D

61. *Hypothetical Plan D* creates a Latino-majority district with a 55.25% LCVAP using the 2007-2011 ACS 5-year estimate of 78,181 citizens in Yakima as the apportionment base. *Hypothetical Plan D* has an overall deviation of 7.17%, based on an ideal district size of 11,169 (78,181/7). Latino-majority District 1 has a deviation of -2.17%. District 1 is overpopulated by about 3,500 persons using total population as the apportionment base. Over one-third (34.8%) of the City's Latino population would reside in District 1.

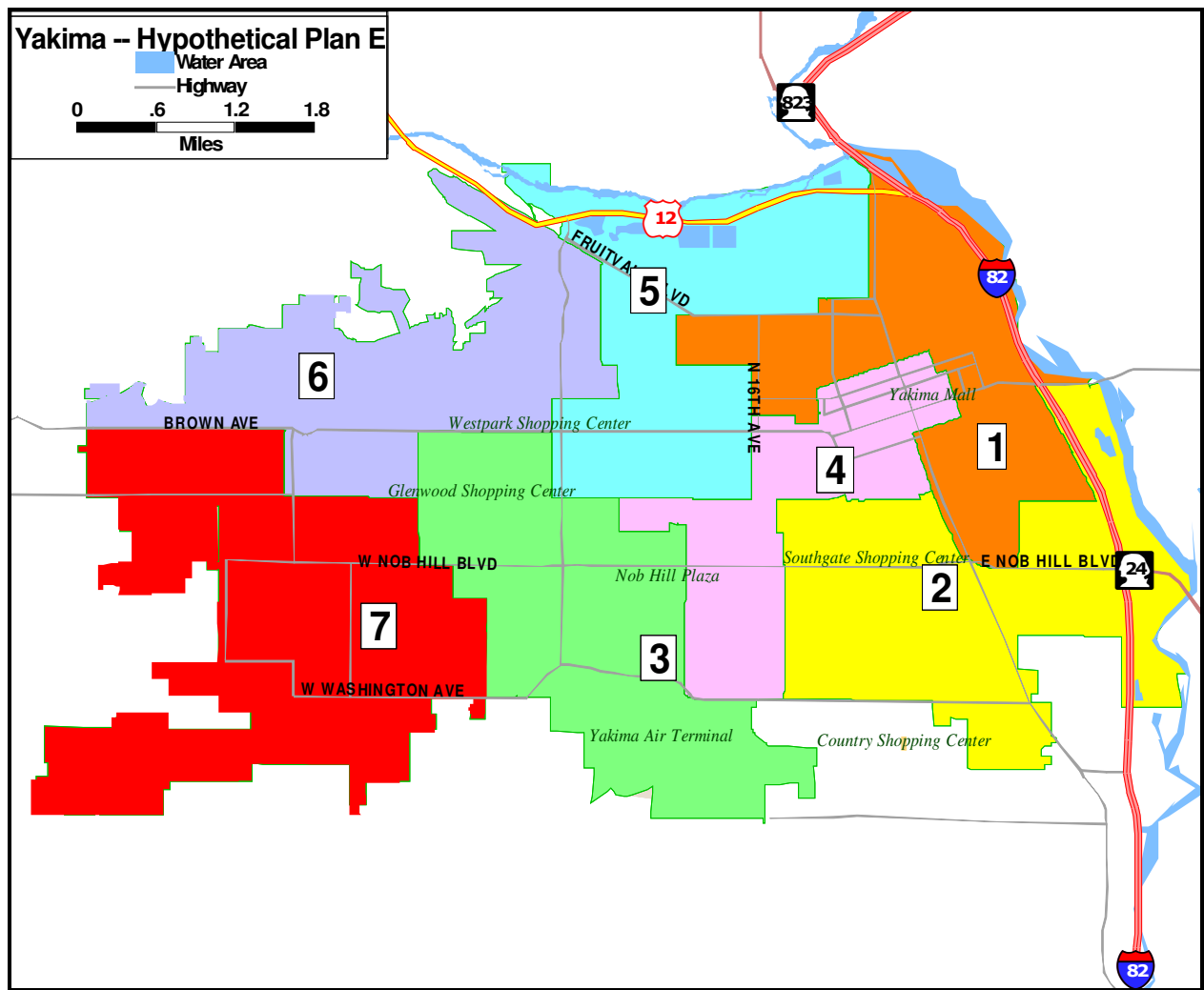
Hypothetical Plan E

62. *Hypothetical Plan E* creates a Latino-majority district with a 51.16% LCVAP using the 2007-2011 ACS 5-year estimate of voting age citizens in Yakima as the apportionment base.¹⁸ Summary statistics and a map are shown in **Figures 17** and **Figure 18** below. A detailed demographic summary and map for *Hypothetical Plan E* are attached as **Exhibit E**.

¹⁸ Dr. Morrison chooses to use the CVAP in Yakima according to the 2009-2011 ACS for the apportionment base. (See Morrison Report, Table 2, p.16). For consistency with the block group dataset, I believe it is preferable to use the citywide citizen voting age estimate from the 2007-2011 ACS.

Figure 17 Yakima City Council Hypothetical Plan E Summary

District	Population	CVAP	Deviation	% Deviation	18+_Pop	18+ Hisp.	% 18+ Hisp.	% Latino CVAP	% Latino Registered (of all registered)
1	21265	7577	-204	-2.62%	13082	9193	70.27%	51.16%	53.91%
2	14972	7574	-207	-2.66%	10304	4902	47.57%	30.81%	32.01%
3	10671	7897	116	1.49%	8218	1481	18.02%	15.97%	12.34%
4	11812	7951	170	2.19%	8792	2687	30.56%	24.53%	20.01%
5	10718	7665	-116	-1.50%	8236	1685	20.46%	14.54%	13.00%
6	10751	7935	154	1.98%	8659	865	9.99%	2.59%	6.34%
7	10878	7635	-146	-1.88%	7996	1024	12.81%	13.26%	7.80%

Figure 18 Yakima City Council Hypothetical Plan E

63. *Hypothetical Plan E* has an overall deviation of 4.85%, based on an ideal district size of 7,781 (54,464/7). District 1 is overpopulated by about 8,000 persons using total population as the apportionment base – 43.5% of the Latino population in Yakima would reside in District 1.

Deviation Analysis of Adopted 2011 Plan – Alternative Apportionment Bases

64. The hybrid at-large, 4-residency district plan adopted by the City in 2011 is grossly malapportioned using either citizens or CVAP as the apportionment base. The overall deviation for the *2011 Plan* with a citizen apportionment base is 24.37%. Using CVAP as the apportionment base, the overall deviation for the *2011 Plan* is 43.33%. With total population as the apportionment base, the *2011 Plan* has an overall deviation of 11.06%.¹⁹ It appears that total population is the apportionment base for the *2011 Plan*, because that is the only population statistic reported on the map posted on the City's website.²⁰

65. To reiterate, while it is certainly possible to draw an LCVAP-majority district using citizens or voting age citizens as the apportionment base, I believe that a valid and constitutional redistricting plan must use total population for the

¹⁹ February 1, 2013, Declaration of William S. Cooper, ¶ 45.

²⁰ See map and table available for download at:
<http://www.yakimawa.gov/council/city-council-districts/>.

apportionment base. For this reason, I do not believe that *Hypothetical Plans D* or *E* should be relied upon for the first prong of *Gingles* or as appropriate remedies in this case.²¹

E. Additional Methodological Issues Raised by Dr. Morrison

ACS CVAP versus 2010 Census VAP

66. Dr. Morrison identifies 15 block groups in Yakima where the estimated CVAP according to the 2007-2011 ACS exceeds the corresponding 2010 Census VAP. He found 9 block groups where the estimated CVAP exceeds the 2010 Census VAP and an additional 6 block groups where the estimated LCVAP exceeds the 2010 Census Latino VAP.²²

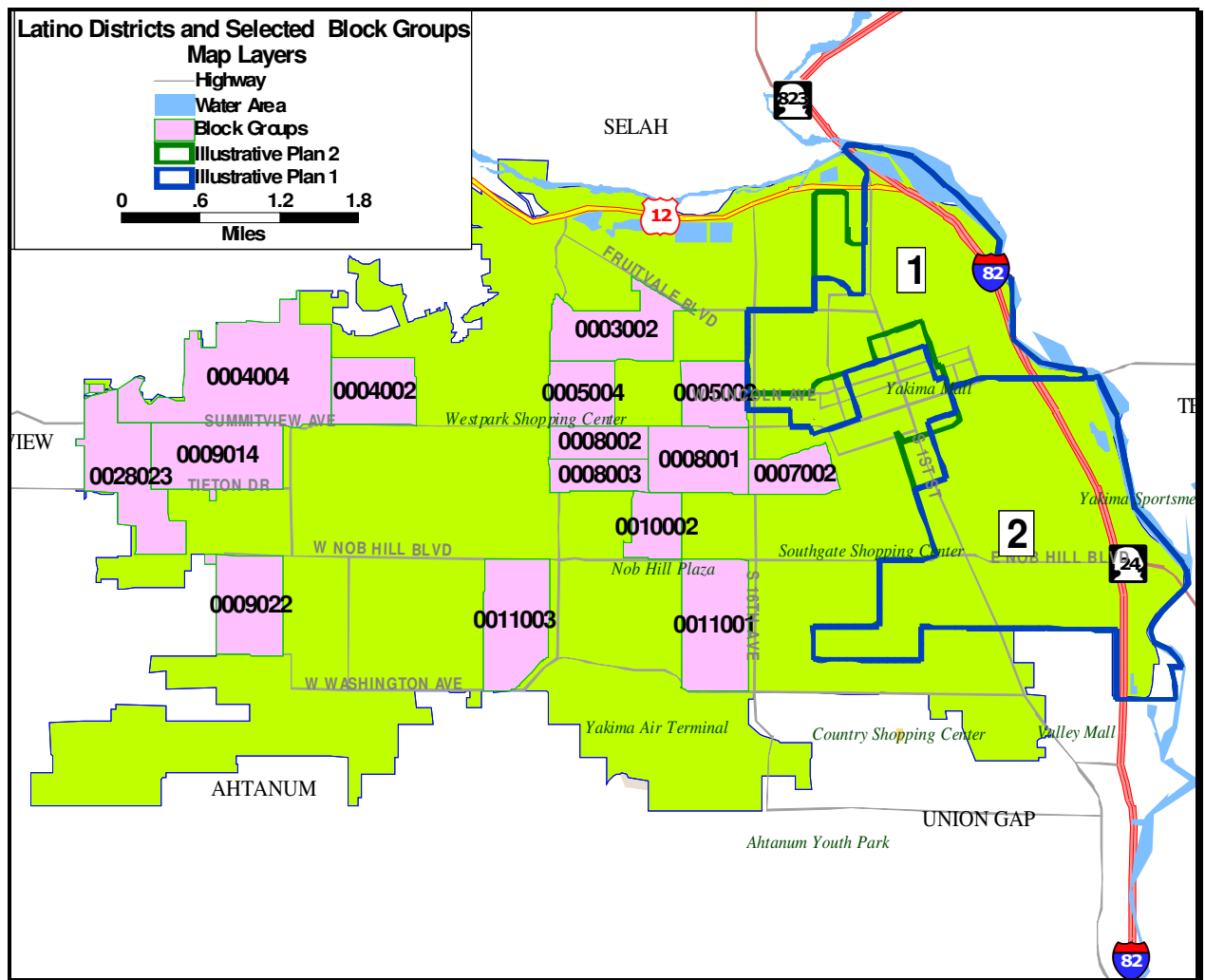
67. As shown in the map in **Figure 19** below, all 15 of the block groups flagged by Dr. Morrison (shaded pink) lie outside the boundaries of majority-Latino registered voter Districts 1 and 2 under both illustrative plans (delineated with blue and green lines). Therefore, this inconsistency between the 2010 Census

²¹ See *Garza v. County of Los Angeles*, 918 F.2d 763, 775–76 (9th Cir.1990).

²² Morrison Report, ¶¶ 7-8. In the text and accompanying table, Dr. Morrison implies that the block group level citizen counts are estimates that I have calculated. This is not the case. I rely on the official 2007-2011 ACS Special Tabulation block group point estimates published by the Census Bureau. (See my discussion in ¶¶ 6-8 *supra*.)

VAP counts and the 2007-2011 ACS CVAP estimates has no effect on the Latino-majority districts in the two illustrative plans.

Figure 19 **Block Groups with 2007-2011 ACS CVAP Greater than the 2010 Census VAP**



68. There is nothing unusual about block groups with 2007-2011 ACS CVAP estimates that exceed the 2010 Census VAP. Of the 217,217 block groups nationwide, 70,523 (32.47%) have 2007-2011 ACS voting age citizen estimates

that exceed the VAP in the 2010 Census count.²³ By comparison, in Yakima, just 13.4% of all block groups (9 of 67) have 2007-2011 ACS citizen voting age populations that exceed the 2010 Census VAP count. Yakima is below the national average by a wide margin.²⁴

69. One anomaly that Dr. Morrison did not mention in his report is that there are 9 block groups in Yakima that extend into areas beyond the city limits. This explains why there is a minor discrepancy between the citywide citizen (*Hypothetical Plan D*) and CVAP (*Hypothetical Plan E*) totals I used to calculate the ideal district size and the sum of the corresponding citizen and CVAP totals by district. Most of the jurisdictional splits are located in the western part of Yakima in areas that have been annexed since 1990. There are no jurisdictional block group splits involving District 1 as drawn in *Hypothetical Plans A* through *E* or in *Illustrative Plans 1* and *2*, so this discrepancy has no impact on *Gingles 1* in this case.

²³ I conducted this analysis with *Maptitude 2012* using a nationwide block group dataset purchased from Caliper Corporation.

²⁴ Because the nationwide 32.4% total for block groups with CVAP minus VAP excesses is much greater than the 13.4% total for Yakima block groups with excess CVAP or LCVAP, there is no point in proceeding to the next step. This step would involve identifying additional block groups nationwide where LCVAP exceeds 2010 Latino VAP.

Geographical Mobility of the Latino Population is not a Significant Factor

70. Dr. Morrison implies that because some of Yakima's Latinos work in agriculture or food processing, many are not year-round residents.²⁵ He offers no supporting data regarding Latino household mobility or the occupational structure of the Latino workforce in Yakima – or, for that matter, of the corresponding non-Hispanic population. He presents no block group or neighborhood analysis to support this assertion.

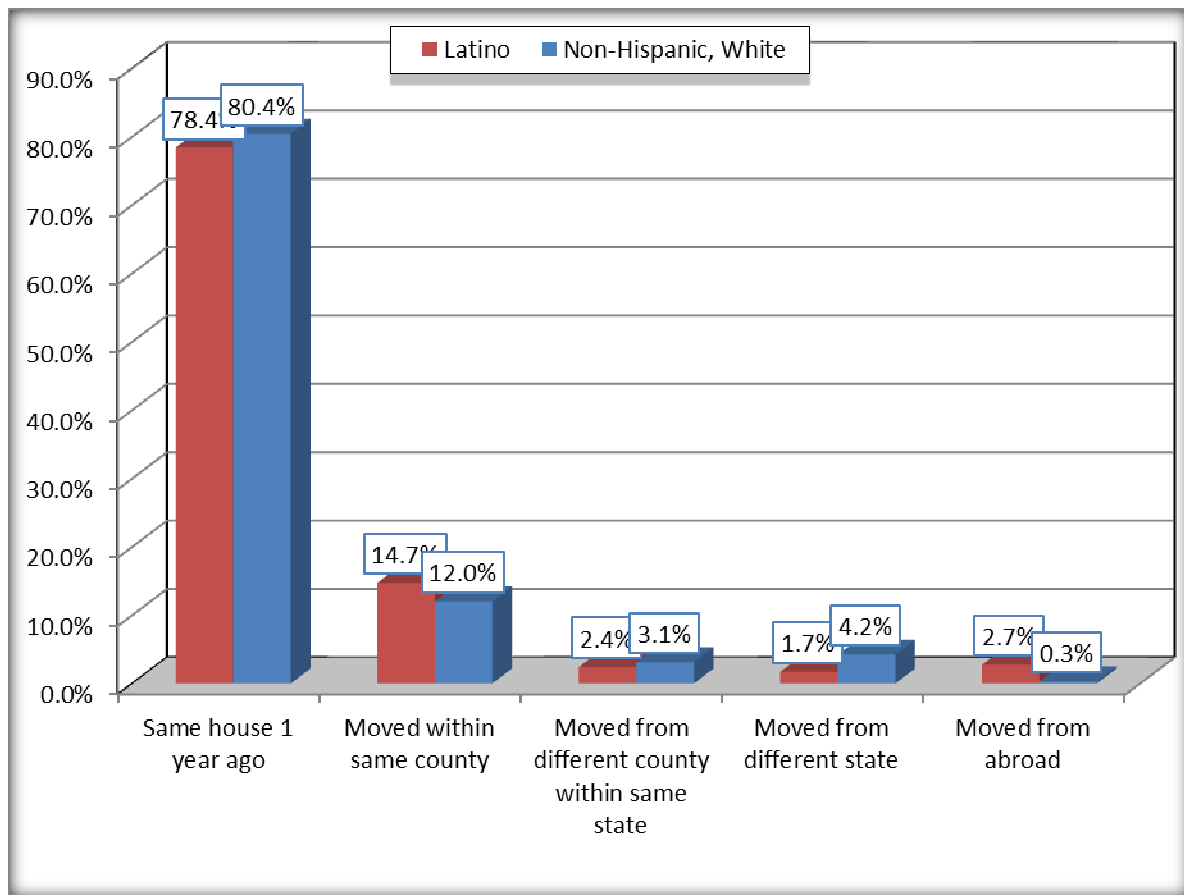
71. There is, however, evidence from the American Community Survey that shows Latino households in Yakima are stable comparatively speaking – and that the District 1 and 2 areas under the illustrative plans are within the norm in terms of geographical mobility for the city as a whole.

72. As shown in **Figure 20** below, the *2008-2010 3-Year ACS* indicates that Latinos in Yakima are not a transient population compared to non-Hispanic Whites.²⁶

²⁵ See Morrison Report, ¶¶ 28-30.

²⁶ The ACS numerical estimates underlying **Figure 20** are shown on p. 13 of **Exhibit H**. **Figure 20** is replicated in the chart on p.14 of **Exhibit H**. For ACS estimates and a summary chart showing the occupational structure of the Latino and non-Hispanic White workforces in Yakima see pp. 55-56 of **Exhibit H**.

Figure 20 Geographical Mobility in the Past Year (Population 1 and Over)
Latino and Non-Hispanic White Comparison



73. Nearly four out of five Latinos (78.4%) live in the same house as one year ago – comparable to the 80.4% rate of non-Hispanic Whites.²⁷ Another 14.7%

²⁷ Source: B07004. GEOGRAPHICAL MOBILITY IN THE PAST YEAR BY RACE FOR CURRENT RESIDENCE IN THE UNITED STATES - Universe: POPULATION 1 YEAR AND OVER Data Set: 2008-2010 American Community Survey 3-Year Estimates.

of Latinos moved during the year from somewhere else in Yakima County, compared to a 12.0% intra-county rate experienced by non-Hispanic Whites.²⁸

74. During the survey year, 6.8% of Latinos moved from out-of-county, compared to 7.6% of non-Hispanic Whites. This means that over the course of the year, slightly more non-Hispanic Whites compared to their Latino counterparts moved to Yakima from out-of-county or out-of-state areas.

75. An alternative way to consider the geographical mobility issue is to examine block group-level data for households that moved into their current residence at some point between 2005 and 2010. The map in **Figure 20** below shows that block groups with the highest rate of change of residence over the period are located, for the most part, just west of the Latino-majority districts under the illustrative plans.

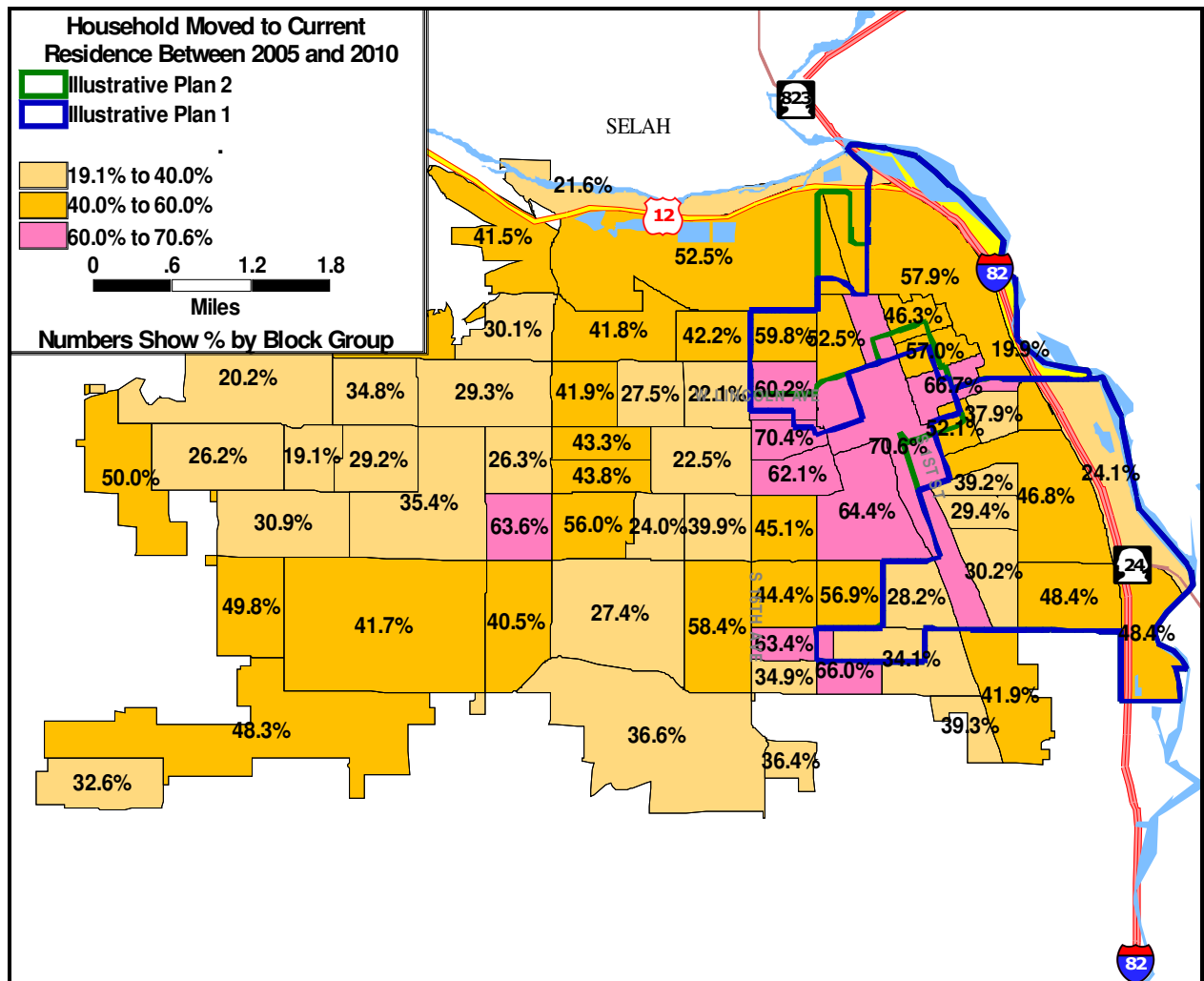
76. Between 60% and 70.6% of the households in the deep pink block groups moved into their current residence at some point between 2005 and 2010.²⁹ Of the 11,239 Latinos of voting age (according to the 2010 Census) who reside within the majority-Latino districts under *Illustrative Plans 1* and 2, 17.5% live in block

²⁸ The ACS does not provide a more detailed breakout for intra-city residence changes. Some of the intra-county moves would have been intra-city or intra-neighborhood.

²⁹ Source: 2012 US Census Planning Database (2006-2010 ACS). Available for download from:
http://www.census.gov/research/2012_planning_database/.

groups where 60% to 70.6% of the households moved in the five-year-period. Of the 5,457 non-Hispanics of voting age who reside inside the boundaries of illustrative Latino-majority districts, 18.5% live in block groups where 60% to 70.6% of the households moved in the five year-period.

Figure 21 Percent Change in Household Residence 2005-2010



77. Citywide, at the block group level, the median percentage of households that moved to their current residence between 2005 and 2010 is 41.5%.

This is within the 40% to 60% range of the orange-colored block groups in the map in **Figure 21**. Most of the population in Districts 1 and 2 lives in these orange-colored block groups. (The percentage labels that overlay each block group in the **Figure 21** map show the percentage of households that moved between 2005 and 2010.)

Latino-Majority Districts Will Not Dilute the Votes of Other Minorities

78. Dr. Morrison poses this question toward the close of his report, but does not provide data or legal analysis in response:

*Would this electoral imbalance causes (sic) unlawful dilution of votes cast by one or more protected groups (e.g., American Indians or Asians) whose numbers are disproportionately concentrated outside demonstration District 1?*³⁰

In short, no – for the reasons I discuss below.

79. First, *Illustrative Plans 1* and 2 create two effective Latino-majority districts – not one. Under both illustrative plans, nearly half of Yakima’s minority population would reside in Districts 1 and 2 – 47.6% under *Illustrative Plan 1* and 47.4% under *Illustrative Plan 2*.

80. Second, under *Illustrative Plans 1* and 2, District 4 is majority-minority – 51.32% and 51.56% of total population, respectively. Under *Illustrative Plan 1*, District 4 is 26.46% LCVAP with 22.89% Latino registered voters. Under

³⁰ Morrison Report, p. 26.

Illustrative Plan 2, District 4 is 26.77% LCVAP with 23.03% Latino registered voters. Minorities comprise 44.27% of the voting age population in District 4 under *Illustrative Plan 1* and 44.59% under *Illustrative Plan 2*. In both plans, on all of these metrics – minority percentage, LCVAP, Latino registered voters, and minority voting age percentage – District 4 scores higher than the corresponding citywide figures.³¹

81. Under both illustrative plans, nearly two-thirds of Yakima’s minority population would reside in Districts 1, 2, and 4 – 63.14% under *Illustrative Plan 1* and 63.3% under *Illustrative Plan 2*.

82. In sum, under *Illustrative Plans 1* and 2, more than 60% of the minority population would reside in three single-member districts where a minority candidate for city council could be expected to fare better than under an at-large citywide election system. Minority voters would reside in two out of seven districts with a majority of registered voters who are minority (predominantly Latino) versus zero out of seven under the existing at-large system. This would not represent a dilution of votes for minority voters vis-à-vis the current electoral scheme.

83. According to the 2010 Census, the national origin of the Latino population in Yakima is overwhelmingly Mexican – 92.3% of all Latinos in Yakima are Mexican-American. (See **Figure 22** below).

³¹ See Exhibits C-1 and D-1 in my February 1, 2013 declaration.

Figure 22 Yakima – Latinos by National Origin (2010 Census)

National Origin	2010 Population	% of Total
Mexican	34,697	92.3%
Puerto Rican	232	0.6%
Cuban	48	0.1%
Dominican	23	0.1%
Central American (excluding Mexican)	338	0.9%
South American	149	0.4%
Other Hispanic or Latino	2,100	5.6%
Total Hispanic or Latino	37,587	100.0%

84. About 90% of persons of Mexican origin have some North American Indian heritage.³² In 2010, approximately 14.9% of Mexican nationals (ages 3 and over) were Indian compared to 0.9% of Americans who identified as single-race Indian.³³

85. Of the 1,968 persons in Yakima who specified a tribal affiliation in the complete count 2010 Census, 657 (33.38%) were members of the Yakima tribe. The Mexican American Indian category was checked for 118 persons (6.0%). Other

³² *CIA World Factbook*. Available for download at:
www.cia.gov/library/publications/the-world-factbook/geos/mx.html.

³³ Sources: U.S. Census Bureau, 2010 Census.
 INEGI. *Censo de Población y Vivienda 2010: Tabulados del Cuestionario Ampliado*. Available for download at:
<http://www3.inegi.org.mx/sistemas/TabuladosBasicos/LeerArchivo.aspx?ct=27495&c=27303&s=est&f=1>.

categories which represent Latin American Indian categories amounted to just over one percent (e.g., Spanish American Indians, South American Indians, and Yaquis).³⁴ (See **Exhibit F**). A tribal breakout by voting age and Latino/non-Hispanic is not available in the 2010 Census.

86. Latinos may be of any race. **Figure 23** below shows the distribution of Yakima's Latino population by race, according to the 2010 Census. In the 2010 Census, over half of the Latino population checked "Other race" – 21,091 persons (56.11%) and 12,655 persons of voting age (57.95%).

Figure 23 Yakima – Latinos by Race (2010 Census)

Race	2010 Population	% of Total	2010 18 + Pop.	% of 18 + Pop
White Alone	13,542	36.03%	7,791	35.68%
Black Alone	245	0.65%	128	0.59%
American Indian and Eskimo Alone	527	1.40%	263	1.20%
Asian Alone	61	0.16%	40	0.18%
Hawaiian or Pacific Islander Alone	37	0.10%	25	0.11%
Other Alone	21,091	56.11%	12,655	57.95%
Two or More Races	2,084	5.54%	935	4.28%
Total Hispanics	37,587	100.0%	21,837	100.00%

87. The socio-economic status of Yakima's American Indian community is more closely aligned with Latinos than non-Hispanic Whites. The tables and charts in **Exhibit G** compare Indians and non-Hispanic Whites as reported in the *2006 to 2010*

³⁴ Source: 2010 Census Summary File 1: *QT-P7-Geography-Yakima city, Washington: Race Reporting for the American Indian and Alaska Native Population by Selected Tribes: 2010*.

American Community Survey 5-Year Estimates file. This document shows that Indians, like Latinos, lag behind non-Hispanic Whites across key socio-economic measures such as poverty and median income. For general comparison, I have attached as **Exhibit H** a similar set of charts contrasting Latinos and non-Hispanic Whites from the *2008-2010 American Community Survey 3 year Estimates* dataset.

F. Conclusion

88. This declaration makes the following key points:

- *Gingles I* can be met in a variety of ways in Yakima, including a single-member district with an LCVAP at least as high as 57.74% in a 7-member plan. (See *Hypothetical Plan C*).
- *Gingles I* can be met in Yakima even assuming an apportionment base comprised of citizens or just citizens of voting age. (See *Hypothetical Plans D and E*).
- LCVAP estimates derived from the American Community Survey are routinely used by government entities, the U.S. Department of Justice, and federal courts for redistricting.
- The LCVAP calculations I employ are in no way “tainted” or “suspect.”
- For Yakima, the proper method to disaggregate ACS CVAP estimates to the census block level is to allocate both Latino and non-Hispanic CVAP in proportion to the underlying block-level Latino and non-Hispanic VAP from the decennial census.
- Even if the CVAP allocation method advocated by Dr. Morrison is employed, it is possible to create an LCVAP-majority district under a 7-district plan and, at the same time, create a second majority-Latino registered voter district. (See *Hypothetical Plan A*).

- Geocoding current registered voter lists is more geographically precise and temporally accurate for gauging current and potential Latino voting strength than the historical ACS block group special tabulation.
- LCVAP estimates derived from the 5-year ACS are historical indicators of Latino citizenship by district – on average, three and one-half years old the moment they are released. The January 2013 geocoded Spanish surname registered voter list is a current indicator of Latino voting age citizenship by district. ACS Latino citizenship estimates for the under 18 population are forward-looking indicators of current and future LCVAP by district – particularly in Yakima where 95% of under 18 Latinos are citizens.
- There is a nearly 20-percentage point positive differential between Latino citizens of all ages and LCVAP in Districts 1 and 2 under the illustrative plans.
- Minorities other than Latinos will not see their votes diluted under a 7-single district plan in Yakima – assuming two majority-Latino registered voter districts and a third majority-minority district with a minority VAP percentage that is higher than the citywide percentage.
- The Latino population in Yakima is over 90% Mexican-American and shares cultural and socio-economic characteristics with the non-Hispanic American Indian community – the second largest minority population in Yakima.

89. In summary and upon review of Dr. Morrison's report and supplemental report, I see no reason to alter the conclusions I made in my February 1, 2013 declaration:

- It is possible to create two out of seven City Council districts where Latinos of voting age would be a majority and where Latino registered voters would comprise a majority of registered voters.
- It is possible to create at least one Latino citizen voting age-majority district out of seven.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

April 19, 2013

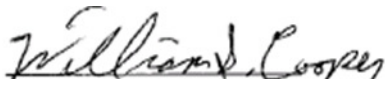

WILLIAM S. COOPER

Exhibit 7

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO ARTEAGA,

Plaintiffs,

vs.

CITY OF YAKIMA, MICAH CAWLEY, in his
official capacity as Mayor of Yakima, and
MAUREEN ADKINSON, SARA BRISTOL, KATHY
COFFEY, RICK ENSEY, DAVE Ettl, and BILL
LOVER, in their official capacity as
members of the Yakima City Council,

Defendants.

DEPOSITION OF PETER MORRISON
May 9, 2013
Seattle, Washington

Reported by:
Mary W. Miller, RPR, CRR, CCP
CCR No. 2653
Job No. 431811

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

For the Plaintiffs:

ABHA KHANNA
SUSAN FAHRINGER
BEN STAFFORD
Perkins Coie
1201 Third
Suite 4800
Seattle, Washington 98101
206-359-8000
akhanna@perkinscoie.com

For the Defendants:

FRANCIS FLOYD
JOHN SAFARLI
Floyd Pflueger & Ringer
200 W. Thomas Street
Suite 500
Seattle, Washington 98119
206-441-4455
ffloyd@floyd-ringer.com

Also Present:

WILLIAM COOPER

MORRISON, PETER 1
 MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXAMINATION INDEX

EXAMINATION BY:

PAGE NO.

MS. KHANNA

4

EXHIBIT INDEX

EXHIBIT NO.

DESCRIPTION

PAGE NO.

Exhibit 1 Declaration of William Cooper 46

Exhibit 2 Expert report of Peter Morrison 5

Exhibit 3 Supplemental report of Peter Morrison 83

Exhibit 4 Supplemental declaration of William Cooper 85

Exhibit 5 Washington 2000 census microdata areas 134

WITNESS INSTRUCTED NOT TO ANSWER

(None)

INFORMATION REQUESTED

(None)

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 4

1 BE IT REMEMBERED that on Thursday, May 9, 2013,
2 at 1201 Third Avenue, Seattle, Washington, at 9:00 a.m.,
3 before Mary W. Miller, Court Reporter in and for the State
4 of Washington, appeared PETER MORRISON, the witness herein;

5 WHEREUPON, the following proceedings were had,
6 to wit:

7

8 <<<<< >>>>>

9

10 PETER MORRISON, having been first duly sworn
11 deposed and testified as follows:

12

13 EXAMINATION

14 BY MS. KHANNA:

15 Q. Good morning, Dr. Morrison. We've already met but
16 just for the record my name is Abha Khanna and I'm
17 representing the plaintiffs in this action.

18 Could you please state your full name and business
19 address for the court.

20 A. My full name is Peter, middle initial A, Morrison
21 and my business address is No. 3 Eat Fire Springs Road,
22 Nantucket, Massachusetts.

23 Q. And have you ever been deposed before?

24 A. Yes, I have.

25 Q. About how many times?

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 47

1 Q. And that's on page 13.

2 A. Yes.

3 Q. And you see here in this paragraph Mr. Cooper notes
4 that nearly three quarters of the city's 2010 Latino
5 population resides in that nine mile square area east of
6 16th Avenue.

7 A. Yes. That answered the question then. Those
8 numbers, if they're correct, yes, the majority live east of
9 north 16th.

10 Q. And the figure on page 13 as well shows that the
11 largest concentrations of Latinos are east of 16th Avenue?

12 A. Yes. Those areas with the highest share, the
13 largest percentage of total Latino population are east of
14 north 16th, yes.

15 Q. Are you aware of any other large concentrations of
16 Latinos in the city of Yakima?

17 A. There are areas that have greater and lesser
18 concentrations west of North 16th and you can see them in
19 this map. They're not as, they're not as extreme as the
20 ones east of North 16th but there is a pattern of -- you
21 know, it's an interesting pattern to me. Not all the
22 concentration areas are east of North 16th. There are some
23 other areas where Latinos are more concentrated relative to
24 the neighboring bloc groups.

25 Q. But not relative to east of 16th Street?

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 48

1 A. No, not in terms of total population here. This is
2 a very coarse measure, it's a total population. When I look
3 at it, I look at this map and I see exactly what you're
4 saying and I have no dispute with what you're asking me
5 about. But one would want to look at this in terms of, at
6 least my view of this is I see here what would be regarded
7 as a traditional long-standing Latino enclave with some
8 other emerging areas of Latino residents elsewhere in the
9 city, quite possibly areas where the Latinos are more likely
10 to be citizens than in the more heavily concentrated areas.
11 So there's kind of an underlying historical development
12 process here that one has to be aware of based on what I've
13 seen in other places.

14 Q. But you have no dispute with the information as
15 presented on page 13?

16 A. I have no reason to doubt that the numbers were
17 accurately mapped.

18 Q. So given this information would you say that the
19 Latino population in Yakima is geographically concentrated?

20 A. The total population certainly is geographically
21 concentrated, no question about it.

22 Q. And you reviewed illustrative plan 1 in Mr. Cooper's
23 declaration; is that right?

24 A. Yes.

25 Q. There's seven districts in that plan; is that right?

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 49

1 A. That's my understanding.

2 Q. Are the districts in illustrative plan 1 compact?

3 A. Compactness is a relative term. You can only say
4 it's more compact or less compact than some other
5 comparison. I would say they are not bizarrely configured
6 which is a term that I would carefully apply to some plans
7 I've seen.

8 Q. So relative to other plans that you've seen, would
9 you say the districts in illustrative plan are compact?

10 A. No, I would say they're not bizarrely figured.
11 Compactness is a relative term. You'd have to ask me are
12 they more compact or less compact than some other
13 comparison.

14 Q. Would you agree that they're not oddly shaped?

15 A. Again, it's a relative standard. I would say the
16 standard that I could apply without any question is that
17 they are not bizarrely shaped.

18 Q. Are you aware of various ways of measuring
19 compactness?

20 A. Yes, I am.

21 Q. What are some of those ways?

22 A. I think there's as many as a dozen different
23 measures that have been developed by political scientists
24 and geographers. I can't tell you the names of all of them
25 offhand. One of them is something, Colby something measure,

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 50

1 but basically they get a different conceptualizations. Like
2 if a perfect district were a circle, how different is it
3 from a circle in terms of geometry. There are a lot of
4 different measures and they all, you know, quantify what we
5 have in mind, which is does this thing look reasonably
6 square or reasonably circular or are there, you know, is the
7 perimeter around the plan much more than what it would be if
8 it were a circle. If you have a district like the ones that
9 have been configured, I can think of some in the state of
10 Illinois, in North Carolina where you look at it and kind of
11 the test one uses if you look at it and you say it looks
12 like an insect that got driven over by a car, that's not
13 going to be compact. But all of these measures pick up
14 different, analytically different aspects or analytically
15 distinct aspects of a district, and basically when you look
16 at it, you can tell when it's bordering on being bizarre.

17 Q. So one way to tell compactness is really an
18 eyeballing?

19 A. An eyeballing can tell you if you got something that
20 really looks strange. You look at it and say why would
21 anyone draw something that should be more or less, you know,
22 normal or nonbizarre, and an eyeball test would be one test.
23 But the compactness measures are very useful because they
24 give you a metric that allows you to compare different plans
25 and say one -- if all other things are equal, this one is

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 51

1 more compact than that one, and I'm not aware that
2 Mr. Cooper has calculated any of those measures. I didn't
3 go to the trouble of calculating them because I didn't want
4 to expend any resources on something unless it became a big
5 issue.

6 Q. But Mr. Cooper did specifically opine that the
7 districts in illustrative plan 1 are compact; is that right?

8 A. That's his opinion, yes.

9 Q. But you read that in his report?

10 A. Yes.

11 Q. And you did not dispute that in either of your
12 reports; is that right?

13 A. My, you know, my criterion would be to say when he
14 says they're compact, that's his opinion and that falls -- I
15 would agree insofar as I would say they're definitely not
16 bizarre.

17 Q. Do you think the compactness of the districts is
18 relevant to Gingles 1 analysis?

19 A. It's one of the traditional redistricting criteria
20 that should be taken into account when configuring a
21 district.

22 Q. Are the districts in illustrative plan 1 contiguous?

23 A. Are the districts contiguous?

24 Q. Is the plan itself contiguous?

25 A. Well, if you mean does it exhaustively include all

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 60

1 There's nothing in the report and I assumed that there would
2 be something in the deposition. But I didn't say anything
3 about it because it was not the predominant concern that I
4 had.

5 Q. So on paragraph 56 in Exhibit 1 when Mr. Cooper
6 says, "In sum, the illustrative plans comply with key
7 traditional redistricting criteria," and then he includes a
8 list, you do not dispute that it complies with compactness?

9 A. No, I don't have any -- I certainly have no, no -- I
10 don't directly dispute compactness. That's not one of the
11 factors that I would dispute.

12 Q. Or contiguity?

13 A. Nor contiguity. Contiguity is off the table.
14 That's not an issue.

15 Q. And you do discuss the one person, one vote issue in
16 the context of electoral imbalance?

17 A. That's correct.

18 Q. But you do not specifically address the respect for
19 communities of interest using that term?

20 A. I need to know more about what communities of
21 interest there are other than the total Hispanic population
22 that is concentrated in one area.

23 Q. Do you have any information on whether there are
24 communities of interest?

25 A. I would say it would have been helpful if the term

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 64

1 intruding fingers or nipples of territory. Sometimes one
2 has to do that in order to deal with the incumbency issue.

3 Q. Do you understand Mr. Cooper's report as opining
4 that the districts in illustrative plan 2 are compact?

5 A. That's what he said, yes.

6 Q. Did you dispute that in either of your reports?

7 A. No, I did not.

8 Q. Are the districts in illustrative plan 2 contiguous
9 the way you defined it?

10 A. Yes.

11 Q. And does illustrative plan 2 have an overall
12 deviation that falls under the ten percent threshold that we
13 discussed?

14 A. Yes, it does.

15 Q. In fact it's 5.44; is that right?

16 A. Correct.

17 Q. As far as you know does illustrative plan 2 respect
18 any communities of interest?

19 A. I would have to give the same answer that I gave
20 with plan 1, which is clearly it respects the total Latino
21 population viewed as a community of interest but I don't
22 know what other communities of interest are out there.
23 There is at least one other unnamed community of interest
24 because Mr. Cooper used the plural communities of interest,
25 and there may be more than one other but I don't know what

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 74

1 means that its application in redistricting has to be
2 governed by judgment as to what it can and cannot assure us
3 of. So it's like we all acknowledge it's the only, it's the
4 only source of data on citizenship that we have and it is
5 the officially designated one. We are talking about
6 applying it not to a situation where we're distinguishing
7 concentrations of African Americans, all of whom are
8 citizens where citizenship is not an issue. We're dealing
9 with a situation where citizenship is more of an issue here
10 than it is probably in 95 percent of jurisdictions where
11 redistricting is done. And the fact that there are many
12 citizens and many seasonal residents and many people who
13 didn't answer questions and lots of other things
14 cumulatively create a situation where one has to exercise
15 caution in interpreting the data and understanding where one
16 can draw a conclusion of confidence and where one can draw a
17 conclusion but with little or only marginal confidence.

18 Q. Have you ever relied on ACS data in determining the
19 minority Citizen Voting Age Population in a given district
20 in any previous cases?

21 A. I do it all the time.

22 Q. Can you name any of those cases?

23 A. I'm working on a few right now. I'm working on one
24 in Gainesville, Georgia, another one in Orange County,
25 Florida. I certainly have used ACS data, that would be in

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 83

1 (Exhibit No. 3 marked
2 for identification.)

3 A. Yes.

4 Q. When did you first realize that your initial report
5 needed supplementation?

6 A. I think it was a few days after I completed it and I
7 was struck by something that stood out that didn't make
8 sense, and it was at that point that I looked into it more
9 thoroughly.

10 What I had done is I had compared what Mr. Cooper
11 had done and how he had allocated bloc group level data to
12 individual blocs for Hispanics. I replicated what he did
13 and I remember saying he did it exactly right, even to the
14 fraction of a person. He had 37.3 Hispanics, and I did it
15 the way I thought it should be done for Hispanics and I said
16 that's exactly what I get. That's why I said I think he
17 knows what he's doing with numbers. But I never went on to
18 look at what had been done with nonHispanics. I never went
19 on to see what he had done with nonHispanics.

20 I then had proceeded to do Hispanics in total
21 population subtracting the former from the latter. I made
22 the assumption that he had done it the same way. I didn't
23 follow through the tedious verification to see if he did it
24 the same way, and what I stumbled into was he was coming out
25 with numbers that was different than I was coming out with

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 84

1 at the bottom line. I'm like how did this happen. And I
2 discovered that what he had done was adopted I guess, you
3 know, his -- he crafted his own method of doing this. I'm
4 not aware of any, anyone who's done it this way anywhere
5 else. And he did the two parts and then said well, I'll add
6 the two parts together to get the whole, which is the total
7 CVAP. And that's where I -- that's the point at which I
8 discovered this problem. And I realized that it was a
9 problem of fundamental significance because the correct
10 method, my method, came out with a significantly lower
11 Hispanic share of CVAP in District 1.

12 Q. And you believe that your method is in keeping with
13 the standard demographic practice; is that right?

14 A. Correct.

15 Q. And what's the basis for that opinion?

16 A. I could refer you to the bible that I mentioned
17 before, the Methods and Materials of Demography edited by
18 Jay Segal and David Swanson. That's Dr. Swanson who I
19 mentioned before who's the professor at UC Riverside.

20 When I talk about standard demographic practice, it
21 derives from various parts of that manual. It also derives
22 from my consultation with Dr. Swanson and with Tom Bryan, I
23 mentioned before, to assure myself that this is the way they
24 would do it but also understanding why it was the way they
25 would do it. And as I stated before, there is a fundamental

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 107

1 phenomenon, and you take the two readings and you form an
2 opinion based on them. So I would say sometimes yes, but
3 not invariably.

4 Q. How would you take the two readings and form an
5 opinion based on them?

6 A. It's very situation specific. I can't give you a
7 general set of rules. You have to look at it, you have to
8 look at the history. You have to look at each measure in
9 the context of what it was the last time it was measured,
10 what direction it was trending, what kinds of errors there
11 might be in each source of data. How it is you're defining
12 Latino voters, whether this is by surname or whether it is a
13 variable that the election's office has inserted based on
14 some kind of a self report that they got. It all, it all
15 depends on the quality of the data and you have to just kind
16 of look at everything before you make a judgment.

17 Q. And you've reviewed Mr. Cooper's report of
18 registered voter data for illustrative plans 1 and 2; is
19 that right?

20 A. Yes.

21 Q. Do you dispute the methodology used in determining
22 registered voter determination?

23 A. The only question I have that still troubles me is
24 the matter of identifying as Latino some registered voters
25 who presently, whose present surname is not on the Spanish

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 108

1 surname list. I don't know whether any of those, I'll
2 called them transformed names, have found their way into the
3 count. From what I heard him saying yesterday, I think the
4 answer is that they did not get included, but I'm not 100
5 percent confident because I didn't get a clear answer.

6 Q. So you're referring to individuals with Anglo
7 surnames who may be counted as Latino?

8 A. Not Anglo surnames. Persons with surnames that are
9 not on the Spanish surname list whose maiden names were on
10 the Spanish surname list and who have been carried forward
11 since a marriage and counted as Latinos without -- first of
12 all in violation of the use of the Spanish surname list and
13 secondly on the assumption that someone who had a Spanish
14 surname let's say 20 years ago and now has an Anglo, no
15 longer has a Spanish surname would still self identify in
16 the same way on a census. That's another layer of
17 assumptions that are built in.

18 But the most important point I would make is that
19 when you use the list of Spanish surnames, you don't get to
20 change some people because they got married in one direction
21 because getting married can go in the other direction. That
22 is to say a person whose name was not on the Spanish surname
23 list could marry a person who's, and take the last name of a
24 Spanish surname person and you would not, you know, you
25 would not go in and start tinkering with that and say well,

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 109

1 you used to not be on the Spanish surname list, so you're
2 not really Hispanic even though you married one. If you do
3 that you are undermining the logic of the Spanish surname
4 list and it invalidates the application.

5 Q. And you said it was your understanding that
6 Mr. Cooper did not include those individuals in his
7 registered, in his matching of the registered voter rate?

8 A. From what he said I think that's what I heard but
9 I'm not 100 percent sure. I'm not entirely sure. I think I
10 heard the question asked once in a way that was, did any of
11 these changed individuals, are any of these changed
12 individuals reflected in any of the data in some place and I
13 think his answer was no.

14 Q. Can you turn to page 17 of Exhibit 4 to Mr. Cooper's
15 supplemental declaration. I'm looking at footnote 7. Here
16 Mr. Cooper says, "The result in Spanish surname registered
17 voter list does not include a number of voters with
18 nonSpanish surnames that the Yakima County Election Division
19 has classified as Latino."

20 A. Okay, let me see where that comes in. Okay, I think
21 I answered the question.

22 MR. FLOYD: This only relates to claims 1 and 2
23 and not A through E.

24 Q. I believe my question was did you have any concerns
25 about the methodology used for determining registered voters

1 in plans 1 and 2.

2 A. So that footnote answers that question.

3 Q. So does that alleviate any concerns you had about
4 Mr. Cooper's methodology for determining the Latino
5 registered voter majority populations in illustrative plans
6 1 and 2?

7 A. Yes.

8 Q. So do you dispute Mr. Cooper's determinations of the
9 registered voter population in illustrative plans 1 and 2?

10 A. Do I dispute -- could you read back the question.

11 MR. FLOYD: Excuse me, one second. I'm going to
12 object because if you look at page 16 of his original
13 report, which is Exhibit 1, there's an inconsistent
14 statement than footnote 7 on page 17 of Exhibit 4. So I
15 think you're mischaracterizing, if you look at both of them
16 in total.

17 A. I see what you mean there. I would like to
18 interject. I do see an inconsistency here and I'm not sure
19 exactly how it's resolved.

20 Q. Can you explain what the inconsistency that you see.

21 A. Yeah, I mean he says in footnote 7 on page 17 of
22 Exhibit 4 that the Spanish surname registered voter list
23 does not include a number of voters with nonSpanish surnames
24 that the Yakima County Election Division has classified as
25 Latinos. And then he says in Exhibit 1, page 16.

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 111

1 Q. What paragraph?

2 A. Paragraph 36. "I matched the January 2013
3 registered voter list to the Spanish surname list using
4 Microsoft Access Routine," and then the sentence after that
5 says, "This match includes a few persons with surnames that
6 in part match Spanish surnames" -- wait a minute, hold on.
7 There's a later place where he says this. It's not
8 paragraph 36. It's paragraph 42, that's the one that's
9 inconsistent.

10 Actually you have paragraph 42 in Exhibit 1 versus
11 footnote 7, page 17 in Exhibit 4, and I'm now going to read
12 what he says in paragraph 42 which is adding the apparent
13 inconsistency. "In addition the attorneys gave me a file
14 prepared by the Yakima County Department of Elections that
15 identifies Latino voters who cast a ballot in the November
16 2011 general election. This voter turnout list includes a
17 few persons with nonSpanish surnames, for example, quote,
18 Colby, close quote. I understand that the Yakima County
19 Board of Elections," and then he goes on to explain why
20 there would be names like Colby coded that way. And then he
21 says in the following sentence, "I used this file to
22 identify additional Latino voters not matched with the
23 surname method described in paragraph 36."

24 So to summarize the inconsistency, in paragraph 32
25 of Exhibit 1, Mr. Cooper's first report, he says that he

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 112

1 used the file to identify additional Latino voters not
2 matched with the surname method described in paragraph 36.
3 And then in Exhibit 4, his supplemental declaration, in
4 footnote 7 on page 17 he says, "The result in Spanish
5 surname registered voter list does not include a number of
6 voters with nonSpanish surnames that the Yakima County
7 Elections Division has classified as Latino."

8 Q. Is footnote 7 talking about the registered voter
9 list or the voter turnout list?

10 A. The registered voter list.

11 Q. And is paragraph 42 in Exhibit 1 talking about the
12 registered voter list or the voter turnout list?

13 A. Paragraph 42 is talking about the voter turnout
14 list. But if one has looked at the voter turnout list,
15 presumably that is a subset of the registered voters at that
16 time. So I will, I will have to say I don't consider myself
17 to be well enough informed to say either there is no
18 inconsistency or to claim with certainty that there is one.
19 This is an area that needs to be resolved.

20 And at a minimum, it casts in my mind some doubt on
21 the procedure because it suggests that Mr. Cooper was on the
22 one hand using the list -- he was using a file that was
23 properly coded, but then in another instance he apparently
24 threw in some more people with names like Colby that didn't
25 belong there. So if -- at a minimum he is not adhering to a

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 113

1 consistent practice of using Spanish surname list.

2 Once again, this raises in my mind a concern about
3 his approach to analyzing data and his meticulousness in
4 adhering to the proper standards in dealing with
5 administrative record data which are notoriously complicated
6 and have, you know, have all sorts of problems. Remember
7 registered voter data and voter turnout data from election
8 departments are not designed for the needs of researchers.
9 They're designed to record an official event that occurred
10 and one has to always approach them with a degree of caution
11 and understand what one has. And at a minimum I would say
12 that this is an indication of Mr. Cooper's failure to
13 recognize that he should not have used any file in which
14 people with the name Colby were called Latino.

15 Q. Is it your understanding that he used, when he's
16 determining the registered voter population he included
17 people with the last name Colby? I believe you mentioned
18 earlier that he was using the file that was properly coded,
19 was that right?

20 A. From what he says in footnote 7, if I were to
21 believe what he said in footnote 7, the answer to your
22 question would be yes, he used it in a proper fashion. If I
23 read paragraph 42, I would conclude that he used the
24 voter -- he had a voter turnout file that was improperly
25 coded. And I know that when you work with these files, what

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 114

1 you have is a single file of registered voters and then you
2 have a variable that is telling you whether or not that
3 registered voter turned out and was a, a turnout voter in a
4 particular election. So the record would be a single
5 record.

6 And what he seems to be saying is if it was a
7 registrant, I didn't have any Colbys, but when I went
8 through the registrants and I picked out the subset of
9 registrants who turned out in an election, I included the
10 Colby. And I'm trying to figure out how you would do
11 it -- not do it in one case but do it in the other when
12 you've only got one record. Colby is there and in the file
13 you've either said I'm going to count Colby as a Spanish
14 surname person, even though it's not Spanish surname or not.
15 And then if I say it's Colby, did he turn out in an
16 election, either he did or he did not but it's the same
17 record.

18 Q. So I believe you would testify then that the voter
19 registration file was properly coded, and I believe that was
20 the word that you used.

21 A. That's what he says in footnote 7. What he says, he
22 doesn't say it was properly coded. He says I did not use
23 the improperly coded voter.

24 Q. So it seems to be that you take issue with his use
25 what you call improperly coded voters in the voter turnout

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 115

1 file.

2 A. Well, from what he says, he says in his report
3 here, "I understand" --

4 MR. FLOYD: Where are you referencing?

5 A. I'm sorry, in paragraph 42 of his first report he
6 says, "I understand that the Yakima County Board of
7 Elections records these voters, et cetera and then he says,
8 "I used this file."

9 Q. For what?

10 A. "To identify additional Latino voters not matched
11 with the surname method."

12 Q. Do you know for what purpose it was --

13 A. I don't know. He said he used the file.

14 Q. Assuming for the moment that Mr. Cooper did not
15 include what you call improperly coded individuals in the
16 voter registration files that he examined, would you say
17 looking solely at his determination of voter registration,
18 that his calculation of Latino registered voters is correct?

19 MR. FLOYD: Object to the form of the question.

20 A. I would say under the hypothetical you posed, yes.

21 Q. Did you raise any objections or any, sorry -- strike
22 that -- any dispute with Mr. Cooper's methodology for
23 determining the number of Latino registered voters in your
24 first report?

25 A. No, I did not.

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 116

1 Q. Did you raise any dispute in your second report?

2 A. Not to my recollection. I know that this has been a
3 concern. The only thing I can't be sure of is whether I
4 mentioned it in my report. I know I wanted -- what I do
5 recall is wanting to have clarification on the issue because
6 I really didn't know what he'd done. And so it wasn't that
7 I had said I'm troubled but because I don't know what he
8 did, I simply said I don't know what he did and I'm kind of
9 waiting to hear the answer in his deposition.

10 Q. Did you discuss the voter registration numbers at
11 all in either of your reports?

12 A. No.

13 Q. Did you say that I'm concerned that I don't know
14 what Mr. Cooper did when it came to calculating voter
15 registration in his reports?

16 MR. FLOYD: Object to the form of the question
17 and argumentative.

18 Q. You can answer the question.

19 A. No, I did not.

20 Q. Did you understand that Mr. Cooper's calculations of
21 the number of Latino registered voters in District 1 in his
22 illustrative plans was relevant to his conclusion regarding
23 Gingles 1?

24 A. Well, it added an additional element of information
25 and it could be interpreted in any of several ways. I would

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 117

1 say I'd rather have the number than not have the number in
2 this context simply because it gives us more information
3 about what might be going on.

4 Q. Did you understand Mr. Cooper to believe that his
5 determinations of voter registration data was relevant to
6 his conclusions regarding Gingles 1?

7 A. I think he sees it as relevant, yes.

8 Q. And you understood that when you first read his
9 initial report?

10 A. Yes.

11 Q. Turning to page 22 of Mr. Cooper's original report,
12 Exhibit 1. Do you dispute that the number of Latino
13 registered voters or the percent of Latino registered voters
14 in District 1, in illustrative plan 1, is 51.66 percent?

15 MR. FLOYD: Object to the form of the question.
16 Compound. Go ahead and answer.

17 A. Do I object to --

18 Q. Do you dispute that number?

19 A. No, I don't dispute that. With the caveat that I'll
20 assume for the moment that there are none of the -- that the
21 column to the right in figure 9, the 51.6 does not include
22 any registrants without Spanish surnames.

23 Q. So assuming that no Colbys are included in the
24 Latino registered voter count?

25 A. Right.

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 118

1 Q. And so do you dispute that District 2 in
2 illustrative plan 1 has a percentage of Latino registered
3 voters of 51.03 percent?

4 A. No, under the same set of conditions, no.

5 Q. Under the same set of assumptions on page 24,
6 looking at illustrative plan 2. Do you dispute that the
7 percentage of Latino registered voters is 51.86 in District
8 1?

9 A. No.

10 Q. And do you dispute that the percentage of Latino
11 registered voters is 50.56 in District 2?

12 A. No.

13 Q. I'm going to turn to page 12 of Exhibit 4, which is
14 Mr. Cooper's supplemental declaration.

15 A. All right.

16 Q. Assuming that Mr. Cooper used the same methodology
17 to determine the number of Latino registered voters in each
18 district, do you have any reason to dispute that the
19 percentage of Latino registered voters in District 1 in
20 hypothetical plan A is 54.56 percent?

21 A. Under the same, with the same caveat, that assuming
22 there are no -- what was that surname we're working with.

23 Q. Colby.

24 A. No Colbys as we're using the term. No Colbys
25 involved, no, I do not dispute it.

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 119

1 Q. And do you have any reason to dispute that District
2 2 in hypothetical plan A has percentage of Latino registered
3 voters at 50.1 percent?

4 A. No, I do not.

5 Q. Move on to page 11 of your report -- sorry, on
6 Exhibit 2, yeah, your report.

7 A. First report?

8 Q. Your first report. On page 11 you discuss the
9 difference between current residence and usual place of
10 residence. Can you explain this difference as it's used
11 between the census and the ACS?

12 A. Sure. The census, the decennial census asks you on
13 April 1st, as of April 1st what is your usual place of
14 residence, which is interpreted to mean where do you
15 ordinarily reside or sleep. And the ACS question is where
16 do you live now, where have you lived for at least two
17 months, or as I recall intend to live for two months. So
18 there's kind of a two month to four month time frame.

19 Now, this may sound like a fine distinction, but
20 these two different residence rules are extremely important
21 under certain circumstances. One circumstance would be
22 obvious to us as snowbirds in the Midwest who spend some
23 number of months in Arizona every year and it's the same
24 months and if you ask them what their usual place of
25 residence is, they might say Minnesota. And if you sent the

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 141

1 it's not something you'd say well, gee, I don't really
2 remember did I do that. It was five years ago. It's not
3 something that one who has done it would take lightly. As
4 though if you were asked are you married, you say well, let
5 me think a minute. I can't remember.

6 So on that basis I would say people who haven't
7 answered and people who have given inconsistent answers are
8 all part of a group where something is wrong with the
9 measurement, and one has to infer whether it was just a
10 random accident but they really were citizens and you
11 shouldn't worry about it. They just didn't fill out the
12 form right, which is always a possibility. But I would say
13 it could be anywhere from, you know, 41 on down but I
14 wouldn't rule out 41 as a possibility.

15 Q. Can you say for certain that District 1 in
16 illustrative plans 1 and 2 includes 41 people who are
17 wrongly classified as citizens?

18 A. I can't say that with any certainty, no.

19 MS. KHANNA: I think we can go ahead and take
20 our break.

21 MR. FLOYD: Thank you.

22 (Recess taken 2:04 p.m. to 2:18 p.m.)

23 BY MS. KHANNA:

24 Q. In paragraph 37A of your initial report, Exhibit 2
25 you state that the odds are 56 to 44 that District 1 in

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 142

1 Mr. Cooper's illustrative plans is actually a majority of
2 Hispanics district. How did you calculate those odds?

3 A. It's very, very complicated to explain how you
4 calculate this. I was referring to another plan with the
5 district that had a margin that was approximately that thin
6 and the odds are in the vicinity of 56, 44, but the
7 calculation itself entails a procedure that actually my
8 statistician colleague and I have been working on and
9 writing a paper about. And I simply couldn't explain it to
10 you, you wouldn't understand it and I only understood it
11 recently after he showed it to me. But basically there is a
12 way to do it and it's in the vicinity of 56 to 44, to say
13 plus or minus a few percentage points. And I wouldn't want
14 to say that's exactly what it is, but the odds are -- from a
15 legal standpoint the odds are sort of in the range of
16 likelier than not but not beyond a reasonable doubt.

17 Q. So you would determine that likelier than not?

18 A. Yeah.

19 Q. But not beyond a reasonable doubt?

20 A. Yeah.

21 Q. And so you said that you're in the process of
22 working on a paper. Is that what you meant by your
23 preliminary calculations?

24 A. That's part of what I meant. But I'm just saying
25 the method itself is one that we are actually -- the method

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 143

1 for coming up with an estimate is a methodology that we are
2 refining and trying out in different context to see how it
3 works and to see that it does work and gives plausible
4 results that are not inconsistent. And when I said this
5 calculation we were not as far along with the paper as we
6 are now. We are getting ready to submit it to a journal.
7 And so what I am saying is I would stay with 56 to 44 for
8 now as my preliminary estimate of odds and I would say that
9 all that matters is that the odds are better than 50/50 but
10 not by a lot.

11 Q. What are the odds that District 1 in Mr. Cooper's
12 hypothetical plan A is actually majority Hispanic?

13 A. I think that's what these odds are.

14 Q. I believe these are out of illustrative plans 1 and
15 2.

16 A. I'm sorry, you're talking hypothetically.

17 Q. Hypothetically.

18 A. I'm sorry, I haven't calculated that.

19 Q. District 1 in illustrative plan 1 has a Latino CVAP
20 population percentage of 50.25 percent using Mr. Cooper's
21 methodology; is that right?

22 A. Which page are you on?

23 Q. I'm on page 22 of the original report, Exhibit 1.

24 A. I'm sorry, you say it's 50.25.

25 Q. 50.25 is District 1 in illustrative plan 1.

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 144

1 A. That's what he shows, yes.

2 Q. You say there's a 56 to 44 odds that that is a
3 majority Hispanic district?

4 A. Yes.

5 Q. Page 24, the same report.

6 A. Yeah.

7 Q. District 1 in illustrative plan 2 has a Latino CVAP
8 of 50.13 percent.

9 A. Uh-huh.

10 Q. That's using Mr. Cooper's calculations?

11 A. Right.

12 Q. His methodologies?

13 A. Yes.

14 Q. And you say there's a 56 to 44 percent -- the odds
15 are 56 to 44 that's actually a majority Latino district?

16 A. Oh, I see. You're saying that I'm applying 56 to 44
17 to both of those, to each of the plans.

18 Q. I'm asking if that's the case.

19 A. Yeah, yeah, I would say that's a reasonable
20 preliminary estimate for each of them. The odds will be
21 closer to 50/50 for the plan 2 than plan 1 but they're in
22 this range. I'd say -- the way I would characterize the
23 odds -- the meaningful conclusion that would come out of
24 this is not that it's exactly 56, 44 because that could go
25 up or down a percentage point or two or three, but what it

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 145

1 says is the odds are better than 50/50 but not by much.

2 Q. So looking now at the supplemental, Mr. Cooper's
3 supplemental declaration, Exhibit 4, page 12 and I'm looking
4 at hypothetical plan A.

5 A. Right.

6 Q. District 1 in hypothetical plan A has a Latino CVAP
7 of 52.17 using Mr. Cooper's CVAP methodology.

8 A. Right.

9 Q. Could you guess at whether the odds are better or
10 worse than 56 to 44?

11 A. The odds would be better than 56 to 44 simply
12 because the percentage is higher. How much higher they
13 would be, I don't know. I understand that the odds here,
14 we're referring to the odds that reflect exclusively the
15 uncertainty associated with margins of error. It has
16 nothing to do with the other nonsampling error concerns that
17 I have.

18 Q. Please turn to page 22 of the supplemental report,
19 Exhibit 4, hypothetical plan B. And you see District 1 in
20 hypothetical plan B has a Latino CVAP percentage of 52.12
21 percent?

22 A. Yes.

23 Q. What would you say are the odds of this being
24 actually minority district?

25 A. The odds would be much better. I haven't calculated

1 them but there's no question that they would be much better.

2 MR. FLOYD: You're talking about 37A odds?

3 You're not talking about general odds?

4 MS. KHANNA: I'm talking about the same criteria
5 used in 37A.

6 A. Yeah, the odds here would be well above 50/50 for
7 figure 11, District 1. Again, just exclusively counting
8 for, you know, sampling error.

9 Q. So previously you said that the odds for
10 illustrative plans 1 and 2 are more likely than not but not
11 beyond a reasonable doubt?

12 A. Correct.

13 Q. How would you characterize that same odds for
14 hypothetical B?

15 A. For hypothetical plan B I don't want to give a firm
16 conclusion. But one has a much stronger confidence of a
17 majority when you have it as high as 56.12 before you start
18 to account for errors in the data. Based purely on sampling
19 error, you know, 56.12 would be, you know, would be, would
20 leave not much doubt in my mind that there was a majority.

21 Q. Can you turn to page 25 of Exhibit 4. Here we have
22 hypothetical plan C. District 1 in hypothetical plan C has
23 a percentage of Latino CVAP, or the Latino percentage of the
24 CVAP is 57.74 percent; is that right?

25 A. Correct.

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 158

1 A. No, I do not.

2 Q. Do you dispute that it is possible to create at
3 least one district in the city of Yakima in which Latinos
4 comprise a majority of registered voters?

5 A. Again with the caveat that the surname issue that we
6 were -- the Colby problem is absent, I would not dispute it,
7 no.

8 Q. With that same caveat, do you dispute that it is
9 possible to draw at least two districts in the city of
10 Yakima in which Latinos form a majority of registered
11 voters?

12 A. I know I saw one here somewhere. If you could
13 direct me to the plan that shows that.

14 Q. If you can turn to page 22 of Exhibit 1.

15 A. Right.

16 Q. Illustrative plan 1.

17 A. No. With that caveat, no, I would not dispute.

18 Q. Move on to the section of your report entitled
19 Unequally Weighted Votes in Different Districts. We've
20 already talked about this issue a fair bit, so I'll try to
21 move through this kind of fast.

22 A. Sure.

23 MR. FLOYD: Which report?

24 MS. KHANNA: Sorry, this is his initial report,
25 Exhibit 2.

MORRISON, PETER 1
MONTES vs. CITY OF YAKIMA

May 9, 2013

Page 209

1 STATE OF WASHINGTON)
2) ss
3 County of KING)
4

5 I, Mary W. Miller, a Washington Certified Court
6 Reporter, pursuant to RCW 5.28.010 authorized to administer
7 oaths and affirmations in and for the State of Washington,
8 do hereby certify:

9 That the annexed and foregoing deposition of
10 PETER MORRISON was taken before me and completed on May 9,
11 2013, and thereafter was transcribed under my direction;

12 I further certify that according to CR 30 (e) the
13 witness was given the opportunity to examine, read and sign
14 the deposition after the same was transcribed, unless
15 indicated in the record that the review was waived;

16 I further certify that I am not a relative or
17 employee of any such attorney or counsel, and that I am not
18 financially interested in the said action or the outcome
19 thereof;

20 I further certify that the witness before
21 examination was by me duly sworn to testify the truth, the
22 whole truth and nothing but the truth;

23 I further certify that the deposition, as transcribed,
24 is a full, true and correct transcript of the testimony,
25 including questions and answers, and all objections, motions
and exceptions of counsel made and taken at the time of the
foregoing examination and was prepared pursuant to
Washington Administrative Code 308-14-135, the transcript
preparation format guideline.

IN WITNESS WHEREOF, I have hereunto set my hand
this 17th day of May, 2013.

Mary W. Miller
Certified Court Reporter in and for the State
of Washington, residing at Issaquah.

PETER MORRISON
MONTES vs. CITY OF YAKIMA

May 9, 2013


Page 210

DEPOSITION ERRATA SHEET
Our Assignment No. 431811
Case Caption: ROGELIO MONTES v CITY OF YAKIMA

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
that I have read the entire transcript of
my Deposition taken in the captioned matter
or the same has been read to me, and
the same is true and accurate, save and
except for changes and/or corrections, if
any, as indicated by me on the DEPOSITION
ERRATA SHEET hereof, with the understanding
that I offer these changes as if still under oath.

Signed on the 17th day of June, 2013.




PETER MORRISON

DEPOSITION ERRATA SHEET

PLEASE SEE ATTACHED ERRATA SHEET

ESQUIRE SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

Deposition Errata Sheet -Deposition of Peter A. Morrison			
Page	Line	Correction	Reason for Change
9	13	Change "implied" to "applied"	Mistranscribed
50	1	Change "a" to "at"	Mistranscribed
54	13	Change "means" to "meanings"	Mistranscribed
83	20	Change "in" to "and"	Mistranscribed
83	21	Add comma after "population"	To clarify meaning
85	5	Change "irregular liability" to "greater reliability"	Mistranscribed
86	12	Change "weaves" to "weeds"	Mistranscribed
87	9	Change "buy" to "bias"	Mistranscribed
88	9	Change "saying. But" to "saying: But..."	To clarify meaning
88	14	add close quote after "table."	Mistranscribed
91	20	Change "context" to "contexts"	Mistranscribed
92	9	Question: Was the percentage actually stated here "50.18" rather than "51.8"?	Possibly mistranscribed?
96	5	Same question: "50.18" rather than "51.8" ?	Possibly mistranscribed?
101	25	Change "in" to "and"	Mistranscribed
138	7	Change "non Hispanics white" to non-Hispanic whites"	Mistranscribed
194	2	Change "owners" to "voters"	Mistranscribed
Signature:			
Date:		June 17, 2013	

Corrections to Morrison Deposition.xlsx

Exhibit 8

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO)
ARTEAGA,)

Plaintiffs,)

vs.)

CITY OF YAKIMA, MICAH)
CAWLEY, in his official)
capacity as Mayor of)
Yakima, and MAUREEN)
ADKISON, SARA BRISTOL,)
KATHY COFFEY, RICK ENSEY,)
DAVE ETTL, and BILL)
LOVER, in their official)
capacity as members of)
the Yakima City Council,)

Defendants.)

No. CV-12-3108-TOR

DEPOSITION UPON ORAL EXAMINATION OF
WILLIAM S. COOPER

Taken at Floyd, Pflueger & Ringer
200 W. Thomas Street
Seattle, Washington

DATE TAKEN: May 8, 2013

REPORTED BY: Mary A. Whitney, CCR - WCRL #2728

SEATTLE DEPOSITION REPORTERS, LLC

www.seadep.com

206.622.6661 * 800.657.1110

FAX: 206.622.6236

DECLARATION OF A. KHANNA IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT - 291

1

2

APPEARANCES

3

4

FOR THE PLAINTIFFS: ABHA KHANNA, ESQ.

5

KEVIN J. HAMILTON, ESQ.

6

WILLIAM (BEN) STAFFORD, ESQ.

7

Perkins Coie

8

1201 Third Avenue | #4800

9

Seattle, WA 98101

10

(206) 359-8312

11

akhanna@perkinscoie.com

12

khamilton@perkinscoie.com

13

wstafford@perkinscoie.com

14

15

FOR THE DEFENDANTS: FRANCIS S. FLOYD, ESQ.

16

JOHN A. SAFARLI, ESQ.

17

Floyd, Pflueger & Ringer

18

200 W. Thomas Street | #500

19

Suite 500

20

Seattle, WA 98119

21

(206) 441-4455

22

ffloyd@floyd-ringer.com

23

24

(Cont'd)

25

Cooper, William S.

May 8, 2013

Page 3

1

2

APPEARANCES - (Cont'd)

3

4

5

ALSO PRESENT:

PETER A. MORRISON, Ph.D.

6

7

8

-o0o-

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SEATTLE DEPOSITION REPORTERS, LLC

www.seadep.com

206.622.6661 * 800.657.1110

FAX: 206.622.6236

DECLARATION OF A. KHANNA IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT - 293

Cooper, William S.

May 8, 2013

Page 6

1 SEATTLE, WASHINGTON; WEDNESDAY, MAY 8, 2013

2 10:00 A.M.

3 -o0o-

4 WILLIAM S. COOPER, witness herein, having been
5 first duly sworn on oath,
6 was examined and testified
7 as follows:

8

9 EXAMINATION

10 BY MR. FLOYD:

11 Q. Mr. Cooper, would you please state your full
12 name for the record and your current professional
13 address.

14 A. My name is William Sexton Cooper, and
15 my address is 525 Garden Lane, Bristol, Virginia.
16 24201.

17 Q. And is that your professional and your
18 residence address?

19 A. Right.

20 Q. You work out of your home, then?

21 A. Right.

22 Q. Are you married?

23 A. No, I'm not.

24 Q. And what is your age?

25 A. I am 58. Finished. Over the hill.

1 That's not to say that the Supreme Court
2 couldn't rule otherwise, but as it now stands,
3 that's what you do, that's what the City of Yakima
4 has done, and I see no reason to explore it any
5 further.

6 Q. All right.

7 We talked about compactness, correct, earlier?

8 A. Right.

9 Q. Do you have anything else to add on
10 compactness other than what you have discussed so
11 far?

12 A. No. I mean, I -- you can visually look at
13 these districts and see that they are reasonably
14 shaped, and in many instances -- well, in almost all
15 instances, follow primary road and precinct lines.
16 They're not oddly shaped.

17 I've looked at thousands and thousands of
18 districts around America, and these districts are not
19 at all problematic from a standpoint of the shell case
20 and compactness. In fact, districts 1 and 2, just
21 in terms of land area covered, are much more
22 compact than the other districts in the plans I've
23 developed.

24 Q. Did you try to avoid splitting precincts when
25 you were drawing your lines?

1 A. To a certain extent, yes.

2 Q. Why?

3 A. It's just always best -- if you can follow a
4 precinct line, it's always best to try to follow one.

5 Q. You talked about the bias that can occur
6 when you split up a block group, correct?

7 A. Well, only as it relates to calculating the
8 LCVAP. Other than that, there's no bias introduced
9 for -- just for the straight up 2010 population.
10 Block groups are routinely split, but normally I would
11 not focus very much on split block groups if I were
12 drawing a voting plan.

13 Q. Did you look to see how many block groups you
14 split in each of your plans?

15 A. No.

16 Q. Was that a concern of yours?

17 A. I mean, the only time I really looked at
18 block group data from that perspective, in terms of
19 splits, really was in response to Dr. Morrison's
20 report.

21 Q. What is the lowest level of data for
22 citizenship that is available?

23 A. The American Community Survey block group
24 level, the citizenship special tabulation.

25 Q. So that would be the ACS block group,

William S. Cooper

May 8, 2013

Page 152

_1

2 SIGNATURE

3

4

5 I declare under penalty of perjury under

6 the laws of the State of Washington that I have read

7 my within deposition, and the same is true and

8 accurate, save and except for changes and/or

9 corrections, if any, as indicated by me on the

10 CHANGE SHEET flyleaf page hereof.

11

12

Signed in Bristol, Virginia,
.....14 on the ...⁵th day of ...June....., 2013.

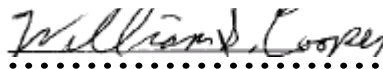
15

16

17

18

19


.....

20 WILLIAM S. COOPER

21 TAKEN: May 8, 2013

22

23

24 Mary A. Whitney, CCR - WCRL #2728

1 CERTIFICATE

2

3 STATE OF WASHINGTON)

4) ss.

5 COUNTY OF KING)

6 I, the undersigned Washington Certified Court
7 Reporter, hereby certify that the foregoing deposition
8 upon oral examination of WILLIAM S. COOPER was taken
9 stenographically before me on May 8, 2013, and
10 thereafter transcribed under my direction;

11 That the witness, before examination, was
12 first duly sworn by me pursuant to RCW 5.28.010 to
13 testify truthfully; that the transcript of the
14 deposition is a full, true, and correct transcript to
15 the best of my ability; and that I am neither attorney
16 for, nor relative or employee of any of the parties to
17 the action, or any attorney or counsel employed by the
18 parties hereto, nor financially interested in its
19 outcome.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand this 15th day of May, 2013.

22

23 /s/ Mary A. Whitney

24 -----

25 Mary A. Whitney, CCR - WCRL #2728

1 C H A N G E S H E E T

2

3 PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS
4 SHEET, INDICATING PAGE, LINE, AND CORRECTION/REASON

5

	PAGE / LINE	CORRECTION/REASON
6	13/10	reads "difference" should read "district" / TYPO
7	13/10	reads "color" should read "coloring"/TYPO
8	23/12	reads "pretty clear" should read "pre-cleared" /TYPO
9	43/17	reads "a portion of the base" should read "an "apportionment base" /TYPO
10	55/1	reads "notice" should read "website"/TYPO
11	62/16	reads "licensing" should read "elections"/TYPO
12	68/14	reads "present" should read "component" /TYPO
13	71/17	reads "column" should read "prong" /TYPO
14	72/15	reads "50.02" should read "50.25"/TYPO or MISSPOKE
15	76/19	reads "A" should read "E"/TYPO or MISSPOKE
16	78/19	reads "shell" should read "Shaw"/TYPO
17	91/10	reads "legislators" should read "legislatures" /TYPO
18	96/6	reads "Plan 1" should read "Plan A" /TYPO or MISSPOKE
19	108/18	reads "C and D" should read "B and C" /TYPO or MISSPOKE
20	122/7	reads "57.74%" should read "56.12%"/MISSPOKE
21	136/9	reads "districts 4, 5, 6, and 7" should read "districts 3, 5, 6, and 7"/ MISSPOKE
22	139/23	reads "population" should read "large populations"/TYPO or MISSPOKE

SEATTLE DEPOSITION REPORTERS, LLC

www.seadep.com

206.622.6661 * 800.657.1110

FAX: 206.622.6236

.1 C H A N G E S H E E T

2

3 PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS
 4 SHEET, INDICATING PAGE, LINE, AND CORRECTION/REASON

5

6

PAGE / LINE

CORRECTION/REASON

7

141/10-11 reads "diverse and geographic it can" should read "numerous and geographically compact
 one can"/TYPO

8

141/11-12 reads "single-majority Latino district" should read "single majority-Latino district"/TYPO

9

147/24 reads "non-Hispanic, white" should read "Hispanic"/TYPO or MISSPOKE

10

11

12

13

14

15



16

WILLIAM S. COOPER

17

TAKEN: May 8, 2013

18

19

20

21

22

23

Re: Montes vs. Yakima

24

USDC/EasternWA - No. CV-12-3108-TOR

25

Mary A. Whitney, CCR - WCRL #2728

SEATTLE DEPOSITION REPORTERS, LLC

www.seadep.com

206.622.6661 * 800.657.1110

FAX: 206.622.6236

Exhibit 9

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

**ROGELIO MONTES and MATEO
ARTEAGA,**

Plaintiffs,

vs.

CITY OF YAKIMA, *et al*,

Defendants

§
§
§
§
§
§
§
§
§
§

NO: 12-CV-3108-TOR

REPORT OF JOHN ALFORD, Ph.D.

I have been retained as an expert by the city of Yakima, Washington. My rate of compensation is \$400 per hour. I am a tenured associate professor of political science at Rice University. At Rice, I have taught courses on redistricting, elections, political representation, voting behavior, and statistical methods at both the undergraduate and graduate level. Over the last twenty-five years, I have worked with numerous local governments on districting plans and on Voting Rights Act issues. I have previously provided expert reports and/or testified as an expert witness in voting rights and statistical issues in a variety of court cases, working for the U.S. Attorney in Houston, the Texas Attorney General, members of the U.S. Congress, and various cities and school districts. In the 2001 round of redistricting, I was retained as an expert to provide advice to the Texas Attorney General in his role as Chair of the Legislative Redistricting Board. I subsequently served as the expert for the State of Texas in the state and federal litigation involving the 2001 redistricting for U.S. Congress, the Texas Senate, the Texas House of

Representatives, and the Texas Board of Education, and my testimony was cited by the Court as helpful in their drawing of the US House district map for the 2002 elections. When that court-drawn map was replaced in 2003 with a legislative map (the so called Delay plan), I testified for a group of US House members that were successful in overturning parts of the new map. I am currently an expert for the State of Texas in the consolidated cases challenging the 2011 statewide redistricting. I have worked as an expert in redistricting and voting rights cases in New Mexico, Mississippi, Wisconsin, Florida, and Alabama. The details of my academic background, including all publications in the last ten years and work as an expert, including all cases in which I have testified by deposition or at trial in the last four years, are covered in the attached vita (Appendix B).

I have been retained as an expert to provide an analysis of the *Gingles* test (focusing primarily on prongs two and three) and the totality of circumstances as they apply to elections in the city of Yakima. In preparing this report I have relied on the expert reports and various data files relevant to the preparation of their reports provided in this case by Dr. Richard Engstrom and Mr. William Cooper, data and materials available on the website of the Yakima County Elections Department, and precinct level computations of the proportion of voters with Spanish surnames calculated by Dr. Peter Morrison and by William Cooper.

Gingles Two and Three

Ecological Inference (EI) results for seven elections from 2009 to 2012 are presented in the table included with Professor Engstrom's report. The Ecological

Inference estimates from his report are reprinted here in Table 1 below. In addition, Dr. Engstrom's EI results are supplemented with an independent replication of the same EI estimations using the same data provided by the plaintiffs. Two other techniques commonly used in VRA lawsuits to assess voter cohesion and polarization – homogeneous precinct analysis and ecological regression (ER) – are also provided for comparison.

A. Homogeneous Precinct Analysis

Homogeneous precinct analysis, also referred to as extreme precinct analysis, is the simplest technique used to assess voting patterns. Precincts are selected that all share very high levels of minority voters (typically 90% or above) and the voting results for the minority candidate in the election are compared to precincts selected on the basis of very low minority percentages (typically 10% or less). This allows a comparison the patterns of support for a minority candidate between a set of homogeneously minority voting precincts and a set of homogeneously non-minority voting precincts.

In this case we can use this technique to assess non-Hispanic voting behavior, as in more than half of all the voting precincts less than 10% of the voters casting ballots have Spanish surnames. Unfortunately, we cannot do the same for Hispanic voters. In no precinct in any of the elections covered here do 90% or more of the voters have Spanish surnames. In fact not a single precinct even reaches 50% Spanish surname voters (and only one precinct exceeds 30%). This is unusual and problematic. It is problematic because it reduces our ability to accurately assess the cohesion of Hispanic voters. It is also unusual given that the plaintiffs' claim to be able to draw two districts that will be Hispanic majority districts. In both versions of District 1 in Mr. Cooper's

report precincts 101 and 104 are mostly contained within District 1, and together account for the majority of the geography of the district. In these precincts the percentage of Spanish surname voters in the 2009 Rodriguez general election contest was 20.1% and 15.3% respectively. Similarly, in both versions of District 2 in Mr. Cooper's report precincts 120 and 126 are mostly contained within District 2, and together account for the majority of the geography of district. In these precincts the percentage of Spanish surname voters in the 2009 Rodriguez general election contest was 26.4% and 30.3% respectively.

Mr. Cooper reports that the 2010 Census for Yakima indicates that Hispanics comprise 41.3% of the population of Yakima, and that this Hispanic population is concentrated primarily in eastern Yakima, where Mr. Cooper locates his two demonstration districts. The fact that not a single precinct in Yakima turns out a Hispanic majority of voters in an actual election seems very unlikely, given the numerousness and concentration that the overall population levels and geographic concentration would suggest. The explanation for this disconnect can be found in two sources. The Hispanic population is younger and much less likely to be citizens in comparison to the non-Hispanic population. This alone reduces the Hispanic concentration from over 40 percent of the total population to only 21.6% of the adult citizen population. The Hispanic proportion of registered voters, at 18.5%, is close to what we would expect given the eligible population percent. It is principally the low levels of Hispanic turnout that reduce the share of actual voters to levels typically below 7%.

B. Ecological Regression Analysis

Ecological regression analysis is the other technique commonly used in VRA lawsuits to assess voter cohesion and polarization. In a nutshell, regression is a mathematical technique for estimating the single best fitting straight line that could be drawn to describe the relationship between two variables in a scatter plot. Ecological regression is distinct from simple regression in the fact that it relies on a data set made up of precinct level aggregations of voters and election results, rather than a data set of individual voter characteristics and vote choices.

Applied to voting rights cases, the logic of regression analysis is to determine to what degree, if any, the vote for a candidate increases in a linear fashion as the concentration of voters of a given ethnicity in the precincts increases. The estimated coefficients for the intercept and for the slope form the estimated equation of the actual regression line, with the intercept defining the point at which the line crosses the vertical axis, and the slope indicating rise over run. More intuitively, the intercept tells us the predicted value of the dependent variable when the independent variable is equal to zero, or in this case the predicted share of the vote for the Hispanic candidate when the percent of actual voters that with Spanish surnames in a precinct is zero. Similarly, the slope tells us the predicted change in the dependent variable for a one unit change in the independent variable, or in this case the predicted change in the vote for the Hispanic candidate for a one percentage point change in the percent of the actual voters that have Spanish surnames in the precinct. By using the slope and the intercept we can compute an estimate for the vote for the Hispanic candidate when the percent of the voters in a precinct with Spanish surnames equals 100. This estimate is then an estimate of Hispanic

(or at least Spanish surname) voting cohesion for the candidate. Similar procedures can be used to access non-Spanish surname (our proxy for non-Hispanic) voting cohesion.

In addition to the estimates of Hispanic and non-Hispanic voting generated from the regression estimates for the slope and intercept, there is also a measure of the overall 'goodness of fit' for the regression line called the ' R^2 ' that is typically reported. The R^2 ranges from 0 to 1.0, and is generally used as a "goodness-of-fit" measure to describe how tightly the actual data points are clustered around the regression line. The can be interpreted as the proportion of variation in the dependent variable that is explained or accounted for by the independent variable. In this case, the proportion of the variation in the percentage of the votes cast for the Hispanic candidate that can be explained by variation in the percentage of voters in a precinct that have Spanish surnames. For example, an R^2 close to zero would indicate that the ethnicity of voters was not linearly related to variation support for the Hispanic candidate. Similarly, an R^2 closer to 1.0 would indicate that the ethnicity of voters was very closely related (linearly) to variation support for the Hispanic candidate. An R^2 of .50 would indicate that about half of the variation support for the Hispanic candidate could be accounted for by variations in the ethnicity of voters, and the remaining half could be attributed to other factors impacting vote choice.

C. Ecological Inference Analysis

Dr. Engstrom relies on the most recent methodology for the analysis of ecological data - Gary King's Ecological Inference (EI) procedure. This approach utilizes a combination of a method of bounds analysis, combined with a more traditional statistical method, to improve on standard ecological regression. While the details are

mathematically complex, the differences mostly center on utilizing bounds information contained in individual precinct results that would not be exploited in ecological regression, and by not imposing a linear constraint on the pattern across precincts.

D. Election Analysis Results

As is clear from Table 1 below, the results from each of the three analytical methods are substantively very similar. For the seven election contests the average estimate of non-Hispanic support for the Hispanic candidate (or ‘yes’ vote on Proposition 1 in 2011) is 34.8% based on the homogeneous precinct method, 33.3% based on the EI method (32.9 Engstrom EI), and 32.5% based on the ER method. Turning to Hispanic cohesion we have only the estimates from the EI and ER analysis (due to the lack of homogenously Hispanic precincts). Again, the results from each of these analytical methods are substantively very similar. For the seven election contests the average estimate of Hispanic support for the Hispanic candidate (or ‘yes’ vote on Proposition 1 in 2011) is 70.9% based on the EI method (73.3 Engstrom EI), and 75.0% based on the ER method.

The fact that the replication of the EI analysis reported here does not exactly match the estimates reported by Dr. Engstrom may seem unusual, but this is actually what we would expect. EI utilizes a repeated series of simulations to converge on a resulting estimate, and as such will produce modestly different results each time it is run, even on exactly the same data set. In this case, running EI repeatedly for the 2009 Rodriguez primary contest, and using a limit of 100 simulations (as does Dr. Engstrom), produced estimates of Hispanic vote for Rodriguez that vary from 49.1 percent to 54.5 percent (these results, along with the EI output that is summarized in Table 1 below, are

included in the attached Appendix A). To reduce this inherent instability of the estimates, the replications reported here for EI are based on 1000 simulations, an increase that should produce an approximate doubling in the stability of the estimates.

In general terms the results in Table 1 suggest a mixed pattern. The range of values for the R^2 indicate that the influence of the ethnicity of voters on their vote choice is both highly variable (ranging from only 4% to 54%) and typically not very strong (the average for the seven elections is 27% and only in the two 2011 primary contests (one in a district that includes only 7 of the 33 precincts in Yakima and the other involving a proposition and not an actual minority candidate) does the R^2 inch above 50%. In the five city wide contests that included a Hispanic candidate the average R^2 is only 16.4%. Substantively, this means only 16.4% of variance in support for the Hispanic candidate across precincts can be accounted for by corresponding variation in the percentage of votes with Spanish surnames in those precincts.

The same mixed pattern is evident for Hispanic cohesion. Two of the Hispanic candidates (Rodriguez and Soria in the 2009 general election) have the cohesive support of Hispanic voters, but in the other contests, including the primary contests for both Rodriguez and Soria in 2009, Hispanic voter cohesion is very weak (a 50%/50% split is the lowest possible value for cohesion in this analysis – indicating that a Spanish surnamed voters is equally likely to support the Hispanic candidate or not). This lack of consistent cohesive political support is also evident in the low levels of turnout among Hispanic registered voters even in contests that feature Hispanic candidates. While Hispanics make up more 41 percent of the population of Yakima, they make up only 22 percent of the adult citizens, a proportion very close to the 18 percent of the registered

votes in Yakima that have Spanish surnames, and yet they are typically less than 7 percent of the actual voters in the elections analyzed here. In an election like the 2009 in which Rodriguez is a candidate for place 5, this low level of Hispanic turnout was critical. Based on the EI estimates of cohesion, Rodriguez would have won the election if Hispanic voters made up 16 percent of the actual voters, a level comparable to their share of the registered voters.

The estimates for non-Hispanic voting behavior are much more consistent across elections. In all five of the citywide elections with Hispanic candidates, non-Hispanic crossover voting for Hispanic candidates is substantial – ranging from the low thirty percent to the low 40 percent range. The average estimated Anglo crossover for these five elections is 38.1 percent based on the homogeneous precinct method and 36.1 percent based on the EI method (35.7 percent Engstrom EI).

Table 1: Estimates for Elections Included in Prof. Engstrom's Report

	Percent Voting for the Hispanic Candidate		R ²
	Spanish Surname Voters	Non-Spanish Surname Voters	
Place 5 2009 Primary (Rodriguez)			
Homogeneous Precinct Analysis	NA	38.1	.04
EI	52.4	37.7	
Weighted ER	57.0	37.0	
Engstrom's EI	52.9	37.3	
Place 5 2009 General (Rodriguez)			
Homogeneous Precinct Analysis	NA	47.3	.16
EI	86.7	43.4	
Weighted ER	82.0	45.5	
Engstrom's EI	92.8	42.6	
Place 7 2009 Primary (Soria)			
Homogeneous Precinct Analysis	NA	31.7	.20
EI	59.0	31.1	
Weighted ER	64.3	29.7	
Engstrom's EI	59.5	31.0	
Place 7 2009 General (Soria)			
Homogeneous Precinct Analysis	NA	34.3	.37
EI	85.4	31.2	
Weighted ER	84.5	31.6	
Engstrom's EI	92.7	30.5	
District 2 2011 Primary (Montes)			
Homogeneous Precinct Analysis	NA	13.6	.54
EI	52.8	13.5	
Weighted ER	72.1	10.7	
Engstrom's EI	53.5	13.4	
Proposition 1 2011 Primary			
Homogeneous Precinct Analysis	NA	39.3	.53
EI	92.7	39.1	
Weighted ER	100.0	36.2	
Engstrom's EI	98.2	38.4	
Sup. Ct. Pos. 8 2012 Primary (Gonzalez)			
Homogeneous Precinct Analysis	NA	39.1	.05
EI	67.4	37.2	
Weighted ER	65.4	36.9	
Engstrom's EI	63.2	36.9	

While the analysis reported above provides useful detail, a similar overall picture can be derived by simply looking at the scatterplots provided below in Figures 1 through 7 for each of the elections. A visual inspection of the scatterplots tells the same story as the statistical analysis reported above in Table 1. The plot for Rodriguez in the 2009 primary (Figure 1), for example, clearly shows that support at the polls for Rodriguez is not simply a function of strongly polarized voting patterns. Instead of clustering tightly around a 45 degree line sloping up from the origin at (0,0) (0% Spanish surname voters, and 0% vote for Rodriguez) to the upper right corner at (100,100) (100% Spanish surname voters, and 100% vote for Rodriguez), which would indicate a strong relationship between the two variables, the actual precinct data points are shifted up (indicating substantial support for Rodriguez in precincts with few Hispanics) and scattered almost randomly (indicating that this level of support is only weakly connected to the percent of Spanish surname voters in the precinct).

The only scatterplot that comes anywhere close to a classic pattern of polarization is Figure 6 for the 2011 District 2 primary. The results are limited, as there are only 7 precincts in the primary, but the points are all closer to a 45 degree line and more tightly clustered than they are for any of the other candidates. This tighter clustering is reflected in the relatively high R^2 of .54, and the position of the points nearer a 45 degree line is reflected in the relatively low 10.7 intercept. These low levels of non-Hispanic voter support for the Hispanic candidate in precincts with few Hispanic voters is hardly typical. In fact, it is not evident in any other contest. Montes gets less than 20 percent of the vote in five of the seven precincts in the 2011 election. In all of the other contests combined

there is only one precinct (with only eleven voters in the 2009 general election) where less than 20 percent of the vote goes to the Hispanic candidate.

Figure 1: 2009 Place 5 - Primary Election

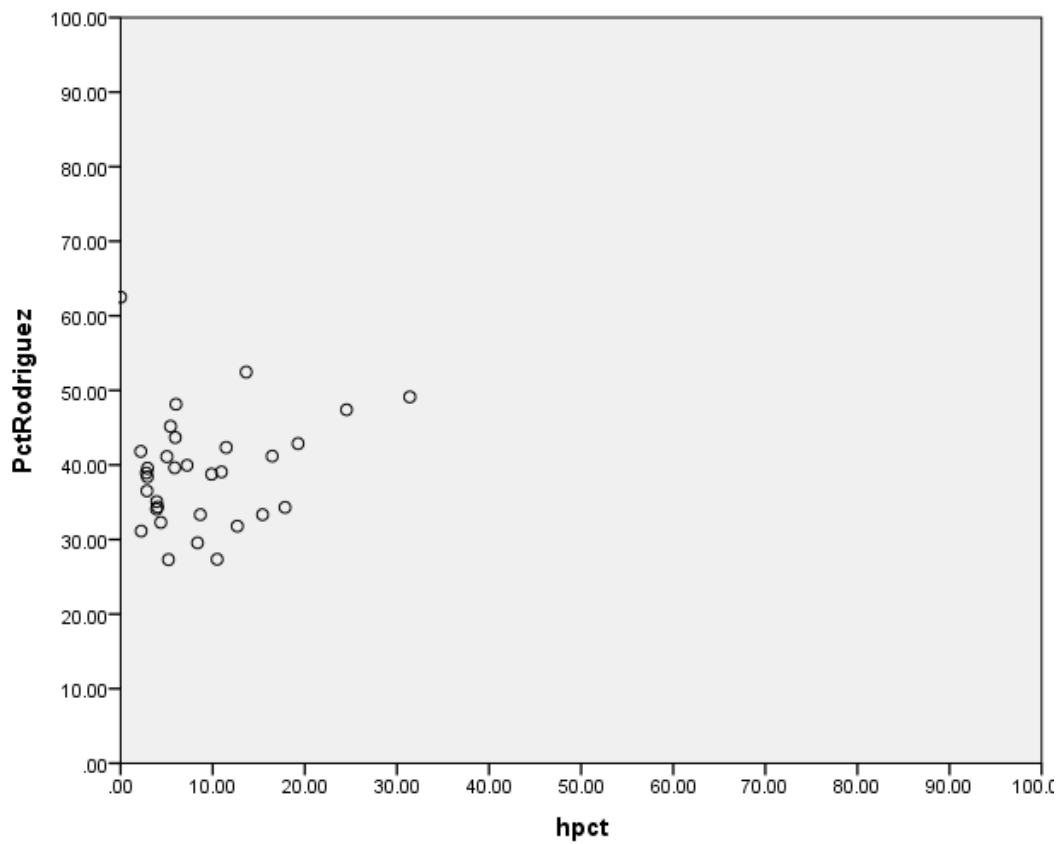


Figure 2: 2009 Place 5 - General Election

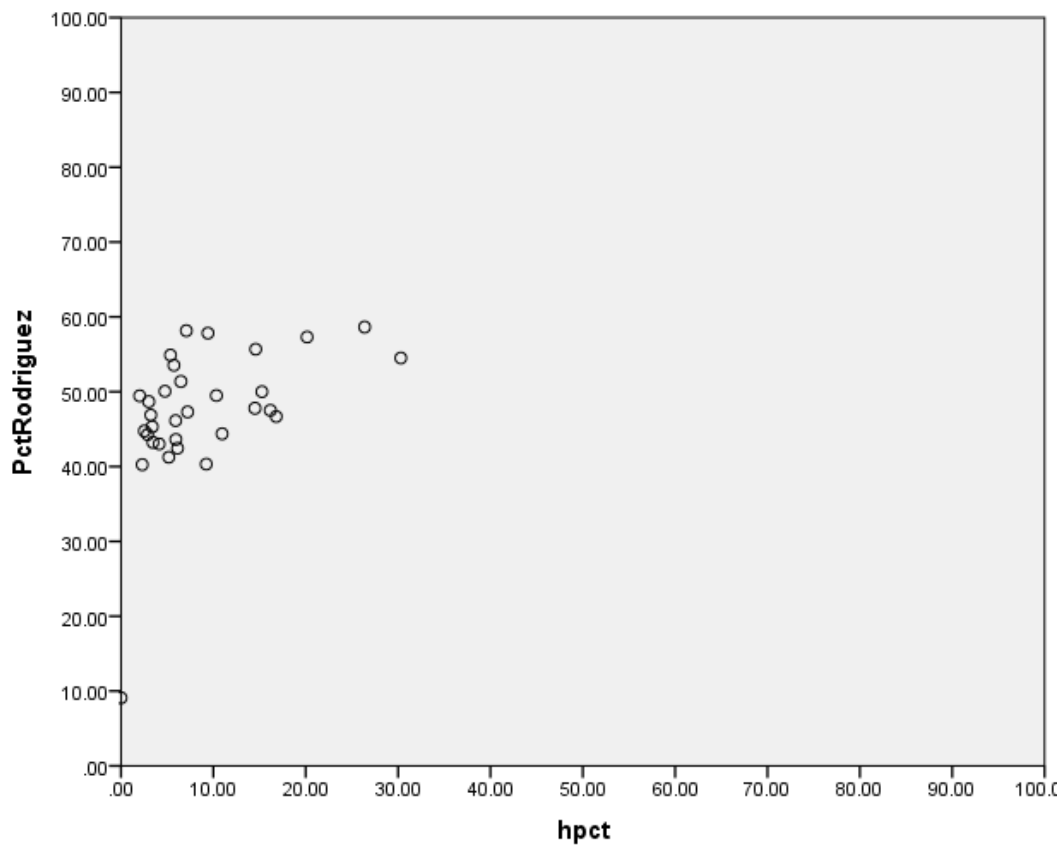


Figure 3: 2009 Place 7 - Primary Election

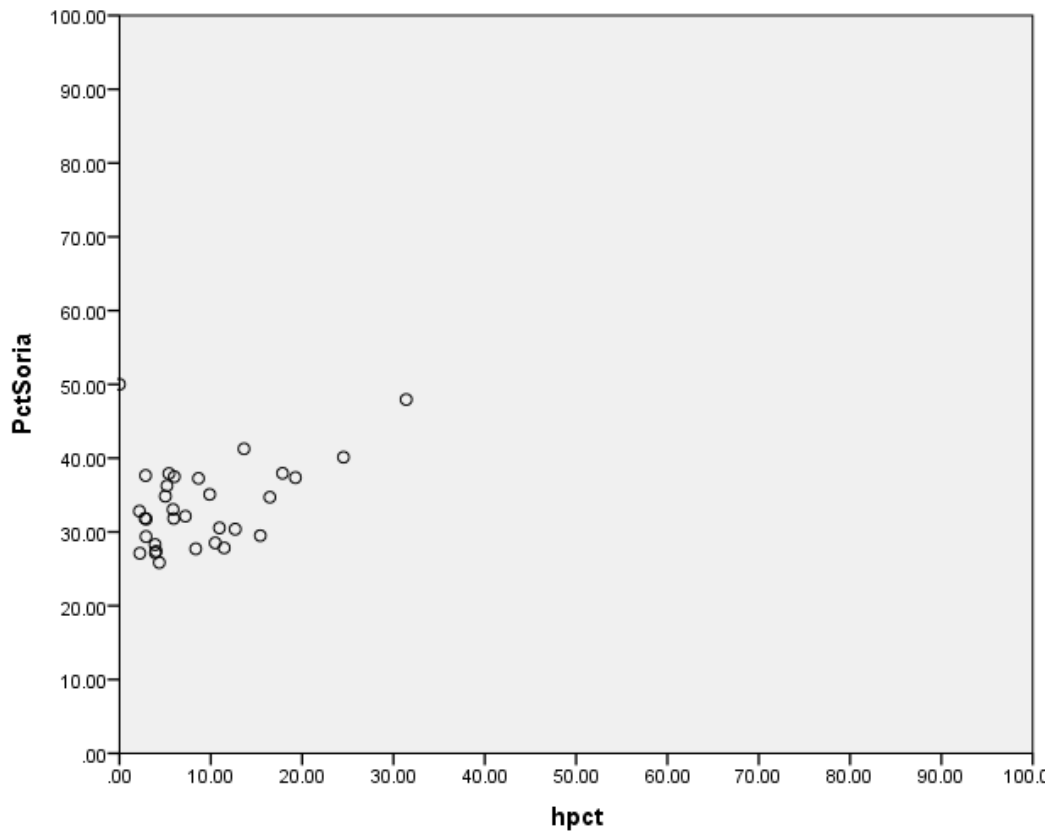


Figure 4: 2009 Place 7 - General Election

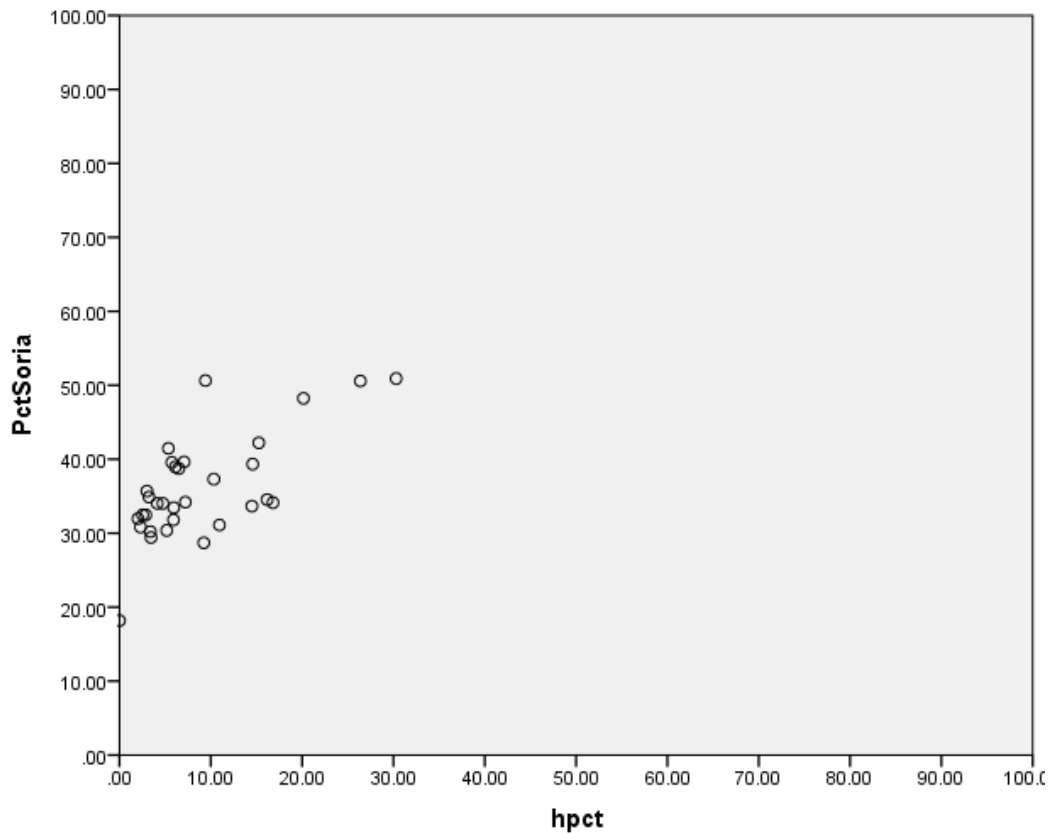


Figure 5: 2011 District 2 - Primary Election

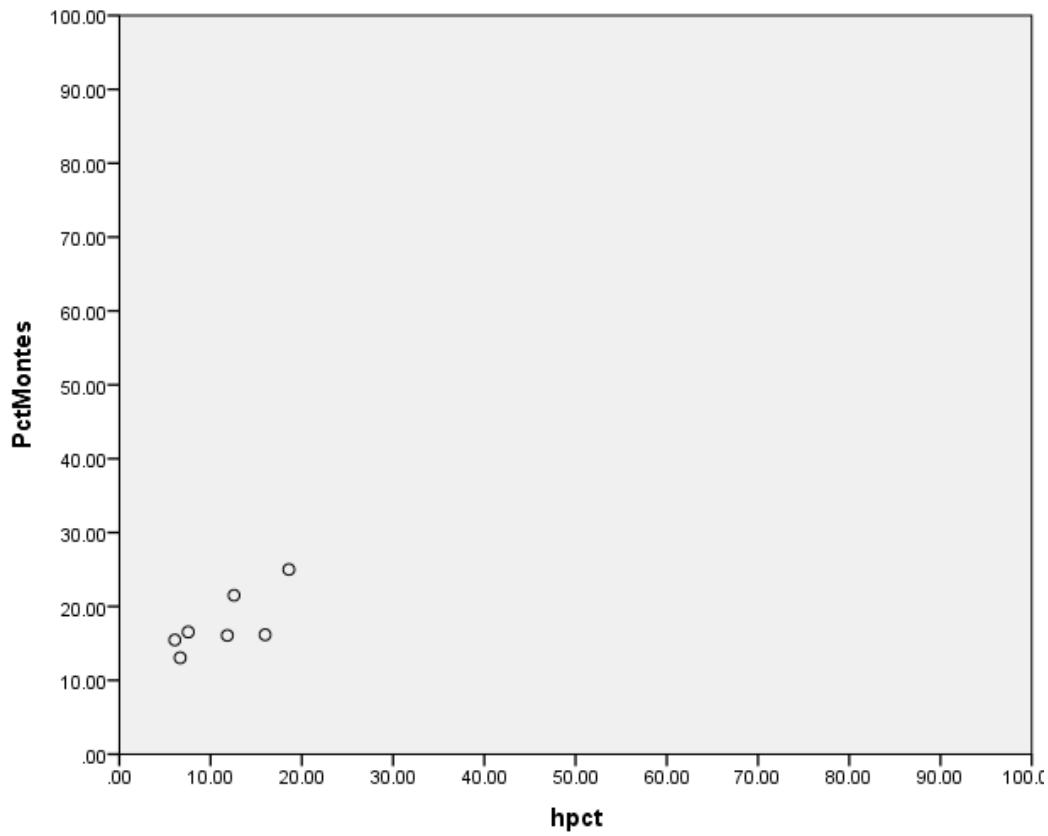


Figure 6: 2011 Proposition 1 - Primary Election

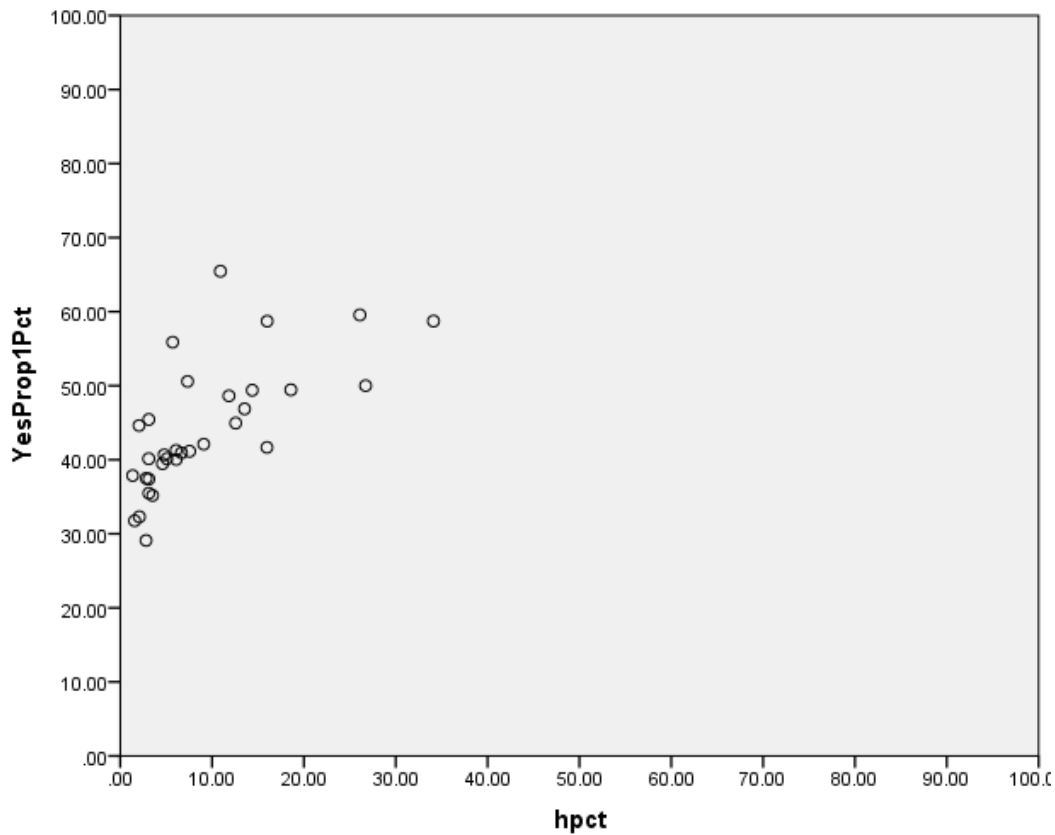
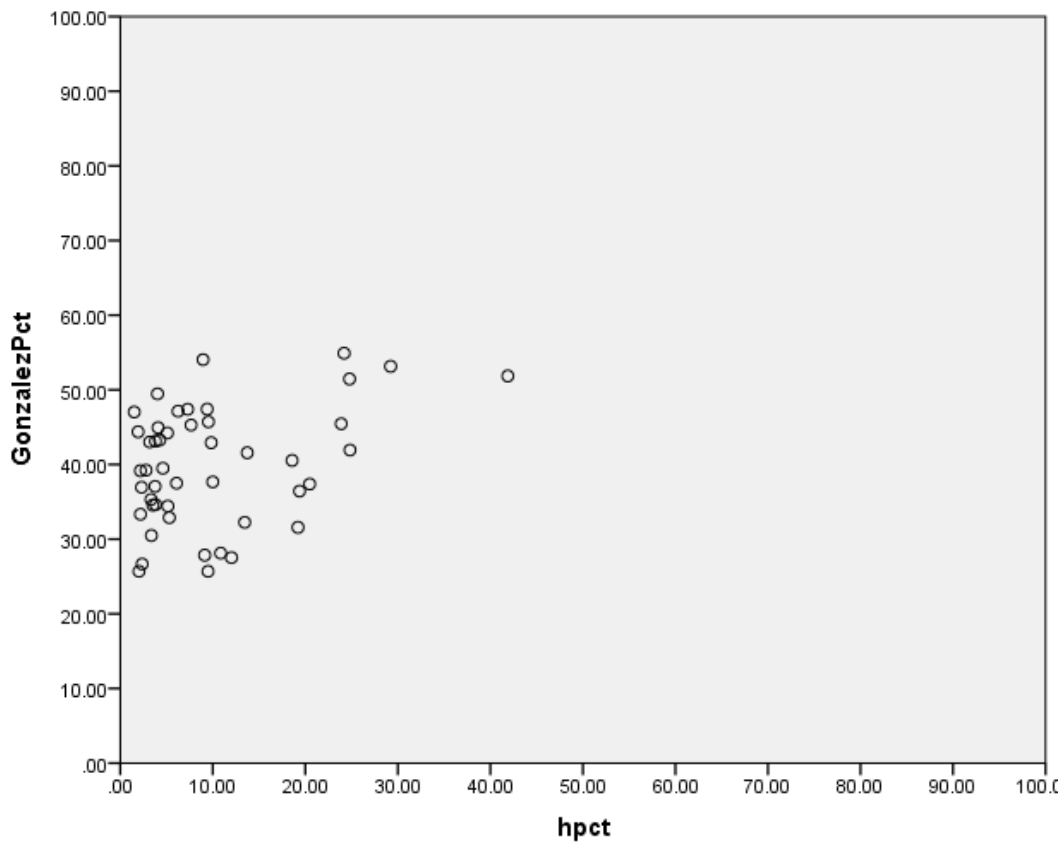
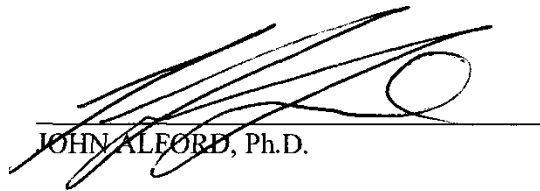


Figure 7: 2012 Supreme Ct. Position 8 - Primary Election



The elections for the Yakima school board are also instructive, as they are also non-partisan elections and cover a very similar geography. During most of the last decade there has been at least one Hispanic board member. Several of these Hispanic board members have run unopposed (a situation that would not be expected if the Anglo electorate was a politically cohesive force working to block Hispanic representation), but there are three contested elections with Hispanic candidates. In one of those contested elections the Hispanic candidate, Ybarra, wins the election. In another the Hispanic candidate, Saenz, loses without much apparent support from either Hispanics or non-Hispanic. In the third contest the results appear to be more similar to the Soria 2009 general election reported above. Like the City Council contests, the school board contests do not demonstrate consistent polarized voting in Yakima.

Taken as a whole, the election analysis does not show evidence of a consistent pattern of polarized voting. Hispanic voters are not consistently cohesive, as evident in both the highly variable levels of cohesion among Hispanics and the low level of participation among registered Hispanic voters (typically less than seven percent of those casting a ballot). Anglo crossover in support of Hispanic candidates, in the low 30 to low 40 percent range, is substantial, much less variable, and is not consistent with polarized Anglo bloc voting.



JOHN ALEFORD, Ph.D.

March 22, 2013

APPENDIX A

EI Results

2009 Primary Place 5

Model: ei.RxC

Number of simulations: 1000

Expected Values: $E(Y|X)$

	Observation PctRodrig_09_pri_place5	
	hpct	NOThpct
mean	0.5240036	0.37707919
sd	0.1663248	0.02219829
2.5%	0.1470338	0.33803792
97.5%	0.7805618	0.42565859

	Observation PctNOTRodrig_09_pri_place5	
	hpct	NOThpct
mean	0.4759964	0.62292081
sd	0.1663248	0.02219829
2.5%	0.2194382	0.57434141
97.5%	0.8529662	0.66196208

2009 General Place 5

Model: ei.RxC

Number of simulations: 1000

Expected Values: $E(Y|X)$

	Observation PctRodrig_09_gen_place5	
	hpct	NOThpct
mean	0.86679195	0.43436120
sd	0.07513016	0.02135715
2.5%	0.69109033	0.39115946
97.5%	0.95896689	0.47289524

	Observation PctNOTRodrig_09_gen_place5	
	hpct	NOThpct
mean	0.13320805	0.56563880
sd	0.07513016	0.02135715
2.5%	0.04103311	0.52710476
97.5%	0.30890967	0.60884054

2009 Primary Place 7

Model: ei.RxC

Number of simulations: 1000

Expected Values: $E(Y|X)$

	Observation PctSoria_09_pri_place7	
	hpct	NOThpct
mean	0.5902589	0.31116486
sd	0.1406681	0.01827066
2.5%	0.2545193	0.27931310
97.5%	0.7943070	0.34982717

	Observation PctNOTSoria_09_pri_place7	
	hpct	NOThpct
mean	0.4097411	0.68883514
sd	0.1406681	0.01827066
2.5%	0.2056930	0.65017283
97.5%	0.7454807	0.72068690

2009 General Place 5

Model: ei.RxC

Number of simulations: 1000

Expected Values: $E(Y|X)$

	Observation PctSoria_09_gen_place7	
	hpct	NOThpct
mean	0.8539305	0.31203000
sd	0.0681423	0.01127536
2.5%	0.6538474	0.29052525
97.5%	0.9334410	0.33355244

	Observation PctNOTSoria_09_gen_place7	
	hpct	NOThpct
mean	0.14606950	0.68797000
sd	0.06814230	0.01127536
2.5%	0.06655903	0.66644756
97.5%	0.34615259	0.70947475

2011 Primary Dist 2

Model: ei.RxC

Number of simulations: 1000

Expected Values: $E(Y|X)$

	Observation	PctMotes_11_pri_dist2	hpct	NOThpct
mean	0.5278522	0.13495207		
sd	0.1098932	0.01332221		
2.5%	0.3344753	0.11299975		
97.5%	0.7068483	0.16376025		

	Observation	PctNOTMotes_11_pri_dist2	hpct	NOThpct
mean	0.4721478	0.86504793		
sd	0.1098932	0.01332221		
2.5%	0.2931517	0.83623975		
97.5%	0.6655247	0.88700025		

2011 Prop 1

Model: ei.RxC

Number of simulations: 1000

Expected Values: $E(Y|X)$

	Observation	PctYes_11_pri_prop1	hpct	NOThpct
mean	0.92714479	0.39103728		
sd	0.02646523	0.01312309		
2.5%	0.85979957	0.36779511		
97.5%	0.95835264	0.41797268		

	Observation	PctNOTYes_11_pri_prop1	hpct	NOThpct
mean	0.07285521	0.60896272		
sd	0.02646523	0.01312309		
2.5%	0.04164736	0.58202732		
97.5%	0.14020043	0.63220489		

2012 Supreme Court, Pos 8

Model: ei.RxC

Number of simulations: 1000

Expected Values: $E(Y|X)$

	Observation	PctGonzales_12_supct	phsign	posign
mean	0.6737825	0.37176505		
sd	0.0945540	0.01501406		
2.5%	0.4558982	0.34359729		
97.5%	0.8235203	0.40183722		

	Observation	PctNOTGonzales_12_supct	phsign	posign
mean	0.3262175	0.62823495		
sd	0.0945540	0.01501406		
2.5%	0.1764797	0.59816278		
97.5%	0.5441018	0.65640271		

2009 Primary Place 5

Several Runs with only 100 Simulations

Model: ei.RxC

Number of simulations: 100

Expected Values: $E(Y|X)$

	Observation	PctRodrig_09_pri_place5	hpct	NOThpct
mean	0.5088137	0.37670573		
sd	0.1706963	0.02359066		
2.5%	0.1472984	0.33223036		
97.5%	0.7797170	0.42332895		

	Observation	PctNOTRodrig_09_pri_place5	hpct	NOThpct
mean	0.4911863	0.62329427		
sd	0.1706963	0.02359066		
2.5%	0.2202830	0.57667105		
97.5%	0.8527016	0.66776964		

Model: ei.RxC

Number of simulations: 100

Expected Values: $E(Y|X)$

	Observation	PctRodrig_09_pri_place5	hpct	NOThpct
--	-------------	-------------------------	------	---------

```
mean  0.4912955 0.38031222
sd     0.1656753 0.02500265
2.5%   0.1566484 0.33876726
97.5%  0.7690554 0.43334294
```

Observation PctNOTRodrig_09_pri_place5

```
      hpct      NOThpct
mean  0.5087045 0.61968778
sd     0.1656753 0.02500265
2.5%   0.2309446 0.56665706
97.5%  0.8433516 0.66123274
```

Model: ei.RxC
 Number of simulations: 100

Expected Values: $E(Y|X)$

```

Observation PctRodrig_09_pri_place5
              hpct    NOThpct
mean  0.5439055 0.3758689
sd     0.1634286 0.0222147
2.5%   0.1863998 0.3385723
97.5%  0.7916758 0.4149811

Observation PctNOTRodrig_09_pri_place5
              hpct    NOThpct
mean  0.4560945 0.6241311
sd     0.1634286 0.0222147
2.5%   0.2083242 0.5850189
97.5%  0.8136002 0.6614277
> s.out <- sim(z.out, num = 100)

```

Model: ei.RxC
 Number of simulations: 100

Expected Values: $E(Y|X)$

```

Observation PctRodrig_09_pri_place5
              hpct    NOThpct
mean  0.5024080 0.38119015
sd     0.1842371 0.02494356
2.5%   0.1076505 0.33896961
97.5%  0.7904215 0.43379787

Observation PctNOTRodrig_09_pri_place5
              hpct    NOThpct
mean  0.4975920 0.61880985
sd     0.1842371 0.02494356
2.5%   0.2095785 0.56620213
97.5%  0.8923495 0.66103039

```


Model: ei.RxC
 Number of simulations: 100

Expected Values: $E(Y|X)$

```

Observation PctRodrig_09_pri_place5
              hpct    NOThpct
mean  0.5094792 0.37806379
sd     0.1664341 0.02331578
2.5%   0.1697166 0.33739649
97.5%  0.7633860 0.41624003

Observation PctNOTRodrig_09_pri_place5
              hpct    NOThpct
mean  0.4905208 0.62193621
sd     0.1664341 0.02331578
2.5%   0.2366140 0.58375997
97.5%  0.8302834 0.66260351
> s.out <- sim(z.out, num = 100)

```

Model: ei.RxC
 Number of simulations: 100

Expected Values: $E(Y|X)$

```

Observation PctRodrig_09_pri_place5
              hpct    NOThpct
mean  0.5151990 0.3765646
sd     0.1775123 0.0233914
2.5%   0.1548885 0.3356893
97.5%  0.7698420 0.4189269

Observation PctNOTRodrig_09_pri_place5
              hpct    NOThpct
mean  0.4848010 0.6234354
sd     0.1775123 0.0233914
2.5%   0.2301580 0.5810731
97.5%  0.8451115 0.6643107

```

Model: ei.RxC
 Number of simulations: 100

Expected Values: $E(Y|X)$

	Observation PctRodrig_09_pri_place5	
	hpct	NOThpct
mean	0.5454507	0.37413241
sd	0.1822671	0.02534705
2.5%	0.1476312	0.33123929
97.5%	0.8053883	0.43084593

	Observation PctNOTRodrig_09_pri_place5	
	hpct	NOThpct
mean	0.4545493	0.62586759
sd	0.1822671	0.02534705
2.5%	0.1946117	0.56915407
97.5%	0.8523688	0.66876071

Model: ei.RxC
 Number of simulations: 100

Expected Values: $E(Y|X)$

	Observation PctRodrig_09_pri_place5	
	hpct	NOThpct
mean	0.5204967	0.37919596
sd	0.1695293	0.02088545
2.5%	0.1604392	0.34176427
97.5%	0.7804931	0.42828045

	Observation PctNOTRodrig_09_pri_place5	
	hpct	NOThpct
mean	0.4795033	0.62080404
sd	0.1695293	0.02088545
2.5%	0.2195069	0.57171955
97.5%	0.8395608	0.65823573

Model: ei.RxC
 Number of simulations: 100

Expected Values: $E(Y|X)$

```

Observation PctRodrig_09_pri_place5
              hpct    NOThpct
mean  0.5205903 0.3765396
sd     0.1684277 0.0237497
2.5%   0.1498936 0.3361919
97.5%  0.7834246 0.4289930

Observation PctNOTRodrig_09_pri_place5
              hpct    NOThpct
mean  0.4794097 0.6234604
sd     0.1684277 0.0237497
2.5%   0.2165754 0.5710070
97.5%  0.8501064 0.6638081
>

```

APPENDIX B

ALFORD CV

JOHN R. ALFORD

CURRICULUM VITAE

DECEMBER, 2012

DEPT. OF POLITICAL SCIENCE
RICE UNIVERSITY - MS-24
P.O. Box 1892
HOUSTON, TEXAS 77251-1892
713-348-3364
JRA@RICE.EDU

Employment:

ASSOCIATE PROFESSOR, RICE UNIVERSITY, 1985 TO PRESENT.
ASSISTANT PROFESSOR, UNIVERSITY OF GEORGIA, 1981-1985.
INSTRUCTOR, OAKLAND UNIVERSITY, 1980-1981.
TEACHING-RESEARCH FELLOW, UNIVERSITY OF IOWA, 1977-1980.
RESEARCH ASSOCIATE, INSTITUTE FOR URBAN STUDIES, HOUSTON, TEXAS, 1976-1977.

Education:

PH.D., UNIVERSITY OF IOWA, POLITICAL SCIENCE, 1981.
M.A., UNIVERSITY OF IOWA, POLITICAL SCIENCE, 1980.
M.P.A., UNIVERSITY OF HOUSTON, PUBLIC ADMINISTRATION, 1977.
B.S., UNIVERSITY OF HOUSTON, POLITICAL SCIENCE, 1975.

Publications:

"GENETIC AND ENVIRONMENTAL TRANSMISSION OF POLITICAL ORIENTATIONS." WITH CAROLYN L. FUNK, MATTHEW HIBBING, KEVIN B. SMITH, NICHOLAS R. EATON, ROBERT F. KRUEGER, LINDON J. EAVES, JOHN R. HIBBING. **POLITICAL PSYCHOLOGY**. FORTHCOMING.

"BIOLOGY, IDEOLOGY, AND EPISTEMOLOGY: HOW DO WE KNOW POLITICAL ATTITUDES ARE INHERITED AND WHY SHOULD WE CARE?" WITH KEVIN SMITH, PETER K. HATEMI, LINDON J. EAVES, CAROLYN FUNK, AND JOHN R. HIBBING. **AMERICAN JOURNAL OF POLITICAL SCIENCE**. (JANUARY, 2012)

"DISGUST SENSITIVITY AND THE NEUROPHYSIOLOGY OF LEFT-RIGHT POLITICAL ORIENTATIONS" WITH KEVIN SMITH, JOHN HIBBING, DOUGLAS OXLEY, AND MATTHEW HIBBING, **PLOS ONE**, (2011), 6(10):E25552. DOI:10.1371/JOURNAL.PONE.0025552.

"THE POLITICS OF MATE CHOICE" WITH PETER HATEMI, JOHN R. HIBBING, NICHOLAS MARTIN AND LINDON EAVES, **JOURNAL OF POLITICS**, (2011) 73, DOI:10.1017/S0022381611000016.

"LINKING GENETICS AND POLITICAL ATTITUDES: RE-CONCEPTUALIZING POLITICAL IDEOLOGY" WITH KEVIN SMITH, JOHN HIBBING, DOUGLAS OXLEY, AND MATTHEW HIBBING, **POLITICAL PSYCHOLOGY**, (JUNE, 2011).

"NOT BY TWINS ALONE: USING THE EXTENDED TWIN FAMILY DESIGN TO INVESTIGATE THE GENETIC BASIS OF POLITICAL BELIEFS" WITH PETER HATEMI, JOHN HIBBING, SARAH MEDLAND, MATTHEW KELLER, KEVIN SMITH, NICHOLAS MARTIN, AND LINDON EAVES, **AMERICAN JOURNAL OF POLITICAL SCIENCE**, (JULY, 2010).

"THE ULTIMATE SOURCE OF POLITICAL OPINIONS: GENES AND THE ENVIRONMENT" WITH JOHN R. HIBBING IN **UNDERSTANDING PUBLIC OPINION**, 3RD EDITION EDS. BARBARA NORRANDER AND CLYDE WILCOX, WASHINGTON D.C.: CQ PRESS, (2010).

"IS THERE A 'PARTY' IN YOUR GENES" WITH PETER HATEMI, JOHN R. HIBBING, NICHOLAS MARTIN AND LINDON EAVES, **POLITICAL RESEARCH QUARTERLY**, (SEPTEMBER, 2009).

"TWIN STUDIES, MOLECULAR GENETICS, POLITICS, AND TOLERANCE: A RESPONSE TO BECKWITH AND MORRIS" WITH JOHN R. HIBBING AND CARY FUNK, **PERSPECTIVES ON POLITICS**, (DECEMBER, 2008). THIS IS A SOLICITED RESPONSE TO A CRITIQUE OF OUR 2005 APSR ARTICLE "ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED?"

"POLITICAL ATTITUDES VARY WITH PHYSIOLOGICAL TRAITS" WITH DOUGLAS R. OXLEY, KEVIN B. SMITH, MATTHEW V. HIBBING, JENNIFER L. MILLER, MARIO SCALORA, PETER K. HATEMI, AND JOHN R. HIBBING, **SCIENCE**, (SEPTEMBER 19, 2008).

"THE NEW EMPIRICAL BIOPOLITICS" WITH JOHN R. HIBBING, **ANNUAL REVIEW OF POLITICAL SCIENCE**, (JUNE, 2008).

"BEYOND LIBERALS AND CONSERVATIVES TO POLITICAL GENOTYPES AND PHENOTYPES" WITH JOHN R. HIBBING AND CARY FUNK, **PERSPECTIVES ON POLITICS**, (JUNE, 2008). THIS IS A SOLICITED RESPONSE TO A CRITIQUE OF OUR 2005 APSR ARTICLE "ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED?"

"PERSONAL, INTERPERSONAL, AND POLITICAL TEMPERAMENTS" WITH JOHN R. HIBBING, **ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE**, (NOVEMBER, 2007).

"IS POLITICS IN OUR GENES?" WITH JOHN R. HIBBING, **TIDSSKRIFTET POLITIK**, (FEBRUARY, 2007).

"BIOLOGY AND RATIONAL CHOICE" WITH JOHN R. HIBBING, **POLITICAL ECONOMY NEWSLETTER**, (FALL, 2005)

"ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED?" WITH JOHN R. HIBBING AND CAROLYN FUNK, **AMERICAN POLITICAL SCIENCE REVIEW**, (MAY, 2005). (THE MAIN FINDINGS TABLE FROM THIS ARTICLE HAS BEEN REPRINTED IN TWO COLLEGE LEVEL TEXT BOOKS - PSYCHOLOGY, 9TH ED. AND INVITATION TO PSYCHOLOGY 4TH ED. BOTH BY WADE AND TAVRIS, PRENTICE HALL, 2007).

"THE ORIGIN OF POLITICS: AN EVOLUTIONARY THEORY OF POLITICAL BEHAVIOR" WITH JOHN R. HIBBING, **PERSPECTIVES ON POLITICS**, (DECEMBER, 2004).

"ACCEPTING AUTHORITATIVE DECISIONS: HUMANS AS WARY COOPERATORS" WITH JOHN R. HIBBING, **AMERICAN JOURNAL OF POLITICAL SCIENCE**, (JANUARY, 2004).

"ELECTORAL CONVERGENCE OF THE TWO HOUSES OF CONGRESS" WITH JOHN R. HIBBING, IN **THE EXCEPTIONAL SENATE**, ED. BRUCE OPPENHEIMER, COLUMBUS: OHIO STATE UNIVERSITY PRESS, (2002).

"WE'RE ALL IN THIS TOGETHER: THE DECLINE OF TRUST IN GOVERNMENT, 1958-1996." IN **WHAT IS IT ABOUT GOVERNMENT THAT AMERICANS DISLIKE?**, EDS. JOHN HIBBING AND BETH THEISS-MORSE, CAMBRIDGE: CAMBRIDGE UNIVERSITY PRESS, (2001).

"THE 2000 CENSUS AND THE NEW REDISTRICTING," **TEXAS STATE BAR ASSOCIATION SCHOOL LAW SECTION NEWSLETTER**, (JULY, 2000).

"OVERDRAFT: THE POLITICAL COST OF CONGRESSIONAL MALFEASANCE" WITH HOLLY TEETERS, DAN WARD, AND RICK WILSON, **JOURNAL OF POLITICS** (AUGUST, 1994).

"PERSONAL AND PARTISAN ADVANTAGE IN U.S. CONGRESSIONAL ELECTIONS, 1846-1990" WITH DAVID W. BRADY, IN **CONGRESS RECONSIDERED** 5TH EDITION, EDS. LARRY DODD AND BRUCE OPPENHEIMER, CQ PRESS, (1993).

"THE 1990 CONGRESSIONAL ELECTION RESULTS AND THE FALLACY THAT THEY EMBODIED AN ANTI-INCUMBENT MOOD" WITH JOHN R. HIBBING, **PS** 25 (JUNE, 1992).

"CONSTITUENCY POPULATION AND REPRESENTATION IN THE UNITED STATES SENATE" WITH JOHN R. HIBBING. **LEGISLATIVE STUDIES QUARTERLY**, (NOVEMBER, 1990).

"EDITORS' INTRODUCTION: ELECTING THE U.S. SENATE" WITH BRUCE I. OPPENHEIMER. **LEGISLATIVE STUDIES QUARTERLY**, (NOVEMBER, 1990).

"PERSONAL AND PARTISAN ADVANTAGE IN U.S. CONGRESSIONAL ELECTIONS, 1846-1990" WITH DAVID W. BRADY, IN **CONGRESS RECONSIDERED** 4TH EDITION, EDS. LARRY DODD AND BRUCE OPPENHEIMER, CQ PRESS, (1988). REPRINTED IN THE CONGRESS OF THE UNITED STATES, 1789-1989, ED. JOEL SILBY, CARLSON PUBLISHING INC., (1991), AND IN THE QUEST FOR OFFICE, EDS. WAYNE AND WILCOX, ST. MARTINS PRESS, (1991).

"CAN GOVERNMENT REGULATE FERTILITY? AN ASSESSMENT OF PRO-NATALIST POLICY IN EASTERN EUROPE" WITH JEROME LEGGE. **THE WESTERN POLITICAL QUARTERLY** (DECEMBER, 1986).

"PARTISANSHIP AND VOTING" WITH JAMES CAMPBELL, MARY MUNRO, AND BRUCE CAMPBELL, IN **RESEARCH IN MICROPOLITICS. VOLUME 1 - VOTING BEHAVIOR**. SAMUEL LONG, ED. JAI PRESS, (1986).

"ECONOMIC CONDITIONS AND INDIVIDUAL VOTE IN THE FEDERAL REPUBLIC OF GERMANY" WITH JEROME S. LEGGE. **JOURNAL OF POLITICS** (NOVEMBER, 1984).

"TELEVISION MARKETS AND CONGRESSIONAL ELECTIONS" WITH JAMES CAMPBELL AND KEITH HENRY. **LEGISLATIVE STUDIES QUARTERLY** (NOVEMBER, 1984).

"ECONOMIC CONDITIONS AND THE FORGOTTEN SIDE OF CONGRESS: A FORAY INTO U.S. SENATE ELECTIONS" WITH JOHN R. HIBBING, **BRITISH JOURNAL OF POLITICAL SCIENCE** (OCTOBER, 1982).

"INCREASED INCUMBENCY ADVANTAGE IN THE HOUSE" WITH JOHN R. HIBBING, **JOURNAL OF POLITICS** (NOVEMBER, 1981). REPRINTED IN THE CONGRESS OF THE UNITED STATES, 1789-1989, CARLSON PUBLISHING INC., (1991).

"THE ELECTORAL IMPACT OF ECONOMIC CONDITIONS: WHO IS HELD RESPONSIBLE?" WITH JOHN R. HIBBING, **AMERICAN JOURNAL OF POLITICAL SCIENCE** (AUGUST, 1981).

"COMMENT ON INCREASED INCUMBENCY ADVANTAGE" WITH JOHN R. HIBBING, REFEREED COMMUNICATION: **AMERICAN POLITICAL SCIENCE REVIEW** (MARCH, 1981).

"CAN GOVERNMENT REGULATE SAFETY? THE COAL MINE EXAMPLE" WITH MICHAEL LEWIS-BECK, **AMERICAN POLITICAL SCIENCE REVIEW** (SEPTEMBER, 1980).

Awards and Honors:

CQ PRESS AWARD - 1988, HONORING THE OUTSTANDING PAPER IN LEGISLATIVE POLITICS PRESENTED AT THE 1987 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION. AWARDED FOR "THE DEMISE OF THE UPPER HOUSE AND THE RISE OF THE SENATE: ELECTORAL RESPONSIVENESS IN THE UNITED STATES SENATE" WITH JOHN HIBBING.

Research Grants:

NATIONAL SCIENCE FOUNDATION, 2009-2011, "IDENTIFYING THE BIOLOGICAL INFLUENCES ON POLITICAL TEMPERAMENTS", WITH JOHN HIBBING, KEVIN SMITH, KIM ESPY, NICOLAS MARTIN AND READ MONTAGUE. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE, UNIVERSITY OF NEBRASKA, BAYLOR COLLEGE OF MEDICINE, AND QUEENSLAND INSTITUTE FOR MEDICAL RESEARCH.

NATIONAL SCIENCE FOUNDATION, 2007-2010, "GENES AND POLITICS: PROVIDING THE NECESSARY DATA", WITH JOHN HIBBING, KEVIN SMITH, AND LINDON EAVES. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE, UNIVERSITY OF NEBRASKA, VIRGINIA COMMONWEALTH UNIVERSITY, AND THE UNIVERSITY OF MINNESOTA.

NATIONAL SCIENCE FOUNDATION, 2007-2010, "INVESTIGATING THE GENETIC BASIS OF ECONOMIC BEHAVIOR", WITH JOHN HIBBING AND KEVIN SMITH. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE, UNIVERSITY OF NEBRASKA, VIRGINIA COMMONWEALTH UNIVERSITY, AND THE QUEENSLAND INSTITUTE OF MEDICAL RESEARCH.

RICE UNIVERSITY FACULTY INITIATIVES FUND, 2007-2009, "THE BIOLOGICAL SUBSTRATES OF POLITICAL BEHAVIOR". THIS IS IN ASSISTANCE OF A COLLABORATIVE PROJECT INVOLVING RICE, BAYLOR COLLEGE OF MEDICINE, QUEENSLAND INSTITUTE OF MEDICAL RESEARCH, UNIVERSITY OF NEBRASKA, VIRGINIA COMMONWEALTH UNIVERSITY, AND THE UNIVERSITY OF MINNESOTA.

NATIONAL SCIENCE FOUNDATION, 2004-2006, "DECISION-MAKING ON BEHALF OF OTHERS", WITH JOHN HIBBING. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE AND THE UNIVERSITY OF NEBRASKA.

NATIONAL SCIENCE FOUNDATION, 2001-2002, DISSERTATION GRANT FOR KEVIN ARCENEUX, "DOCTORAL DISSERTATION RESEARCH IN POLITICAL SCIENCE: VOTING BEHAVIOR IN THE CONTEXT OF U.S. FEDERALISM."

NATIONAL SCIENCE FOUNDATION, 2000-2001, DISSERTATION GRANT FOR STACY ULBIG, "DOCTORAL DISSERTATION RESEARCH IN POLITICAL SCIENCE: SUB-NATIONAL CONTEXTUAL INFLUENCES ON POLITICAL TRUST."

NATIONAL SCIENCE FOUNDATION, 1999-2000, DISSERTATION GRANT FOR RICHARD ENGSTROM, "DOCTORAL DISSERTATION RESEARCH IN POLITICAL SCIENCE: ELECTORAL DISTRICT STRUCTURE AND POLITICAL BEHAVIOR."

RICE UNIVERSITY RESEARCH GRANT, 1985, RECENT TRENDS IN BRITISH PARLIAMENTARY ELECTIONS.

FACULTY RESEARCH GRANTS PROGRAM, UNIVERSITY OF GEORGIA, SUMMER, 1982. IMPACT OF MEDIA STRUCTURE ON CONGRESSIONAL ELECTIONS, WITH JAMES CAMPBELL.

Papers Presented:

"THE PHYSIOLOGICAL BASIS OF POLITICAL TEMPERAMENTS" 6TH EUROPEAN CONSORTIUM FOR POLITICAL RESEARCH GENERAL CONFERENCE, REYKJAVIK, ICELAND (2011), WITH KEVIN SMITH, AND JOHN HIBBING.

"IDENTIFYING THE BIOLOGICAL INFLUENCES ON POLITICAL TEMPERAMENTS" NATIONAL SCIENCE FOUNDATION ANNUAL HUMAN SOCIAL DYNAMICS MEETING (2010), WITH JOHN HIBBING, KIMBERLY ESPY, NICHOLAS MARTIN, READ MONTAGUE, AND KEVIN B. SMITH.

"POLITICAL ORIENTATIONS MAY BE RELATED TO DETECTION OF THE ODOR OF ANDROSTENONE" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2010), WITH KEVIN SMITH, AMANDA BALZER, MICHAEL GRUSZCZYNSKI, CARLY M. JACOBS, AND JOHN HIBBING.

"TOWARD A MODERN VIEW OF POLITICAL MAN: GENETIC AND ENVIRONMENTAL TRANSMISSION OF POLITICAL ORIENTATIONS FROM ATTITUDE INTENSITY TO POLITICAL PARTICIPATION" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC (2010), WITH CAROLYN FUNK, KEVIN SMITH, AND JOHN HIBBING.

"GENETIC AND ENVIRONMENTAL TRANSMISSION OF POLITICAL INVOLVEMENT FROM ATTITUDE INTENSITY TO POLITICAL PARTICIPATION" ANNUAL MEETING OF THE INTERNATIONAL SOCIETY FOR POLITICAL PSYCHOLOGY, SAN FRANCISCO, CA (2010), WITH CAROLYN FUNK, KEVIN SMITH, AND JOHN HIBBING.

"ARE VIOLATIONS OF THE EEA RELEVANT TO POLITICAL ATTITUDES AND BEHAVIORS?" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2010), WITH KEVIN SMITH, AND JOHN HIBBING.

"THE NEURAL BASIS OF REPRESENTATION" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, TORONTO, CANADA (2009), WITH JOHN HIBBING.

"GENETIC AND ENVIRONMENTAL TRANSMISSION OF VALUE ORIENTATIONS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, TORONTO, CANADA (2009), WITH CAROLYN FUNK, KEVIN SMITH, MATTHEW HIBBING, PETE HATEMI, ROBERT KRUEGER, LINDON EAVES, AND JOHN HIBBING.

"THE GENETIC HERITABILITY OF POLITICAL ORIENTATIONS: A NEW TWIN STUDY OF POLITICAL ATTITUDES" ANNUAL MEETING OF THE INTERNATIONAL SOCIETY FOR POLITICAL PSYCHOLOGY, DUBLIN, IRELAND (2009), WITH JOHN HIBBING, CARY FUNK, KEVIN SMITH, AND PETER K HATEMI.

"THE HERITABILITY OF VALUE ORIENTATIONS" ANNUAL MEETING OF THE BEHAVIOR GENETICS ASSOCIATION, MINNEAPOLIS, MN (2009), WITH KEVIN SMITH, JOHN HIBBING, CAROLYN FUNK, ROBERT KRUEGER, PETER HATEMI, AND LINDON EAVES.

"THE ICK FACTOR: DISGUST SENSITIVITY AS A PREDICTOR OF POLITICAL ATTITUDES" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2009), WITH KEVIN SMITH, DOUGLAS OXLEY MATTHEW HIBBING, AND JOHN HIBBING.

"THE IDEOLOGICAL ANIMAL: THE ORIGINS AND IMPLICATIONS OF IDEOLOGY" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, BOSTON, MA (2008), WITH KEVIN SMITH, MATTHEW HIBBING, DOUGLAS OXLEY, AND JOHN HIBBING.

"THE PHYSIOLOGICAL DIFFERENCES OF LIBERALS AND CONSERVATIVES" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2008), WITH KEVIN SMITH, DOUGLAS OXLEY, AND JOHN HIBBING.

"LOOKING FOR POLITICAL GENES: THE INFLUENCE OF SEROTONIN ON POLITICAL AND SOCIAL VALUES" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2008), WITH PETER HATEMI, SARAH MEDLAND, JOHN HIBBING, AND NICHOLAS MARTIN.

"NOT BY TWINS ALONE: USING THE EXTENDED TWIN FAMILY DESIGN TO INVESTIGATE THE GENETIC BASIS OF POLITICAL BELIEFS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2007), WITH PETER HATEMI, JOHN HIBBING, MATTHEW KELLER, NICHOLAS MARTIN, SARAH MEDLAND, AND LINDON EAVES.

"FACTORIAL ASSOCIATION: A GENERALIZATION OF THE FULKER BETWEEN-WITHIN MODEL TO THE MULTIVARIATE CASE" ANNUAL MEETING OF THE BEHAVIOR GENETICS ASSOCIATION, AMSTERDAM, THE NETHERLANDS (2007), WITH SARAH MEDLAND, PETER HATEMI, JOHN HIBBING, WILLIAM COVENTRY, NICHOLAS MARTIN, AND MICHAEL NEALE.

"NOT BY TWINS ALONE: USING THE EXTENDED TWIN FAMILY DESIGN TO INVESTIGATE THE GENETIC BASIS OF POLITICAL BELIEFS" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2007), WITH PETER HATEMI, JOHN HIBBING, NICHOLAS MARTIN, AND LINDON EAVES.

"GETTING FROM GENES TO POLITICS: THE CONNECTING ROLE OF EMOTION-READING CAPABILITY" ANNUAL MEETING OF THE INTERNATIONAL SOCIETY FOR POLITICAL PSYCHOLOGY, PORTLAND, OR, (2007.), WITH JOHN HIBBING.

"THE NEUROLOGICAL BASIS OF REPRESENTATIVE DEMOCRACY." HENDRICKS CONFERENCE ON POLITICAL BEHAVIOR, LINCOLN, NE (2006), WITH JOHN HIBBING.

"THE NEURAL BASIS OF REPRESENTATIVE DEMOCRACY" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, PHILADELPHIA, PA (2006), WITH JOHN HIBBING.

"HOW ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED? A RESEARCH AGENDA" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO ILLINOIS (2006), WITH JOHN HIBBING.

"THE POLITICS OF MATE CHOICE" ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, ATLANTA, GA (2006), WITH JOHN HIBBING.

"THE CHALLENGE EVOLUTIONARY BIOLOGY POSES FOR RATIONAL CHOICE" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC (2005), WITH JOHN HIBBING AND KEVIN SMITH.

"DECISION MAKING ON BEHALF OF OTHERS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC (2005), WITH JOHN HIBBING.

"THE SOURCE OF POLITICAL ATTITUDES AND BEHAVIOR: ASSESSING GENETIC AND ENVIRONMENTAL CONTRIBUTIONS" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO ILLINOIS (2005), WITH JOHN HIBBING AND CAROLYN FUNK.

"THE SOURCE OF POLITICAL ATTITUDES AND BEHAVIOR: ASSESSING GENETIC AND ENVIRONMENTAL CONTRIBUTIONS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, CHICAGO ILLINOIS (2004), WITH JOHN HIBBING AND CAROLYN FUNK.

"ACCEPTING AUTHORITATIVE DECISIONS: HUMANS AS WARY COOPERATORS" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, ILLINOIS (2002), WITH JOHN HIBBING

"CAN WE TRUST THE NES TRUST MEASURE?" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, ILLINOIS (2001), WITH STACY ULBIG.

"THE IMPACT OF ORGANIZATIONAL STRUCTURE ON THE PRODUCTION OF SOCIAL CAPITAL AMONG GROUP MEMBERS" ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, ATLANTA, GEORGIA (2000), WITH ALLISON RINDEN.

"ISOLATING THE ORIGINS OF INCUMBENCY ADVANTAGE: AN ANALYSIS OF HOUSE PRIMARIES, 1956-1998" ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, ATLANTA, GEORGIA (2000), WITH KEVIN ARCENEUX.

"THE ELECTORALLY INDISTINCT SENATE," NORMAN THOMAS CONFERENCE ON SENATE EXCEPTIONALISM, VANDERBILT UNIVERSITY; NASHVILLE, TENNESSEE; OCTOBER (1999), WITH JOHN R. HIBBING.

"INTEREST GROUP PARTICIPATION AND SOCIAL CAPITAL" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, ILLINOIS (1999), WITH ALLISON RINDEN.

"WE'RE ALL IN THIS TOGETHER: THE DECLINE OF TRUST IN GOVERNMENT, 1958-1996." THE HENDRICKS SYMPOSIUM, UNIVERSITY OF NEBRASKA, LINCOLN. (1998)

"CONSTITUENCY POPULATION AND REPRESENTATION IN THE UNITED STATES SENATE," ELECTING THE SENATE; HOUSTON, TEXAS; DECEMBER (1989), WITH JOHN R. HIBBING.

"THE DISPARATE ELECTORAL SECURITY OF HOUSE AND SENATE INCUMBENTS," AMERICAN POLITICAL SCIENCE ASSOCIATION ANNUAL MEETINGS; ATLANTA, GEORGIA; SEPTEMBER (1989), WITH JOHN R. HIBBING.

"PARTISAN AND INCUMBENT ADVANTAGE IN HOUSE ELECTIONS," ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION (1987), WITH DAVID W. BRADY.

"PERSONAL AND PARTY ADVANTAGE IN U.S. HOUSE ELECTIONS, 1846-1986" WITH DAVID W. BRADY, 1987 SOCIAL SCIENCE HISTORY ASSOCIATION MEETINGS.

"THE DEMISE OF THE UPPER HOUSE AND THE RISE OF THE SENATE: ELECTORAL RESPONSIVENESS IN THE UNITED STATES SENATE" WITH JOHN HIBBING, 1987 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

"A COMPARATIVE ANALYSIS OF ECONOMIC VOTING" WITH JEROME LEGGE, 1985 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

"AN ANALYSIS OF ECONOMIC CONDITIONS AND THE INDIVIDUAL VOTE IN GREAT BRITAIN, 1964-1979" WITH JEROME LEGGE, 1985 ANNUAL MEETING OF THE WESTERN POLITICAL SCIENCE ASSOCIATION.

"CAN GOVERNMENT REGULATE FERTILITY? AN ASSESSMENT OF PRO-NATALIST POLICY IN EASTERN EUROPE" WITH JEROME LEGGE, 1985 ANNUAL MEETING OF THE SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION.

"ECONOMIC CONDITIONS AND THE INDIVIDUAL VOTE IN THE FEDERAL REPUBLIC OF GERMANY" WITH JEROME S. LEGGE, 1984 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

"THE CONDITIONS REQUIRED FOR ECONOMIC ISSUE VOTING" WITH JOHN R. HIBBING, 1984 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

"INCUMBENCY ADVANTAGE IN SENATE ELECTIONS," 1983 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

"TELEVISION MARKETS AND CONGRESSIONAL ELECTIONS: THE IMPACT OF MARKET/DISTRICT CONGRUENCE" WITH JAMES CAMPBELL AND KEITH HENRY, 1982 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

"ECONOMIC CONDITIONS AND SENATE ELECTIONS" WITH JOHN R. HIBBING, 1982 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION. "POCKETBOOK VOTING: ECONOMIC CONDITIONS AND INDIVIDUAL LEVEL VOTING," 1982 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

"INCREASED INCUMBENCY ADVANTAGE IN THE HOUSE," WITH JOHN R. HIBBING, 1981 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

Other Conference Participation:

ROUNDTABLE PARTICIPANT "GENES, BRAINS, AND CORE POLITICAL ORIENTATIONS" 2008 ANNUAL MEETING OF THE SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION, LAS VEGAS.

ROUNDTABLE PARTICIPANT "POLITICS IN THE LABORATORY" 2007 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, NEW ORLEANS.

SHORT COURSE LECTURER, "WHAT NEUROSCIENCE HAS TO OFFER POLITICAL SCIENCE" 2006 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PANEL CHAIR AND DISCUSSANT, "NEURO-SCIENTIFIC ADVANCES IN THE STUDY OF POLITICAL SCIENCE" 2006 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PRESENTATION, "THE TWIN STUDY APPROACH TO ASSESSING GENETIC INFLUENCES ON POLITICAL BEHAVIOR" RICE CONFERENCE ON NEW METHODS FOR UNDERSTANDING POLITICAL BEHAVIOR, 2005.

PANEL DISCUSSANT, "THE POLITICAL CONSEQUENCES OF REDISTRICTING," 2002 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PANEL DISCUSSANT, "RACE AND REDISTRICTING," 1999 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

INVITED PARTICIPANT, "ROUNDTABLE ON PUBLIC DISSATISFACTION WITH AMERICAN POLITICAL INSTITUTIONS", 1998 ANNUAL MEETING OF THE SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION.

PRESENTATION, "REDISTRICTING IN THE '90s," TEXAS ECONOMIC AND DEMOGRAPHIC ASSOCIATION, 1997.

PANEL CHAIR, "CONGRESSIONAL ELECTIONS," 1992 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

PANEL DISCUSSANT, "INCUMBENCY AND CONGRESSIONAL ELECTIONS," 1992 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PANEL CHAIR, "ISSUES IN LEGISLATIVE ELECTIONS," 1991 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

PANEL CHAIR, "ECONOMIC ATTITUDES AND PUBLIC POLICY IN EUROPE," 1990 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION

PANEL DISCUSSANT, "RETROSPECTIVE VOTING IN U.S. ELECTIONS," 1990 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

CO-CONVENER, WITH BRUCE OPPENHEIMER, OF ELECTING THE SENATE, A NATIONAL CONFERENCE ON THE NES 1988 SENATE ELECTION STUDY. FUNDED BY THE RICE INSTITUTE FOR POLICY ANALYSIS, THE UNIVERSITY OF HOUSTON CENTER FOR PUBLIC POLICY, AND THE NATIONAL SCIENCE FOUNDATION, HOUSTON, TEXAS, DECEMBER, 1989.

INVITED PARTICIPANT, UNDERSTANDING CONGRESS: A BICENTENNIAL RESEARCH CONFERENCE, WASHINGTON, D.C., FEBRUARY, 1989.

INVITED PARTICIPANT--HENDRICKS SYMPOSIUM ON THE UNITED STATES SENATE, UNIVERSITY OF NEBRASKA, LINCOLN, NEBRASKA, OCTOBER, 1988

INVITED PARTICIPANT--CONFERENCE ON THE HISTORY OF CONGRESS, STANFORD UNIVERSITY, STANFORD, CALIFORNIA, JUNE, 1988.

INVITED PARTICIPANT, "ROUNDTABLE ON PARTISAN REALIGNMENT IN THE 1980'S", 1987 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

Professional Activities:

Other Universities:

INVITED LECTURER, BIOLOGY AND POLITICS MASTERS SEMINAR (JOHN GEER AND DAVID BADER), DEPARTMENT OF POLITICAL SCIENCE AND BIOLOGY DEPARTMENT, VANDERBILT UNIVERSITY, 2010.

INVITED LECTURER, BIOLOGY AND POLITICS SENIOR SEMINAR (JOHN GEER AND DAVID BADER), DEPARTMENT OF POLITICAL SCIENCE AND BIOLOGY DEPARTMENT, VANDERBILT UNIVERSITY, 2008.

VISITING FELLOW, THE HOOVER INSTITUTION, STANFORD UNIVERSITY, 2007.

INVITED SPEAKER, JOINT POLITICAL PSYCHOLOGY GRADUATE SEMINAR, UNIVERSITY OF MINNESOTA, 2007.

INVITED SPEAKER, DEPARTMENT OF POLITICAL SCIENCE, VANDERBILT UNIVERSITY, 2006.

Member:

EDITORIAL BOARD, JOURNAL OF POLITICS, 2007-2008.

PLANNING COMMITTEE FOR THE NATIONAL ELECTION STUDIES' SENATE ELECTION STUDY, 1990-92.

NOMINATIONS COMMITTEE, SOCIAL SCIENCE HISTORY ASSOCIATION, 1988

Reviewer for:

AMERICAN JOURNAL OF POLITICAL SCIENCE

AMERICAN POLITICAL SCIENCE REVIEW

AMERICAN POLITICS RESEARCH

AMERICAN POLITICS QUARTERLY

AMERICAN PSYCHOLOGIST

CANADIAN JOURNAL OF POLITICAL SCIENCE

COMPARATIVE POLITICS
ELECTORAL STUDIES
EVOLUTION AND HUMAN BEHAVIOR
INTERNATIONAL STUDIES QUARTERLY
JOURNAL OF POLITICS
LEGISLATIVE STUDIES QUARTERLY
NATIONAL SCIENCE FOUNDATION
POLICY STUDIES REVIEW
POLITICAL BEHAVIOR
POLITICAL PSYCHOLOGY
PUBLIC OPINION QUARTERLY
SCIENCE
SOCIAL FORCES
WESTERN POLITICAL QUARTERLY

University Service:

MEMBER, UNIVERSITY COUNCIL, 2012-2013.

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, ATLANTA, 2011.

LECTURER, ADVANCED TOPICS IN AP PSYCHOLOGY, RICE UNIVERSITY AP SUMMER INSTITUTE, 2009.

SCIENTIA LECTURE SERIES: "POLITICS IN OUR GENES: THE BIOLOGY OF IDEOLOGY" 2008

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, SEATTLE, SAN FRANCISCO AND LOS ANGELES, 2008.

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, AUSTIN, CHICAGO AND WASHINGTON, DC, 2006.

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, DALLAS AND NEW YORK, 2005.

DIRECTOR: RICE UNIVERSITY BEHAVIORAL RESEARCH LAB AND SOCIAL SCIENCE COMPUTING LAB, 2005-2006.

INTERNSHIP DIRECTOR FOR THE DEPARTMENT OF POLITICAL SCIENCE, 2004-2012.

UNIVERSITY OFFICIAL REPRESENTATIVE TO THE INTER-UNIVERSITY CONSORTIUM FOR POLITICAL AND SOCIAL RESEARCH, 1989-2012.

DIRECTOR: RICE UNIVERSITY SOCIAL SCIENCE COMPUTING LAB, 1989-2004.

MEMBER, RICE UNIVERSITY INFORMATION TECHNOLOGY ACCESS AND SECURITY COMMITTEE, 2001-2002

RICE UNIVERSITY COMMITTEE ON COMPUTERS, MEMBER, 1988-1992, 1995-1996; CHAIR, 1996-1998, CO-CHAIR, 1999.

ACTING CHAIRMAN, RICE INSTITUTE FOR POLICY ANALYSIS, 1991-1992.

DIVISIONAL MEMBER OF THE JOHN W. GARDNER DISSERTATION AWARD SELECTION COMMITTEE, 1998

SOCIAL SCIENCE REPRESENTATIVE TO THE EDUCATIONAL SUB-COMMITTEE OF THE COMPUTER PLANNING COMMITTEE, 1989-1990.

DIRECTOR OF GRADUATE ADMISSIONS, DEPARTMENT OF POLITICAL SCIENCE, RICE UNIVERSITY, 1986-1988.

CO-DIRECTOR, MELLON WORKSHOP: SOUTHERN POLITICS, MAY, 1988.

GUEST LECTURER, MELLON WORKSHOP: THE U.S. CONGRESS IN HISTORICAL PERSPECTIVE, MAY, 1987 AND 1988.

FACULTY ASSOCIATE, HANSZEN COLLEGE, RICE UNIVERSITY, 1987-1990.

DIRECTOR, POLITICAL DATA ANALYSIS CENTER, UNIVERSITY OF GEORGIA, 1982-1985.

EXTERNAL SERVICE:

EXPERT WITNESS, GARCIA-SONNIER ET AL V. PASADENA ISD, RACIALLY POLARIZED VOTING ANALYSIS, 2012.

EXPERT WITNESS, MONTES V. CITY OF YAKIMA, CHALLENGE TO YAKIMA, WASHINGTON AT-LARGE CITY COUNCIL ELECTIONS, 2012.

CONSULTANT, LAMAR ISD - DEMOGRAPHIC ANALYSIS AND REDRAWING OF ELECTION DISTRICTS, 2012.

EXPERT WITNESS, RODRIGUEZ, ET. AL. V HARRIS CO., CHALLENGE TO ADOPTED HARRIS COUNTY COMMISSIONERS' COURT PRECINCTS, 2011.

CONSULTANT, CITY OF BAYTOWN - DEMOGRAPHIC ANALYSIS AND REDRAWING OF ELECTION DISTRICTS, 2011.

CONSULTANT, GOOSE CREEK ISD - DEMOGRAPHIC ANALYSIS AND REDRAWING OF ELECTION DISTRICTS, 2011.

CONSULTANT, SAN ANTONIO WATER SYSTEM - ANALYSIS OF PRECLEARANCE ISSUES RELATED TO MERGER WITH BEXARMET WATER AUTHORITY, 2011.

EXPERT WITNESS, TEXAS V US, PRECLEARANCE SUIT FOR TEXAS STATEWIDE DISTRICTS, 2011.*

EXPERT WITNESS, DAVIS V PERRY (AND CONSOLIDATED CASES), CHALLENGE TO ADOPTED TEXAS SENATE DISTRICTS, 2011.

EXPERT WITNESS, PEREZ, ET. AL. V STATE OF TEXAS (AND CONSOLIDATED CASES), CHALLENGE TO ADOPTED TEXAS STATEWIDE DISTRICTS, 2011.*

EXPERT WITNESS, FABELA, ET. AL. V CITY OF FARMERS BRANCH, FARMERS BRANCH CITY COUNCIL AT LARGE DISTRICT CHALLENGE, 2011.

EXPERT WITNESS, EL PASO APARTMENT OWNERS ASSOC. V CITY OF EL PASO, ANALYSIS OF RACIAL PATTERNS IN HOUSING OCCUPANCY, 2009.

EXPERT WITNESS, BENEVIDES, V IRVING ISD, RACIALLY POLARIZED VOTING ANALYSIS, 2008-2009.

EXPERT WITNESS, BENEVIDES, V CITY OF IRVING, RACIALLY POLARIZED VOTING ANALYSIS, 2008-2009.

EXPERT WITNESS, REYES, ET. AL. V CITY OF FARMERS BRANCH, RACIALLY POLARIZED VOTING ANALYSIS, 2007-2008.

Exhibit 10

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Rogelio Montes and Mateo Arteaga

Plaintiffs,

v.

City of Yakima, et. al.

Defendants.

)
)
)
)
)
)
)
)
)
)
)

CV- 12-3108-TOR

SUPPLEMENTAL REPORT
OF RICHARD L. ENGSTROM, Ph.D.

I declare the following:

1. My name is Richard L. Engstrom and I have submitted an initial Report and a Reply Report previously in this case.¹
2. Attorneys for the Plaintiffs in this matter have requested that I perform a racially polarized voting analyses of the August 2013 primary election for seats on the Yakima City Council in this Supplemental Report. This primary presented voters across Yakima with a choice between a Latino candidate and non-Latino candidates for two At-Large City Council positions, Position 5 and Position 7. The Latino candidate in both of these elections was defeated in the primary and did not advance to the November general election. The results of these analyses are provided in this Supplemental Report.
3. The attorneys have also requested that I comment on the election for Position

¹ On p. 2 of my initial Report I listed the cases in which I had testified as an expert witness either in deposition or at trial since 2008. Since that Report I have testified by deposition in *Romo v. Dezner* (Cir. Ct. for the 2nd Jud. Dist. in and for Leon County, FL, 2013).

1 on the Board of Directors for the Yakima School District No. 7, held last month. This election also presented voters with a choice of a Latino candidate and non-Latino candidate. School board elections have been referenced by the Defendants' experts, Peter Morrison and John Alford, in their Reports in this case. I replied to their discussions of these elections in my Reply Report (at 10-11), and add to that reply below.

CITY COUNCIL PRIMARIES, 2013

4. The analyses of the city council primaries have been conducted in the same manner as those for the elections examined in my initial Report (see pp. 6-7 of that Report).² The Latino candidate contesting Position 5 was Isidro (Sid) Reynaga, and the Latino candidate contesting Position 7 was Enrique Jevons. Both competed with two non-Latino candidates for the respective seats. The results of the analyses of these elections are reported in Table S1 attached to this report. Identified in the left column of the Table are the specific At-Large Positions at issue in the election, and the surname of the Latino candidates in these elections. The second and third columns contain the point estimates and values of the 95-percent confidence intervals for the Latino and non-Latino votes respectively. The best estimates of the voting choices of each group, the point estimates, are reported in the text below.

Position 5 At-large

5. Three candidates competed for the Position 5 seat on the council in the 2013 election. These were Mr. Reynaga, Charles Noel, and Dave Ettl. Mr. Reynaga was the

² The percentages of the returned ballots on which votes were cast in the particular elections analyzed are 96.4 percent in the Position 5 contest and 97.2 percent in the Position 7 contest.

choice of the Latino voters, receiving an estimated 67.4 percent of their votes.³ The estimate of his non-Latino support however was only 15.3, and he finished last among the Position 5 candidates listed on the ballot, receiving only 19.4 percent of the total votes cast for that position. The candidate preferred by Latino voters therefore was eliminated from the competition for Position 5 at the primary stage of the election.

Position 7 At-Large

6. Three candidates also competed for the Position 7 seat on the council in the 2013 election. These were Mr. Jevons along with non-Latino candidates Bill Lover and Carol Folsom-Hill. Mr. Jevons finished second among Latino voters in this primary, receiving an estimated 39.2 percent of their votes. Like Mr. Reynaga, he received only a small percentage of the non-Latino vote, an estimated 11.4 percent. He finished last among the Position 7 candidates listed on the ballot, receiving only 13.3 percent of the total votes. The leading vote recipient among the Latino voters was Ms. Folsom-Hill, who is estimated to have received 49.7 percent of their votes; the confidence interval around this estimate ranges from 32.0 percent to 65.4 percent. Her vote among the non-Latino voters is estimated to be 34.2 percent; the confidence interval around this estimate ranges from 32.0 percent to 36.5 percent.⁴

7. In my initial Report I concluded, based on the racially polarized voting found in the elections I analyzed, and the results of those elections, that the Latino voters' preferences for Latino candidates were being submerged and cancelled out in Yakima by

³ The analysis does not include the 75 write-in votes cast in this election, none of which were cast for any of the candidates listed on the ballot. The largest number of write-in votes, 24, were cast for "No Name"; the most received by any individual identified by a name were two.

⁴ As with the Position 5 contest, this analysis does not include the write-in votes. There were 55 such votes cast for the Position 7 seat, none of which were cast for any of the candidates listed on the

the more numerous non-Latino vote. The results of the election analyses reported in this supplement reinforce that conclusion.

SCHOOL BOARD ELECTIONS

8. In my Reply Report I noted that the last contested election between a Latino candidate and a non-Latino candidate for the Board of Directors of the Yakima School District No. 7 in which the Latino candidate won occurred in 2003. That candidate was Vickie Ybarra, who had been appointed to the seat she won prior to the election. I also noted that in both of the subsequent School Board elections in which a Latino candidate ran against a non-Latino candidate, the Latino candidates were defeated. Specifically, these elections occurred in 2005, when Jorge Torres Saenz was defeated, and in 2009, when Raymond Navarro was defeated. Both lost by wide margins; Mr. Saenz received 26.6 percent of the votes and Mr. Navarro, who like Ms. Ybarra had been appointed to the seat prior to the election, received 27.9 percent (Reply Report, at 11).

9. The next, and most recent, election presenting voters in the school district with a choice between a Latino and non-Latino candidate occurred in November of this year. The Latina was Graciela Villanueva, who also had been appointed to the seat, Position 1, prior to the election. Her opponent was Jeni Rice, who announced in September that she dropped out of the race, ceased campaigning for the position, and stopped submitting disclosure forms required of candidates by the state, but whose name remained on the ballot.⁵ Ms. Rice won 61.2 percent of the total votes while Ms.

ballot. Again, the largest number of write-in votes, 23, were cast for "No Name"; the most received by any individual identified by a name were again two.

⁵ Rafael Guerrero, "Candidate Who Says She Dropped Out of Race Wins School Board Seat," *Yakima Herald Republic*, November 6, 2013; Rafael Guerrero, "School Board Candidate Who Won Withdrew from Race Says She Plans to Serve," *Yakima Herald Republic*, November 7, 2013;

Villanueva garnered 38.0 percent. This became the third straight election, beginning in 2005, in which the Latino candidate was defeated by the non-Latino candidate for the Board.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed on December 17, 2013 in Durham, NC.

A handwritten signature in black ink, appearing to read 'Richard L. Engstrom', written over a horizontal line.

Richard L. Engstrom

Editorial, "Through Actions, Jeni Rice Shows She's Unfit to Hold School Board Post," *Yakima Herald Republic*, November 26, 2013.

TABLE S1
Estimated Divisions in Vote
City Council Primary 2013

Point Estimate
(Confidence Interval)

Election

Percent of
Latino Voters

Percent of
Non-Latino Voters

Position 5 At-Large

Reynaga

Primary
(v. 2 candidates)

67.4
(45.9 – 81.4)

15.3
(13.5 – 17.5)

Position 7 At-Large

Jevons

Primary
(v. 2 candidates)

39.2
(25.9 – 49.9)

11.4
(9.8 – 13.1)

Exhibit 11

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

**ROGELIO MONTES and MATEO
ARTEAGA,**

Plaintiffs,

vs.

CITY OF YAKIMA, *et al*,

Defendants

§
§
§
§
§
§
§
§
§

NO: 12-CV-3108-TOR

SUPPLEMENTAL REPORT OF JOHN ALFORD, Ph.D.

I have been retained as an expert by the City of Yakima, Washington. The details of my background and compensation are included in my original report in this case. An updated version of my CV is attached as Appendix A at the end of this report.

Yakima School Board 2013 General Election

Professor Engstrom's supplemental report discusses the 2013 Yakima School Board election. Table 1 below includes the Ecological Inference estimates for the 2013 Position 1 election for the Yakima School Board. Villanueva is estimated to have received about 70 percent support among Hispanic voters and about 35 percent support among non-Hispanic voters. The results are most similar to those included in my original report for the 2012 Supreme Court Position 8 contest, i.e., real, if modest, Hispanic cohesion accompanied by very substantial non-Hispanic crossover. The pattern of voter support for Villanueva is also scattered, with the Hispanic proportion of the actual voters being well below 10 percent in three of the four precincts that Villanueva carried.

TABLE 1

Position 1 School Board General	Percent of Voters* with Spanish Surnames Supporting Candidate	Percent of Voters* with Non-Spanish Surnames Supporting Candidate
Villanueva	70.1 (60.8 – 78.8)	35.2 (33.7 – 36.7)
Rice	30.0 (21.2 – 39.2)	64.8 (63.3 – 66.3)

Numbers in parentheses are 95% confidence intervals. *Voters are all voters casting a vote for one of the two candidates.

Yakima City Council August 2013 Primary

Ecological Inference (EI) results for the 2013 primary contests for Position 5 and Position 7 are presented in the table included in Professor Engstrom's supplemental report. These Ecological Inference estimates from his report are supplemented here with independent EI estimations for the same election contests and reported below in Table 2.

TABLE 2

Position 5 At-Large Primary	Percent of Voters* with Spanish Surnames Supporting Candidate	Percent of Voters* with Non- Spanish Surnames Supporting Candidate
Reynaga	53.3 (38.6 – 62.3)	16.9 (15.7 – 18.5)
Noel	34.0 (22.4 – 43.9)	20.7 (19.5 – 22.1)
Ettl	12.7 (5.4 – 20.5)	62.4 (61.1 – 63.6)

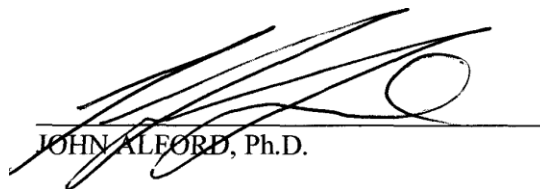
Numbers in parentheses are 95% confidence intervals. *Voters are all voters casting a vote for one of the three candidates.

Position 7 At-Large Primary	Percent of Voters* with Spanish Surnames Supporting Candidate	Percent of Voters* with Non- Spanish Surnames Supporting Candidate
Jevons	45.4 (33.3 – 58.7)	10.9 (9.7 – 12.0)
Lover	28.3 (22.2 – 37.4)	52.9 (51.7 – 54.0)
Folsom-Hill	26.4 (16.7 – 37.1)	36.2 (35.0 – 37.6)

Numbers in parentheses are 95% confidence intervals. *Voters are all voters casting a vote for one of the three candidates.

As is clear from Table 2 above, the results from this EI analysis are substantively very similar to those reported by Dr. Engstrom. Moreover, in both Position 5 and Position 7 the results clearly indicate a lack of cohesion among voters with Hispanic surnames. In both contests the estimates indicate that the Hispanic vote is essentially split 50/50 between the Hispanic candidate and the non-Hispanic candidates. This continues the pattern of weak to non-existent minority cohesion that was evident in the initial reports in the case that covered earlier elections. Specifically, in the previous analysis the estimated Hispanic vote for the Hispanic candidate in the primaries was 52% for Rodriguez in the 2009 Place 5 Primary, 59% for Soria in the 2009 Place 7 Primary, and 53% for Montes in the 2011 District 2 Primary.

In addition to the absence of cohesion, the Hispanic vote also continues to exhibit the same lack of numerosity and geographic concentration that was apparent in the earlier elections. Only 7 percent of the voters in the 2013 primary were Hispanic. Again as in the previous elections, there is not a single precinct in the City where a majority of the voters are Hispanic. One precinct in 2013 approaches 40% Hispanic, but in every other precinct three-quarters or more of the voters were non-Hispanic. Reynaga and Jevons both fail to reach a majority of the vote in even a single precinct. In the three-way contest for Position 5, Reynaga's share of the vote exceeds 33 percent in only two precincts (46 percent in one and 36 percent in the other). Jevons' share of the vote in the three-way contest for Position 7 doesn't reach 33 percent in even one precinct, and in fact reaches only 25 percent in one precinct. The Gingles three-prong test is meant to establish that a group of voters is sufficiently numerous, geographically compact, and united in preference such that absent being submerged in an at-large electorate they would prevail in electing their candidates of choice. Here the election evidence indicates that, in my opinion, Hispanic voters in Yakima are so politically divided, so few in number, and so geographically dispersed their lack of election success cannot be simply attributed to the at large system of elections.



JOHN ALEFORD, Ph.D.

January 17, 2014

APPENDIX A

ALFORD CV

JOHN R. ALFORD

CURRICULUM VITAE

JANUARY, 2014

DEPT. OF POLITICAL SCIENCE
RICE UNIVERSITY - MS-24
P.O. Box 1892
HOUSTON, TEXAS 77251-1892
713-348-3364
JRA@RICE.EDU

Employment:

ASSOCIATE PROFESSOR, RICE UNIVERSITY, 1985 TO PRESENT.
ASSISTANT PROFESSOR, UNIVERSITY OF GEORGIA, 1981-1985.
INSTRUCTOR, OAKLAND UNIVERSITY, 1980-1981.
TEACHING-RESEARCH FELLOW, UNIVERSITY OF IOWA, 1977-1980.
RESEARCH ASSOCIATE, INSTITUTE FOR URBAN STUDIES, HOUSTON, TEXAS, 1976-1977.

Education:

PH.D., UNIVERSITY OF IOWA, POLITICAL SCIENCE, 1981.
M.A., UNIVERSITY OF IOWA, POLITICAL SCIENCE, 1980.
M.P.A., UNIVERSITY OF HOUSTON, PUBLIC ADMINISTRATION, 1977.
B.S., UNIVERSITY OF HOUSTON, POLITICAL SCIENCE, 1975.

Books:

PREDISPOSED: LIBERALS, CONSERVATIVES, AND THE BIOLOGY OF POLITICAL DIFFERENCES. NEW YORK: ROUTLEDGE, 2013. CO-AUTHORS, JOHN R. HIBBING AND KEVIN B. SMITH.

Articles:

"DIFFERENCES IN NEGATIVITY BIAS UNDERLIE VARIATIONS IN POLITICAL IDEOLOGY." WITH KEVIN B. SMITH AND JOHN R. HIBBING. **BEHAVIORAL AND BRAIN SCIENCES.** FORTHCOMING.

“GENETIC AND ENVIRONMENTAL TRANSMISSION OF POLITICAL ORIENTATIONS.” WITH CAROLYN L. FUNK, MATTHEW HIBBING, KEVIN B. SMITH, NICHOLAS R. EATON, ROBERT F. KRUEGER, LINDON J. EAVES, JOHN R. HIBBING. **POLITICAL PSYCHOLOGY**, (DECEMBER, 2013).

“BIOLOGY, IDEOLOGY, AND EPISTEMOLOGY: HOW DO WE KNOW POLITICAL ATTITUDES ARE INHERITED AND WHY SHOULD WE CARE?” WITH KEVIN SMITH, PETER K. HATEMI, LINDON J. EAVES, CAROLYN FUNK, AND JOHN R. HIBBING. **AMERICAN JOURNAL OF POLITICAL SCIENCE**. (JANUARY, 2012)

“DISGUST SENSITIVITY AND THE NEUROPHYSIOLOGY OF LEFT-RIGHT POLITICAL ORIENTATIONS” WITH KEVIN SMITH, JOHN HIBBING, DOUGLAS OXLEY, AND MATTHEW HIBBING, **PLOS ONE**, (2011), 6(10):E25552. DOI:10.1371/JOURNAL.PONE.0025552.

“THE POLITICS OF MATE CHOICE” WITH PETER HATEMI, JOHN R. HIBBING, NICHOLAS MARTIN AND LINDON EAVES, **JOURNAL OF POLITICS**, (2011) 73, DOI:10.1017/S0022381611000016.

“LINKING GENETICS AND POLITICAL ATTITUDES: RE-CONCEPTUALIZING POLITICAL IDEOLOGY” WITH KEVIN SMITH, JOHN HIBBING, DOUGLAS OXLEY, AND MATTHEW HIBBING, **POLITICAL PSYCHOLOGY**, (JUNE, 2011).

“NOT BY TWINS ALONE: USING THE EXTENDED TWIN FAMILY DESIGN TO INVESTIGATE THE GENETIC BASIS OF POLITICAL BELIEFS” WITH PETER HATEMI, JOHN HIBBING, SARAH MEDLAND, MATTHEW KELLER, KEVIN SMITH, NICHOLAS MARTIN, AND LINDON EAVES, **AMERICAN JOURNAL OF POLITICAL SCIENCE**, (JULY, 2010).

“THE ULTIMATE SOURCE OF POLITICAL OPINIONS: GENES AND THE ENVIRONMENT” WITH JOHN R. HIBBING IN **UNDERSTANDING PUBLIC OPINION**, 3RD EDITION EDS. BARBARA NORRANDER AND CLYDE WILCOX, WASHINGTON D.C.: CQ PRESS, (2010).

“IS THERE A ‘PARTY’ IN YOUR GENES” WITH PETER HATEMI, JOHN R. HIBBING, NICHOLAS MARTIN AND LINDON EAVES, **POLITICAL RESEARCH QUARTERLY**, (SEPTEMBER, 2009).

“TWIN STUDIES, MOLECULAR GENETICS, POLITICS, AND TOLERANCE: A RESPONSE TO BECKWITH AND MORRIS” WITH JOHN R. HIBBING AND CARY FUNK, **PERSPECTIVES ON POLITICS**, (DECEMBER, 2008). THIS IS A SOLICITED RESPONSE TO A CRITIQUE OF OUR 2005 APSR ARTICLE “ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED?”

"POLITICAL ATTITUDES VARY WITH PHYSIOLOGICAL TRAITS" WITH DOUGLAS R. OXLEY, KEVIN B. SMITH, MATTHEW V. HIBBING, JENNIFER L. MILLER, MARIO SCALORA, PETER K. HATEMI, AND JOHN R. HIBBING, **SCIENCE**, (SEPTEMBER 19, 2008).

"THE NEW EMPIRICAL BIOPOLITICS" WITH JOHN R. HIBBING, **ANNUAL REVIEW OF POLITICAL SCIENCE**, (JUNE, 2008).

"BEYOND LIBERALS AND CONSERVATIVES TO POLITICAL GENOTYPES AND PHENOTYPES" WITH JOHN R. HIBBING AND CARY FUNK, **PERSPECTIVES ON POLITICS**, (JUNE, 2008). THIS IS A SOLICITED RESPONSE TO A CRITIQUE OF OUR 2005 APSR ARTICLE "ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED?"

"PERSONAL, INTERPERSONAL, AND POLITICAL TEMPERAMENTS" WITH JOHN R. HIBBING, **ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE**, (NOVEMBER, 2007).

"IS POLITICS IN OUR GENES?" WITH JOHN R. HIBBING, **TIDSSKRIFTET POLITIK**, (FEBRUARY, 2007).

"BIOLOGY AND RATIONAL CHOICE" WITH JOHN R. HIBBING, **POLITICAL ECONOMY NEWSLETTER**, (FALL, 2005)

"ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED?" WITH JOHN R. HIBBING AND CAROLYN FUNK, **AMERICAN POLITICAL SCIENCE REVIEW**, (MAY, 2005). (THE MAIN FINDINGS TABLE FROM THIS ARTICLE HAS BEEN REPRINTED IN TWO COLLEGE LEVEL TEXT BOOKS - PSYCHOLOGY, 9TH ED. AND INVITATION TO PSYCHOLOGY 4TH ED. BOTH BY WADE AND TAVRIS, PRENTICE HALL, 2007).

"THE ORIGIN OF POLITICS: AN EVOLUTIONARY THEORY OF POLITICAL BEHAVIOR" WITH JOHN R. HIBBING, **PERSPECTIVES ON POLITICS**, (DECEMBER, 2004).

"ACCEPTING AUTHORITATIVE DECISIONS: HUMANS AS WARY COOPERATORS" WITH JOHN R. HIBBING, **AMERICAN JOURNAL OF POLITICAL SCIENCE**, (JANUARY, 2004).

"ELECTORAL CONVERGENCE OF THE TWO HOUSES OF CONGRESS" WITH JOHN R. HIBBING, IN **THE EXCEPTIONAL SENATE**, ED. BRUCE OPPENHEIMER, COLUMBUS: OHIO STATE UNIVERSITY PRESS, (2002).

"WE'RE ALL IN THIS TOGETHER: THE DECLINE OF TRUST IN GOVERNMENT, 1958-1996." IN **WHAT IS IT ABOUT GOVERNMENT THAT AMERICANS DISLIKE?**, EDS. JOHN HIBBING AND BETH THEISS-MORSE, CAMBRIDGE: CAMBRIDGE UNIVERSITY PRESS, (2001).

"THE 2000 CENSUS AND THE NEW REDISTRICTING," **TEXAS STATE BAR ASSOCIATION SCHOOL LAW SECTION NEWSLETTER**, (JULY, 2000).

"OVERDRAFT: THE POLITICAL COST OF CONGRESSIONAL MALFEASANCE" WITH HOLLY TEETERS, DAN WARD, AND RICK WILSON, **JOURNAL OF POLITICS** (AUGUST, 1994).

"PERSONAL AND PARTISAN ADVANTAGE IN U.S. CONGRESSIONAL ELECTIONS, 1846-1990" WITH DAVID W. BRADY, IN **CONGRESS RECONSIDERED** 5TH EDITION, EDS. LARRY DODD AND BRUCE OPPENHEIMER, CQ PRESS, (1993).

"THE 1990 CONGRESSIONAL ELECTION RESULTS AND THE FALLACY THAT THEY EMBODIED AN ANTI-INCUMBENT MOOD" WITH JOHN R. HIBBING, **PS** 25 (JUNE, 1992).

"CONSTITUENCY POPULATION AND REPRESENTATION IN THE UNITED STATES SENATE" WITH JOHN R. HIBBING. **LEGISLATIVE STUDIES QUARTERLY**, (NOVEMBER, 1990).

"EDITORS' INTRODUCTION: ELECTING THE U.S. SENATE" WITH BRUCE I. OPPENHEIMER. **LEGISLATIVE STUDIES QUARTERLY**, (NOVEMBER, 1990).

"PERSONAL AND PARTISAN ADVANTAGE IN U.S. CONGRESSIONAL ELECTIONS, 1846-1990" WITH DAVID W. BRADY, IN **CONGRESS RECONSIDERED** 4TH EDITION, EDS. LARRY DODD AND BRUCE OPPENHEIMER, CQ PRESS, (1988). REPRINTED IN THE CONGRESS OF THE UNITED STATES, 1789-1989, ED. JOEL SILBY, CARLSON PUBLISHING INC., (1991), AND IN THE QUEST FOR OFFICE, EDS. WAYNE AND WILCOX, ST. MARTINS PRESS, (1991).

"CAN GOVERNMENT REGULATE FERTILITY? AN ASSESSMENT OF PRO-NATALIST POLICY IN EASTERN EUROPE" WITH JEROME LEGGE. **THE WESTERN POLITICAL QUARTERLY** (DECEMBER, 1986).

"PARTISANSHIP AND VOTING" WITH JAMES CAMPBELL, MARY MUNRO, AND BRUCE CAMPBELL, IN **RESEARCH IN MICROPOLITICS. VOLUME 1 - VOTING BEHAVIOR**. SAMUEL LONG, ED. JAI PRESS, (1986).

"ECONOMIC CONDITIONS AND INDIVIDUAL VOTE IN THE FEDERAL REPUBLIC OF GERMANY" WITH JEROME S. LEGGE. **JOURNAL OF POLITICS** (NOVEMBER, 1984).

"TELEVISION MARKETS AND CONGRESSIONAL ELECTIONS" WITH JAMES CAMPBELL AND KEITH HENRY. **LEGISLATIVE STUDIES QUARTERLY** (NOVEMBER, 1984).

"ECONOMIC CONDITIONS AND THE FORGOTTEN SIDE OF CONGRESS: A FORAY INTO U.S. SENATE ELECTIONS" WITH JOHN R. HIBBING, **BRITISH JOURNAL OF POLITICAL SCIENCE** (OCTOBER, 1982).

"INCREASED INCUMBENCY ADVANTAGE IN THE HOUSE" WITH JOHN R. HIBBING, **JOURNAL OF POLITICS** (NOVEMBER, 1981). REPRINTED IN **THE CONGRESS OF THE UNITED STATES, 1789-1989**, CARLSON PUBLISHING INC., (1991).

"THE ELECTORAL IMPACT OF ECONOMIC CONDITIONS: WHO IS HELD RESPONSIBLE?" WITH JOHN R. HIBBING, **AMERICAN JOURNAL OF POLITICAL SCIENCE** (AUGUST, 1981).

"COMMENT ON INCREASED INCUMBENCY ADVANTAGE" WITH JOHN R. HIBBING, REFEREED COMMUNICATION: **AMERICAN POLITICAL SCIENCE REVIEW** (MARCH, 1981).

"CAN GOVERNMENT REGULATE SAFETY? THE COAL MINE EXAMPLE" WITH MICHAEL LEWIS-BECK, **AMERICAN POLITICAL SCIENCE REVIEW** (SEPTEMBER, 1980).

Awards and Honors:

CQ PRESS AWARD - 1988, HONORING THE OUTSTANDING PAPER IN LEGISLATIVE POLITICS PRESENTED AT THE 1987 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION. AWARDED FOR "THE DEMISE OF THE UPPER HOUSE AND THE RISE OF THE SENATE: ELECTORAL RESPONSIVENESS IN THE UNITED STATES SENATE" WITH JOHN HIBBING.

Research Grants:

NATIONAL SCIENCE FOUNDATION, 2009-2011, "IDENTIFYING THE BIOLOGICAL INFLUENCES ON POLITICAL TEMPERAMENTS", WITH JOHN HIBBING, KEVIN SMITH, KIM ESPY, NICOLAS MARTIN AND READ MONTAGUE. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE, UNIVERSITY OF NEBRASKA, BAYLOR COLLEGE OF MEDICINE, AND QUEENSLAND INSTITUTE FOR MEDICAL RESEARCH.

NATIONAL SCIENCE FOUNDATION, 2007-2010, "GENES AND POLITICS: PROVIDING THE NECESSARY DATA", WITH JOHN HIBBING, KEVIN SMITH, AND LINDON EAVES. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE, UNIVERSITY OF NEBRASKA, VIRGINIA COMMONWEALTH UNIVERSITY, AND THE UNIVERSITY OF MINNESOTA.

NATIONAL SCIENCE FOUNDATION, 2007-2010, "INVESTIGATING THE GENETIC BASIS OF ECONOMIC BEHAVIOR", WITH JOHN HIBBING AND KEVIN SMITH. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE, UNIVERSITY OF NEBRASKA, VIRGINIA COMMONWEALTH UNIVERSITY, AND THE QUEENSLAND INSTITUTE OF MEDICAL RESEARCH.

RICE UNIVERSITY FACULTY INITIATIVES FUND, 2007-2009, "THE BIOLOGICAL SUBSTRATES OF POLITICAL BEHAVIOR". THIS IS IN ASSISTANCE OF A COLLABORATIVE PROJECT INVOLVING RICE, BAYLOR COLLEGE OF MEDICINE, QUEENSLAND INSTITUTE OF MEDICAL RESEARCH, UNIVERSITY OF NEBRASKA, VIRGINIA COMMONWEALTH UNIVERSITY, AND THE UNIVERSITY OF MINNESOTA.

NATIONAL SCIENCE FOUNDATION, 2004-2006, "DECISION-MAKING ON BEHALF OF OTHERS", WITH JOHN HIBBING. THIS IS A COLLABORATIVE PROJECT INVOLVING RICE AND THE UNIVERSITY OF NEBRASKA.

NATIONAL SCIENCE FOUNDATION, 2001-2002, DISSERTATION GRANT FOR KEVIN ARCENEUX, "DOCTORAL DISSERTATION RESEARCH IN POLITICAL SCIENCE: VOTING BEHAVIOR IN THE CONTEXT OF U.S. FEDERALISM."

NATIONAL SCIENCE FOUNDATION, 2000-2001, DISSERTATION GRANT FOR STACY ULBIG, "DOCTORAL DISSERTATION RESEARCH IN POLITICAL SCIENCE: SUB-NATIONAL CONTEXTUAL INFLUENCES ON POLITICAL TRUST."

NATIONAL SCIENCE FOUNDATION, 1999-2000, DISSERTATION GRANT FOR RICHARD ENGSTROM, "DOCTORAL DISSERTATION RESEARCH IN POLITICAL SCIENCE: ELECTORAL DISTRICT STRUCTURE AND POLITICAL BEHAVIOR."

RICE UNIVERSITY RESEARCH GRANT, 1985, RECENT TRENDS IN BRITISH PARLIAMENTARY ELECTIONS.

FACULTY RESEARCH GRANTS PROGRAM, UNIVERSITY OF GEORGIA, SUMMER, 1982. IMPACT OF MEDIA STRUCTURE ON CONGRESSIONAL ELECTIONS, WITH JAMES CAMPBELL.

Papers Presented:

"THE PHYSIOLOGICAL BASIS OF POLITICAL TEMPERAMENTS" 6TH EUROPEAN CONSORTIUM FOR POLITICAL RESEARCH GENERAL CONFERENCE, REYKJAVIK, ICELAND (2011), WITH KEVIN SMITH, AND JOHN HIBBING.

"IDENTIFYING THE BIOLOGICAL INFLUENCES ON POLITICAL TEMPERAMENTS" NATIONAL SCIENCE FOUNDATION ANNUAL HUMAN SOCIAL DYNAMICS MEETING (2010), WITH JOHN HIBBING, KIMBERLY ESPY, NICHOLAS MARTIN, READ MONTAGUE, AND KEVIN B. SMITH.

"POLITICAL ORIENTATIONS MAY BE RELATED TO DETECTION OF THE ODOR OF ANDROSTENONE" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2010), WITH KEVIN SMITH, AMANDA BALZER, MICHAEL GRUSZCZYNSKI, CARLY M. JACOBS, AND JOHN HIBBING.

"TOWARD A MODERN VIEW OF POLITICAL MAN: GENETIC AND ENVIRONMENTAL TRANSMISSION OF POLITICAL ORIENTATIONS FROM ATTITUDE INTENSITY TO POLITICAL PARTICIPATION" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC (2010), WITH CAROLYN FUNK, KEVIN SMITH, AND JOHN HIBBING.

"GENETIC AND ENVIRONMENTAL TRANSMISSION OF POLITICAL INVOLVEMENT FROM ATTITUDE INTENSITY TO POLITICAL PARTICIPATION" ANNUAL MEETING OF THE INTERNATIONAL SOCIETY FOR POLITICAL PSYCHOLOGY, SAN FRANCISCO, CA (2010), WITH CAROLYN FUNK, KEVIN SMITH, AND JOHN HIBBING.

"ARE VIOLATIONS OF THE EEA RELEVANT TO POLITICAL ATTITUDES AND BEHAVIORS?" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2010), WITH KEVIN SMITH, AND JOHN HIBBING.

"THE NEURAL BASIS OF REPRESENTATION" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, TORONTO, CANADA (2009), WITH JOHN HIBBING.

"GENETIC AND ENVIRONMENTAL TRANSMISSION OF VALUE ORIENTATIONS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, TORONTO, CANADA (2009), WITH CAROLYN FUNK, KEVIN SMITH, MATTHEW HIBBING, PETE HATEMI, ROBERT KRUEGER, LINDON EAVES, AND JOHN HIBBING.

"THE GENETIC HERITABILITY OF POLITICAL ORIENTATIONS: A NEW TWIN STUDY OF POLITICAL ATTITUDES" ANNUAL MEETING OF THE INTERNATIONAL SOCIETY FOR POLITICAL PSYCHOLOGY,

DUBLIN, IRELAND (2009), WITH JOHN HIBBING, CARY FUNK, KEVIN SMITH, AND PETER K HATEMI.

"THE HERITABILITY OF VALUE ORIENTATIONS" ANNUAL MEETING OF THE BEHAVIOR GENETICS ASSOCIATION, MINNEAPOLIS, MN (2009), WITH KEVIN SMITH, JOHN HIBBING, CAROLYN FUNK, ROBERT KRUEGER, PETER HATEMI, AND LINDON EAVES.

"THE ICK FACTOR: DISGUST SENSITIVITY AS A PREDICTOR OF POLITICAL ATTITUDES" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2009), WITH KEVIN SMITH, DOUGLAS OXLEY MATTHEW HIBBING, AND JOHN HIBBING.

"THE IDEOLOGICAL ANIMAL: THE ORIGINS AND IMPLICATIONS OF IDEOLOGY" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, BOSTON, MA (2008), WITH KEVIN SMITH, MATTHEW HIBBING, DOUGLAS OXLEY, AND JOHN HIBBING.

"THE PHYSIOLOGICAL DIFFERENCES OF LIBERALS AND CONSERVATIVES" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2008), WITH KEVIN SMITH, DOUGLAS OXLEY, AND JOHN HIBBING.

"LOOKING FOR POLITICAL GENES: THE INFLUENCE OF SEROTONIN ON POLITICAL AND SOCIAL VALUES" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2008), WITH PETER HATEMI, SARAH MEDLAND, JOHN HIBBING, AND NICHOLAS MARTIN.

"NOT BY TWINS ALONE: USING THE EXTENDED TWIN FAMILY DESIGN TO INVESTIGATE THE GENETIC BASIS OF POLITICAL BELIEFS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2007), WITH PETER HATEMI, JOHN HIBBING, MATTHEW KELLER, NICHOLAS MARTIN, SARAH MEDLAND, AND LINDON EAVES.

"FACTORIAL ASSOCIATION: A GENERALIZATION OF THE FULKER BETWEEN-WITHIN MODEL TO THE MULTIVARIATE CASE" ANNUAL MEETING OF THE BEHAVIOR GENETICS ASSOCIATION, AMSTERDAM, THE NETHERLANDS (2007), WITH SARAH MEDLAND, PETER HATEMI, JOHN HIBBING, WILLIAM COVENTRY, NICHOLAS MARTIN, AND MICHAEL NEALE.

"NOT BY TWINS ALONE: USING THE EXTENDED TWIN FAMILY DESIGN TO INVESTIGATE THE GENETIC BASIS OF POLITICAL BELIEFS" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, IL (2007), WITH PETER HATEMI, JOHN HIBBING, NICHOLAS MARTIN, AND LINDON EAVES.

"GETTING FROM GENES TO POLITICS: THE CONNECTING ROLE OF EMOTION-READING CAPABILITY" ANNUAL MEETING OF THE INTERNATIONAL SOCIETY FOR POLITICAL PSYCHOLOGY, PORTLAND, OR, (2007.), WITH JOHN HIBBING.

"THE NEUROLOGICAL BASIS OF REPRESENTATIVE DEMOCRACY." HENDRICKS CONFERENCE ON POLITICAL BEHAVIOR, LINCOLN, NE (2006), WITH JOHN HIBBING.

"THE NEURAL BASIS OF REPRESENTATIVE DEMOCRACY" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, PHILADELPHIA, PA (2006), WITH JOHN HIBBING.

"HOW ARE POLITICAL ORIENTATIONS GENETICALLY TRANSMITTED? A RESEARCH AGENDA" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO ILLINOIS (2006), WITH JOHN HIBBING.

"THE POLITICS OF MATE CHOICE" ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, ATLANTA, GA (2006), WITH JOHN HIBBING.

"THE CHALLENGE EVOLUTIONARY BIOLOGY POSES FOR RATIONAL CHOICE" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC (2005), WITH JOHN HIBBING AND KEVIN SMITH.

"DECISION MAKING ON BEHALF OF OTHERS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC (2005), WITH JOHN HIBBING.

"THE SOURCE OF POLITICAL ATTITUDES AND BEHAVIOR: ASSESSING GENETIC AND ENVIRONMENTAL CONTRIBUTIONS" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO ILLINOIS (2005), WITH JOHN HIBBING AND CAROLYN FUNK.

"THE SOURCE OF POLITICAL ATTITUDES AND BEHAVIOR: ASSESSING GENETIC AND ENVIRONMENTAL CONTRIBUTIONS" ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION, CHICAGO ILLINOIS (2004), WITH JOHN HIBBING AND CAROLYN FUNK.

"ACCEPTING AUTHORITATIVE DECISIONS: HUMANS AS WARY COOPERATORS" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, ILLINOIS (2002), WITH JOHN HIBBING

"CAN WE TRUST THE NES TRUST MEASURE?" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, ILLINOIS (2001), WITH STACY ULBIG.

"THE IMPACT OF ORGANIZATIONAL STRUCTURE ON THE PRODUCTION OF SOCIAL CAPITAL AMONG GROUP MEMBERS" ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, ATLANTA, GEORGIA (2000), WITH ALLISON RINDEN.

"ISOLATING THE ORIGINS OF INCUMBENCY ADVANTAGE: AN ANALYSIS OF HOUSE PRIMARIES, 1956-1998" ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, ATLANTA, GEORGIA (2000), WITH KEVIN ARCENEUX.

"THE ELECTORALLY INDISTINCT SENATE," NORMAN THOMAS CONFERENCE ON SENATE EXCEPTIONALISM, VANDERBILT UNIVERSITY; NASHVILLE, TENNESSEE; OCTOBER (1999), WITH JOHN R. HIBBING.

"INTEREST GROUP PARTICIPATION AND SOCIAL CAPITAL" ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION, CHICAGO, ILLINOIS (1999), WITH ALLISON RINDEN.

"WE'RE ALL IN THIS TOGETHER: THE DECLINE OF TRUST IN GOVERNMENT, 1958-1996." THE HENDRICKS SYMPOSIUM, UNIVERSITY OF NEBRASKA, LINCOLN. (1998)

"CONSTITUENCY POPULATION AND REPRESENTATION IN THE UNITED STATES SENATE," ELECTING THE SENATE; HOUSTON, TEXAS; DECEMBER (1989), WITH JOHN R. HIBBING.

"THE DISPARATE ELECTORAL SECURITY OF HOUSE AND SENATE INCUMBENTS," AMERICAN POLITICAL SCIENCE ASSOCIATION ANNUAL MEETINGS; ATLANTA, GEORGIA; SEPTEMBER (1989), WITH JOHN R. HIBBING.

"PARTISAN AND INCUMBENT ADVANTAGE IN HOUSE ELECTIONS," ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION (1987), WITH DAVID W. BRADY.

"PERSONAL AND PARTY ADVANTAGE IN U.S. HOUSE ELECTIONS, 1846-1986" WITH DAVID W. BRADY, 1987 SOCIAL SCIENCE HISTORY ASSOCIATION MEETINGS.

"THE DEMISE OF THE UPPER HOUSE AND THE RISE OF THE SENATE: ELECTORAL RESPONSIVENESS IN THE UNITED STATES SENATE" WITH JOHN HIBBING, 1987 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

"A COMPARATIVE ANALYSIS OF ECONOMIC VOTING" WITH JEROME LEGGE, 1985 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

"AN ANALYSIS OF ECONOMIC CONDITIONS AND THE INDIVIDUAL VOTE IN GREAT BRITAIN, 1964-1979" WITH JEROME LEGGE, 1985 ANNUAL MEETING OF THE WESTERN POLITICAL SCIENCE ASSOCIATION.

"CAN GOVERNMENT REGULATE FERTILITY? AN ASSESSMENT OF PRO-NATALIST POLICY IN EASTERN EUROPE" WITH JEROME LEGGE, 1985 ANNUAL MEETING OF THE SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION.

"ECONOMIC CONDITIONS AND THE INDIVIDUAL VOTE IN THE FEDERAL REPUBLIC OF GERMANY" WITH JEROME S. LEGGE, 1984 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

"THE CONDITIONS REQUIRED FOR ECONOMIC ISSUE VOTING" WITH JOHN R. HIBBING, 1984 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

"INCUMBENCY ADVANTAGE IN SENATE ELECTIONS," 1983 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

"TELEVISION MARKETS AND CONGRESSIONAL ELECTIONS: THE IMPACT OF MARKET/DISTRICT CONGRUENCE" WITH JAMES CAMPBELL AND KEITH HENRY, 1982 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

"ECONOMIC CONDITIONS AND SENATE ELECTIONS" WITH JOHN R. HIBBING, 1982 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION. "POCKETBOOK VOTING: ECONOMIC CONDITIONS AND INDIVIDUAL LEVEL VOTING," 1982 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

"INCREASED INCUMBENCY ADVANTAGE IN THE HOUSE," WITH JOHN R. HIBBING, 1981 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

Other Conference Participation:

ROUNDTABLE PARTICIPANT "GENES, BRAINS, AND CORE POLITICAL ORIENTATIONS" 2008 ANNUAL MEETING OF THE SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION, LAS VEGAS.

ROUNDTABLE PARTICIPANT "POLITICS IN THE LABORATORY" 2007 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION, NEW ORLEANS.

SHORT COURSE LECTURER, "WHAT NEUROSCIENCE HAS TO OFFER POLITICAL SCIENCE" 2006 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PANEL CHAIR AND DISCUSSANT, "NEURO-SCIENTIFIC ADVANCES IN THE STUDY OF POLITICAL SCIENCE" 2006 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PRESENTATION, "THE TWIN STUDY APPROACH TO ASSESSING GENETIC INFLUENCES ON POLITICAL BEHAVIOR" RICE CONFERENCE ON NEW METHODS FOR UNDERSTANDING POLITICAL BEHAVIOR, 2005.

PANEL DISCUSSANT, "THE POLITICAL CONSEQUENCES OF REDISTRICTING," 2002 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PANEL DISCUSSANT, "RACE AND REDISTRICTING," 1999 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

INVITED PARTICIPANT, "ROUNDTABLE ON PUBLIC DISSATISFACTION WITH AMERICAN POLITICAL INSTITUTIONS", 1998 ANNUAL MEETING OF THE SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION.

PRESENTATION, "REDISTRICTING IN THE '90S," TEXAS ECONOMIC AND DEMOGRAPHIC ASSOCIATION, 1997.

PANEL CHAIR, "CONGRESSIONAL ELECTIONS," 1992 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

PANEL DISCUSSANT, "INCUMBENCY AND CONGRESSIONAL ELECTIONS," 1992 ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PANEL CHAIR, "ISSUES IN LEGISLATIVE ELECTIONS," 1991 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

PANEL CHAIR, "ECONOMIC ATTITUDES AND PUBLIC POLICY IN EUROPE," 1990 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION

PANEL DISCUSSANT, "RETROSPECTIVE VOTING IN U.S. ELECTIONS," 1990 ANNUAL MEETING OF THE MIDWEST POLITICAL SCIENCE ASSOCIATION.

CO-CONVENER, WITH BRUCE OPPENHEIMER, OF ELECTING THE SENATE, A NATIONAL CONFERENCE ON THE NES 1988 SENATE ELECTION STUDY. FUNDED BY THE RICE INSTITUTE

FOR POLICY ANALYSIS, THE UNIVERSITY OF HOUSTON CENTER FOR PUBLIC POLICY, AND THE NATIONAL SCIENCE FOUNDATION, HOUSTON, TEXAS, DECEMBER, 1989.

INVITED PARTICIPANT, UNDERSTANDING CONGRESS: A BICENTENNIAL RESEARCH CONFERENCE, WASHINGTON, D.C., FEBRUARY, 1989.

INVITED PARTICIPANT--HENDRICKS SYMPOSIUM ON THE UNITED STATES SENATE, UNIVERSITY OF NEBRASKA, LINCOLN, NEBRASKA, OCTOBER, 1988

INVITED PARTICIPANT--CONFERENCE ON THE HISTORY OF CONGRESS, STANFORD UNIVERSITY, STANFORD, CALIFORNIA, JUNE, 1988.

INVITED PARTICIPANT, "ROUNDTABLE ON PARTISAN REALIGNMENT IN THE 1980'S", 1987 ANNUAL MEETING OF THE SOUTHERN POLITICAL SCIENCE ASSOCIATION.

Professional Activities:

Other Universities:

INVITED SPEAKER, GRADUATE STUDENT COLLOQUIUM, DEPARTMENT OF POLITICAL SCIENCE, UNIVERSITY OF NEW MEXICO, 2013.

INVITED KEYNOTE SPEAKER, POLITICAL SCIENCE ALUMNI EVENING, UNIVERSITY OF HOUSTON, 2013.

INVITED LECTURER, BIOLOGY AND POLITICS MASTERS SEMINAR (JOHN GEER AND DAVID BADER), DEPARTMENT OF POLITICAL SCIENCE AND BIOLOGY DEPARTMENT, VANDERBILT UNIVERSITY, 2010.

INVITED LECTURER, BIOLOGY AND POLITICS SENIOR SEMINAR (JOHN GEER AND DAVID BADER), DEPARTMENT OF POLITICAL SCIENCE AND BIOLOGY DEPARTMENT, VANDERBILT UNIVERSITY, 2008.

VISITING FELLOW, THE HOOVER INSTITUTION, STANFORD UNIVERSITY, 2007.

INVITED SPEAKER, JOINT POLITICAL PSYCHOLOGY GRADUATE SEMINAR, UNIVERSITY OF MINNESOTA, 2007.

INVITED SPEAKER, DEPARTMENT OF POLITICAL SCIENCE, VANDERBILT UNIVERSITY, 2006.

Member:

EDITORIAL BOARD, JOURNAL OF POLITICS, 2007-2008.

PLANNING COMMITTEE FOR THE NATIONAL ELECTION STUDIES' SENATE ELECTION STUDY, 1990-92.

NOMINATIONS COMMITTEE, SOCIAL SCIENCE HISTORY ASSOCIATION, 1988

Reviewer for:

AMERICAN JOURNAL OF POLITICAL SCIENCE

AMERICAN POLITICAL SCIENCE REVIEW

AMERICAN POLITICS RESEARCH

AMERICAN POLITICS QUARTERLY

AMERICAN PSYCHOLOGIST

AMERICAN SOCIOLOGICAL REVIEW

CANADIAN JOURNAL OF POLITICAL SCIENCE

COMPARATIVE POLITICS

ELECTORAL STUDIES

EVOLUTION AND HUMAN BEHAVIOR

INTERNATIONAL STUDIES QUARTERLY

JOURNAL OF POLITICS

JOURNAL OF URBAN AFFAIRS

LEGISLATIVE STUDIES QUARTERLY

NATIONAL SCIENCE FOUNDATION

PLOs ONE

POLICY STUDIES REVIEW

POLITICAL BEHAVIOR

POLITICAL COMMUNICATION

POLITICAL PSYCHOLOGY

POLITICAL RESEARCH QUARTERLY

PUBLIC OPINION QUARTERLY

SCIENCE
SECURITY STUDIES
SOCIAL FORCES
SOCIAL SCIENCE QUARTERLY
WESTERN POLITICAL QUARTERLY

University Service:

MEMBER, UNIVERSITY BENEFITS COMMITTEE, 2013-2014.

MEMBER, UNIVERSITY COUNCIL, 2012-2013.

INVITED SPEAKER, RICE TEDXRICEU , 2013.

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, ATLANTA, 2011.

LECTURER, ADVANCED TOPICS IN AP PSYCHOLOGY, RICE UNIVERSITY AP SUMMER INSTITUTE, 2009.

SCIENTIA LECTURE SERIES: "POLITICS IN OUR GENES: THE BIOLOGY OF IDEOLOGY" 2008

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, SEATTLE, SAN FRANCISCO AND LOS ANGELES, 2008.

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, AUSTIN, CHICAGO AND WASHINGTON, DC, 2006.

INVITED SPEAKER, RICE ALUMNI ASSOCIATION, DALLAS AND NEW YORK, 2005.

DIRECTOR: RICE UNIVERSITY BEHAVIORAL RESEARCH LAB AND SOCIAL SCIENCE COMPUTING LAB, 2005-2006.

INTERNSHIP DIRECTOR FOR THE DEPARTMENT OF POLITICAL SCIENCE, 2004-2012.

UNIVERSITY OFFICIAL REPRESENTATIVE TO THE INTER-UNIVERSITY CONSORTIUM FOR POLITICAL AND SOCIAL RESEARCH, 1989-2012.

DIRECTOR: RICE UNIVERSITY SOCIAL SCIENCE COMPUTING LAB, 1989-2004.

MEMBER, RICE UNIVERSITY INFORMATION TECHNOLOGY ACCESS AND SECURITY COMMITTEE, 2001-2002

RICE UNIVERSITY COMMITTEE ON COMPUTERS, MEMBER, 1988-1992, 1995-1996; CHAIR, 1996-1998, CO-CHAIR, 1999.

ACTING CHAIRMAN, RICE INSTITUTE FOR POLICY ANALYSIS, 1991-1992.

DIVISIONAL MEMBER OF THE JOHN W. GARDNER DISSERTATION AWARD SELECTION COMMITTEE, 1998

SOCIAL SCIENCE REPRESENTATIVE TO THE EDUCATIONAL SUB-COMMITTEE OF THE COMPUTER PLANNING COMMITTEE, 1989-1990.

DIRECTOR OF GRADUATE ADMISSIONS, DEPARTMENT OF POLITICAL SCIENCE, RICE UNIVERSITY, 1986-1988.

CO-DIRECTOR, MELLON WORKSHOP: SOUTHERN POLITICS, MAY, 1988.

GUEST LECTURER, MELLON WORKSHOP: THE U.S. CONGRESS IN HISTORICAL PERSPECTIVE, MAY, 1987 AND 1988.

FACULTY ASSOCIATE, HANSZEN COLLEGE, RICE UNIVERSITY, 1987-1990.

DIRECTOR, POLITICAL DATA ANALYSIS CENTER, UNIVERSITY OF GEORGIA, 1982-1985.

EXTERNAL SERVICE:

THE JAPANESE CONSULATE OF HOUSTON - TEXAS AND U.S. POLITICS, 1987-2012.

EXPERT WITNESS, RODRIGUEZ V. GRAND PRAIRIE ISD, RACIALLY POLARIZED VOTING ANALYSIS, 2013.

EXPERT WITNESS, GARCIA-SONNIER ET AL V. PASADENA ISD, RACIALLY POLARIZED VOTING ANALYSIS, 2012.

EXPERT WITNESS, MONTES V. CITY OF YAKIMA, CHALLENGE TO YAKIMA, WASHINGTON AT-LARGE CITY COUNCIL ELECTIONS, 2012.

CONSULTANT, LAMAR ISD - DEMOGRAPHIC ANALYSIS AND REDRAWING OF ELECTION DISTRICTS, 2012.

EXPERT WITNESS, RODRIGUEZ, ET. AL. V HARRIS CO., CHALLENGE TO ADOPTED HARRIS COUNTY COMMISSIONERS' COURT PRECINCTS, 2011.

CONSULTANT, CITY OF BAYTOWN - DEMOGRAPHIC ANALYSIS AND REDRAWING OF ELECTION DISTRICTS, 2011.

CONSULTANT, GOOSE CREEK ISD - DEMOGRAPHIC ANALYSIS AND REDRAWING OF ELECTION DISTRICTS, 2011.

CONSULTANT, SAN ANTONIO WATER SYSTEM - ANALYSIS OF PRECLEARANCE ISSUES RELATED TO MERGER WITH BEXARMET WATER AUTHORITY, 2011.

EXPERT WITNESS, TEXAS V US, PRECLEARANCE SUIT FOR TEXAS STATEWIDE DISTRICTS, 2011.*

EXPERT WITNESS, DAVIS V PERRY (AND CONSOLIDATED CASES), CHALLENGE TO ADOPTED TEXAS SENATE DISTRICTS, 2011.

EXPERT WITNESS, PEREZ, ET. AL. V STATE OF TEXAS (AND CONSOLIDATED CASES), CHALLENGE TO ADOPTED TEXAS STATEWIDE DISTRICTS, 2011.*

EXPERT WITNESS, FABELA, ET. AL. V CITY OF FARMERS BRANCH, FARMERS BRANCH CITY COUNCIL AT LARGE DISTRICT CHALLENGE, 2011.

EXPERT WITNESS, EL PASO APARTMENT OWNERS ASSOC. V CITY OF EL PASO, ANALYSIS OF RACIAL PATTERNS IN HOUSING OCCUPANCY, 2009.

EXPERT WITNESS, BENEVIDES, V IRVING ISD, RACIALLY POLARIZED VOTING ANALYSIS, 2008-2009.

EXPERT WITNESS, BENEVIDES, V CITY OF IRVING, RACIALLY POLARIZED VOTING ANALYSIS, 2008-2009.

EXPERT WITNESS, REYES, ET. AL. V CITY OF FARMERS BRANCH, RACIALLY POLARIZED VOTING ANALYSIS, 2007-2008.

Exhibit 12

1 Francis S. Floyd, WSBA 10642
Sean E.M. Moore, WSBA 30840
2 John A. Safarli, WSBA 44056
Attorneys for Defendants
3 FLOYD, PFLUEGER & RINGER P.S.
200 W. Thomas Street, Suite 500
4 Seattle, WA 98119-4296
ffloyd@floyd-ringer.com
5 smoore@floyd-ringer.com
jsafarli@floyd-ringer.com
6 Tel (206) 441-4455
Fax (206) 441-8484
7

8 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
9

10 ROGELIO MONTES and MATEO
ARTEAGA,

11 Plaintiffs,

12 vs.

13 CITY OF YAKIMA, MICAH
CAWLEY, in his official capacity as
14 Mayor of Yakima, and MAUREEN
ADKISON, SARA BRISTOL, KATHY
15 COFFEY, RICK ENSEY, DAVE ETTL,
and BILL LOVER, in their official
16 capacity as members of the Yakima City
Council,
17

18 Defendants.
19

NO. CV-12-3108-TOR

**PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS**

**AND DEFENDANTS' ANSWERS
AND OBJECTIONS**

PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 1

FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

ORIGINAL

1 COME NOW defendants, through their counsel of record, pursuant to
 2 Rules 26, 36, and 37, hereby provide Answers to Plaintiffs' First Requests for
 3 Admission.

4 **I. GENERAL STATEMENT**

5 Defendants and their counsel have not completed their investigation of the
 6 facts relating to this case, nor have they completed their discovery or preparation
 7 for trial. The answers herein are made on the basis of information and documents
 8 presently available to defendants. Therefore, defendants reserve the right to
 9 supplement discovery and offer and/or to rely at trial on subsequently discovered
 10 information or documents, or on information omitted from these answers as the
 11 result of any good faith oversight, error or mistake.

12 **II. GENERAL OBJECTIONS**

13 The following objections apply generally to plaintiffs' initial instructions,
 14 definitions, and Requests for Admission:

15 1. Scope of Requests for Admission. Defendants object to any Request
 16 for Admission that does not request an admission of the truth of any matters
 17 within the scope of Rule 26(b)(1) relating to (a) facts, the application of law to
 18 fact, or opinions about either; and (b) the genuineness of any described
 19

PLAINTIFFS' FIRST REQUESTS
 FOR ADMISSION TO
 DEFENDANTS AND
 DEFENDANTS' ANSWERS AND
 OBJECTIONS - 2

FLOYD, PFLUEGER & RINGER P.S.
 200 WEST THOMAS STREET, SUITE 500
 SEATTLE, WA 98119-4296
 TEL 206 441-4455
 FAX 206 441-8484

documents.

2. Purposes of Admission. Pursuant to Rule 36(b), an admission under Rule 36(a) is not an admission for any other purpose and cannot be used against the party in any other proceeding.

3. Limitations of Discovery. Defendants object to any Request for Admission that exceeds the limitations imposed by Rule 26(b)(2)(C), is objected to insofar as (a) the Request for Admission is unreasonably duplicative or duplicative, or can be obtained from other source that is more convenient, less burdensome, or less expensive; (b) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or (c) the burden or expense of the proposed Request for Admission outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 3

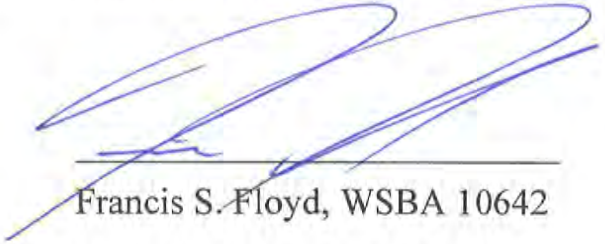
FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

1 **III. REQUESTS FOR ADMISSION**

2 **REQUEST FOR ADMISSION NO. 1:** Admit that no Latino candidate has ever
3 been elected to the Yakima City Council.

4 **ANSWER:** Request for Admission No. 1 is objected to on the basis of plaintiffs'
5 definition of Latino as "a person of Latin American origin or ancestry." The
6 definition *per se* is not objected to, but the definition is impractical for purposes
7 of admitting or denying this Request for Admission. Defendants do not have the
8 specific knowledge or information necessary to determine whether each candidate
9 who has been elected to the City Council was a person—or identified as a
10 person—with "Latin American origin or ancestry." Without waiving said
11 objection and based on the current knowledge available to defendants, defendants
12 are not aware of a Latino candidate, as defined by plaintiffs, who has been elected
13 to the City Council.

14
15
16 *The undersigned attorney of record certifies that the above objection*
17 *complies with Rule 26(g)(1).*

18 
19 Francis S. Floyd, WSBA 10642

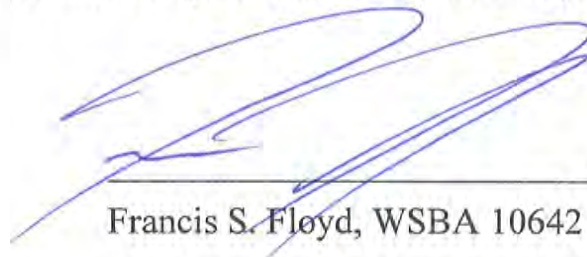
PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 4

FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

1 **REQUEST FOR ADMISSION NO. 2:** Admit that Sonia Rodriguez-True is the
 2 only Latino ever to have been appointed to the Yakima City Council.

3 **ANSWER:** Request for Admission No. 2 is objected to on the basis of plaintiffs'
 4 definition of Latino as "a person of Latin American origin or ancestry." The
 5 definition *per se* is not objected to, but this definition is impractical for purposes
 6 of admitting or denying this Request for Admission. Defendants do not have the
 7 specific knowledge or information necessary to determine whether each person
 8 appointed to the City Council was a person, or identified as a person, with "Latin
 9 American origin or ancestry." Without waiving said objection, based on the
 10 current knowledge available to defendants, and with the exception of Sonia
 11 Rodriguez-True, defendants are not aware of a Latino, as defined by plaintiffs,
 12 who has been appointed to the City Council.

13
 14 *The undersigned attorney of record certifies that the above objection*
 15 *complies with Rule 26(g)(1).*

16
 17 
 18 Francis S. Floyd, WSBA 10642

19
 PLAINTIFFS' FIRST REQUESTS
 FOR ADMISSION TO
 DEFENDANTS AND
 DEFENDANTS' ANSWERS AND
 OBJECTIONS - 5

FLOYD, PFLUEGER & RINGER P.S.
 200 WEST THOMAS STREET, SUITE 500
 SEATTLE, WA 98119-4296
 TEL 206 441-4455
 FAX 206 441-8484

1 **REQUEST FOR ADMISSION NO. 3:** Admit that, after her appointment,
2 Sonia Rodriguez-True was defeated the first time she was on the ballot, in the
3 2009 general election.

4 **ANSWER:** Admit.
5
6
7
8

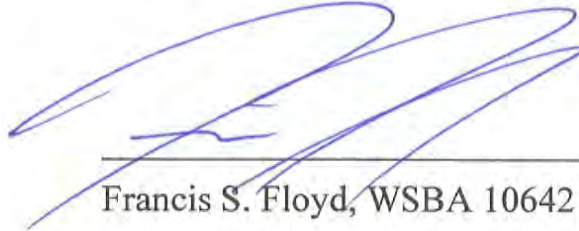
9 **REQUEST FOR ADMISSION NO. 4:** Admit that records maintained by the
10 Yakima County Elections Department accurately record election results in the
11 City of Yakima.

12 **ANSWER:** Objection. This Request for Admission requests defendants to admit
13 to the accuracy of records recorded and maintained by another government
14 agency. As required by Washington State statutes, including RCW 29A.60.190,
15 the Yakima County Elections Department records election results in Yakima
16 County. Defendants have no knowledge that any specific records are inaccurate.
17 Subject to this objection and qualification, admit.
18
19

PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 6

FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

1 *The undersigned attorney of record certifies that the above objection*
2 *complies with Rule 26(g)(1).*

3
4 
Francis S. Floyd, WSBA 10642

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 7

FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

CERTIFICATION

After reading the above answers and objections and, after a reasonably inquiry, I hereby certify that, to the best of my knowledge, information and belief, the above answers comply with the requirements of Rule 26(g).

DATED this 17th day of December, 2012.

FLOYD, PFLUEGER & RINGER, P.S.



Francis S. Floyd, WSBA No. 10642
Sean E.M. Moore, WSBA No. 30840
John Safarli, WSBA No. 44056
200 W. Thomas Street, Suite 500
Seattle, WA 98119
ffloyd@floyd-ringer.com
smoore@floyd-ringer.com
jsafarli@floyd-ringer.com
Tel (206) 441-4455
Fax (206) 441-8484

PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 8

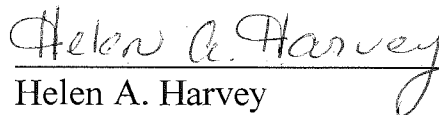
FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

VERIFICATION

I, Helen A. Harvey, am a Senior Assistant City Attorney for the City of Yakima. I am authorized, on behalf of defendants, to sign the above answers pursuant to Rule 36(a)(3).

DATED this 17th day of December, 2012


Helen A. Harvey

PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 9

FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

Sarah Dunne WSBA 34869
La Rond Baker WSBA 43610
ACLU of Washington Foundation
901 Fifth Avenue, Suite 630
Seattle, WA 98164
(206) 624-2184
dunne@aclu-wa.org
lbaker@aclu-wa.org

*Counsel for
Plaintiffs*

☒ VIA EMAIL
☐ VIA FACSIMILE
☒ VIA MESSENGER
☐ VIA U.S. MAIL
☐ VIA CM/ECF
SYSTEM

Joaquin Avila
The Law Firm of Joaquin Avila
P.O. Box 33687
Seattle, WA 98133
(206) 724-3731
Pro Hac Vice

*Counsel for
Plaintiff Rogelio
Montes*

☒ VIA EMAIL
☐ VIA FACSIMILE
☐ VIA MESSENGER
☒ VIA U.S. MAIL
☐ VIA CM/ECF
SYSTEM

Laughlin McDonald
ACLU Foundation, Inc.
Voting Rights Project
230 Peachtree Street, Suite 1440
Atlanta, GA 30303-1227
(404) 523-2721
lmcdonald@aclu.org
Pro Hac Vice

*Counsel for
Plaintiff Mateo
Arteaga*

☒ VIA EMAIL
☐ VIA FACSIMILE
☐ VIA MESSENGER
☒ VIA U.S. MAIL
☐ VIA CM/ECF
SYSTEM


PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 10

FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

1
2
3 Kevin J. Hamilton, WSBA 15648 *Counsel for*
Noah G. Purcell, WSBA 43492 *Plaintiffs*
4 Perkins Coie LLP
1201 Third Avenue, Suite 4900
5 Seattle, WA 98101-3099
(206) 359-8000
6 khamilton@perkinscoie.com
npurcell@perkinscoie.com

☒ VIA EMAIL
☐ VIA FACSIMILE
☒ VIA MESSENGER
☐ VIA U.S. MAIL
☐ VIA CM/ECF
SYSTEM

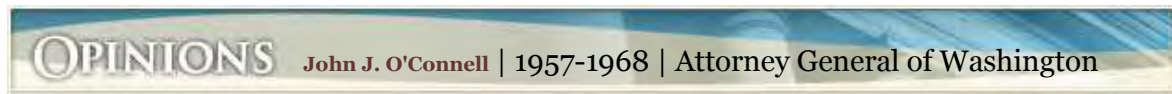
7
8 DATED this 17th day of December, 2012.

9
10 
Yalda Biniagian, Legal Assistant

11
12
13
14
15
16
17
18
19
PLAINTIFFS' FIRST REQUESTS
FOR ADMISSION TO
DEFENDANTS AND
DEFENDANTS' ANSWERS AND
OBJECTIONS - 11

FLOYD, PFLUEGER & RINGER P.S.
200 WEST THOMAS STREET, SUITE 500
SEATTLE, WA 98119-4296
TEL 206 441-4455
FAX 206 441-8484

Exhibit 13



ELECTIONS - CIVIL RIGHTS - VOTER REGISTRATION - ADMINISTRATION OF LITERACY TEST TO PERSONS REGISTERING TO VOTE.

Persons registering to vote in Washington cannot currently be tested for literacy in the manner provided for in RCW 29.07.070 (13), in view of the provisions of the 1965 federal voting rights act (42 U.S.C., § 1971 (a)).

June 15, 1967

Honorable Alfred E. Cowles
Executive Secretary, Washington
State Board Against Discrimination
Senate Arms Building
Olympia, Washington 98501

Cite as: AGO 1967 No. 21

Dear Sir:

You have asked for the opinion of this office on a question which we paraphrase as follows:

May persons registering to vote in Washington currently be tested for literacy in the manner provided for in RCW 29.07.070 (13), in view of the provisions of recent federal voting rights legislation?

We answer your question in the negative for the reasons set forth in our analysis.

ANALYSIS

The Washington constitution (Article VI, § 1) provides that:

"All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: . . . they shall be able to read and speak the English language: . . . The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section."

[[Orig. Op. Page 2]]

Pursuant to this article, the Washington legislature has provided (RCW 29.07.070):

"Having administered the oath, the registration officer shall interrogate the applicant for registration, concerning his qualifications as a voter . . ., requiring him to

state:

". . .

"(13) Whether the applicant . . . is able to read and speak the English language so as to comprehend the meaning of ordinary English prose, and in case the registration officer is not satisfied in that regard, he may require the applicant to read aloud and explain the meaning of some ordinary English prose;"

Notably, this is the only Washington statute pertaining to the administration of literacy tests in implementation of the constitutional provision. It is further to be noted that this office has previously advised that the Washington literacy requirement has been modified by the "Puerto Rico" provision contained in the federal voting rights act of 1965, 42 U.S.C. § 1973b (e). See our letter to Honorable A. Ludlow Kramer, Secretary of State, dated September 20, 1966, a copy of which is enclosed. This provision says that literacy in English cannot be a qualification to vote for persons educated in American flag schools in which the predominant classroom language was other than English.

Except for persons who come within the Puerto Rico provision,supra, the Washington literacy requirement remains in effect. However, the manner of testing for literacy is now controlled by federal law, as will be hereinafter seen. Preliminarily though, it should be noticed that the state of Washington is not one of the places where literacy tests have been prohibited outright by federal legislation. The 1965 voting rights act suspends literacy tests and other devices only in those states or political subdivisions where the director of census determines that less than fifty percent of the persons of voting age residing therein were registered on November 1, 1964, or that less than fifty percent of such persons voted in the presidential election of November, 1964. See 42 U.S.C. [[Orig. Op. Page 3]] § 1973b. Washington was not included in the director of census' report on the states that failed these fifty-percent requirements. See 30 Fed. Reg. 9897.

Unlike this more publicized part of the federal voting rights legislation, the part controlling the manner of administering literacy tests applies uniformly in all the states, including, of course, Washington. The pertinent language appears in 42 U.S.C., § 1971 (a), as follows:

". . .

"(2) No person acting under color of law shall -

". . .

"(C) employ any literacy test as a qualification for voting in any election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to sections 1974-1974e of this title: . . .

"(3) For purposes of this subsection -

". . .

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter." (Emphasis supplied.)

The quoted language originated in the civil rights act of 1964. At that time it was limited to federal elections, but the 1965 voting rights act (§ 15 (a), 79 Stat. 445) made it applicable to state and local elections as well.

The purpose of this feature of the federal voting rights legislation was explained in the report of the House Judiciary Committee recommending passage of the 1964 Civil Rights Act as [[Orig. Op. Page 4]] follows:¹/

"Title I is designed to meet problems encountered in the operation and enforcement of the Civil Rights Acts of 1957 and 1960, by which the Congress took steps to guarantee to all citizens the right to vote without discrimination as to race or color.

". . .

"Section 101 (a) is designed to insure nondiscriminatory practices in the registration of voters for Federal elections. It would amend existing law (42 U.S.C. 1971 (a)) by requiring the application of uniform standards, practices, and procedures to all persons seeking to vote in Federal elections . . . These provisions would provide specific protections to the right to vote and would reduce opportunities for discriminatory application of voting standards without in any way lessening or limiting the broad prohibitions against voting discrimination already contained in existing law."

Seven members of the committee expressed additional views as follows:²/

"Closely related to the delays in justice are the intricate methods employed by some State or county voting officials to defeat Negro registration . . .

". . .

[[Orig. Op. Page 5]]

"(T)he basic troubles come not from discriminatory laws, but (as the Civil Rights Commission so well expressed in its 1959 report, p. 133) 'from the discriminatory application and administration of apparently nondiscriminatory laws.'

"It is for these reasons that the committee has amended the 1957 and 1960 Civil Rights Acts to provide that, in Federal elections State registration officials must: (1) apply standards, practices, and procedures equally among individuals seeking to register to vote; . . . (3) administer literacy tests in writing. . . ."3/

The approach of the earlier 1957 and 1960 Civil Rights Acts had been to enforce voting rights by authorizing the United States attorney general to bring civil lawsuits against offending state officers. But the state officers were acting under laws designed to give them an arbitrary discretion which was not easily subjected to judicial review. See, Louisiana v. United States, 380 U.S. 145 at 151-52 (1965), in which the court found that interpretation tests, such as Louisiana's requirement that an applicant give a reasonable interpretation of any section of the state or federal constitution, were adopted for the frank purpose of disfranchising Negroes, it being understood that the registration officers would use their discretion for that purpose.

And, when the United States attorney general succeeded in having a state literacy statute declared unconstitutional, another slightly different one would be enacted to take its place.

Thus, in 1964, Congress decided to get to the heart of the problem; i.e., the practice of vesting unlimited discretion in state registration officers. Accordingly, the 1964 Civil [[Orig. Op. Page 6]] Rights Act prohibited the use of literacy tests unless they met federal standards for uniform application. The basic operative language of the statute (now applicable as to state elections as well) is:

"No person . . . shall . . . employ any literacy test as a qualification for voting in any election unless . . . such test is administered to each individual and is conducted wholly in writing . . ."

In other words, unless a state's system for administering literacy tests meets the standards of the federal law, state officers may not use literacy tests at all.^{4/}

RCW 29.07.070, supra, does not presently require that a literacy test be given to each person who applies to register to vote. Instead, our statute says that a test is to be administered only if the registration officer "is not satisfied" with the applicant's sworn statement that he is able to read and speak the English language so as to comprehend the meaning of ordinary English prose.

In addition, our statute does not require that the test be given in writing; it says that the registration officer -

". . . may require the applicant to read aloud and explain the meaning of some ordinary English prose;"

While Washington is not one of the states with a tradition of discrimination against minorities in voting, our statutory provisions on literacy tests are like those which were in effect where abuse occurred. The federal government has prohibited the discretionary approach, and Washington is bound to obey the law^{5/} as much as those states whose misconduct caused it to be enacted.

We reiterate that it is literacy testing, not the literacy requirement, at which 42 U.S.C. § 1971 (a) (2) is directed.

[[Orig. Op. Page 7]]

Except in cases where the Puerto Rico provision applies, we see nothing in the federal voting rights legislation which prevents a voter registration officer from requiring an applicant to state (RCW 29.07.070) and swear (RCW 29.07.080) that he is able to read and comprehend ordinary English prose.^{6/} A person who falsely swears for this purpose is guilty of a felony. RCW 29.85.200.

To summarize, we have concluded that:

(1) The Washington requirement that a person be able to read and speak the English language in order to vote remains in effect, except for persons educated in American flag schools where the predominant classroom language was other than English.

(2) Except as noted in (1), federal law does not prevent a voter registration

officer from requiring an applicant to state and swear that he is able to read and speak the English language.

[[Orig. Op. Page 8]]

(3) Until Washington provides for the administration of literacy tests on a uniform basis in conformity with federal law, no person may be required to take a literacy test.

We trust that the foregoing will be of assistance to you.

Very truly yours,

JOHN J. O'CONNELL
Attorney General

MORTON M. TYTLER
Assistant Attorney General

*** FOOTNOTES ***

1/House Report No. 914, 88th Congress, 2d Session, 1964 U.S. Code Cong. & Ad. News 2391 at 2394.

2/Additional views on H.R. 7152 by Representatives McCulloch, Lindsay, Cahill, Shriver, MacGregor, Mathias and Bromwell, 1964 U.S. Code Cong. & Ad. News, 2487 at 2490.

3/For additional legislative history, see the comments of Representative Rogers of Colorado on the House floor, January 31, 1964, 110 Cong. Record 1548, and of Senator Keating on the Senate floor, April 1, 1964, 110 Cong. Record 6717.

4/See note, Federal Protection of Negro Voting Rights, 51 Va. L.R. 1051 [[51 Va. L. Rev.]] at 1192.

5/The constitution of the United States says: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; . . . shall be the supreme law of the land . . . anything in the constitution or laws of any state to the contrary notwithstanding." Article VI, clause 2.

6/For their own guidance, voter registration officers may wish to take note of 42 U.S.C., § 1971(c) which says that in any lawsuit brought by the United States attorney general to enforce voting rights:

". . . there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any election."

Exhibit 14

Charles E. Ehlert
Attorney for Plaintiffs
214 North Chestnut
Toppenish, Washington
Phone 865-2145

IN THE UNITED STATES DISTRICT COURT
~~FOR THE~~ EASTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

MEXICAN-AMERICAN FEDERATION-WASHINGTON
STATE, a non-profit organization; CAESARIO
JIMENEZ; SIMON RAMOS; JENNIE MARIN; and
MARTA CANTU; on their own behalves and on
behalf of all others similarly situated,

Plaintiffs.

vs.

EUGENE NAFF, Yakima County Auditor;
MAURINE SEEFELDT, Toppenish City Clerk
and Yakima County Deputy Registrar; and
CHARLES SKINNER, Zillah City Clerk and
Yakima County Deputy Registrar; on
their own behalves and on behalf of all
others similarly situated,

Defendants.

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

filed September 11, 1968

CIVIL ACTION NO. 2457

THREE JUDGE COURT

FILED IN THE
U. S. DISTRICT COURT
Eastern District of Washington

SEP 11 1968

DOROTHY E. MOULTON, Clerk

E Deputy

NOW COME the plaintiffs, for themselves and for all others similarly
situated, and allege as follows:

I

JURISDICTION

This is an action for declaratory and injunctive relief authorized by 42
U.S.C. Section 1983 to secure rights, privileges and immunities protected by
the First and Fourteenth Amendment of the Constitution of the United States.
Jurisdiction of this Court is also invoked under 42 U.S.C. Section 1971 and
under 28 U.S.C. Sections 1343 and 2201-2202, which grants this Court original
jurisdiction of suits authorized by 42 U.S.C. Section 1983.

II

THREE JUDGE COURT

A three judge court is requested at the earliest date to determine the
matters herein, pursuant to 28 U.S.C. Sections 2281, 2283, 2284. This is a
proper case for adjudication by a three judge court in that it seeks an

Complaint Page 1

F.O. Endorsement omitted for brevity

1 injunction to restrain the defendant officers of political subdivisions of the
 2 State of Washington from applying, enforcing, executing and implementing
 3 Amendment V of the Washington State Constitution and Revised Code of Washington
 4 29.07.070 (13) (attached hereto as Exhibit A), insofar as those provisions
 5 require an ability to read and speak the English language as a condition for
 6 eligibility to vote in the State of Washington and insofar as they discriminate
 7 against persons able to read and speak Spanish but not able to read and speak
 8 the English language and insofar as they empower or authorize voting registrars
 9 to test the ability of voting registration applicants to read and speak the
 10 English language, on the ground that said constitutional and statutory provisions
 11 of Washington law injure the plaintiffs and deny to plaintiffs the right of
 12 peaceful assembly and association, the right to petition their government for
 13 redress of their grievances, and the privileges and immunities and equal
 14 protection of the laws guaranteed by the First and Fourteenth Amendments of the
 15 Constitution of the United States.

16 III

17 PLAINTIFF MEXICAN AMERICAN FEDERATION

18 1. The Mexican-American Federation-Washington State herinafter referred to
 19 as "Mexican American Federation", is a non-profit corporation organized in
 20 November 1967, under the laws of the State of Washington, having its principle
 21 office at 2912 West Chestnut Street, Yakima, Yakima County, Washington.

22 2. Plaintiff Mexican American Federation is the only organization in
 23 existence whose purpose and goal it is to represent, promote and achieve the
 24 economic, social, and cultural interests of all Mexican American and Spanish
 25 speaking people in the State of Washington through regular and usual political
 26 processes. Under its charter from the State of Washington, its purposes are,
 27 among others:

28 "(1) To create a non-partisan organization for the social, economic,
 29 cultural, and civic betterment of Mexican-Americans and all
 30 other Spanish-speaking people through political action and
 31 to promote, protect and preserve the individual freedom
 and human dignity of every man.

32 "(2) To promote the election and appointment to public office of
 Mexican-Americans and other persons sympathetic to our aims.

"(3) To encourage increased activity in both major political parties...

"(4) To take Stands on political issues, to be present and endorse candidates for public office.

"(5) To maintain a permanent registration and get-out-the-vote drive throughout the State of Washington.

"(14) Conduct and carry-on, directly or indirectly, research, development and promotional or experimental activities, political, social, or legal action.

"(15) Carry on any activity whatsoever, either as principal, agent or partner, which this corporation may deem proper or convenient in connection with any of the foregoing purpose . . .

3. The primary immediate goal of the Mexican American Federation is the registration of all Mexican American people eligible to vote in the State of Washington.

4. The effect of the defendants, acts, practices and conduct, and of their enforcement, application and implementation of Amendment V of the Washington State Constitution and R.C.W. 29.07.070 (13), as hereinbelow described, is to prevent many Mexican American people from voting in the State of Washington, thereby causing irreparable injury to the Mexican American Federation, as follows:

a. By depriving it, its members, and other Mexican American and Spanish speaking people in the State of Washington of the fullest degree of political power and effectiveness which would be available to them if there were no discrimination in the registration of voters against people who read and speak Spanish only;

b. By making it impossible for the Federation to achieve its primary immediate goal, the registration of all Mexican American people eligible to vote in the State of Washington; and

c. By depriving the Mexican American Federation of the popular and political support of an association with qualified voters which are necessary to the achievement of its economic, social, educational and cultural goals through the regular and usual political processes.

IV

PLAINTIFF CAESARIO JIMENEZ

1. Plaintiff Caesario Jimenez is a citizen of the United States, over 21

1 years of age, has resided in the State of Washington for more than one year,
2 in Yakima County for more than 90 days, and in his precinct for more than 30
3 days.

4 2. Plaintiff Jimenez is a Mexican American and was born in 1909, in D'Hanis,
5 Texas, near Hondo, Texas, where his birth was registered.

6 3. Plaintiff Jimenez lived in Texas until about 1912, when his father
7 returned to Mexico, taking the plaintiff with him. The plaintiff lived in
8 Mexico for approximately 47 years and attended school there, through the fourth
9 grade. Plaintiff Jimenez returned to live in the United States in 1959.

10 4. Since about 1960, plaintiff Jimenez has worked and resided on the
11 Goulding Farm, near Toppenish, in Yakima County Rural Princint No. 96, also
12 known as "Toppenish Rural Precinct No. 3," in Yakima County, Washington.

13 5. Plaintiff Jimenez can read and speak the Spanish language fluently but
14 cannot read or speak the English language, except for a few words.

15 6. In all respects other than his inability to read and speak the English
16 language, plaintiff Jimenez is qualified and eligible to vote in the State of
17 Washington.

18 V

19 PLAINTIFF SIMON RAMOS

20 1. Plaintiff Simon Ramos is a citizen of the United States, over 21
21 years of age, and he resided in the State of Washington for more than one year,
22 in Yakima County, for more than 90 days, and in his precinct for more than 30 days.

23 2. Plaintiff Simon Ramos, is a Mexican American, and was born on October
24 19, 1902, in Bay City, Texas.

25 3. Plaintiff Ramos attended school in San Antonio, Texas, through the
26 third grade.

27 4. Plaintiff Ramos has lived in the State of Washington for 22 years and
28 now resides at 206 North F Street, Toppenish, Yakima County, Washington.

29 5. Plaintiff Ramos can read and speak the Spanish language fluently, and
30 can read and speak a few words of English, but can not read and speak the
31 English language well.
32

~~Complaint Page 4~~

4

1 6. In all respects other than his limited ability to read and speak the
2 English language, plaintiff Ramos is qualified and eligible to vote in the
3 State of Washington.
4

VI

PLAINTIFF JENNIE MARIN

5
6
7 1. Plaintiff Jennie Marin is a citizen of the United States, over 21 years
8 of age, and has resided in the State of Washington for more than one year, in
9 Yakima County for more than 90 days and in her precinct for more than 30 days.

10 2. Plaintiff Marin is a Mexican American and was born August 10, 1925, in
11 Grand Junction, Colorado.

12 3. Plaintiff Marin has lived in the State of Washington since 1957, and
13 now resides at 210 North F. Street in Toppenish, Yakima County, Washington.

14 4. Plaintiff Marin can read and speak the Spanish language and can speak
15 and understand English but can not read the English language well.

16 5. In all respects other than her inability to read the English language
17 plaintiff Marin is qualified and eligible to vote in the State of Washington.

VII

PLAINTIFF MARTA CANTU

18
19
20 1. Plaintiff Marta Cantu is a citizen of the United States, over 21 years
21 of age and has resided in the State of Washington for more than one year,
22 in Yakima County for more than 90 days, and in her precinct for more than 30 days.

23 2. Plaintiff Cantu is a Mexican American and was born June 12, 1943, in
24 Alamo, Hidalgo County, Texas.

25 3. Plaintiff Cantu attended school in Edinburg, Texas to the fifth grade.

26 4. Plaintiff Cnatu has lived in the State of Washington since 1961, and
27 now resides in Crewport Farm Labor Camp, near Granger, In Yakima County Rural
28 Precinct No. 59 in Yakima County, Washington.

29 5. Plaintiff Cantu can read and speak the Spanish language and can
30 understand some spoken English, can read and speak a few words of English, but
31 can not read and speak the English language well.

32 6. In all respects other than her limited ability to read and speak the

English language plaintiff Cantu is qualified and eligible to vote in the State of Washington.

VIII

PLAINTIFF CLASS

1. Plaintiff Jimenez, Ramo~~a~~, Marin and Cantu are representatives of a class composed of persons who are Mexican American citizens of the United States, over 21 years of age, residents of the State of Washington for at least one year, of Yakima County for at least 90 days and of their precinct for at least 30 days, and who are in all other respects elible to register and vote in the State of Washington, who read and speak the Spanish language, but who do not read and speak the English language.

2. The plaintiff class includes many persons whose applications to register to vote have been refused by voting registrars in the State of Washington and many persons who, upon applying to register to vote, have been given various forms of literacy tests by registrars to determine whether and to what extent they can read and speak the English language or whether they can explain simple English prose to the satisfaction of voting registrars in the State of Washington.

3. Plaintiffs Jimenez, Ramos, Marin and Cantu bring this action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of themselves and of all persons constituting the plaintiff class, hereinabove described, who are similarly situated. The persons in this class are so numerous that joinder of all members is impracticable; there are questions of law and/or fact common to the class; and the representative parties will fairly and adequately protect the interests of the class. The defendants have acted and/or refused to act on grounds generally applicable to the plaintiff class as a whole, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the class as a whole.

IX

DEFENDANT EUGENE NAFF

1. Defendant Eugene Naff is the elected Auditor of Yakima County, Washington.

2. Defendant Naff is the registrar for voters residing in all rural precincts within Yakima County.

3. Defendant Naff is authorized by R.C.W. 29.07.010 to appoint deputy registrars and he has appointed certain deputy registrars, including defendants Seefeldt and Skinner, to conduct the registration of voters from rural precincts in Yakima County.

4. Defendant Naff's office, residence and the rural precincts for which he is the voting registrar are all located within the Southern Division of the Eastern District of Washington and are within the jurisdiction of this Court.

X

DEFENDANT MAURINE SEEFELDT

1. Defendant Maurine Seefeldt is the City Clerk of the City of Toppenish, Washington, and is the registrar of voters residing in precincts in Toppenish, Washington, pursuant to R.C.W. 29.07.020.

2. Defendant Seefeldt has also been appointed by defendant Naff to act as deputy registrar for rural precincts located near Toppenish, including Yakima County Rural Precinct No. 96, also known as "Toppenish Rural Precinct No. 3".

3. Defendant Seefeldt's office, residence and the precincts for which she is the voting registrar are all located within the Southern Division of the Eastern District of Washington, and within the jurisdiction of this Court.

XI

DEFENDANT CHARLES SKINNER

1. Defendant Charles Skinner is the Clerk of the Town of Zillah, Washington, and is the registrar of voters residing in precincts in Zillah, Washington, pursuant to R.C.W. 29.07.020.

2. Defendant Skinner has also been appointed by defendant Naff to act as deputy registrar for rural precincts located near Zillah, Washington,

1 including the rural precinct in which Crewport Farm Labor Camp is located,
2 known as Yakima County Rural Precinct No. 59.

3 3. Defendant Skinner's office, residence and the precincts for which he
4 is the voting registrar are all located within the Southern Division of the
5 Eastern District of Washington, and within the jurisdiction of this Court.

6 XII

7 DEFENDANT CLASS

8 1. Defendants, Naff, Seefeldt and Skinner are representative members of a
9 class composed of all persons who are authorized by laws of the State of
10 Washington, specifically R.C.W. Ch. 29.07, to act as registrars of voters within
11 the State of Washington, consisting of all county auditors in the State of
12 Washington and all city and town clerks in the State of Washington, and all
13 deputy registrars appointed by them.

14 2. Plaintiffs bring this action pursuant to Rule 23 of the Federal Rules
15 of Civil Procedure against the defendants, individually and as public officers,
16 and as representative members of the defendant class of persons similarly
17 situated. The persons in the defendant class are so numerous that joinder of
18 all members is impracticable; there are questions of law and/or fact common to
19 the class; the claims and/or defenses of the representative parties are typical
20 of the claims and/or defenses of the class; and the representative parties will
21 fairly and adequately protect the interests of the class. The plaintiffs have
22 acted and/or refused to act on grounds generally applicable to the class,
23 thereby making appropriate final injunctive relief and corresponding declara-
24 tory relief with respect to the class as a whole.

25 XIII

26 FIRST CLAIM FOR RELIEF:

27 ENGLISH LITERACY REQUIREMENTS VIOLATE FOURTEENTH AMENDMENT

28 1. On or about July 26, 1968, plaintiff Caesario Jimenez went to the
29 office of defendant Maurine Seefeldt, Toppenish City Clerk and Yakima County
30 deputy registrar, to register to vote in the State of Washington. Said
31 defendant refused to register plaintiff Jimenez to vote on the sole ground that
32 he does not read and speak the English language. Defendant Seefeldt acted as

1 agent and deputy registrar for defendant Naff on that occasion.

2 2. On or about July 25, 1968, plaintiff Simon Ramos went to the office
3 of defendant Maurine Seefeldt, Toppenish City Clerk, to register to vote.
4 Defendant Seefeldt refused to register plaintiff Ramos to vote on the sole
5 ground that he does not read and speak the English language.

6 3. On or about the middle of March, 1968, and again on or about August 16,
7 1968 plaintiff Jennie Marin went to the office of defendant Seefeldt, Toppenish
8 City Clerk, to register to vote. Defendant Seefeldt refused to register
9 plaintiff Marin to vote on the sole ground that plaintiff Marin does not read
10 and speak the English language.

11 4. On or about August 14, 1968, plaintiff Marta Cantu went to the office
12 of defendant Charles Skinner, Town Clerk of Zillah, and Yakima County deputy
13 registrar, to register to vote. Said defendant acting as agent and deputy
14 registrar for defendant Naff, refused to register plaintiff Cantu to vote on the
15 sole ground that she does not read and speak the English language.

16 5. The defendants Naff, Seefeldt, and Skinner and the other members of the
17 defendant class have refused and will continue to refuse to register Mexican
18 American members of the plaintiff class to vote in the State of Washington on
19 the sole ground that such persons do not read and speak the English language.

20 6. In said conduct the defendants and members of the defendant class
21 were, are and will be acting under color of law, specifically Amendment V of the
22 Washington State Constitution and R.C.W. 29.07.070 (13).

23 7. Amendment V of the Washington State Constitution and R.C.W. 29.07.070
24 (13) are unconstitutional and in violation of the First Amendment and the
25 Due Process and Equal Protection Clauses of the Fourteenth Amendment and the
26 Fifteenth Amendment of the United States Constitution insofar as they prohibit
27 plaintiffs and members of the plaintiff class from voting in the State of
28 Washington because of their inability to read and speak the English language,
29 in that they deprive plaintiffs of their right to participate in a government
30 which they are required to support and whose laws they are bound and required
31 to obey, and in that they constitute:
32

1 a. An unreasonable and invidious discrimination against
2 plaintiff;

3 b. An abridgement of plaintiffs' privileges and immunities as
4 citizens of the United States;

5 c. An abridgement of plaintiffs' right to petition their
6 government for redress of their grievances, as incorporated in the Due Process
7 Clause of the Fourteenth Amendment;

8 d. An abridgement of plaintiffs' right to assemble and associate
9 peacefully.

10 e. A denial and abridgement of plaintiffs' right to vote, on
11 account of race.

12 8. Plaintiffs and members of the plaintiff class have been irreparably
13 injured and have no adequate remedy at law.

14 XIV

15 SECOND CLAIM FOR RELIEF:
16 LITERACY TESTING STATUTE VOID ON ITS FACE

17 1. The Washington statute authorizing defendants and members of the
18 defendant class to administer literacy tests to persons who apply to register
19 to vote, R.C.W. 29.07.070 (13), is unconstitutional and void on its face and
20 in violation of the Due Process and Equal Protection Clauses of the Fourteenth
21 Amendment of the United States Constitution in that it is a delegation of
22 unconstitutionally broad discretion to voting registrars to accept or reject
23 voting registration applicants, without adequate standards, and is in language
24 so vague and indefinite that its meaning can not be ascertained by reasonable
25 men.

26 2. Defendants and members of the defendant class have administered liter-
27 acy tests to plaintiffs Jimenez, Ramos, Marin, and Cantu, and members of the
28 plaintiff class acting under color of law, specifically pursuant to R.C.W. 29.
29 07.070 (13).

30 3. Because of the vagueness of R.C.W. 29.07.070 (13) the literacy tests
31 administered by defendants and members of the defendant class have no objective
32 standards, and plaintiffs and members of the plaintiff class who can read and

1 speak one or two or more words of English are arbitrarily and capriciously
2 disenfranchised according to the momentary and subjective whims of the
3 defendants and members of the defendant class.

4 4. Plaintiffs and members of the plaintiff class have been irreparably
5 injured and have no adequate remedy at law.

6
7 XV

8 THIRD CLAIM FOR RELIEF:
9 LITERACY TESTS PROHIBITED BY VOTERS RIGHTS ACT

10 1. On or about July 26, 1968 defendant Seefeldt, acting as agent and
11 deputy registrar for defendant Naff, administered a literacy test to plaintiff
12 Jimenez when he applied to register to vote, by requiring him to state orally
13 whether he could read and speak the English language, without any instructions
14 as to what part of or how much of the English language he was required to read
15 and speak. Defendant Seefeldt then refused to register plaintiff Jimenez to
16 vote, on the ground that he could not read and speak the English language to
17 her satisfaction.

18 2. On or about July 25, 1968, defendant Seefeldt, acting as City Clerk
19 of Toppenish administered a literacy test to plaintiff Ramos when he applied
20 to register to vote, by asking him to state whether he could read the English
21 language and by handing him a large piece of paper containing English printed
22 matter, used for a voter's registration form, telling him to sign in several
23 places, and observing to see whether plaintiff Ramos could read the matter
24 printed in English upon the page sufficiently well to determine where to sign
25 it. Defendant Seefeldt then refused to register plaintiff Ramos to vote, on
26 the ground that he could not read and speak the English language to the
27 satisfaction of defendant Seefeldt.

28 3. On or about the middle of March, 1968, defendant Seefeldt, acting as
29 Toppenish Clerk, administered a literacy test to plaintiff Marin, when she
30 applied to register to vote, by asking her to read a paragraph printed in the
31 English language upon a voter's registration form. Again, on or about August
32 16, 1968, defendant Seefeldt, acting as Toppenish City Clerk, administered a
literacy test to plaintiff Marin, when she applied to register to vote, by

1 requiring her to state whether she could read the English language without
2 specifying any particular English words, phrases or language. On both
3 occasions defendant Seefeldt refused to register plaintiff Marin to vote on
4 the sole ground that plaintiff Marin could not read and speak the English
5 language to the satisfaction of defendant Seefeldt.

6 4. On or about August 14, 1968, defendant Charles Skinner, acting as agent
7 and deputy registrar for defendant Naff, administered a literacy test to
8 plaintiff Cantu, when she applied to register to vote, by requiring her to read
9 first from a handwritten and then from a printed list of names. Defendant
10 Skinner then refused to register plaintiff Cantu to vote on the sole ground
11 that she could not read and speak the English language to the satisfaction of
12 defendants Skinner and Naff.

13 5. Defendants Naff, Seefeldt and Skinner and the members of the defendant
14 class have administered various literacy tests to Mexican American members of
15 the plaintiff class who have applied to register to vote in the State of
16 Washington.

17 6. The literacy tests given by defendants are not written in every case,
18 are not given to every person applying to register to vote, are given more
19 frequently to persons whose names or appearance indicates that they may be
20 Mexican Americans than to other persons, the same test is not given to all
21 persons tested, and applicants are not able to obtain copies of their tests and
22 answers from defendants.

23 7. Said tests employ oral and written devices used to enable defendants
24 to determine, measure, assess and evaluate the ability of applicants to read
25 and speak the English language, including oral questions, written questions,
26 oaths and other matters printed in English on voter registration forms which
27 differ among the various counties, handwritten material in the English
28 language, and miscellaneous devices such as memoranda pads, water bills and
29 other matters written in the English language.

30 8. In administering said literacy tests the defendants and members of the
31 defendant class were, are and will continue to act under color of law, specific-
32 ally Amendment V of the Washington State Constitution and R.C.W. 29.07.070 (13).

1 9. The administration of all such literacy tests and devices to enable
2 defendants to assess, determine and/or evaluate the ability of registration
3 applicants to read and speak the English language is prohibited by the Voters
4 Rights Act of 1965, 42 U.S.C 1971 (a) (2) (c).

5 10. The acts of the defendants and members of the defendant class have
6 injured the plaintiffs and members of the plaintiff class by depriving them
7 of the right to vote in the State of Washington.

8 11. Plaintiffs and the members of the plaintiff class have been irreparably
9 injured and have no adequate remedy at law.

10 XVI

11 FOURTH CLAIM FOR RELIEF:
12 PATTERN AND PRACTICE OF DISCRIMINATION VIOLATES FOURTEENTH AMENDMENT

13 1. In implementing the literacy requirements hereinabove described, the
14 defendants have administered literacy tests as hereinabove described to Mexican
15 American members of the plaintiff class more frequently, more carefully and
16 more stringently than they have administered them to other persons, including
17 Anglo Americans whose ability to read and speak the English is imperfect or
18 limited.

19 2. Although there are approximately 12,000 Spanish speaking Mexican
20 Americans residing in Yakima County comprising approximately one-twelfth of
21 the resident population of the County, and although defendant Naff has
22 appointed approximately 35 English speaking Anglo American persons to act as
23 deputy registrars for rural precincts in Yakima County, he has failed and
24 refused to appoint any Spanish speaking Mexican American to act as deputy
25 registrar in Yakima County and he has refused to appoint any of three Spanish
26 speaking Mexican Americans who volunteered to act as deputy registrars, on the
27 purported ground that he had no legal power to appoint a Spanish speaking
28 Mexican American as deputy registrar, and defendant Naff has wholly failed and
29 refused to take steps to correct the imbalance in the proportion of Mexican
30 Americans registered to vote caused by the enforcement of the English literacy
31 requirement of the Washington Constitution and his discriminatory use of
32 English literacy tests.

3. Other defendants have failed to take steps to correct the imbalance in the proportion of Mexican Americans registered to vote, which has resulted from the enforcement of the English literacy requirement of the Washington Constitution and their discriminatory use of English literacy tests.

4. In all of said acts and failures to act the defendant Eugene Naff and the other defendants and members of the defendant class have engaged in a pattern and practice of discrimination against Mexican American and Spanish speaking people and members of the plaintiff class, which has resulted in a disproportionately low number of otherwise eligible Mexican American persons being registered to vote in Yakima County and in the State of Washington.

5. The defendants' acts and failures to act have deprived Mexican American and Spanish speaking people and members of the plaintiff class of their rights to assemble and associate peacefully, and to petition their government for redress of their grievances, has abridged their privileges and immunities as citizens of the United States and has unreasonably discriminated against them and denied them the equal protection of the laws, in violation of the Fourteenth Amendment of the United States Constitution and have denied and abridged the plaintiffs right to vote on account of race, in violation of the Fifteenth Amendment of the United States Constitution.

6. In all of said acts and failures to act defendants have acted and will continue to act under color of law, specifically Amendment V of the Washington State Constitution and R.C.W. 29.07.070 (13).

7. Plaintiffs and the members of the plaintiff class have been irreparably injured and have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE the plaintiffs pray for judgment against the defendants, as follows:

(1) Assuming jurisdiction of this cause and convening a three judge court pursuant to 28 U.S.C Section 2281 and 2284;

(2) Ordering that this cause be maintained as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedures, defining the classes of

1 plaintiffs and defendants and requiring appropriate notices to be given to
2 members of the plaintiffs and defendant classes.

3 (3) Declaring that Amendment V of the Washington State Constitution and
4 R.C.W. 29.07.070 (13) are unconstitutional as an abridgement of the right to
5 peacefully assemble and associate and to petition the government for redress of
6 grievances, as an abridgement of privileges and immunities of citizens of the
7 United States and as an unreasonable discrimination and denial of equal
8 protection of the laws under the Fourteenth Amendment of the United States
9 Constitution and as a device and abridgement of plaintiffs right to vote on ac-
10 count of race, in violation of the Fifteenth Amendment of the United States
11 Constitution, insofar as they prohibit persons from voting in the State of
12 Washington who do not read and speak the English language but who do read and
13 speak the Spanish language and who are otherwise eligible to vote in the
14 State of Washington;

15 (4) Declaring that R.C.W. 29.07.070 (13) is void on its face as a denial
16 of due process and equal protection of the laws, under the Fourteenth Amendment
17 of the United States Constitution;

18 (5) Declaring that the tests, devices and experiments given and
19 administered to the plaintiffs and the plaintiff class by the defendants and
20 the defendant class to determine, measure, assess and evaluate the plaintiffs'
21 ability to read and speak the English language is prohibited by the Voters
22 Rights Act of 1965, 42 U.S.C §1971 (a) (2) (c);

23 (6) Declaring that in the registration of voters, a pattern and practice
24 of discrimination by the defendants Naff, Seefeldt, Skinner and others
25 exists in Yakima County directed against plaintiffs Jimenez, Ramos, Marin and
26 Cantu and other Mexican American and Spanish speaking people and members
27 of plaintiff class, in violation of the Equal Protection Clause of the
28 Fourteenth Amendment of the United States Constitution;

29 (7) Granting plaintiffs immediate, temporary and permanent injunctive
30 relief requiring defendants Naff, Seefeldt and Skinner to register plaintiffs
31 Jimenez, Ramos, Marin and Cantu to vote in the State of Washington;
32

1 (8) Granting plaintiffs and the members of the plaintiff class immediate,
 2 temporary and permanent injunctive relief against defendants Naff, Seefeldt
 3 and Skinner and all members of the defendant class, restraining, enjoining and
 4 prohibiting the enforcement of the English literacy requirement of Amendment V of
 5 the Washington State Constitution and of R.C.W. 29.07.070 (13), and restraining,
 6 enjoining and prohibiting them from failing or refusing to register any person
 7 who applies to register to vote who can read and speak the Spanish language and
 8 is otherwise eligible to vote, on the sole ground of his inability to read and
 9 speak the English language.

10 (9) Granting plaintiffs and members of the plaintiff class immediate,
 11 temporary and permanent injunctive relief against defendants Naff, Seefeldt,
 12 Skinner and all members of the defendant class, restraining, enjoining and
 13 prohibiting them from giving or administering any test, device or experiment to
 14 any person who applies to register to vote and from employing any oral or
 15 written question or oath, any written matter on registration forms or any other
 16 document or paper to enable defendants to determine, test, measure, assess or
 17 evaluate the applicant's ability to read and speak the English language, unless
 18 and until defendants and members of defendant class comply with the requirements
 19 of the Voters Rights Act of 1965, 42 U.S.C. §1971 (a) (2) (c).

20 (10) Granting plaintiffs immediate, temporary and permanent injunctive
 21 relief against defendant Eugene Naff, requiring him to appoint one or more
 22 Spanish speaking Mexican American persons to act as deputy registrar of voters
 23 in Yakima County, and to provide such deputy registrar with an adequate supply
 24 of voter registration forms and requiring defendant Eugene Naff to do such other
 25 things as the court may deem necessary, reasonable, or appropriate to the end of
 26 correcting the registration imbalance among Mexican American and Spanish
 27 speaking residents of Yakima County;

28 (11) Granting appropriate immediate temporary and permanent injunctive
 29 relief against voting registrars of any County, City or Town of the State of
 30 Washington where it may appear or be shown that there exists or has existed a
 31 pattern and practice of discrimination against Mexican American and Spanish
 32 speaking people in the registration of voters within such other County, City or

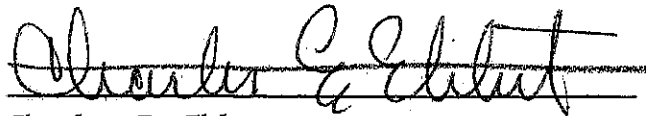
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Town;

(12) Awarding plaintiffs their costs, expenses and a reasonable attorneys fees; and

(13) Awarding such other and further relief as to the Court may deem necessary, reasonable and appropriate.

Dated this 11 day of September, 1968.



1/ Charles E. Ehler
Attorney for Plaintiffs

AMENDMENT 5

Art. VI §1. Qualifications of Electors. All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any time on account of sex.

R.C.W. 29.07.070

Examination of voter as to qualifications. Having administered the oath, the registration officer shall interrogate the applicant for registration, concerning his qualifications as a voter of the state, and of the county, city, town, and precinct in which he applies for registration requiring him to state:

(13) Whether the applicant was a legal voter of the State of Washington on November 3, 1896, or is able to read and speak the English language so as to comprehend the meaning of ordinary English prose, and in case the registration officer is not satisfied in that regard, he may require the applicant to read aloud and explain the meaning of some ordinary English prose;

EXHIBIT A

to complaint

Exhibit 15

*File Enclousure
(omitted in printing)*

FILED IN THE
U. S. DISTRICT COURT
Eastern District of Washington
MAY 2 1969
DOROTHY E. MOULTON, Clerk
E Deputy

In the UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

MEXICAN-AMERICAN FEDERATION-WASHINGTON)
STATE, a non-profit organization;)
CAESARIO JIMINEZ; SIMON RAMOS;)
JENNIE MARIN; and MARTA CANTU; on)
their own behalves and on behalf of)
all others similarly situated,)

Plaintiffs,)

vs.)

CIVIL ACTION

EUGENE NAFF, Yakima County Auditor;)
MAURINE SEEFELDT, Toppenish City Clerk)
and Yakima County Deputy Registrar; and)
CHARLES SKINNER, Zillah City Clerk and)
Yakima County Deputy Registrar; on their)
own behalves and on behalf of all others)
similarly situated,)

NO. 2457

Defendants,)

THE STATE OF WASHINGTON, a body politic,)
and A. LUDLOW KRAMER, Secretary of State,)

Additional Defendants.)

✓ OPINION OF THE COURT - *filed May 2, 1969*

1 Article VI of the Washington State Constitution as
2 amended by Amendment 5, Section 1, provides in part as follows:

3 "QUALIFICATION OF ELECTORS. All persons of
4 the age of twenty-one years or over, possessing
5 the following qualifications, shall be entitled
6 to vote at all elections: They shall be citizens
7 of the United States; they shall have lived in
8 the state one year, and in the county ninety days,
9 and in the city, town, ward or precinct thirty
10 days immediately preceding the election at which
11 they offer to vote; they shall be able to read and
12 speak the English language:"

13 It is the last sentence that has precipitated this controversy.

14 THE PLAINTIFFS

15 The Mexican-American Federation is a Washington corpo-
16 ration. Its purposes include to represent, promote and
17 achieve the economic, social and cultural interests of all
18 Mexican-American people in the State of Washington.

19 The plaintiff, Caesario Jiminez, is a citizen of the
20 United States, over the age of twenty-one (21) years, and was
21 born in the State of Texas.

22 The plaintiff, Simon Ramos, is a citizen of the United
23 States, over the age of twenty-one (21) years, and was born
24 in the State of Texas.

25 The plaintiff, Jennie Marin, is a citizen of the United
26 States, over the age of twenty-one (21) years, and was born
27 in the State of Colorado.

28 The plaintiff, Marta Cantu, is a citizen of the United
29 States, over the age of twenty-one (21) years, and was born
30 in the State of Texas.

31 They are members of the Mexican-American Federation.
32 They bring this action individually and as a class action.

THE DEFENDANTS

The defendant, Eugene Naff, is the Auditor of Yakima County who is empowered by statute to act as Registrar of Voters, R.C.W. 29.07.010, for said county and to appoint deputy registrars to assist him in the performance of his statutory duty. Naff, among others, appointed defendant, Maurine Seefeldt, the City Clerk of the City of Toppenish, Yakima County, Washington, and the defendant, Charles Skinner, the City Clerk of the City of Zillah, Yakima County, Washington, deputy registrars.

In addition, the plaintiffs have named the State of Washington and A. Ludlow Kramer, Secretary of State, as defendants.

THE CLAIMS

Plaintiffs contend:

1. That the provision in Amendment 5 that requires voters to be able to speak and read the English language is offensive to the First, Fourteenth and Fifteenth Amendments of the Constitution of the United States.

2. That the defendants, Seefeldt and Skinner, have engaged in discriminatory practices by their refusal to register to vote plaintiffs and other members of the class that plaintiffs represent because of plaintiffs' inability to read and speak the English language; and

3. The defendants administered literacy tests to plaintiffs and other members of the class that plaintiffs represent which are discriminatory and contravene the provisions of 42 U.S.C.A. § 1971(a)(2)(C)(i).

1 Preliminary to any reference to the facts, it is
2 necessary to resolve the issue of the plaintiff corporation,
3 Mexican-American Federation's right to seek the relief it
4 requests. The claims of the corporation and the individual
5 plaintiffs are the same. In addition to the attack on the
6 constitutionality of the English language provision of
7 Amendment 5, plaintiffs seek redress pursuant to the pro-
8 visions of 42 U.S.C.A. § 1983 (the Civil Rights Act) and
9 42 U.S.C.A. § 1971 (the Voting Rights Act).

10 Hague v. Committee for Industrial Organizations, 307
11 U.S. 496, settled this issue. In Hague, the American Civil
12 Liberties Union, in addition to other plaintiffs, brought an
13 action for redress of civil rights under the First Amendment
14 and for violation of the privileges and immunities clause of
15 the Fourteenth Amendment, although the action was grounded on
16 provisions of 28 U.S.C.A. § 41. The provisions of that
17 section are now codified as 42 U.S.C.A. § 1983 so that the
18 claims were of the same character as the civil rights claims
19 of the instant plaintiffs. The Court made reference to the
20 right of the A.C.L.U. corporate plaintiff to maintain the
21 action. At page 527 of the opinion, it was stated:

22 "Since freedom of speech and freedom of assembly
23 are rights secured to persons by the due process
24 clause, all of the individual respondents are
25 plainly authorized by § 1 of the Civil Rights Act
26 of 1871 to maintain the present suit in equity to
27 restrain infringement of their rights. As to the
28 American Civil Liberties Union, which is a corpora-
29 tion, it cannot be said to be deprived of the civil
30 rights of freedom of speech and of assembly, for
31 the liberty guaranteed by the due process clause is
32 the liberty of natural, not artificial, persons."

33 It is clear that the Mexican-American Federation has
34 no standing in this cause and must be dismissed as a plaintiff.

35 It is also clear that the plaintiffs, Jiminez, Ramos,

1 Marin and Cantu may maintain this class action if the pre-
2 requisites to a class action required by Rule 23 of the Rules
3 of Civil Procedure are present. We conclude that the pre-
4 requisites are, in fact, present. Plaintiffs allege that
5 defendants, Kramer, Seefeldt and Skinner, are representatives
6 of a class. The Secretary of State of the State of Washington,
7 in his official capacity, cannot be a member of a class. The
8 same is true of the County Auditor of Yakima County in his
9 official capacity. The defendants, Seefeldt and Skinner, are
10 appointees of the defendant Naff and could only be called
11 members of a class of appointees. The answer to plaintiffs'
12 claim is not necessary to the ultimate decision of the Court.

13 THE FACTS

14 In 1968 the plaintiff organization embarked on a voter
15 registration project in Yakima County, Washington. This is
16 the county in which the individual plaintiffs and other
17 members of the class reside. The plaintiffs, Jiminez, Ramos,
18 Marin and Cantu, presented themselves to the deputy registrars
19 in the towns of Toppenish and Zillah, Yakima County. At the
20 time that each of the plaintiffs appeared at the office of the
21 deputy registrar, he or she was accompanied by one Guadalupe
22 Gamboa, who spoke to the deputy registrar in English, and told
23 the deputy registrar that the plaintiffs wished to register to
24 vote. Gamboa stated that he would interpret from Spanish to
25 English and English to Spanish for the plaintiff applicants so
26 that the deputy registrars, defendant Seefeldt, defendant
27 Seefeldt's employee, a Mrs. Alexander, and defendant Skinner
28 would be able to obtain essential information for their
29 records in effecting a proper registration of the plaintiff
30 applicants. This proffered service of Gamboa was refused by
31 defendants Seefeldt, Skinner and defendant Seefeldt's employee,
32 Alexander. Gamboa was advised that the plaintiffs must present
their request to register in person to the deputy registrars,

1 not by interpreter, and make such request in the English
2 language so that the deputy registrars could follow the
3 mandate of the Washington Constitution.

4 In varying degrees (the amount of variation is not
5 important to the Court's determination of the issues), plain-
6 tiffs had some knowledge of English.

7 Plaintiff Jiminez could speak a few words of English
8 but he could not read or write it. He speaks and reads
9 Spanish. He could only testify at the trial by interpreter.
10 Plaintiff Ramos could not speak or read English. He testified
11 by interpreter. Plaintiff Marin could speak English so that
12 an interpreter was not needed when she testified, but she
13 stated she could not read or write it. Plaintiff Cantu could
14 read simple words and understand some English phrases but re-
15 quired an interpreter when she testified. All plaintiffs
16 testified that they could not read or understand the following
17 oath when it was read to them in English:

18 "You do solemnly swear (or affirm) that you
19 will fully and truly answer such questions as
20 may be asked touching your qualifications as a
21 voter under the laws of this state."

22 It was apparent at the trial that none of the plaintiffs had
23 sufficient familiarity with the English language to answer in
24 English questions propounded to them by the deputy registrars
25 and necessary to the completion of the registrar's form. This
26 form contains information essential to the keeping of the
27 records by the registrar of the County of Yakima and is
28 prefaced by the applicant's oath:

29 "I, the undersigned, do solemnly swear that
30 the foregoing facts (numerically designated)
31 touching my qualifications as a voter entered in
32 my presence by the registration officer are true.
I further certify that I will be at least twenty-
one years of age on the day of the next election
and that I am able to read and speak the English
language."

The defendant registrars refused to register plaintiffs because
plaintiffs were unable to speak and read the English language.

THE LAW

The detailed claims by plaintiffs are that Article VI, Amendment 5, Section 1:

- (a) discriminates against the plaintiffs;
- (b) denies them liberty without due process of law;
- (c) abridges plaintiffs' privileges and immunities as citizens of the United States;
- (d) denies the plaintiffs the right to petition their government for redress of their grievances under the due process clause of the Fourteenth Amendment of the Constitution of the United States;
- (e) abridges plaintiffs' right to assemble and associate peacefully; and
- (f) denies the plaintiffs the right to vote on account of race.

The Constitution of the State of North Carolina contains a literacy test. It is found in Section 4, Article VI. The pertinent part of Section 4 reads as follows:

"Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. . . ."

The provision in the North Carolina Constitution is more stringent than that found in Amendment 5, Article VI, of the Washington State Constitution. The constitutionality of the provision of the North Carolina Constitution was upheld by the Supreme Court of the United States in Lassiter v. Northampton County Board of Elections, 360 U.S. 45. At page 51 of the Court's opinion, Justice Douglas, speaking for the Court, had this to say:

"We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record are obvious examples indicating

"factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise."

and at page 53:

"The present requirement, applicable to members of all races, is that the prospective voter 'be able to read and write any section of the Constitution of North Carolina in the English language.' That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot."

The constitutional provision that a person otherwise eligible must speak and read the English language is a valid exercise of the State of Washington's power to determine the conditions under which the right of suffrage may be exercised. Guinn v. U. S., 238 U. S. 347; Pope v. Williams, 193 U. S. 621, 633; Lassiter v. Northampton County Board of Elections, 360 U. S. 45.

To implement the provisions of Article VI, Amendment 5, of the Constitution, the Legislature of the State of Washington enacted R.C.W. 29.07.070. It provides:

"Having administered the oath, the registration officer shall interrogate the applicant for registration, concerning his qualifications as a voter . . . requiring him to state:

* * *

"(13) Whether the applicant . . . is able to read and speak the English language so as to comprehend the meaning of ordinary English prose, and in case the registration officer is not satisfied in that regard, he may require the applicant to read aloud and explain the meaning of some ordinary English prose,"

The defendants State and Kramer concede that the

1 the provision of R.C.W. 29.07.070 authorizing the registrar
 2 "to require applicant to read aloud and explain the meaning of
 3 some ordinary English prose conflicts with 42 U.S.C.A. § 1971
 4 (a) (2) (C) (i). It provides:

5 "(2) No person acting under color of law shall--

6 (C) employ any literacy test as a quali-
 7 fication for voting in any election unless
 8 (i) such test is administered to each
 9 individual and is conducted wholly in
 10 writing, and (ii) a certified copy of the
 11 test and of the answers given by the
 12 individual is furnished to him within
 twenty-five days of the submission of his
 request made within the period of time
 during which records and papers are re-
 quired to be retained and preserved
 pursuant to sections 1974-1974e of this
 title:"

13 This section has been amended and made applicable to the state
 14 elections. Pub.L. 89-110, § 15(a) (1965)

15 However, the defendants refer to two opinions of the
 16 Attorney General of the State of Washington in which the
 17 Secretary of State is advised of the conflict and of the
 18 invalidity of the provision of the state statute, and further
 19 advised that no literacy test should be administered by any
 20 registrar or deputy registrar in the state until such time as
 21 a universal test has been promulgated, and which test complies
 22 with the requirement of 42 U.S.C.A. § 1971.

23 It was further stated by defendants and not contra-
 24 dicted that the Attorney General's opinion has been circulated
 25 throughout the State of Washington, and all registrars and
 26 deputy registrars are presently following the directive con-
 27 tained in the opinion that no literacy tests should be
 28 administered to applicants who seek to register to vote.

29 The enforcement provision of the Voting Rights Act,
 30 42 U.S.C.A. §1971, empowers the Attorney General of the United
 31 States to institute the appropriate action to enforce the
 32 provisions of the Act. We do not decide the question of the

propriety of plaintiffs seeking relief pursuant to its terms.
42 U.S.C.A. § 1971(c):

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any election. In any proceeding hereunder the United States shall be liable for costs the same as a private person. Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a) of this section, the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

There is no evidence that the registrars and deputy registrars are not following the directive, and it would serve no useful purpose to enter an order of a like character in this cause.

Plaintiffs urge that any inquiry with respect to plaintiffs' knowledge of English is, in fact, a literacy test. Webster defines test as follows: "a series of questions or exercises or other means of measuring the schooling, knowledge, intelligence, capacities, or aptitudes of an individual or group."

The history of the Voting Rights Act and cases construing its provisions indicate that the congressional intent

1 providing for written tests was to prohibit variations in the
2 type of literacy tests given to applicants who sought to
3 register to vote so that discriminatory practices disqualify-
4 ing negroes could not be maintained. U. S. v. Manning, 215 F.
5 Supp. 272, 294 (W.D.La., 1963); U. S. v. Mayton, 335 F. 2d 153,
6 159 (5 Cir., 1964). A simple inquiry by the registrar of the
7 applicant in this form, "Can you speak and read English?" is
8 not a test and could not conceivably result in discriminatory
9 practices. Nor is the oath required of the applicant offen-
10 sive to the provisions of 42 U.S.C.A. § 1971.

11 Plaintiffs have alleged that the defendants administered
12 literacy tests to Mexican-American members of the plaintiffs'
13 class more frequently, more carefully, and more stringently
14 than they have administered them to other persons, including
15 Anglo-Americans whose ability to read and speak English is
16 imperfect or limited.

17 This contention was fully explored and plaintiffs were
18 able to establish one isolated incident where what might be
19 called a literacy test was, in fact, administered when plain-
20 tiff, Marta Cantu, appeared at the office of the defendant
21 Skinner in Zillah accompanied by Gamboa. The plaintiff Cantu
22 was unable to read the preliminary oath. Thereupon, Skinner
23 asked her if she could read the names on the list of candidates
24 which he presented to her. She was unable to read the list
25 and did testify that her ability to read was limited to a few
26 simple words in her children's school books. Skinner had
27 already been told by Gamboa that plaintiff Cantu could not
28 read and speak the English language. It would appear that
29 Skinner's conduct was designed to assist Cantu rather than to
30 hinder her in her application to register. Although this
31 incident might be termed a test, it is an isolated incident
32 and does not sustain plaintiff's contentions that the

registrars and deputy registrars in Yakima County were engaged in any practices that had discriminatory overtones.

We therefore conclude that plaintiffs have failed to establish any factual or legal basis for injunctive relief against the defendants, and their requests for such relief must be DENIED.

This opinion will serve as findings of fact and conclusions of law in this cause, and counsel for defendants may prepare a judgment to conform to the conclusions we reach herein.

DATED this 1 day of May, 1969.

Frederick G. Hamley
FREDERICK G. HAMLEY

United States Court of Appeals Judge

Charles L. Powell
CHARLES L. POWELL

United States District Court Judge

William N. Goodwin
WILLIAM N. GOODWIN

United States District Court Judge

Copies mailed 5/2/69 to:

Mr. Charles E. Ehlert
2101 Smith Tower, Seattle, Wa. 98104

Mr. Lincoln E. Shropshire, Pros. Atty
County Courthouse, Yakima, Wa. 98901

Mr. Joseph C. Murphy
217B So. Topp. Ave., Toppenish, Wa. 98948

Hovis, Cockrill & Roy
P. O. BOX 437, Yakima, Wa. 98901

Atty. Gen. of Wash., Donald Brazier, Asst.
Temple of Justice, Olympia, Wa. 98501

Exhibit 16

FILED IN THE
U. S. DISTRICT COURT
Eastern District of Washington

SEP 27 1971

J. R. FALLQUIST, Clerk

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

MEXICAN-AMERICAN FEDERATION -
WASHINGTON STATE, a non profit
corporation; CAESARIO JIMENEZ,
SIMON RAMOS, JENNIE MARIN and
MARTA CANTU, on their own be-
halves and on behalf of all
others similarly situated,

Plaintiffs

vs.

EUGENE NAFF, Yakima County
Auditor; MAURINE SEEFELDT,
Toppenish City Clerk; and
CHARLES SKINNER, Zillah City
Clerk; on their own behalves
and on behalf of all others
similarly situated,

Defendants

and

the STATE OF WASHINGTON, a body
politic, and A. LUDLOW KRAMER,
Secretary of State,

Defendants

NO. 2457

ORDER VACATING
JUDGMENT

The above-entitled cause having come on regularly
for trial and determination of April 1, 1969, before the
Honorable Frederick G. Hamley, the Honorable Charles L.
Powell, and the Honorable William N. Goodwin, in the District
Court of the United States, for the Eastern District of

Washington, Southern Division, Yakima, Washington, the plaintiffs appearing by Mr. Charles E. Ehlert; the defendant, Eugene Naff, appearing by Mr. Jon R. Harlan and Mr. Cameron Hopkins; the defendant, Maurine Seefeldt, appearing by Mr. Joseph C. Murphy; the defendant, Charles Skinner, appearing by Mr. Ted A. Roy; and the defendants, State of Washington and A. Ludlow Kramer, appearing by Mr. Donald H. Brazier; the Opinion of the Court having been filed on May 2, 1969, and having been reported as Jimenez v. Naff, 299 F.Supp. 587 (1969); a final judgment dismissing the complaint herein, having been unanimously signed July 29, 1969 and filed July 30, 1969; a Notice of Appeal to the United States Supreme Court having been filed on September 25, 1969; the cause having come on to be heard by the Supreme Court on the transcript of the record, and the judgment of the above-mentioned District Court having been vacated with costs, and the cause having been remanded on January 11, 1971, for further consideration in light of Oregon et al. v. Mitchell et al., Nos. 43, 44, 46 and 47 Originals, decided December 21, 1970, 400 U.S. 112, 91 S. Ct. 260, 27 L.Ed. 2d 272 (1970); and this Court having examined the record and being fully advised in the premises, now makes and enters the following

ORDER VACATING JUDGMENT:

IT IS ORDERED that the Judgment of this Court dismissing the complaint herein, signed July 29, 1969, filed July 30, 1969, and based on the opinion reported as Jimenez v. Naff,

299 F.Supp. 587 (1969) be, and the same hereby is, vacated;

IT IS FURTHER ORDERED that the defendants above-named and their appointees shall hereafter comply with the requirements of Oregon et al. v. Mitchell et al., Nos. 43, 44, 46 and 47 Originals, decided December 21, 1970, 400 U.S. 112, 91 S.Ct. 260, 27 L.Ed.2d 272 (1970), as that opinion is pertinent to prohibiting the conditioning of the franchise upon a showing of literacy;

IT IS FURTHER ORDERED and DECLARED that the provisions of Amendment V of the Washington State Constitution and of RCW 29.07.070(13) requiring that voters be able to read and speak the English language are in conflict with the Voting Rights Act of 1965, Public Law 89-110, as amended by the Voting Rights Act Amendments of 1970, Public Law 91-285, and that during the existence of said Voting Rights Act, and to August 6, 1975, the said Act shall take priority over and supersede the Washington State Constitution and the statute above cited, and

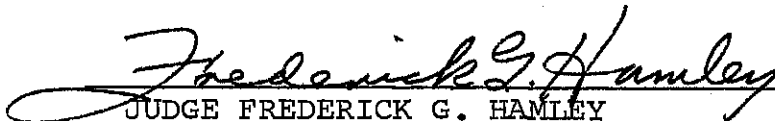
IT IS FURTHER ORDERED that the defendants Eugene Naff, Maurine Seefeldt and Charles Skinner and their appointees, agents and successors in office shall register the plaintiffs to vote upon presentation of the plaintiffs' applications indicating compliance with all requirements for voting other than the ability to read and speak the English language;

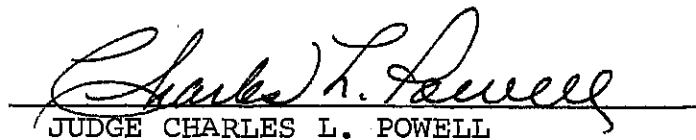
IT IS FURTHER ORDERED that the defendants Eugene Naff, Maurine Seefeldt and Charles Skinner and their appointees,

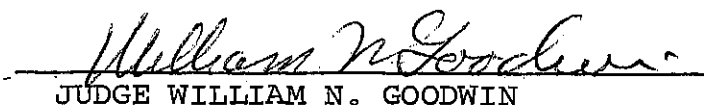
agents, and successors in office, shall hereafter register otherwise qualified applicants to vote without requiring that they demonstrate the ability to read, write, or speak the English language, or understand or interpret any matter, or that they demonstrate any educational achievement or knowledge of any particular subject, as used in Section 6 of the Voting Rights Act Amendments of 1970, Public Law 91-285, and during the period said law is in effect;

IT IS FURTHER ORDERED that the defendant, State of Washington, and the defendant Eugene Naff in his official capacity as the Yakima County Auditor, shall jointly pay the costs taxed by the Supreme Court in the amount of \$692.36, in equal portions.

DONE this 27 day of September, 1971.

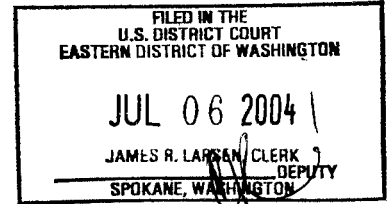

JUDGE FREDERICK G. HAMLEY


JUDGE CHARLES L. POWELL


JUDGE WILLIAM N. GOODWIN

Entered in Civil Docket on 9/27/71
fome

Exhibit 17



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
YAKIMA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

YAKIMA COUNTY; CORKY MATTINGLY
Yakima County Auditor;
JIM LEWIS, RONALD GAMACHE,
and JESSE PALACIOS,
County Commissioners.

Defendants.

CV-04-3072-LRS

CIVIL NO.

COMPLAINT

The United States of America, Plaintiff herein, alleges:

1. The Attorney General files this action pursuant to Section 203 of the Voting Rights Act of 1965 ("Section 203"), as amended, 42 U.S.C. § 1973aa-1a, 42 U.S.C. § 1973aa-2, and 28 U.S.C. § 2201.

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 1973aa-2. In accordance with the provisions of 28 U.S.C. § 2284, the Section 203 claim must be heard and determined by a court of three judges.

(Complaint - 2)

1

1 3. Defendant YAKIMA COUNTY, is a political and geographical subdivision
2 of the State of Washington and exists as a charter county, organized pursuant to the
3 laws of Washington.

4 4. Defendant CORKY MATTINGLY serves as Yakima County Auditor. As
5 Yakima County Auditor, she is responsible for the administration of elections and
6 voting procedures in Yakima County. Defendant MATTINGLY resides in Yakima
7 County and is sued in her official capacity.

8 5. Defendants JIM LEWIS, RONALD GAMACHE, and JESSE PALACIOS
9 serve as County Commissioners of Yakima County. The Board of County
10 Commissioners is the county's legislative body and is responsible for establishing
11 county policies and the overall administration of the Yakima County government,
12 including but not limited to funding of the office of the Auditor, personnel, and
13 supplies. Defendants Lewis, Gamache, and Palacios reside in Yakima County and
14 are sued in their official capacities.

15 6. According to the 2000 Census:

16 a. Yakima County has a total population of 222,581, of whom 142,676
17 (64.1%) are non-Latino and 79,905 (35.9%) are Latino;

18 b. Yakima County's total voting-age population is 151,830 persons, of
19 whom 107,457 (70.8%) are non-Latino and 44,373 (29.2%) are Latino;

(Complaint - 3)

1 c. Yakima County's total citizen voting age population is 129,575 of
2 whom 23,325 (18.0%) are Latino. Of Latino voting age citizens, 6,950
3 (29.8%) have limited English proficiency; and

4 d. Spanish heritage citizens of voting age with limited English
5 proficiency constitute 5.4% of the county's total voting age citizen
6 population.

7 7. Defendant Yakima County is subject to the requirements of Section 203 for
8 the Spanish language, as designated by the Director of the Census. See 28 C.F.R. §
9 55, Appendix. The Director determined that more than five (5) percent of Yakima
10 County's voting age citizens are members of a single language minority group
11 (Spanish heritage) who do not speak or understand English well enough to
12 participate in the English-language election process and have an illiteracy rate that is
13 higher than the national illiteracy rate. 28 C.F.R. § 55.5. The Census Bureau's
14 determination that Yakima County is covered by Section 203 for Spanish is final and
15 non-reviewable. 42 U.S.C. § 1973aa-1a(b)(4).

16 8. Because Yakima County is subject to the requirements of Section 203,
17 "any registration or voting notices, forms, instructions, assistance, or other materials
18 or information relating to the electoral process, including ballots" that Defendants
19 provide in English must also be furnished in Spanish. 42 U.S.C. § 1973aa-1a.

1 9. Defendants have not provided effective election-related materials,
2 information, and/or assistance in Spanish to limited English proficient Latino citizens
3 as required by Section 203. Specifically, Defendants have:

4 a. Failed to provide complete and accurate Spanish translations of all
5 materials produced in English and provided to the public, including, but
6 not limited to, information about voter registration, candidate
7 qualification procedures, voting by mail or absentee, voting at the polls,
8 and voting-related information on the Yakima County Auditor's Internet
9 site;

10 b. Failed to provide effective Spanish-language assistance at county
11 offices and polling places regarding election-related issues;

12 c. Failed to publish Spanish-language materials in a timely fashion; and

13 d. Failed to publish Spanish language materials and information about
14 Spanish-language assistance in a manner accessible to limited English
15 proficient Spanish-speaking voters.

16 10. Defendants' failure to provide Spanish-language election information and
17 assistance constitutes a violation of Section 203.

18 11. Unless enjoined by this Court, Defendants will continue to violate
19 Section 203 by failing to provide Spanish-language minority citizens of Yakima

County with Spanish-language election information and assistance necessary for their effective political participation.

PRAYER FOR RELIEF

WHEREFORE, the United States of America prays that this Court enter an order:

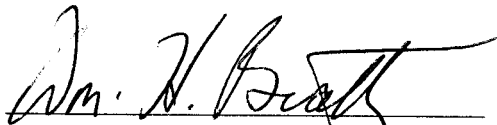
1. Declaring that Defendants have failed to provide Spanish-language election information and assistance necessary to those who require it in violation of Section 203;
2. Enjoining Defendants, their employees, agents and successors in office, and all persons acting in concert with them, from failing to provide Spanish-language election information and assistance to persons with limited English proficiency as required by Section 203;
3. Ordering Defendants to devise and implement a remedial plan to ensure that Spanish-speaking citizens are able to participate in all phases of the electoral process as required by Section 203 for all future elections;
4. Authorizing the appointment of federal examiners for elections held in Yakima County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a), through December 31, 2006.

Plaintiff further prays that this Court order such additional relief as the

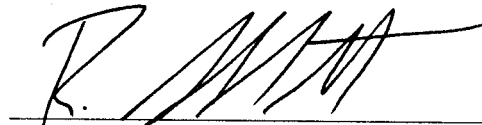
interests of justice may require, together with the costs and disbursements in
maintaining this action.

Dated: July 6, 2004

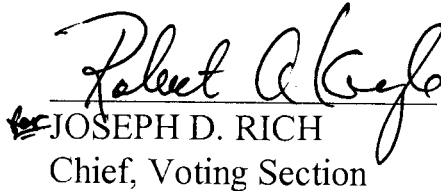
JOHN D. ASHCROFT
Attorney General



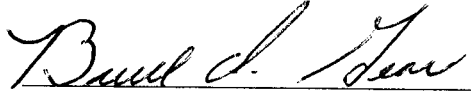
JAMES A. McDEVITT
United States Attorney
WILLIAM A. BEATTY
Assistant United States Attorney
Chief, Civil Division
Eastern District of Washington
920 West Riverside Avenue # 300
Spokane, WA 99201-1494



R. ALEXANDER ACOSTA
Assistant Attorney General



JOSEPH D. RICH
Chief, Voting Section



JOHN TANNER
Special Litigation Counsel
BRUCE I. GEAR
ANA HENDERSON
Attorneys, Voting Section
Civil Rights Division -NWB
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
(202) 353-0419

1
2
3
4
5 R. ALEXANDER ACOSTA
6 Assistant Attorney General
7 Civil Rights Division
8 JOSEPH D. RICH
9 Chief
10 JOHN TANNER
11 BRUCE I. GEAR
12 ANA HENDERSON
13 Attorneys
14 Voting Section
15 Civil Rights Division
16 United States Department of Justice
17 950 Pennsylvania Ave, N.W. - NWB Ste. 7201
18 Washington, D.C. 20530
19 202-353-0419
20
21 JAMES A. McDEVITT
22 United States Attorney
23 WILLIAM A. BEATTY
24 Assistant United States Attorney
25 Chief, Civil Division
26 Eastern District of Washington
27 920 West Riverside Avenue # 340
28 Spokane, WA 99201-1494
29 (509) 353-2767
30
31
32
33
34
35
36
37
38

(Complaint - 1)

Exhibit 18

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 03 2004

JAMIE H. LARSEN, CLERK
DEPUTY
CLERK, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
YAKIMA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

YAKIMA COUNTY; CORKY MATTINGLY,
Yakima County Auditor;
JIM LEWIS, RONALD GAMACHE,
and JESSE PALACIOS,
County Commissioners.

Defendants.

CV-04-3072-LRS

CIVIL NO.

CONSENT DECREE

I. Background

A. The United States of America initiated this action pursuant to Section 203 of the Voting Rights Act of 1965 ("Section 203"), as amended, 42 U.S.C. § 1973aa-1a, 1973aa-2, and 28 U.S.C. § 2201, alleging that election practices and procedures used by Yakima County, Washington, for Spanish-speaking citizens violate Section 203. The claim under Section 203 must be heard and determined by a court of three judges pursuant to 42 U.S.C. § 1973aa-2 and 28 U.S.C. § 2284.

B. Yakima County's coverage under Section 203 is based on a determination by the Director of the Census that more than five (5) percent of the citizens of voting age in the County are members of a single language minority group (Spanish heritage) who do not speak or understand English well enough to participate effectively in the English-language election process (hereinafter referred to as Spanish-speaking citizens or voters), and that these persons have an illiteracy rate higher than the national illiteracy rate, 42 U.S.C. 1973aa-1(a) .

C. In 1976 Yakima County was designated by the Director of the Census as a jurisdiction subject to the requirements of Section 203 for persons of Spanish heritage. 41 Fed. Reg. 29,998 (July 20, 1976). In 2002, Yakima County was again so designated by the Director of the Census. 67 Fed. Red. 48,871 (July 26, 2002).

D. The United States alleges in its complaint that Yakima County is not fully compliant with the requirements of Section 203 for Spanish-speaking citizens residing in Yakima County with respect to the need to:

1. Provide complete and accurate Spanish translations of all materials and information produced in English and provided to the public, including but not limited to, ballots, information about voter registration, candidate qualification procedures, voting by mail or absentee, voting at the polls, and voting-related information on the

1 Yakima County website;

2 2. Provide effective Spanish language assistance at County offices
3 and polling places regarding election-related issues;

4 3. Publish Spanish language materials in a timely fashion;

5 4. Make Spanish language materials, information, and assistance
6 available to Spanish-speaking voters; and

7 5. Provide Spanish materials to those voters who need them or take
8 steps to notify such Spanish-speaking voters that Spanish materials
9 are available.

10 E. The named defendant parties (hereinafter “Yakima County”) do not
11 admit to the allegations of the complaint. Yakima County, however, does share
12 with the United States a mutual interest to implement procedures that will protect
13 the rights of Spanish-speaking voters to participate fully in the electoral process in
14 compliance with the Voting Rights Act and the United States Constitution, and
15 therefore, Yakima County agrees to implement fully the terms of this consent
16 decree for enforcement of all applicable laws. Accordingly, the United States and
17 Yakima County consent to the entry of this Order, as indicated by the signatures of
18 counsel at the end of this document. The parties waive a hearing and entry of
19 findings of fact and conclusions of law on all issues involved in this matter.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED**

that:

Yakima County, its agents, employees, contractors, successors and all other persons representing the interests of Yakima County are hereby **ENJOINED** from violating Section 203 by failing to provide in Spanish any “registration or voting notices, forms, instructions, assistance or other materials or information” that they provide in English. 42 U.S.C. § 1973aa-1a(c). More specifically, Yakima County shall be required to do the following:

II. Translation of election-related materials

A. All “registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots,” 42 U.S.C. 1973aa-1a(c), provided by Yakima County shall also be provided by Yakima County in the Spanish language. Yakima County shall ensure that both English and Spanish language election information, materials, and announcements provided by Yakima County are made equally available.

B. Yakima County shall translate into Spanish all election-related documents and information it provides in English. Such translation shall begin as soon as the English text is known and shall be completed so as to allow distribution along with the English text. To ensure the quality of translations, the

County shall employ trained translators who are familiar with Spanish language election terminology to produce clear and accurate written translations. The County shall develop and maintain a glossary of Spanish election terminology using Spanish terms understandable to local Latino citizens in concert with bilingual members of local Latino communities.

C. All official ballots, including absentee ballots, shall be printed bilingually in both English and Spanish. Any new voting system adopted by the County shall offer bilingual ballots or a readily apparent option of a Spanish ballot, and any audible version of the ballot on such machines shall be available in English and Spanish.

III. Dissemination of Spanish language information

A. All voter registration and election notices, forms, instructions, and other materials available to voters in English shall also be printed in Spanish and shall be displayed or available in the County Auditor's Office, each polling place, and any other location where the County posts election-related materials on the same basis as English language materials and information.

B. Yakima County shall ensure that all Spanish- and English-language election-related information, materials, and announcements are made equally available. Spanish-language information shall be distributed through newspapers,

radio and other media that exclusively or regularly publish or broadcast information in Spanish. Dissemination of these announcements need not be identical in all respects to dissemination of English-language announcements, but shall be in the form, frequency, and media best calculated to achieve notice and understanding equal to that provided to the English-speaking population.

C. Yakima County shall adopt a checklist identifying each Spanish-language and bilingual material that the County makes available to the public at each polling place. The checklist shall include, for each item, an attestation that the poll workers at the polling place posted or made available to voters such Spanish-language or bilingual document, or solicit a detailed written explanation of why individual items were not posted or available. The election inspector for each polling place must complete and sign this document before receiving payment for work in the election, subject to applicable state and federal law. Yakima County shall maintain a record of each failure to complete and sign the checklist.

IV. Spanish Language Assistance

A. Trained bilingual (English/Spanish) election personnel shall be available to answer voting related questions by telephone without cost during normal business hours and while the polls are open on election days.

B. Yakima County shall recruit, hire, and assign sufficient bilingual (Spanish/English) poll workers, who are able to understand, speak, read, and write Spanish fluently, to provide assistance to Spanish-speaking voters at the polls on election days. To assist in the recruitment of bilingual poll workers, the County shall survey its employees to identify personnel who speak Spanish and, to the extent such employees can be made available to provide assistance, allow and encourage such employees to serve at the polls on election day or be available “on call” to address questions or problems that may arise.

C. As part of its obligation to ensure that entities on whose behalf the County conducts elections are fully compliant with Section 203 in their elections, the County shall request that each entity for which it conducts elections perform similar surveys of its employees and shall request from such entities, and maintain copies of, all election-related materials and information created or disseminated by such entities for each election. In addition, the County shall request that each school district or other educational entity for which the County conducts elections implement a program that allows and encourages selected bilingual students (as allowed by state law and as part of an educational program devised by such district) to serve as poll workers on election day for all County elections, including election days that fall on school days, with such students receiving

1 academic credit appropriate to their service as well as all pay and benefits of poll
2 officials

3 D. The County shall invite eligible members of the Advisory Group,
4 discussed below, to serve as paid poll workers and to encourage other bilingual
5 voters to do so. The County shall publicize to the Spanish speaking community
6 the option of absentee voting to the same extent it does so for English-speaking
7 voters.

8 E. Bilingual assistance shall be provided in polling places in accordance
9 with the following:

10 (1) In polling places where the number of Spanish surnamed
11 registered voters is 150 to 299, there shall be at least one poll worker
12 bilingual in Spanish and English.

13 (2) In polling places where the number of Spanish surnamed
14 registered voters is 300 to 599, there shall be at least two poll workers
15 bilingual in Spanish and English.

16 (3) In polling places where the number of Spanish surnamed
17 registered voters is 600 to 999, there shall be at least three poll
18 workers bilingual in Spanish and English.

19 (4) In polling places where the number of Spanish surnamed

1 registered voters is over 1,000, there shall be at least four poll
2 workers bilingual in Spanish and English.

3 (5) When assigning poll workers bilingual in Spanish and English to
4 election boards at various polling places, assignment should be done
5 in a manner that there will be at least one bilingual poll worker on
6 each election board, whenever feasible.

7 (6) The parties may agree to adjust the standards in this section in
8 light of information that the actual language need in a particular
9 polling place is lesser or greater than that set forth above.

10 F. Yakima County shall make available and train in Spanish language
11 election terminology sufficient bilingual personnel who shall be on call throughout
12 election day to provide language assistance to Spanish-speaking voters in person
13 at any polling place in which additional language assistance is needed or where no
14 bilingual poll worker is available. Such on-call staff shall be stationed in
15 appropriate areas of the County, including in the City of Yakima and locations in
16 the lower Yakima Valley, so as to minimize any delay for voters while the staff
17 member travels to the polling place.

18 G. At each training session prior to an election, in addition to any required
19 state or County training, the County shall train all poll workers and other election

personnel present at the polls on the requirements of Section 203, including making Spanish language assistance and materials available to voters and being respectful and courteous to all voters regardless of race, color, language abilities, or national origin. In addition to the general training for poll workers and interpreters, the County shall train all bilingual poll workers on Spanish language election terminology and how to interpret into Spanish the ballot(s), voting instructions, and other election-related issues. The County shall maintain a record of which poll workers attend training sessions, including the time, location, and training personnel involved.

H. Yakima County shall post signs prominently in both English and Spanish at sites where voting occurs stating that Spanish language assistance is available. Bilingual poll workers shall be identified as such by badges. At sites without bilingual poll workers, signs in both English and Spanish shall be posted that explain how voters can obtain Spanish language assistance.

I. Upon receipt of complaints by voters, whether oral or written, Yakima County shall investigate expeditiously any allegations of poll worker hostility toward Spanish-speaking and/or Latino voters in any election. Yakima County shall report the results of each investigation to the United States. Where there is credible evidence that a poll worker(s) have engaged in inappropriate treatment of

Spanish-speaking and/or Latino voters, Yakima County shall remove the poll worker(s).

V. Program Coordinator

A. The County shall employ, on a full time basis, an individual to coordinate the County's Bilingual Election Program ("Program Coordinator") for all elections within the County. The County shall provide that individual with transportation and other support sufficient to meet the goals of the Program. The Program Coordinator shall be able to understand, speak, write, and read fluently both Spanish and English.

B. The Program Coordinator shall work under the supervision of the Yakima County Auditor to implement a bilingual election program. The Program Coordinator's responsibilities shall include coordination of translation of ballots and other election information; development of an election glossary to ensure uniform use of election terminology in Spanish; development and oversight of publicity, including selection of appropriate Spanish-language media for notices and announcements in Spanish and English-language print media that specifically serves Latino communities for announcements in English; recruitment of bilingual poll workers and interpreters, including assessment of their Spanish language proficiency; devising specific steps to provide election information to the Spanish-

speaking community; sending staff to make presentations and answer questions at events and meetings sponsored by Latino community organizations; and managing other aspects of the Program.

VI. Advisory Group:

A. The Program Coordinator shall establish and chair an Advisory Group to assist and inform the Bilingual Election Program and shall invite participation from all organizations listed in Attachment A, as well as other individuals and organizations that work with or serve the Spanish-speaking and Latino communities in Yakima County. Such Advisory Group shall be open to all interested persons.

B. The Advisory Group shall meet at least once a month in 2004, at least every two months during 2005, and as the group determines is necessary in 2006. In these meetings, Yakima County shall solicit information on how most effectively to provide election materials, information, and assistance to Spanish-speaking voters and how to publicize the County's Spanish language election program. The Program Coordinator shall provide notice of all planned meetings to each member, including the date, time, location, and meeting agenda at least 14 days in advance, although members of the Advisory Group may agree to waive or shorten this time period as necessary.

1 C. Within five days after each meeting, the Program Coordinator shall
2 provide a written summary of the discussion and any decisions reached at the
3 meeting to all members and to the County Auditor. If the County Auditor decides
4 not to implement an Advisory Group suggestion or a consensus cannot be reached
5 respecting such suggestion, the Auditor shall provide to the group through the
6 Program Coordinator and maintain on file a written statement of the reasons for
7 rejecting such suggestion.

8 D. The County shall transmit to all interested members of the advisory
9 group copies, in English and Spanish, of all election information, announcements,
10 and notices that are provided or made available to the electorate and general public
11 and request that they share such information with their members.

12 VII. Evaluation of the plan

13 The parties recognize that regular and ongoing reassessment may be
14 necessary in order to provide the most effective and efficient Spanish language
15 program. Yakima County shall evaluate the Bilingual Election Program after each
16 election cycle (e.g., following 2004 elections) to determine which aspects of the
17 Bilingual Election Program are functioning well; whether any aspects need
18 improvement; and how to make needed improvements. The program may be
19 adjusted at any time upon written agreement of the parties.

VIII. Federal Examiners and Observers:

A. To monitor compliance with this Decree, the appointment of federal examiners is authorized for Yakima County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. 1973a (a), through December 31, 2006.

B. Yakima County acknowledges the authority of federal observers to observe all aspects of voting conducted in the polls on election day, including the observers' authority to view County personnel providing assistance to voters during voting, except where the voter objects.

IX. Retention of Documents and Reporting Requirements

A. During the duration of this decree, the County shall make and maintain written records of all actions taken pursuant to this Consent Decree. Such documents, lists, and records shall be made available, upon reasonable notice, to the United States for inspection and copying.

B. During the duration of this decree, at least ten (10) days before each County-administered election held in the County, Yakima County shall provide to counsel for the United States, the name, address, and precinct designation of each polling place; the name and title of each poll worker appointed and assigned to serve at each polling place; a designation of whether each poll worker is bilingual in English and Spanish; and an electronic copy of the final, official voter

1 registration list to be used in each such election. Within thirty (30) days after each
 2 election, Yakima County shall provide to counsel for the United States any
 3 updated report regarding changes in these items as well as information about all
 4 complaints the County received at the election regarding language or assistance
 5 issues and the voters' registration list used in the election.

6 X. Duty to Defend Consent Decree

7 The parties to this Consent Decree shall employ their best efforts to defend
 8 this Consent Decree against any legal challenge.

9 XI. Jurisdiction

10 The Court shall retain jurisdiction of this case to enter further relief or such
 11 other orders as may be necessary for the effectuation of the terms of this
 12 agreement and to ensure compliance with Section 203.

13 XII. Termination of Consent Decree

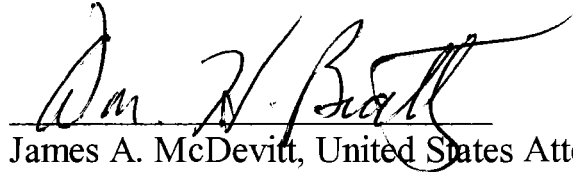
14 This agreement is final and binding between the parties and their successors
 15 in office regarding the claims raised in this action. This agreement shall remain in
 16 effect through December 31, 2006, and the United States may, within 90 days of
 17
 18
 19

that date, move to extend the decree for good cause shown, in the event of a violation of any provision contained herein by the County.

AGREED AND CONSENTED TO:


For Plaintiff:

UNITED STATES OF AMERICA

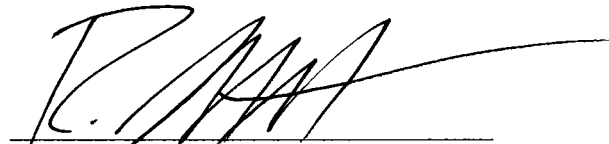


James A. McDevitt, United States Attorney
William A. Beatty, Asst. United States
Attorney and Chief, Civil Division
Eastern District of Washington
920 West Riverside Avenue # 300
Spokane, WA 99201-1494

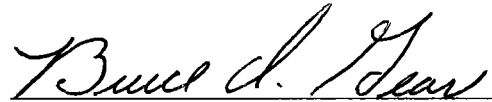
For Defendants:



Terry Austin, Esq.
County Counsel, Yakima County
County Court House, Room 329
128 North Second Street
Yakima, Washington 98901



R. Alexander Acosta
Assistant Attorney General
Civil Rights Division

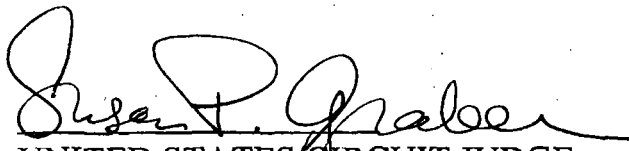


Joseph D. Rich, Chief
John Tanner, Special Litigation Counsel
Bruce I. Gear
Ana Henderson, Attorneys
Voting Section, NWB
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530


JUDGMENT AND ORDER

This three-judge Court, having been properly empaneled under 28 U.S.C. § 2284 to consider the United States' claim under Section 203 of the Voting Rights Act of 1965 (as amended), 42 U.S.C. § 1973aa-1a (1992), and having determined that it has jurisdiction over this claim, has considered the terms of the Consent Decree, hereby enters the relief set forth above and incorporates those terms herein.

ENTERED and ORDERED this 3rd day of September, 2004.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

1
2
3
4
5 R. ALEXANDER ACOSTA
6 Assistant Attorney General
7 Civil Rights Division
8 JOSEPH D. RICH
9 Chief
10 JOHN TANNER
11 BRUCE I. GEAR
12 ANA HENDERSON
13 Attorneys
14 Voting Section
15 Civil Rights Division
16 United States Department of Justice
17 950 Pennsylvania Ave, N.W. - NWB Ste. 7201
18 Washington, D.C. 20530
19 202-353-0419
20

21 JAMES A. McDEVITT
22 United States Attorney
23 WILLIAM A. BEATTY
24 Assistant United States Attorney
25 Chief, Civil Division
26 Eastern District of Washington
27 920 West Riverside Avenue # 300
28 Spokane, WA 99201-1494
29
30
31
32
33
34
35
36
37
38
39

ATTACHMENT A: Community Contacts/Advisory Committee Members

Name	Address	Phone	E-mail	Fax	Notes
Aguilar, Bengie	529 Dayton Dr, Sunnyside 98944	837-7769	baguiar8@earthlink.net	836-5591	Sunnyside City Council
Aguilar, Juan					
Aguilera, Polo		574-1500			Owner, Petunia Markets
Aguilera-Flemming, Terri	4703 W Prasch Av, Yakima 98908				
Allec, Frank	152101 W County Rte 12, Prosser 99350	786-4532	kzkr@bentonrea.com	786-1181	LaMaquina Musical Radio Station
Almeida, Raul		966-6558			Mabton Police Chief
American Assc. for Ret. Peo.		206-624-2184			
American Civil Liberties Union		800-880-4183			
Americorps					
Arevalo, Paul	128 Hawthorn Dr, Sunnyside 98944				Bilingual poll worker
Armendariz, Ernesto	P O Bxo 416, Mabton 98935	840-0357			Mabton City Council
Arteaga, Mateo	803 S 30th Av, Yakima 98908				
Baca, Mr.		574-4967			
Bazan, Irene	24 S 3rd Av, Yakima 98902	307-3213	bazanirene@hotmail.com		RCDR
Berry, Bob	P O Box 2888, Yakima 98907	457-1000	bob@radiozorro.com	452-0541	Zorro Radio
City University		453-0303			
Community Services Offices		225-6100			Employment Opportunities
Contreras, M. Laura	6 S 2nd St #510, Yakima 98901	575-5593	laura.contreras@columbialegal	575-4404	Columbia Legal Services
Contreras, Myrna	312 N 5th Av, Yakima 98902	453-8888		576-8854	Attorney
Cordova, Rebecca	3171 Lateral A Rd, Wapato 98951	969-2828			Wapato School District Director
de la Cruz, Alex	1203 W Grandview Av, Sunnyside 98944	840-5065			Sunnyside City Council
Diaz, Fred	33 N D St, Toppenish 98948	865-5063			Toppenish City Council
Diaz, Kevin	402 S 17th Av, Yakima 98902				
Escobar, Ted	P O Box 511, Toppenish 98948	865-4055			VIVA
Farias, Jesse	316 Southpark Dr #A, Wapato 98951	877-6169			City of Wapato Mayor
Farm Workers Clin. Yak. Val.		865-5600			Serv. for seasonal & migratory farm workers
Farm Workers Opp. Prog		837-8600			
Flores, Santiago	1012 W Mead Av, Yakima 98902				Bilingual poll worker
Flores, Sylvia	1002 N 16th Av, Yakima 98902	249-6015			DSHS - Dist. Mgr. - Division of Child Support
Franco, Hector	815 N 28th Av, Yakima 98902	307-1183	hfranco@nwinfo.net		Hispanic Chamber of Commerce
Gamboa, Lupe	107 E Riverside Av, Sunnyside 98944				
Garcia, Aveilna A.	P O Box 99, Harrah 98933	848-2370			Harrah Town Council
Garcia, Larry J.	P O Box 99, Harrah 98933	848-2370			Mt. Adams School District Director
Garcia, Ricardo	P O Box 800, Granger 98932	877-6847			KDNA Radio, Manager
Garza, Lorenzo Jr.	314 Peach Av, Sunnyside 98944	837-0906			Sunnyside School District Director

Gonzalez, Alfredo Jr.	P O Box 1225, Granger 98932	854-6276	Granger Town Council
Gonzalez, Tony	600 Hedrick Pl, Grandview 98930	882-3877	Grandview School District Director
Guerra, Ernie	P O Box 463, Granger 98932	854-2727	Granger Town Council
Gutierrez, Luz Bazan	1424 S 31st Av, Yakima 98902	952-7860	453-5165 Rural Community Development Resources
Gutierrez, Ninfa R.		307-1247	VIVA
Guzman, Manuel	1550 Bus Rd, Mabton 98935	894-5204	Mabton School District Director
Guzman, Tony	102 N Central Av, Wapato 98951	877-2986	Wapato City Council
Heritage College		865-2244	
Hernandez, Mary			
Herrera, Velva L.	P O Box 771, Mabton 98935	894-3435	Project Change/Planned Parenthood
Jiminez, Clara	1122 Satius Av, Toppenish 98948	865-4222	Mabton City Council
Lara, Victor	216 S 32nd Av, Yakima 98902		Toppenish City Council
Larez, Thomas A.	131 Washington St, Harrah 98933	848-2047	Attorney
Lopez, Anita		839-4903	Harrah Town Council
Macias, Gonzalo	25 N I St, Toppenish 98948	865-5033	United Farm Workers of America
Mendoza, Gloria	109 W 2nd St, Grandview 98930	882-2523	Toppenish School District Director
Migrant Alternative School		575-3492	GMC Training Institute
Molina, Virginia	P O Box 265, Mabton 98935	894-4104	Mabton City Council
Morales, Jose	1231 Donald Rd, Wapato 98951	307-0203	
Morales, Mariano	3907 Summitview Av, Ste, Yakima 98902		Attorney
Morales, Medardo	7420 Fort Rd, Wapato 98951		
Morales, Michael	Yakima City Hall		City of Yakima
Morales, Robert	2105 Hill Dr, Grandview 98930	882-2961	Grandview City Council
Moreno, Lydia B.	310 Elm St, Grandview 98930	882-1516	Grandview School District Director
Nicacio, Bill	705 S Tieton Ave, Wapato 98951	877-4698	WA State Farmworkers Union
Olivares, Carlos	116 Park Av, Yakima 98902		
Oppo. Industr. Center		248-6751	Migrant Education Program
Orbea, Eduardo	P O Box 9668, Yakima 98909	577-7730	El Sol de Yakima
Orosco, Juan			City of Wapato Councilmember
Ortega, Bertha	3240 Fort Rd, Toppenish 98948	867-7081	Heritage College
Ozuna, Robert	3240 Fort Rd, Toppenish 98948		Heritage College
Palacios, David	1260 Appleway Rd, Grandview 98930		Grandview Police Dept.
Palacios, Jesse	128 N 2nd St #232, Yakima 98901	574-1500	County Commissioner
People for People		248-6726	Adult employment services
Perez, Patrick	1118 Queen Av, Yakima 98902	453-6697	
Perez, Velma	1407 S 20th Av, Yakima 98902	457-4662	
Perry Technical Institute		453-0374	Hispanic Chamber of Commerce
Planned Parenthood		248-3628	

Rodriguez, Sonja					
Ramon, Amelia	P O Box 800, Granger 98932	453-8888			KDNA
Retired Senio Volunt. Prog.					
Romero, Julio	1115 W Lincoln Av, #119, Yakima 98902	575-4224	Volunteer placement		
Sagrero, Rafael	P O Box 193, Mabton 98935	248-5270	info@cccsyakima.org	<u>248-5276</u>	SW Voter Project/Consumer Credit Counseling
Sanchez, Larry		894-5245			Mabton School District Director
Sandoval, Tony	P O Box 10301, Yakima 98909 (personal)	452-3561	tonysand@bentonrea.com		Central WA Workforce Training
Sanlllanes, Alex	1407 W Chestnut Av, Yakima 98902	952-4760			Hispanavision - 452-8817 FAX: 248-7499
Soria, Ben	104 N 4th Av, Yakima 98902	573-7001	bsoria@aol.com	573-7181	Barrios Unidos
Trejo, Viviana	708 Pine St, Mabton 98935	894-4671			Yakima School Dist. Superintendent
Vega, Griselda	6 S 2nd St, #510, Yakima 98901	575-5593	griselda.vega@columbialegal.c	<u>575-4404</u>	Mabton School District Director
Velasco, Efrain	503 S 3rd St, Yakima 98901	453-3064	evelasco@seiu775.org	<u>248-0516</u>	Columbia Legal Services
Villanueva, Janie	Catholic Diocese, 5301 Tieton Dr, 98908				Local 775 - SEIU, Organizer
Villanueva, Jose					Catholic Diocese - Holy Family
Villanueva, Tomas	140 Youngstown Rd, Toppenish 98948	854-2511			Community Member
Villarreal, Lilia O.	720 Second Av, Granger 98932	457-6850			DSHS
Volunt. & Car. Ctr of Yak. Cty		574-0105			Granger Town Council
WorkSource		575-2130			Career Center seeks to promote volunteerism
Yakima ICNE Outreach Prog.		457-5058			Employment and training services
Yakima Interfaith Coalition		865-5121			
Yakima Tribal Council		575-2427			Outreach Services
Yakima Valley Comm. College		865-3054			Employment training, education
Yakima Valley Farm Wor. Cl.		854-1801			International Students Program
Ybarra, Natalie	221 E St, Granger 98932	249-1268			Education and supportive services
Ybarra, Vickie	708 S 17th Av, Yakima 98902		vickiey@yvwfc.org		Granger Town Council
Zavala, Vera C.	P O Box 614, Mabton 98935	894-4273			Yakima Valley Farmworkers Clinic/Yak. Sch. Bd.
					Mabton City Council

Updated 6/29/2004