ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD VIETH, *et al.*,	)
	)
Plaintiffs,	)
	)
v.	)
	)
COMMONWEALTH OF	)
PENNSYLVANIA , *et al.*,	)
	)
Defendants.	)
	)
ROBERT J. MELLOW, Senator,	)
22nd District,	)
	)
Proposed	)
Intervenor.	)
	)

FILED
HARRISBURG, PA

MAY 0 6 2002

MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

Civil No. 1:CV-01-2439

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BRIEF OF SENATOR ROBERT J. MELLOW IN SUPPORT OF SENATE DEMOCRATS' PROPOSED REDISTRICTING PLAN

I.   INTRODUCTION

As leader of the Senate Democratic Caucus, Senator Robert J. Mellow has sought leave from this Court to intervene for the purpose of participating in the remedial phase of this case. If allowed to participate, Senator Mellow will offer into evidence a plan (the "Senate Democrats' plan") that remedies the constitutional violations identified by this Court in its Opinion and Order of April 8, 2002.[1] This Brief sets forth the reasons that the Court should adopt the Senate Democrats' plan rather than the plans offered by the Plaintiffs and the Defendants.

In brief, Defendants previously submitted an unconstitutional plan (Act 1) and tried to justify it with reasons that this Court characterized as "mere pretext." April 8, 2002 Opinion at 8. Even though the Court gave the Defendants ample opportunity to remedy the violation and submit a constitutional plan to this Court for approval, Defendants have declined to act on this opportunity. Although the General Assembly (presided over by Defendants Jubelirer and Ryan) passed a new plan (Act 34), Defendants now contend (as discussed below) that their plan is not before this Court. Even if the Defendants had submitted Act 34 for approval as the Court directed, that plan suffers from the same sort of legal defects as Defendants'

previous plan. In fact, Act 34 has an even larger deviation than Act 1 and splits even more counties, municipalities, and wards than Act 1 while continuing to gerrymander Democratic voters and combine districts represented by Democratic incumbents. Thus, the Defendants have not only failed to remedy the constitutional violation as directed by this Court, but have also submitted a plan with an even greater constitutional infirmity than Act 1 without any justification.

Unlike Act 34, the Senate Democrats' plan has a deviation of 1 person – the minimum possible deviation in Pennsylvania – and thus satisfies the "one-person, one-vote" rule. Moreover, the Senate Democrats' plan divides no precincts and splits fewer political subdivisions than any other plan before this Court. The Senate Democrats' plan achieves a politically fair result in which the likely makeup of the Commonwealth's future congressional delegation will approximate the partisan makeup of the Commonwealth's voters and the current congressional delegation. Finally, the districts in the Senate Democrats' plan are also more compact than those in any other plan.

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[1]   Maps depicting the districts in the Senate Democrats' plan and a legal description of the counties, municipalities, and other census units that make up each district are attached to this Brief.

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II.   ARGUMENT

A.   BECAUSE THE DEFENDANTS HAVE TAKEN THE POSITION THAT THEY NEED NOT SUBMIT ACT 34 TO THIS COURT FOR APPROVAL, THE COURT SHOULD DISREGARD ACT 34 AND PROCEED TO SELECT OR DRAW A REMEDIAL PLAN

On April 8, 2002, this Court issued an order (the "Order") invalidating Act 1 and enjoining its implementation. In an opinion (the "Opinion") accompanying the Order, the Court explained that Act 1 violated the "one-person, one-vote" rule because the plan had a deviation of 19 people and the reason offered by Defendants to justify the deviation – a purported desire to avoid splitting precincts – was a "mere pretext." Opinion at 8. In declaring Act 1 unconstitutional, the Court observed that "The evidence conclusively demonstrates that this population deviation was avoidable." *Id.* at 5. "Nor can the deviation contained in Act 1 be excused by the good faith of the Defendants." *Id.* at 6.

The Court did not, however, impose a new plan. Rather, "recogniz[ing] that the Pennsylvania General Assembly has primary jurisdiction over congressional redistricting," the Court ordered Defendants "to submit a constitutionally sound redistricting plan that has been enacted into law by the Commonwealth of Pennsylvania" for review and approval by April 29. *Id.* at 11. In so doing, the Court properly acknowledged that redistricting is, in the first instance, a legislative function and that, when a court invalidates a redistricting plan, the legislature

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[2]   In fact, as set forth above, the Defendants have asserted that they are not even obligated to put Act 34 before this Court, asserting instead that this Court's April 8 order admonishing their failure to comply with the Constitution had the perverse effect of ending this Court's oversight of their redistricting efforts.

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should have the opportunity to correct the plan's deficiencies. *See Wise v. Lipscomb*, 437 U.S. 535, 539-40 (1978).

Following the Court's April 8 Order, the General Assembly passed a new plan, House Bill 2545, which purported to cure the defects in Act 1. Like its predecessor, the new plan combines six Democratic incumbents into three districts and pairs another Democratic incumbent (Congressman Holden) with a Republican incumbent (Congressman Gekas) in a district that heavily favors Republican candidates. The new plan splits two fewer precincts than Act 1 but also splits 20 more political subdivisions than Act 1. The Governor signed House Bill 2545 into law as Act 34 of 2002.

Nonetheless, the "Presiding Officers" (Speaker of the House Ryan and Lieutenant Governor Jubelirer) have taken the position that "The validity of Act 34 is not before the Court, on this motion or otherwise. Act 34 is effective under its own terms. Unless Act 34 is challenged by plaintiffs, there is no case or controversy before the Court as to its validity or effectiveness." Memorandum in Support of Renewed Motion for Stay at 3 n.2 (filed April 18, 2002).

If, as Presiding Officers claim, Act 34 is not before the Court, then the Court need not consider it. Instead, the Court should proceed either to draw its own plan or to choose one from among the plans that have been submitted to this Court – Plaintiffs' Alternative Plan 4 or the Senate Democrats' plan.

      B.   ASSUMING THAT THE DEFENDANTS CHOOSE TO SUBMIT ACT 34 FOR APPROVAL AS A REMEDIAL PLAN, THE COURT SHOULD NOT APPROVE IT, BECAUSE IT FAILS TO CURE THE CONSTITUTIONAL FLAWS IN ACT 1

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Assuming, however, that the Defendants submit Act 34 to this Court for approval, the question becomes whether Act 34 (a) cures the violation of the "one-person, one-vote" principle that led this Court to hold Act 1 unconstitutional and (b) otherwise complies with applicable legal principles. As we now demonstrate, Act 34 fails to remedy the flaws the Court found in Act 1.

This Court has made clear that, "The United States Constitution requires that each congressional district in a state contain equal population." Opinion at 4, citing *Wesberry v. Sanders*, 376 U.S. 1 (1964). Courts must "balance population among the districts with precision," *id.*, because "'there are no *de minimis* population variations,'" *id.*, quoting *Karcher v. Daggett*, 462 U.S. 725, 734 (1983). Rather, "'the State [must] make a good-faith effort to achieve precise mathematical equality. Unless population variances among congressional districts are shown to have resulted despite such effort, the State must justify each variance, no matter how small.'" Opinion at 4, quoting *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).

Defendants portray Act 34 as a "zero deviation" plan that eliminates the population variances in Act 1. As the Plaintiffs demonstrate, however, Act 34 actually has a greater deviation than Act 1. *See* Plaintiffs' Motion to Impose Remedial Districts and, in the Alternative to Reject Act 34 and Begin Remedial Hearings at 6-9 (filed April 22, 2002). The reason is that, between the passage of Act 1 and the passage of Act 34, the Armstrong County Court of Common Pleas changed the border between two precincts in South Buffalo Township (which is

located approximately 25 miles northeast of Pittsburgh). This change had the effect of moving 49 people from one precinct to the other. This change would not have affected the deviation of Act 34 except for the fact that Act 34 splits South Buffalo Township and places one of these precincts in Congressional District 3 and the other in Congressional District 12. Had the population of these precincts been what it was prior to the action of the Armstrong County Court of Common Pleas, Congressional District 3 in Act 34 would have had 646,372 people -- a deviation of 1 person -- and Congressional District 12 would have had 646,371 -- the ideal population. Because of the boundary change, however, the population of Congressional District 3 in Act 34 actually is 646,323 -- 48 fewer people than the ideal -- and the population of Congressional District 12 is 646,420 -- 49 more people than the ideal. Thus, far from having a deviation of 1 person, Act 34 actually has a deviation of 97 people.

Both the plaintiffs and the Senate Democrats have submitted plans with a deviation of 1 person -- the minimum possible deviation.[3] The fact that plaintiffs and the Senate Democrats have devised such plans demonstrates that the deviations in Act 34 do not reflect "a good-faith effort to achieve precise mathematical equality." *Kirkpatrick*, 394 U.S. at 531.

Nor can Defendants justify this deviation by claiming that it resulted from a desire to draw compact districts or to avoid splitting counties, municipalities,

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[3]   Because the total population of Pennsylvania (12,281,054) is not evenly divisible by the number of congressional districts Pennsylvania has been allotted (19), it is not possible to achieve a deviation of 0.

wards, and precincts. *See* Opinion at 7- 8 quoting *Karcher,* 462 U.S. at 741

(among the policies that may justify minor deviations are "'making districts

compact, respecting municipal boundaries, preserving the cores of prior districts

and avoiding contests between incumbent Representatives'"). The reason is that

the plans submitted by Plaintiffs and Senator Mellow all contain more compact

districts and break fewer county, city, ward, and precinct lines than Act 34 while

simultaneously achieving far lower deviations than Act 34. See pp. 10-11, *infra*

(comparing number of political subdivisions and precincts split by each plan). The

plans offered by Plaintiffs and Senator Mellow demonstrate that a desire to draw

compact districts or avoid splitting political subdivisions cannot justify the

deviations in Act 34. *See* Opinion at 8 (where evidence "demonstrated that it is

possible to draw a congressional district map with zero deviation and no split

precincts," Court rejected Defendants' attempted justification of 19-person

deviation as "mere pretext"). In short, given an opportunity to rectify the

constitutional flaws in Act 1, the Defendants have instead enacted another plan

with a deviation that they cannot justify by reference to traditional districting

principles.[4]

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[4]   In fact, Act 34 suffers from a significant infirmity that this Court recognized
in ruling Act 1 unconstitutional. In this Court's April 8 Order, the Court observed
that "it is on *Karcher* 's final endorsed neutral criteria--the avoidance of contests
between incumbents--that Act 1 fails most miserably." Opinion at 10. This Court
viewed Act 1's pairing of incumbent Democrats in congressional districts as
evidence that "*Karcher*'s neutral criteria were not high on the priority list in
enacting Act 1." *Id.* Defendants' priorities apparently remain unchanged. Act 34
also sacrifices neutral districting principles and the one-person, one-vote rule to the
goal of political gerrymandering.

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Thus, "[e]ven now, [Defendants] persist in defending the indefensible." *Hays v. Louisiana,* 936 F. Supp. 360, 372 (W.D. La. 1996) (where court held first congressional redistricting plan unconstitutional on grounds that it was a racial gerrymander, and state's new plan failed to cure the constitutional violation, Court imposed its own plan). Defendants' clinging to an unconstitutional plan when they could feasibly comply with the constitutional principle of one-person, one-vote justifies this Court in adopting an alternative plan. *See id.* ("In its record of doggedly clinging to an obviously unconstitutional plan, the Legislature has left us no basis for believing that, given yet another chance, it would produce a constitutional plan.").

C.   THE COURT SHOULD INSTEAD ADOPT THE SENATE DEMOCRATS' PLAN, BECAUSE IT SATISFIES THE "ONE-PERSON, ONE-VOTE" RULE AND IS OTHERWISE SUPERIOR TO ANY OTHER PROPOSED PLAN

1.   The Senate Democrats' Plan Achieves the Minimum Possible Deviation

As noted above, the Senate Democrats' plan has a deviation of only one person. This deviation is the minimum possible, and thus satisfies the "one-person, one-vote" principle.

2.   The Senate Democrats' Plan Satisfies the Voting Rights Act

In selecting a remedial plan, the Court should bear in mind the requirements of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973. Section 2 prohibits any redistricting plan that "results in a denial or abridgement of the right . . . to vote on account of race . . . ." *Id.* § 1973(a). To establish a

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violation of Section 2, a plaintiff must show that "based on the totality of circumstances, . . . the political processes leading to nomination or election . . . are not equally open to participation by members of [a protected minority group] . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." *Id.* § 1973(b).

In interpreting the statutory language, the Supreme Court has identified three "necessary preconditions" for a Section 2 claim. *See Thornburgh v. Gingles*, 478 U.S. 30, 50 (1986). A Section 2 plaintiff must demonstrate that (a) the minority group "is sufficiently large and geographically compact to constitute a majority in a single-member district"; (b) the minority group is "politically cohesive"; and (c) a white majority "votes sufficiently as a bloc to enable it – in the absence of special circumstances, such as the minority candidate running unopposed, usually to defeat the minority's preferred candidate." *Id.* at 50, 51 (citations omitted).

In 1992, the Pennsylvania Supreme Court approved a plan that created two congressional districts in the Philadelphia area (Congressional Districts 1 and 2) with African-American majorities. *See Mellow v. Mitchell*, 530 Pa. 44, 607 A.2d 204 (1992). As a result of population losses in the City of Philadelphia, and the need to add population to Congressional Districts 1 and 2 to comply with the "one person, one vote" rule, none of the plans currently before the Court has two districts with African-American majorities. We note, however, that the Senate

Democrats' plan comes closer than any other plan to preserving African-American majorities in both Congressional District 1 and Congressional District 2.

3.   The Senate Democrats' Plan Splits Fewer Political Subdivisions and Precincts than Any Other Plan

In *Mellow*, the Pennsylvania Supreme Court recognized that the Commonwealth had a legitimate interest in avoiding splits of political subdivisions and precincts when drawing congressional districts. *See* 530 Pa. at 52. The three-judge court in *Nerch v. Mitchell*, Civil Action No. 3:CV-92-0095 (M.D. Pa. Aug. 13, 1992), similarly recognized that "the Pennsylvania Supreme Court identified in its opinion [in *Mellow*] the avoidance of municipal splits as an important public policy of the Commonwealth." *Id.* at 33. And in the present case, this Court "acknowledge[d] that the desire to avoid splitting precincts is a legitimate state interest. . . ." Opinion at 8.

Here, as the following table demonstrates, the Senate Democrats' plan splits fewer political subdivisions and precincts in total than any other proposed plan.

Splits	Senate Democrats' Plan	Act 34	Plaintiffs' Alt. Plan 4
County	21	29	25
Municipal	36	79	36
Ward	16	46	31
Voting District Precinct	0	2	0
TOTAL	73	156	92

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In total, the Senate Democrats' plan splits 73 political subdivisions and precincts, as compared to 92 for Plaintiffs' Alternative Plan 4 and 156 for Act 34. Thus, the Senate Democrats' plan serves the Commonwealth's policy of avoiding splits of political subdivisions and precincts better than any other plan.

4.   The Senate Democrats' Plan Is Politically Fair

In *Mellow,* the Pennsylvania Supreme Court observed that the congressional plan proposed by the Senate Democrats in that case "results in a politically fair balance in the Pennsylvania delegation between Democrats and Republicans. Pennsylvania is losing two (2) seats, and Plaintiffs' Plan No. 2 divides the loss evenly. Consequently, the estimated political party balance will be ten (10) Democratic and eleven (11) Republican districts." 530 Pa. at 58. Other courts likewise have sought to avoid political gerrymandering in developing redistricting plans. *See, e.g., Balderas v. State of Texas*, Civil Action No. 6:01CV158, at 10 (E.D. Tex. Nov. 14, 2001) (copy attached to this Brief) ("political gerrymandering, a purely partisan exercise, is inappropriate for a federal court drawing a congressional redistricting map"); *Burton v. Sheheen,* 793 F. Supp. 1329, 1365 (D.S.C. 1992) ("Unlike the parties . . . this court is not free to impose a particular political or racial agenda upon the state."), *vacated on other grounds*, 508 U.S. 968 (1993).

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Here, as in *Mellow,* the plan proposed by the Senate Democrats is a "politically fair" one. As in the 1990 round of redistricting, Pennsylvania has lost two congressional seats because of the census. Like the plan upheld in *Mellow,* the Senate Democrats' plan "divides the loss evenly" between the two political parties, pairing two Democrats in one district and two Republicans in another. The Senate Democrats' plan likely will result in a congressional delegation that has 10 Republicans and 9 Democrats, a breakdown that approximates the makeup of the current congressional delegation (which has 11 Republicans and 10 Democrats) and the relative political strength of the two parties statewide.

Defendants may argue that, even if the Court does not adopt Act 34, the Court must respect the policy choices reflected in that plan (including the gerrymandering of Democratic voters) to the extent possible. Here, however, the only plan before the Court that embodies those choices is Act 34, which, for the reasons described above, the Court should reject as a remedy. Thus, the Court should either draw a plan of its own or choose the Plaintiffs' Alternative Plan 4 or the Senate Democrats' plan. Moreover, as noted above, the cases make clear that, in choosing from among remedial alternatives, a court should avoid political gerrymandering.

Defendants also might rely on *White v. Weiser,* 412 U.S. 783 (1973), but that case is inapposite here. In *White,* the district court struck down Texas'

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congressional redistricting plan, which had a deviation of 4.13%, on one-person, one-vote grounds. Without giving the state an opportunity to re-draw the plan, the district court ordered into effect a plan offered by plaintiffs (Plan C) that had a lower deviation (0.284%) and more compact districts, but disregarded the State's policy of protecting incumbent members of Congress. The district court chose this plan over another plan offered by plaintiffs (Plan B) that adhered to the State's incumbent protection policy and had an even lower deviation (0.149%). On appeal, the Supreme Court affirmed the district court's conclusion that the State's plan violated the one-person, one-vote rule, but held that, "[g]iven the alternatives," the district court should have chosen Plan B instead of Plan C. *Id.* at 796. The Court reasoned that Plan B "most clearly approximated the reapportionment plan of the state legislature, *while satisfying constitutional requirements.*" *Id.* (emphasis added). "Indeed, Plan B achieved the goal of population equality to a greater extent than did Plan C." *Id.*

The present case is readily distinguishable from *White*. First, unlike the district court in *White*, the Court here did not impose a new plan upon finding Act 1 unconstitutional. Instead, the Court gave the Defendants an opportunity to develop a new, constitutional plan. Second, the alternatives the district court in *White* faced differ from those presented here. In *White*, the district court had a choice between two remedial plans: one that had a lower deviation than the State's

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plan but ignored the state's redistricting policies (Plan C) and one that followed the State's policies "while satisfying constitutional requirements" better than any other plan (Plan B). Here, by contrast, the Court faces a much different choice. Even assuming, *arguendo,* that Act 34 best reflects state policies, Act 34 does not satisfy constitutional requirements; thus, the Court cannot use it as a remedial plan. *See id.* at 797 ("the District Court should not, in the name of state policy, refrain from providing remedies fully adequate to redress constitutional violations which have been adjudicated and must be rectified.") Consequently, assuming the Court does not draw its own plan, the choice is between Plaintiffs' Alternative Plan 4 and the Senate Democrats' plan, both of which satisfy constitutional requirements. Because the latter splits fewer political subdivisions and has more compact districts, the Court should choose it over any other plan.

> 5.   The Districts in the Senate Democrats' Plan Are More Compact than Those in Other Plans

In addition to the factors discussed above, some courts have identified compactness and contiguity as factors courts should respect in crafting a remedial plan. *See, e.g., Balderas* at 7-8 (court attempted to draw compact, contiguous districts); *Arizonians for Fair Representation v. Symington,* 828 F. Supp. 684, 688 (D. Ariz. 1992) ("Districts that are geographically compact and contiguous are less likely to suffer from the ills of gerrymandering."), *aff'd,* 507 U.S. 981 (1993); *Good v. Austin,* 800 F. Supp. 557, 563 (E.D. Mich. 1992) (compact districts

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facilitate political organization, electoral campaigning, and constituent representation).

Unlike Act 34, which has several discontiguous "islands," *see* Plaintiffs' Motion to Impose Remedial Districts at 9-11, each district in the Senate Democrats' plan is composed wholly of contiguous territory.

The districts in the Senate Democrats' plan are also compact -- indeed, under generally accepted principles for measuring compactness, they are *more* compact than those in Act 34 or Plaintiffs' Alternative Plan 4. One way to measure compactness is to measure the perimeter of each district in a plan and then to add all the perimeters. Because districts with contorted shapes, jagged edges, or appendages will have longer perimeters, a plan with non-compact districts will have a higher total when all the perimeters are added up. Using this measure, the sum of all the district perimeters in the Senate Democrats' plan is 5,878.03 miles. The comparable figures for Plaintiffs' Alternative Plan 4 and Act 34 are 6,707.88 miles and 7,376.34 miles, respectively, indicating that these plans are less compact than the Senate Democrats' plan.

Political scientists have also developed several tests for measuring compactness. For example, the "Polsby-Popper" test requires dividing the area of the district by the area of a circle with the same perimeter as the district. This ratio will always be between 0 and 1, with less compact districts receiving lower scores and more compact districts receiving higher scores. For instance, a district shaped like a circle (the most compact shape possible) will have a score of 1.00. A square

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will have a score of approximately 0.75. The infamous "I-85" district at issue in *Shaw v. Reno,* 509 U.S. 630 (1993), had a score of 0.01. *See* Pildes and Niemi, "Expressive Harms, 'Bizarre Districts,' and Voting Rights: Evaluating Election District Appearances after *Shaw v. Reno,* " 92 Mich. L. Rev. 483, 564 (1993). To compute the average (or mean) compactness of districts in a plan, one adds the compactness scores of all the districts and divides by the total number of districts in the state. Using this measure, Act 34's districts have a mean compactness score of 0.17, the districts in Plaintiffs' Alternative Plan 4 have a mean score of 0.19, and the districts in the Senate Democrats' plan have a mean score of 0.23, again indicating that the Senate Democrats' districts are more compact.

As the data in the following table make clear, under a variety of measures of compactness, the districts in the Senate Democrats' plan have a better average (mean) score than the districts in either Act 34 or Plaintiffs' Alternative Plan 4. This is another reason that the Senate Democrats' plan more fully complies with traditional redistricting criteria than do the other plans before this Court.

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Mean Compactness Scores for All Districts[5]

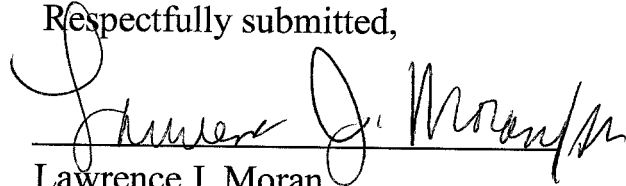| Test	Senate Democratic Plan	Act 34	Plaintiffs' Alt. Plan 4
Roeck *0 = least compact;* *1 = most compact*	**0.38**	0.35	0.37
Schwartzberg *1 = most compact;* *higher numbers* *less compact*	**1.97**	2.42	2.16
Perimeter *higher numbers* *less compact*	**5,878.03**	7,376.34	6,707.88
Polsby-Popper *0 = least compact;* *1 = most compact*	**0.23**	0.17	0.19
Population *Polygon* *0 = least compact;* *1 = most compact*	**0.64**	0.61	0.63
Population Circle *0 = least compact;* *1 = most compact*	**0.40**	0.38	0.40
Ehrenburg *0 = least compact;* *1 = most compact*	**0.34**	0.30	0.30

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[5]   Mean compactness scores are computed by calculating the compactness score for each district in a plan, adding the scores of all of the districts in the plan, and the dividing by the number of districts in the plan (19).

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III.   CONCLUSION

For all the reasons set forth above, Senator Mellow respectfully requests that this Court adopt the Senate Democrats' plan.
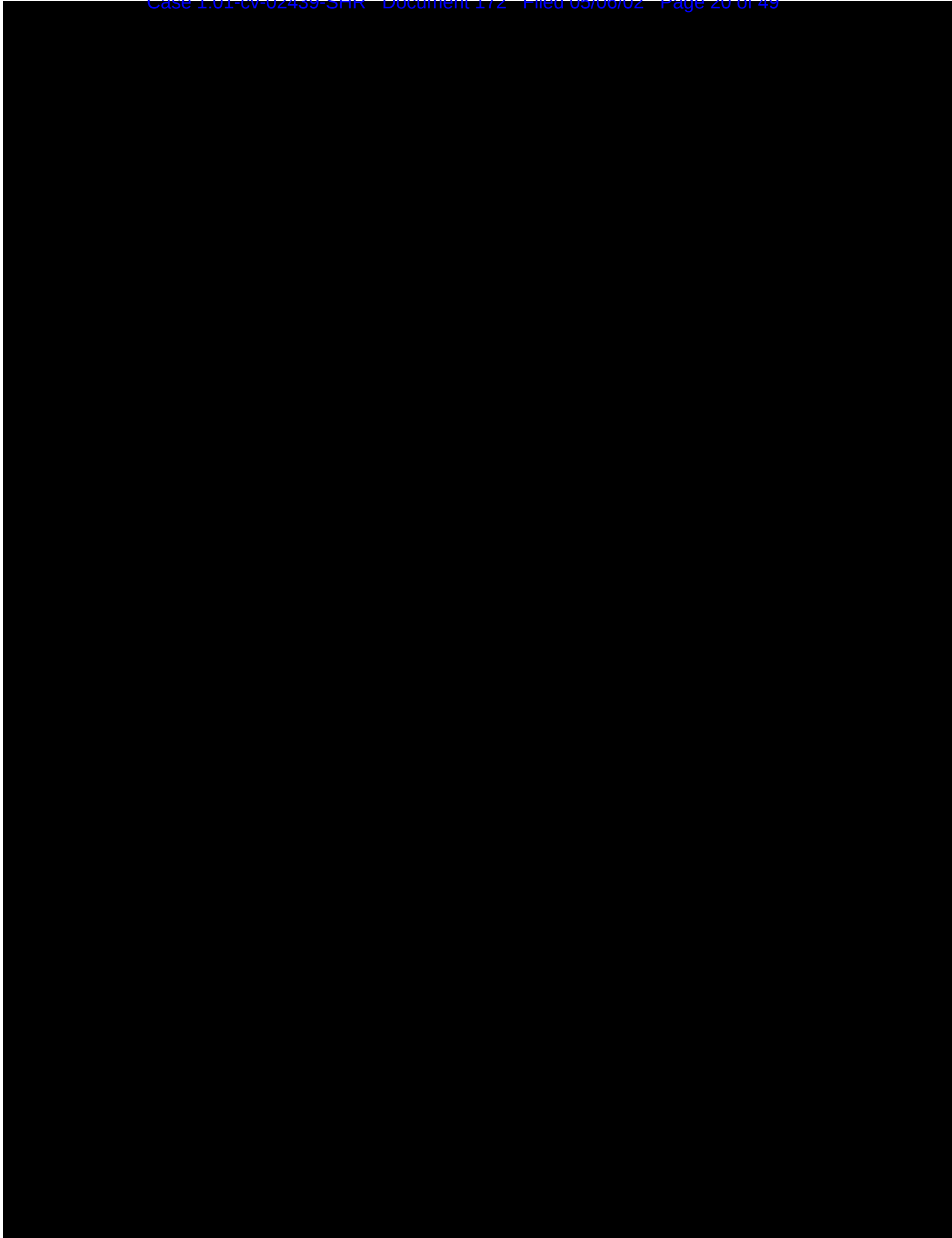
Respectfully submitted,

Dated: May 3, 2002

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LEGISLATIVE DATA PROCESSING CENTER

COMPOSITE LISTING

OF

CONGRESSIONAL DISTRICTS

<u>DISTRICT NUMBER</u>   <u>DESCRIPTION</u>

Dist.   01   PHILADELPHIA County.
             Part of PHILADELPHIA County consisting of the CITY of
             Philadelphia (PART, Wards 01, 02, 05, 07, 10 [PART,
             Division 16], 11, 12, 13, 14, 16, 17, 18, 19, 20, 23, 26,
             30, 31, 33, 36, 37, 39, 40, 42, 43, 47, 48, 49, 51, 55
             [PART, Division 09], 59, 61 [PART, Divisions 01, 02, 03,
             06, 07 and 08] and 62).
             Total population: 646,372

Dist.   02   DELAWARE and PHILADELPHIA Counties.
             Part of DELAWARE County consisting of the TOWNSHIP of Darby
             and the BOROUGHS of Collingdale, Colwyn, Darby, Millbourne,
             Sharon Hill and Yeadon and Part of PHILADELPHIA County
             consisting of the CITY of Philadelphia (PART, Wards 03, 04,
             06, 08, 09, 10 [PART, Divisions 01, 02, 03, 04, 05, 06, 07,
             08, 09, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23,
             24, 25, 26, 27, 28 and 29], 15, 21, 22, 24, 27, 28, 29, 32,
             34, 35, 38, 41 [PART, Division 11], 44, 46, 50, 52, 53, 54,
             55 [PART, Divisions 01, 02, 03, 04, 05, 06, 07, 08, 10, 11,
             12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
             27, 28 and 29], 57 [PART, Division 28], 60, 61 [PART,
             Divisions 04, 05, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18,
             19, 20, 21, 22, 23, 24, 25, 26, 27 and 28] and 64).
             Total population: 646,371

CONGRESSIONAL DISTRICTS

Dist.   03   BUCKS and PHILADELPHIA Counties.
Part of BUCKS County consisting of the TOWNSHIPS of
Bensalem (PART, Districts Lower East [PART, Divisions 01,
02 and 03], Lower Middle [PART, Divisions 01, 02 and 03],
Lower West and Upper West), Bristol, Buckingham (PART,
Districts Lower, Middle [PART, Division 01] and Upper
[PART, Division 01]), Doylestown, Falls, Lower Makefield,
Middletown, New Britain, Newtown, Northampton (PART,
Districts 01, 02, 03, 04, 05, 06, 07, 08, 10, 11, 12, 13,
14, 15, 16 and 17), Solebury (PART, Districts Lower and
Middle), Upper Makefield, Warrington, Warwick and
Wrightstown and the BOROUGHS of Bristol, Chalfont,
Doylestown, Hulmeville, Langhorne, Langhorne Manor,
Morrisville, New Britain, New Hope, Newtown, Penndel,
Tullytown and Yardley and Part of PHILADELPHIA County
consisting of the CITY of Philadelphia (PART, Wards 25, 41
[PART, Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10,
12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and
26], 45, 56, 57 [PART, Divisions 01, 02, 03, 04, 05, 06,
07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
22, 23, 24, 25, 26 and 27], 58, 63, 65 and 66).
Total population: 646,372

Dist.   04   ALLEGHENY and BEAVER Counties.
Part of ALLEGHENY County consisting of the CITY of Clairton
and the TOWNSHIPS of Aleppo, Baldwin, Collier, Crescent,
East Deer, Elizabeth, Fawn, Findlay, Forward, Frazer,
Hampton, Harmar, Harrison, Indiana, Kennedy, Kilbuck, Leet,
Marshall, McCandless, Moon, Mount Lebanon, Neville,
North Fayette, O'Hara, Ohio, Pine, Reserve, Richland,
Robinson, Ross, Scott, Shaler (PART, Wards 01 [PART,
Divisions 01, 03, 04 and 05], 02, 03, 04, 05, 06 and 07),
South Fayette, South Park, Springdale, Stowe,
Upper St. Clair and West Deer and the BOROUGHS of Avalon,
Baldwin (PART, Districts 02, 03, 04, 05, 06, 07, 08, 09,
10, 11, 12, 13, 14, 15, 16, 17 and 18), Bell Acres,
Bellevue, Ben Avon, Ben Avon Heights, Bethel Park, Blawnox,
Brackenridge, Bradford Woods, Bridgeville, Carnegie,
Castle Shannon, Cheswick, Coraopolis, Dormont, Edgeworth,
Elizabeth, Emsworth, Etna, Fox Chapel, Franklin Park,
Glenfield, Haysville, Heidelberg, Jefferson Hills,
Leetsdale, Lincoln, McDonald (Allegheny County Portion),
McKees Rocks, Millvale, Oakdale, Oakmont (PART, Districts
01, 02, 03, 04 and 05), Osborne, Pennsbury Village, Plum,
Sewickley, Sewickley Heights, Sewickley Hills, Sharpsburg,
Springdale, Tarentum, Verona (PART, District 03),
Versailles (PART, District 01), West Elizabeth, West View
and Whitehall and Part of BEAVER County consisting of the
TOWNSHIPS of Harmony (PART, District 03) and Hopewell
(PART, District 06) and the BOROUGH of Ambridge.
Total population: 646,371

CONGRESSIONAL DISTRICTS

Dist. 05   ARMSTRONG, BUTLER, CAMERON, CENTRE, CLARION, CLEARFIELD,
            CLINTON, ELK, FOREST, JEFFERSON, MCKEAN, POTTER, VENANGO
            and WARREN Counties.
            Part of ARMSTRONG County consisting of the TOWNSHIPS of
            Bradys Bend, Cadogan, East Franklin, Hovey, Madison,
            Mahoning, North Buffalo, Perry, Rayburn, South Buffalo,
            Sugarcreek, Washington and West Franklin and the BOROUGHS
            of Applewold, Ford City, Ford Cliff, Freeport, Kittanning,
            Parker City, South Bethlehem, West Kittanning and
            Worthington; Part of BUTLER County consisting of the CITY
            of Butler and the TOWNSHIPS of Adams, Buffalo, Butler
            (PART, Districts 01, 02, 03, 05 and 06 [PART, Division
            North]), Clearfield, Clinton, Cranberry, Donegal, Fairview,
            Forward, Jefferson, Middlesex, Oakland, Penn, Summit and
            Winfield and the BOROUGHS of Callery, Chicora,
            Connoquenessing, East Butler, Fairview, Karns City, Mars,
            Saxonburg, Seven Fields and Valencia; All of CAMERON
            County; Part of CENTRE County consisting of the TOWNSHIPS
            of Benner, Boggs, Burnside, College, Curtin (PART, District
            South), Ferguson, Gregg, Halfmoon, Harris, Howard, Huston,
            Liberty, Marion, Miles (PART, District West), Patton, Penn,
            Potter, Rush, Snow Shoe, Spring, Taylor, Union, Walker and
            Worth and the BOROUGHS of Bellefonte, Centre Hall, Howard,
            Milesburg, Millheim, Philipsburg, Port Matilda, Snow Shoe,
            South Philipsburg, State College and Unionville; All of
            CLARION County; All of CLEARFIELD County; Part of CLINTON
            County consisting of the TOWNSHIPS of Leidy and
            West Keating; All of ELK County; All of FOREST County; All
            of JEFFERSON County; All of MCKEAN County; Part of POTTER
            County consisting of the TOWNSHIPS of Stewardson, Summit,
            Sylvania and Wharton; All of VENANGO County and All of
            WARREN County.
            Total population: 646,371

Dist. 06   BERKS, CARBON, LEBANON and SCHUYLKILL Counties.
            All of BERKS County; Part of CARBON County consisting of
            the TOWNSHIPS of Banks (PART, District Auden-Tresc),
            East Penn, Franklin (PART, Districts Franklin Ind. and
            Harrity), Lower Towamensing and Mahoning and the BOROUGHS
            of Bowmanstown, Jim Thorpe, Lansford (PART, Districts First
            and Middle), Lehighton, Palmerton, Parryville, Summit Hill
            (PART, Districts 02 and 03 [PART, Division 01]) and
            Weissport; Part of LEBANON County consisting of the CITY of
            Lebanon and the TOWNSHIPS of Annville, Bethel, Cold Spring,
            East Hanover, Heidelberg, Jackson, Millcreek,
            North Annville, North Lebanon, South Lebanon, Swatara,
            Union and West Lebanon and the BOROUGHS of Cleona,
            Jonestown, Myerstown and Richland and All of SCHUYLKILL
            County.
            Total population: 646,372

CONGRESSIONAL DISTRICTS

Dist. 07   CHESTER and DELAWARE Counties.
Part of CHESTER County consisting of the CITY of
Coatesville and the TOWNSHIPS of Birmingham, Caln,
East Bradford, East Caln, East Goshen, East Whiteland
(PART, Precinct 05), Pennsbury (PART, District North),
Pocopson, Thornbury, West Bradford, West Goshen, Westtown
and Willistown and the BOROUGHS of Downingtown, Malvern and
West Chester and Part of DELAWARE County consisting of the
CITY of Chester and the TOWNSHIPS of Aston, Bethel,
Chadds Ford, Chester, Concord, Edgmont, Haverford,
Lower Chichester, Marple, Middletown, Nether Providence,
Newtown, Radnor, Ridley, Springfield, Thornbury, Tinicum,
Upper Chichester, Upper Darby and Upper Providence and the
BOROUGHS of Aldan, Brookhaven, Chester Heights,
Clifton Heights, East Lansdowne, Eddystone, Folcroft,
Glenolden, Lansdowne, Marcus Hook, Media, Morton, Norwood,
Parkside, Prospect Park, Ridley Park, Rose Valley,
Rutledge, Swarthmore, Trainer and Upland.
Total population: 646,371

Dist. 08   BEAVER, FAYETTE, GREENE, WASHINGTON and WESTMORELAND
Counties.
Part of BEAVER County consisting of the CITIES of Aliquippa
and Beaver Falls and the TOWNSHIPS of Brighton, Center,
Chippewa, Darlington, Daugherty, Franklin, Greene, Hanover,
Harmony (PART, Districts 01 and 02), Hopewell (PART,
Districts 01, 02, 03, 04, 05, 07, 08 and 09), Independence,
Marion, New Sewickley, North Sewickley, Patterson, Potter,
Pulaski, Raccoon, Rochester, South Beaver, Vanport and
White and the BOROUGHS of Baden, Beaver, Big Beaver,
Bridgewater, Conway, Darlington, East Rochester, Eastvale,
Economy, Fallston, Frankfort Springs, Freedom, Georgetown,
Glasgow, Homewood, Hookstown, Industry, Koppel, Midland,
Monaca, New Brighton, New Galilee, Ohioville,
Patterson Heights, Rochester, Shippingport, South Heights
and West Mayfield; Part of FAYETTE County consisting of the
CITIES of Connellsville and Uniontown and the TOWNSHIPS of
Brownsville, Dunbar, Franklin, Georges, German, Jefferson,
Lower Tyrone, Luzerne, Menallen, Nicholson, North Union
(PART, Districts 01, 02, 04 and 05), Perry, Redstone,
South Union, Springhill, Upper Tyrone, Washington and
Wharton (PART, District 02) and the BOROUGHS of
Belle Vernon, Brownsville, Dawson, Dunbar, Everson,
Fairchance, Fayette City, Masontown, Newell, Perryopolis,
Point Marion, Smithfield, South Connellsville and
Vanderbilt; All of GREENE County; All of WASHINGTON County
and Part of WESTMORELAND County consisting of the CITY of
Monessen and the TOWNSHIPS of East Huntingdon,
North Huntingdon, Penn (PART, Wards 01 [PART, Division 01],
02, 03, 04 and 05 [PART, Division 02]), Rostraver,
Sewickley (PART, Districts Lowber, Rillton, Sewickley,
West Herminie and Whyel) and South Huntingdon and the
BOROUGHS of Irwin, Madison, Manor, North Belle Vernon,
North Irwin, Penn, Scottdale, Smithton, Sutersville,
Trafford (Westmoreland County Portion) and West Newton.
Total population: 646,371

CONGRESSIONAL DISTRICTS

Dist. 09 BEDFORD, BLAIR, CENTRE, CLINTON, CUMBERLAND, FRANKLIN, FULTON, HUNTINGDON, JUNIATA, LYCOMING, MIFFLIN, SNYDER and UNION Counties.
All of BEDFORD County; All of BLAIR County; Part of CENTRE County consisting of the TOWNSHIPS of Haines and Miles (PART, District East); Part of CLINTON County consisting of the TOWNSHIPS of Crawford, Dunnstable, Gallagher, Greene, Lamar, Logan, Pine Creek, Porter and Wayne and the BOROUGHS of Avis and Loganton; Part of CUMBERLAND County consisting of the TOWNSHIPS of Hampden, Hopewell, Lower Frankford, Lower Mifflin, Middlesex, North Middleton, Shippensburg, Silver Spring, Southampton (PART, District Upper [PART, Division 01]), Upper Frankford, Upper Mifflin and West Pennsboro and the BOROUGHS of Carlisle, Mechanicsburg (PART, Wards 03 and 04), Newburg, Shippensburg (Cumberland County Portion) and Shiremanstown; All of FRANKLIN County; All of FULTON County; All of HUNTINGDON County; All of JUNIATA County; Part of LYCOMING County consisting of the TOWNSHIPS of Brady, Clinton (PART, Precinct 01), Cummings, Limestone, McHenry, Porter, Washington and Watson and the BOROUGH of Jersey Shore; All of MIFFLIN County; All of SNYDER County and All of UNION County.
Total population: 646,371

CONGRESSIONAL DISTRICTS

Dist. 10   BRADFORD, CENTRE, CLINTON, COLUMBIA, LYCOMING, MONROE, MONTOUR, NORTHUMBERLAND, PIKE, POTTER, SULLIVAN, SUSQUEHANNA, TIOGA, WAYNE and WYOMING Counties. All of BRADFORD County; Part of CENTRE County consisting of the TOWNSHIP of Curtin (PART, District North); Part of CLINTON County consisting of the CITY of Lock Haven and the TOWNSHIPS of Allison, Bald Eagle, Beech Creek, Castanea, Chapman, Colebrook, East Keating, Grugan, Noyes and Woodward and the BOROUGHS of Beech Creek, Flemington, Mill Hall, Renovo and South Renovo; Part of COLUMBIA County consisting of the TOWNSHIPS of Benton, Fishing Creek, Franklin, Greenwood, Hemlock, Jackson, Madison, Montour, Mount Pleasant, North Centre, Orange, Pine, Scott (PART, District West) and Sugarloaf and the TOWN of Bloomsburg and the BOROUGHS of Benton, Millville, Orangeville and Stillwater; Part of LYCOMING County consisting of the CITY of Williamsport and the TOWNSHIPS of Anthony, Armstrong, Bastress, Brown, Cascade, Clinton (PART, Precinct 02), Cogan House, Eldred, Fairfield, Franklin, Gamble, Hepburn, Jackson, Jordan, Lewis, Loyalsock, Lycoming, McIntyre, McNett, Mifflin, Mill Creek, Moreland, Muncy, Muncy Creek, Nippenose, Old Lycoming, Penn, Piatt, Pine, Plunketts Creek, Shrewsbury, Susquehanna, Upper Fairfield, Wolf and Woodward and the BOROUGHS of Duboistown, Hughesville, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg and South Williamsport; All of MONROE County; All of MONTOUR County; Part of NORTHUMBERLAND County consisting of the TOWNSHIPS of Delaware, East Chillisquaque, Lewis, Point, Rush, Turbot, Upper Augusta (PART, District Northwest) and West Chillisquaque and the BOROUGHS of McEwensville, Milton, Northumberland, Riverside, Turbotville and Watsontown; All of PIKE County; Part of POTTER County consisting of the TOWNSHIPS of Abbott, Allegany, Bingham, Clara, East Fork District, Eulalia, Genesee, Harrison, Hebron, Hector, Homer, Keating, Oswayo, Pike, Pleasant Valley, Portage, Roulette, Sharon, Sweden, Ulysses and West Branch and the BOROUGHS of Austin, Coudersport, Galeton, Oswayo, Shinglehouse and Ulysses; All of SULLIVAN County; All of SUSQUEHANNA County; All of TIOGA County; All of WAYNE County and All of WYOMING County. Total population: 646,371

CONGRESSIONAL DISTRICTS

Dist. 11   CARBON, COLUMBIA, LACKAWANNA, LUZERNE and NORTHUMBERLAND
Counties.
Part of CARBON County consisting of the TOWNSHIPS of Banks
(PART, Districts Coxeville and Leviston), Franklin (PART,
District Long Run), Kidder, Lausanne, Lehigh, Packer,
Penn Forest and Towamensing and the BOROUGHS of
Beaver Meadows, East Side, Lansford (PART, District West),
Nesquehoning, Summit Hill (PART, Districts 01 and 03 [PART,
Division 02]) and Weatherly; Part of COLUMBIA County
consisting of the TOWNSHIPS of Beaver, Briar Creek,
Catawissa, Cleveland, Conyngham, Locust, Main, Mifflin,
Roaring Creek, Scott (PART, District East) and South Centre
and the BOROUGHS of Berwick, Briar Creek, Catawissa and
Centralia; All of LACKAWANNA County; All of LUZERNE County
and Part of NORTHUMBERLAND County consisting of the CITIES
of Shamokin and Sunbury and the TOWNSHIPS of Coal,
East Cameron, Jackson, Jordan, Little Mahanoy,
Lower Augusta, Lower Mahanoy, Mount Carmel, Ralpho,
Rockefeller, Shamokin, Upper Augusta (PART, District
Northeast), Upper Mahanoy, Washington, West Cameron and
Zerbe and the BOROUGHS of Herndon, Kulpmont, Marion
Heights, Mount Carmel and Snydertown.
Total population: 646,371

Dist. 12   ARMSTRONG, CAMBRIA, FAYETTE, INDIANA, SOMERSET and
WESTMORELAND Counties.
Part of ARMSTRONG County consisting of the TOWNSHIPS of
Bethel, Boggs, Burrell, Cowanshannock, Gilpin,
Kiskiminetas, Kittanning, Manor, Parks, Pine, Plumcreek,
Redbank, South Bend, Valley and Wayne and the BOROUGHS of
Apollo, Atwood, Dayton, Elderton, Leechburg, Manorville,
North Apollo and Rural Valley; All of CAMBRIA County; Part
of FAYETTE County consisting of the TOWNSHIPS of Bullskin,
Connellsville, Henry Clay, North Union (PART, District 03),
Saltlick, Springfield, Stewart and Wharton (PART, District
01) and the BOROUGHS of Markleysburg and Ohiopyle; All of
INDIANA County; All of SOMERSET County and Part of
WESTMORELAND County consisting of the CITIES of Arnold,
Greensburg, Jeannette, Latrobe, Lower Burrell and
New Kensington and the TOWNSHIPS of Allegheny, Bell, Cook,
Derry, Donegal, Fairfield, Hempfield, Ligonier, Loyalhanna,
Mount Pleasant, Penn (PART, Wards 01 [PART, Division 02]
and 05 [PART, Division 01]), Salem, Sewickley (PART,
District East Herminie), St. Clair, Unity, Upper Burrell
and Washington and the BOROUGHS of Adamsburg, Arona,
Avonmore, Bolivar, Delmont, Derry, Donegal,
East Vandergrift, Export, Hunker, Hyde Park,
Laurel Mountain, Ligonier, Mount Pleasant, Murrysville,
New Alexandria, New Florence, New Stanton, Oklahoma,
Seward, South Greensburg, Southwest Greensburg,
Vandergrift, West Leechburg, Youngstown and Youngwood.
Total population: 646,371

CONGRESSIONAL DISTRICTS

Dist. 13   BUCKS and MONTGOMERY Counties.
Part of BUCKS County consisting of the TOWNSHIPS of
Bensalem (PART, Districts Lower East [PART, Divisions 04,
05, 06, 07 and 08], Lower Middle [PART, Divisions 04 and
05] and Upper), Lower Southampton, Northampton (PART,
District 09), Upper Southampton and Warminster and the
BOROUGH of Ivyland and Part of MONTGOMERY County consisting
of the TOWNSHIPS of Abington, Cheltenham, East Norriton,
Hatfield, Horsham, Lower Gwynedd, Lower Merion,
Lower Moreland, Lower Providence (PART, Districts 02 and 03
[PART, Divisions 01 and 02]), Montgomery, Plymouth,
Springfield, Upper Dublin, Upper Gwynedd, Upper Merion,
Upper Moreland, West Norriton, Whitemarsh and Whitpain and
the BOROUGHS of Ambler, Bridgeport, Bryn Athyn,
Conshohocken, Hatboro, Hatfield, Jenkintown, Lansdale,
Narberth, Norristown, North Wales, Rockledge and
West Conshohocken.
Total population: 646,371

Dist. 14   BUTLER, CRAWFORD, ERIE, LAWRENCE and MERCER Counties.
Part of BUTLER County consisting of the TOWNSHIPS of
Allegheny, Brady, Butler (PART, Districts 04 and 06 [PART,
Division South]), Center, Cherry, Clay, Concord,
Connoquenessing, Franklin, Jackson, Lancaster, Marion,
Mercer, Muddy Creek, Parker, Slippery Rock, Venango,
Washington and Worth and the BOROUGHS of Bruin,
Cherry Valley, Eau Claire, Evans City, Harmony,
Harrisville, Petrolia, Portersville, Prospect,
Slippery Rock, West Liberty, West Sunbury and Zelienople;
All of CRAWFORD County; All of ERIE County; All of LAWRENCE
County and All of MERCER County.
Total population: 646,371

Dist. 15   BUCKS, LEHIGH, MONTGOMERY and NORTHAMPTON Counties.
Part of BUCKS County consisting of the TOWNSHIPS of
Bedminster (PART, District East), Bridgeton, Buckingham
(PART, Districts Middle [PART, Division 02] and Upper
[PART, Divisions 02 and 03]), Durham, Haycock, Milford,
Nockamixon, Plumstead, Richland (PART, District Upper),
Solebury (PART, District Upper), Springfield and Tinicum
and the BOROUGHS of Richlandtown, Riegelsville and
Trumbauersville; All of LEHIGH County; Part of MONTGOMERY
County consisting of the TOWNSHIP of Upper Hanover (PART,
Districts 02 and 03) and the BOROUGHS of East Greenville
and Pennsburg and All of NORTHAMPTON County.
Total population: 646,372

CONGRESSIONAL DISTRICTS

Dist. 16   BUCKS, CHESTER, LANCASTER and MONTGOMERY Counties.
Part of BUCKS County consisting of the TOWNSHIPS of
Bedminster (PART, District West), East Rockhill, Hilltown,
Richland (PART, District Lower) and West Rockhill and the
BOROUGHS of Dublin, Perkasie, Quakertown, Sellersville,
Silverdale and Telford (Bucks County Portion); Part of
CHESTER County consisting of the TOWNSHIPS of Charlestown,
East Brandywine, East Coventry, East Fallowfield,
East Marlborough, East Nantmeal, East Nottingham,
East Pikeland, East Vincent, East Whiteland (PART,
Precincts 01, 02, 03, 04 and 06), Easttown, Elk, Franklin,
Highland, Honey Brook, Kennett, London Britain,
London Grove, Londonderry, Lower Oxford, New Garden,
New London, Newlin, North Coventry, Penn, Pennsbury (PART,
District South), Sadsbury, Schuylkill, South Coventry,
Tredyffrin, Upper Oxford, Upper Uwchlan, Uwchlan, Valley,
Wallace, Warwick, West Brandywine, West Caln,
West Fallowfield, West Marlborough, West Nantmeal,
West Nottingham, West Pikeland, West Sadsbury, West Vincent
and West Whiteland and the BOROUGHS of Atglen, Avondale,
Elverson, Honey Brook, Kennett Square, Modena, Oxford,
Parkesburg, Phoenixville, South Coatesville, Spring City
and West Grove; Part of LANCASTER County consisting of the
TOWNSHIPS of Brecknock, Caernarvon, Clay, Earl,
East Cocalico, East Earl, Ephrata, Salisbury, Upper Leacock
(PART, District Bareville) and West Cocalico and the
BOROUGHS of Adamstown (Lancaster County Portion), Akron,
Christiana, Denver, Ephrata, New Holland and Terre Hill and
Part of MONTGOMERY County consisting of the TOWNSHIPS of
Douglass, Franconia, Limerick, Lower Frederick,
Lower Pottsgrove, Lower Providence (PART, Districts 01 and
03 [PART, Division 03]), Lower Salford, Marlborough,
New Hanover, Perkiomen, Salford, Skippack, Towamencin,
Upper Frederick, Upper Hanover (PART, District 01),
Upper Pottsgrove, Upper Providence, Upper Salford,
West Pottsgrove and Worcester and the BOROUGHS of
Collegeville, Green Lane, Pottstown, Red Hill, Royersford,
Schwenksville, Souderton, Telford (Montgomery County
Portion) and Trappe.
Total population: 646,371

CONGRESSIONAL DISTRICTS

Dist. 17   CUMBERLAND, DAUPHIN, LANCASTER, LEBANON and PERRY Counties.
Part of CUMBERLAND County consisting of the TOWNSHIP of
Lower Allen (PART, Precinct 04) and the BOROUGHS of
New Cumberland and Wormleysburg; All of DAUPHIN County;
Part of LANCASTER County consisting of the CITY of
Lancaster and the TOWNSHIPS of Conoy, East Donegal,
East Hempfield, East Lampeter, Elizabeth, Lancaster,
Leacock, Manheim, Manor, Mount Joy, Penn, Rapho,
Upper Leacock (PART, Districts Leacock and Leola), Warwick,
West Donegal, West Earl and West Hempfield and the BOROUGHS
of Columbia, East Petersburg, Elizabethtown, Lititz,
Manheim, Marietta, Millersville, Mount Joy and Mountville;
Part of LEBANON County consisting of the TOWNSHIPS of
North Cornwall, North Londonderry, South Annville,
South Londonderry and West Cornwall and the BOROUGHS of
Cornwall, Mount Gretna and Palmyra and All of PERRY County.
Total population: 646,372

Dist. 18   ALLEGHENY County.
Part of ALLEGHENY County consisting of the CITIES of
Duquesne, McKeesport and Pittsburgh and the TOWNSHIPS of
North Versailles, Penn Hills, Shaler (PART, Ward 01 [PART,
Division 02]), South Versailles and Wilkins and the
BOROUGHS of Aspinwall, Baldwin (PART, District 01),
Braddock, Braddock Hills, Brentwood, Chalfant, Churchill,
Crafton, Dravosburg, East McKeesport, East Pittsburgh,
Edgewood, Forest Hills, Glassport, Green Tree, Homestead,
Ingram, Liberty, Monroeville, Mount Oliver, Munhall,
North Braddock, Oakmont (PART, District 06), Pitcairn,
Pleasant Hills, Port Vue, Rankin, Rosslyn Farms, Swissvale,
Thornburg, Trafford (Allegheny County Portion),
Turtle Creek, Verona (PART, Districts 01 and 02),
Versailles (PART, District 02), Wall, West Homestead,
West Mifflin, Whitaker, White Oak, Wilkinsburg and
Wilmerding.
Total population: 646,371

Dist. 19   ADAMS, CUMBERLAND, LANCASTER and YORK Counties.
All of ADAMS County; Part of CUMBERLAND County consisting
of the TOWNSHIPS of Cooke, Dickinson, East Pennsboro,
Lower Allen (PART, Precincts 01, 02, 03, 05 and 06),
Monroe, North Newton, Penn, South Middleton, South Newton,
Southampton (PART, Precincts Lower and Upper [PART,
Division 02]) and Upper Allen and the BOROUGHS of Camp
Hill, Lemoyne, Mechanicsburg (PART, Wards 01, 02 and 05),
Mount Holly Springs and Newville; Part of LANCASTER County
consisting of the TOWNSHIPS of Bart, Colerain, Conestoga,
Drumore, East Drumore, Eden, Fulton, Little Britain,
Martic, Paradise, Pequea, Providence, Sadsbury, Strasburg
and West Lampeter and the BOROUGHS of Quarryville and
Strasburg and All of YORK County.
Total population: 646,371

Population of all districts: 12,281,054

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PLACES SPLIT BY CONGRESSIONAL DISTRICTS

36 TOTAL PLACES   37 TOTAL SPLITS

ALLEGHENY COUNTY
    BALDWIN   BOROUGH   04   18
    OAKMONT   BOROUGH   04   18
    VERONA   BOROUGH   04   18
    VERSAILLES   BOROUGH   04   18
    SHALER   TOWNSHIP   04   18

BEAVER COUNTY
    HARMONY   TOWNSHIP   04   08
    HOPEWELL   TOWNSHIP   04   08

BUCKS COUNTY
    BEDMINSTER   TOWNSHIP   15   16
    BENSALEM   TOWNSHIP   03   13
    BUCKINGHAM   TOWNSHIP   03   15
    NORTHAMPTON   TOWNSHIP   03   13
    RICHLAND   TOWNSHIP   15   16
    SOLEBURY   TOWNSHIP   03   15

BUTLER COUNTY
    BUTLER   TOWNSHIP   05   14

CARBON COUNTY
    LANSFORD   BOROUGH   06   11
    SUMMIT HILL   BOROUGH   06   11
    BANKS   TOWNSHIP   06   11
    FRANKLIN   TOWNSHIP   06   11

CENTRE COUNTY
    CURTIN   TOWNSHIP   05   10
    MILES   TOWNSHIP   05   09

CHESTER COUNTY
    EAST WHITELAND   TOWNSHIP   07   16
    PENNSBURY   TOWNSHIP   07   16

COLUMBIA COUNTY
    SCOTT   TOWNSHIP   10   11

CUMBERLAND COUNTY
    MECHANICSBURG   BOROUGH   09   19
    LOWER ALLEN   TOWNSHIP   17   19
    SOUTHAMPTON   TOWNSHIP   09   19

FAYETTE COUNTY
    NORTH UNION   TOWNSHIP   08   12
    WHARTON   TOWNSHIP   08   12

LANCASTER COUNTY
    UPPER LEACOCK   TOWNSHIP   16   17

LYCOMING COUNTY
    CLINTON   TOWNSHIP   09   10

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PLACES SPLIT BY CONGRESSIONAL DISTRICTS

MONTGOMERY COUNTY
        LOWER PROVIDENCE   TOWNSHIP   13   16
        UPPER HANOVER   TOWNSHIP   15   16

NORTHUMBERLAND COUNTY
        UPPER AUGUSTA   TOWNSHIP   10   11

PHILADELPHIA COUNTY
        PHILADELPHIA   CITY   01   02   03

WESTMORELAND COUNTY
        PENN   TOWNSHIP   08   12
        SEWICKLEY   TOWNSHIP   08   12

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WARDS SPLIT BY CONGRESSIONAL DISTRICTS

16 TOTAL WARDS   16 TOTAL SPLITS

ALLEGHENY COUNTY
     SHALER   TOWNSHIP
          WARD 01   04   18

BUCKS COUNTY

     BENSALEM   TOWNSHIP
          WARD LOWER EAST   03   13
          WARD LOWER MIDDLE   03   13

     BUCKINGHAM   TOWNSHIP
          WARD MIDDLE   03   15
          WARD UPPER   03   15

BUTLER COUNTY

     BUTLER   TOWNSHIP
          WARD 06   05   14

CARBON COUNTY

     SUMMIT HILL   BOROUGH
          WARD 03   06   11

CUMBERLAND COUNTY

     SOUTHAMPTON   TOWNSHIP
          WARD UPPER   09   19

MONTGOMERY COUNTY

     LOWER PROVIDENCE   TOWNSHIP
          WARD 03   13   16

PHILADELPHIA COUNTY

     PHILADELPHIA   CITY
          WARD 10   01   02
          WARD 41   02   03
          WARD 55   01   02
          WARD 57   02   03
          WARD 61   01   02

WESTMORELAND COUNTY

     PENN   TOWNSHIP
          WARD 01   08   12
          WARD 05   08   12

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

SIMON BALDERAS, ET AL.	§	
	§	CIVIL ACTION
vs.	§	NO. 6:01CV158
	§	
STATE OF TEXAS, ET AL.	§	

This Filing Applies to: All Actions

Before HIGGINBOTHAM, Circuit Judge, HANNAH and WARD, District Judges.

PER CURIAM:

This phase of the redistricting case involves the Texas congressional districts following the 2000 census. After a period of deferral to the State of Texas as mandated in *Growe v. Emison*[1] and the failure of the State to produce a congressional redistricting plan, we are left with the "unwelcome obligation of performing in the legislature's stead."[2] We will describe the course of this litigation and explain the process by which we drew the congressional redistricting plan which we order.[3]

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[1] 507 U.S. 25 (1993).

[2] *Connor v. Finch*, 431 U.S. 407, 415 (1977).

[3] The Congressional Districts imposed by this court's Final Judgment shall bear the number 1151C, which is the next number available for public plans within the Texas Legislative Council's RedAppl 2001 computer program.

Voters and various officeholders filed multiple lawsuits in state and federal court challenging the districting of Texas' congressional seats and both houses of the state legislature based on the 2000 census.[4] The federal cases were consolidated into the earliest-filed federal action, *Balderas v. Texas*, No. 6:01-CV-158, before this three-judge court.[5] Pursuant to the Supreme Court's direction in *Growe*, on July 23, 2001 we deferred proceedings in federal court until October 1, 2001. We directed that the trial of any challenge to any state-adopted plan for congressional districts, or of any dispute over an appropriate plan to be adopted if the State adopted no plan, would begin on October 15, 2001. Any trials of the disputes over the districts for the state Senate and House would follow in that order. The record in each trial would rest on the trials which preceded it as well as its own. We prescribed the usual pre-trial tasks. All this was to reduce, if not avoid, any delay in the electoral process and to follow the specific command of the Supreme Court in *Growe*.

On September 12, 2001, the Texas Supreme Court determined that the Travis County trial court had dominant jurisdiction among the

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[4] *Balderas v. Texas*, Civil No. 6:01-CV-158 (E.D. Tex.); *Mayfield v. Texas*, Civil No. 6:01-CV-218 (E.D. Tex.); *Manley v. Texas*, Civil No. 6:01-CV-231 (E.D. Tex.); *Del Rio v. Perry*, No. GN-003665 (353rd Dist. Ct., Travis County, Tex.); *Cotera v. Perry*, No. GN-101660 (353rd Dist. Ct., Travis County, Tex.); *Connolly v. Perry*, No. GN-102250 (98th Dist. Ct., Travis County, Tex.); *Associated Republicans of Texas v. Cuellar*, No.2001-26894 (281st Dist. Ct., Harris County, Tex.); *Rivas v. Cuellar*, No.2001-33760 (152nd Dist. Ct., Harris County, Tex.).

[5] Other three-judge courts had dismissed prior suits filed prematurely.

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state cases to hear the various plaintiffs' redistricting claims and held that a state trial court in Travis County must decide the districting dispute. The Travis County court commenced trial on September 17, 2001. It heard testimony and arguments from all the parties, concluding trial on September 28, 2001.

On October 1, 2001, at the request of the state trial judge, we extended the deadline for the filing of any congressional redistricting plan to October 3, 2001. On October 3, the state trial court issued a plan, known as 1065C. No provision was made in our October 1 order for the filing of any new plan, although the state trial judge advised that he might modify the plan on or before October 10, 2001. The schedule we had provided did not contemplate major changes in the state court plan filed on October 3. On October 10, 2001, the state court nonetheless issued a new plan, known as 1089C. We immediately delayed the start of any federal trial for one week to October 22 at the request of the parties who pointed to the need for additional time given the substantial differences between the two plans of the state court. On October 19, 2001, however, the Texas Supreme Court vacated the trial court's October 10, 2001 judgment based on a violation of the parties' state constitutional rights and remanded the case to the state trial court.[6] The Texas Supreme Court also concluded that

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[6] *Perry v. Del Rio*, No. 01-0988, 2001 WL 1285081, at *9 (Tex. Oct. 19, 2001).

1065C, the first plan of the state trial court, was not the baseline plan for this court to use, because 1065C was never adopted as a final judgment by the state trial court. The Texas Supreme Court acknowledged that the end result of the state processes left the federal courts with no choice but to proceed without the benefit of a state plan.[7]

As forecasted by the Texas Supreme Court, we proceeded to trial in Austin, Texas on October 22, 2001, without a state baseline plan in place. This court heard testimony and took evidence on congressional redistricting plans between October 22 and November 1, concluding with final argument on November 2. The parties filed post-trial briefs on November 7, 2001. After reviewing the evidence and the parties' submissions, we now turn to our decision implementing a plan for the redistricting of the Texas congressional districts based on the 2000 census.

II

Federal courts have a limited role in crafting a congressional redistricting plan where the State has failed to implement a plan. The limits are not to be found in the traces of the unconstitutional plan being replaced. "Although a court must defer to legislative judgments on reapportionment as much as possible, it is forbidden to do so when the legislative plan would not meet the special standards of population equality and racial fairness that

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[7]   *Id.*

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are applicable to court-ordered plans."[8]   Rather, the court must draw a redistricting plan according to "neutral districting factors," including, *inter alia*, compactness, contiguity, and respecting county and municipal boundaries.[9]   The 1991 plan as modified in 1996 is conceded by all parties to be unconstitutional, made so by changes in population disclosed by the decennial census, if not also for other reasons.   In our effort to steer the required neutral course through this political sea, we have been assisted by the many distinguished political scientists who have testified in this case.

Dr. John Alford, Rice University professor of political science, detailed in his trial testimony a process drawing upon principles of district line-drawing that stand politically neutral. We found that process, substantially parallel to our preliminary thinking and that of other courts, to be the most appropriate for our judicial task.

Our decisional process accepted the reality that, as with so many decisional processes, the sequence of decisions is critical. Starting with a blank map of Texas, we first drew in the existing Voting-Rights-Act-protected majority-minority districts.   We were persuaded that the next step had to be to locate Districts 31 and 32, the two new Congressional seats allotted to Texas following the

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[8]   *Upham v. Seamon*, 456 U.S. 37, 39 (1982) (per curiam).

[9]   *See Abrams v. Johnson*, 521 U.S. 74, 88, 98 (1997); *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

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2000 census.   As observed by Dr. Alford, the most natural and neutral locator is to place them where the population growth that produced the new additional districts has occurred.[10]   It is self-evident that this locator is, across cases, neutral down to the immediate area, if not in the ultimate, precise fit on the ground. Here the new districts' precise landing was virtually dictated by step 1.   When we sent the two new districts to the areas of greatest population growth, Dallas County and Harris County, the districts necessarily landed in the northern half of these counties, and, in the case of District 31, continuing over to Williamson County.   Their landing was directed by the location of the protected majority-minority districts in southern Dallas and Harris Counties, which could not be disrupted.   Use of this neutral guide was further supported by the circumstance that the Texas legislature has previously located new districts in the areas of greatest population growth.[11]

With a large part of the Texas map thus drawn, we looked to general historic locations of districts in the state, such as the districts in the Panhandle and the northeast corner of the state,

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[10]   We are not the first court to see the wisdom of this choice.   See, e.g., Johnson v. Miller, 922 F. Supp. 1556, 1563 (S.D. Ga. 1995) (discussing the decision to place Georgia's additional congressional district in high population growth area near Atlanta), aff'd sub nom., Abrams v. Johnson, 521 U.S. 74 (1997).

[11]   See Bush v. Vera, 517 U.S. 952, 1003 (1996) (Stevens, J., dissenting) ("Because Texas' growth was concentrated in south Texas and the cities of Dallas and Houston, the state legislature concluded that the new congressional districts should be carved out of existing districts in those areas.").

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the north central districts of the Red River area,[12] through the metropolitan districts and the central plains. We then drew in the remaining districts throughout the state, emphasizing compactness, while observing the contiguity requirement.[13] We struggled to follow local political boundaries that historically have defined communities--county and city lines.[14] In the vernacular, "splits" of counties and cities in our drawing had to be a product of our neutral standards and the demands of population equality. We eschewed an effort to treat old lines as an independent locator, an effort that, in any event, would be frustrated by the population changes in the last decade. Nonetheless, the districts fell to their long-held areas, a natural result of the process we have described, much the same as the map drawn at our request by the State using Dr. Alford's neutral approach.

As we have explained, in our efforts to avoid splitting counties and cities, and in particular "double splits," or simultaneously moving populations in and out of a county between

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[12] Cf. Johnson, 922 F. Supp. at 1565 (discussing Georgia's tradition of having four "corner districts" in its congressional plans).

[13] See Good v. Austin, 800 F. Supp. 557, 563 (E.D. Mich. & W.D. Mich. 1992) ("In addition to serving as a check on gerrymandering compactness 'facilitates political organization, electoral campaigning, and constituent representation.'" (quoting Karcher v. Daggett, 462 U.S. 725, 756 (1983) (Stevens, J., concurring))).

[14] See Karcher, 462 U.S. at 758 (Stevens, J., concurring) ("Subdivision boundaries tend to remain stable over time. Residents of political units such as townships, cities, and counties often develop a community of interest, particularly when the subdivision plays an important role in the provision of governmental services. In addition, legislative districts that do not cross subdivision boundaries are administratively convenient and less likely to confuse the voters." (footnote omitted)).

two districts, we also strove for compactness and contiguity. Doing so did much to end most of the below-the-surface "ripples" of the 1991 plan and the myriad of submissions before us. For example, the patently irrational shapes of Districts 5 and 6 under the 1991 plan, widely-cited as the most extreme but successful gerrymandering in the country, are no more.

As a check against the outcome of our neutral principles, we asked if the resulting plan was avoidably detrimental to Members of Congress of either party holding unique, major leadership posts. We looked at three Democrats and three Republicans, consensus members of this limited group, each with substantial leadership positions in the Congress. It was plain that these Members were not harmed in their reelection prospects by this plan and that, indeed, no incumbent was paired with another incumbent or significantly harmed by the plan. We thus considered no change in our map in response to this inquiry. Doubtlessly some may see any such weighting as an incumbency factor since congressional leadership so directly correlates with seniority. This view is not without force. Nonetheless, three circumstances must also be considered. First, this correlation is no longer so complete. Second, it does not here offer purchase to one political party over another. And, finally, it reflects a traditional state interest in the power of its congressional delegation distinct from partisan affiliation.

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Finally, we checked our plan against the test of general partisan outcome, comparing the number of districts leaning in favor of each party based on prior election results against the percentage breakdown statewide of votes cast for each party in congressional races.   This is a traditional last check upon the rationality of any congressional redistricting plan,[15] widely relied-upon by political scientists to test plans, if only in an approximating manner. We found that the plan is likely to produce a congressional delegation roughly proportional to the party voting breakdown across the state.   It must be understood that any plan necessarily begins with a Democratic bias due to the preservation of protected majority-minority districts, all of which contain a high percentage of Democratic voters.

III

Various parties urged us to create both African-American and Latino minority districts.   These districts are not required by law, as discussed in more detail below, but could be created by the State so long as race was not a predominant reason for doing so. Whether to do so is, however, a quintessentially legislative decision, implicating important policy concerns.[16] We did not avoid creating such a district.   At the same time, we did not depart from

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[15]   See, e.g., Good, 800 F. Supp. at 566-67 (using partisan fairness to assess plan drawn according to neutral principles).

[16]   See Wyche v. Madison Parish Police Jury, 635 F.2d 1151, 1160 (5th Cir. Unit A Feb. 1981).

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our neutral factors to draw any district not required by law. To

do so would render our effort to keep our thumb off the political

scale an illusion.[17]

IV

Finally, to state directly what is implicit in all that we

have said: political gerrymandering, a purely partisan exercise,

is inappropriate for a federal court drawing a congressional

redistricting map.[18] Even at the hands of a legislative body,

political gerrymandering is much a bloodfeud, in which revenge is

exacted by the majority against its rival. We have left it to the

political arena, as we must and wisely should. We do so because

our role is limited and not because we see gerrymandering as other

than what it is: an abuse of power that, at its core, evinces a

fundamental distrust of voters, serving the self-interest of the

political parties at the expense of the public good.

V

The parties presented competing plans for redistricting the

Congressional seats. We have passed by the approach by which these

plans were created in favor of the approach we have described,

which we found to be mandated by our position as a federal court

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[17] Cf. Abrams, 521 U.S. at 88.

[18] See Hunt v. Cromartie, 526 U.S. 541, 551 (1999); see generally Davis v. Bandemer, 478 U.S. 109, 117 n.6 (1986) (plurality opinion of White, J.); cf. Wyche v. Madison Parish Police Jury, 769 F.2d 265, 268 (5th Cir. 1985) ("Many factors, such as the protection of incumbents, that are appropriate in the legislative development of an apportionment plan have no place in a plan formulated by the courts.").

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engaging in our "delicate task with limited legislative guidance."[19]

Several parties raise Voting Rights Act arguments in support of their preferred plans. In drawing our plan, we have endeavored to ensure that the plan complies with the goals of sections 2[20] and 5[21] of the Voting Rights Act.[22]

Our plan works no retrogression. We have maintained intact the existing districts, and, to the extent the boundaries have changed, as we "zeroed out" the plan, the minority populations have been either enhanced or not diminished in any meaningful way (i.e., by mere fractions of percentages). Thus, although the minority populations in Districts 15, 16, and 30 represent a slightly smaller, but still overwhelming, percentage of the total populations of those districts as compared with the baseline 1991 plan as modified in 1996, we find that these changes do not result in "a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise."[23]

The Balderas plaintiffs argue that the congressional plan must contain seven Latino registration majority districts, within nine Latino voting age majority districts, to avoid a section 2

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[19] *Abrams*, 521 U.S. at 101.

[20] 42 U.S.C. § 1973.

[21] 42 U.S.C. § 1973c.

[22] See *Abrams*, 521 U.S. at 90, 96.

[23] *Beer v. United States*, 425 U.S. 130, 141 (1976); see also *Abrams*, 521 U.S. at 95; *Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 478 (1997).

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violation.   The Martinez intervenors specifically argue for a Latino opportunity district in Dallas County to maintain compliance with section 2. Many parties, including the Texas Coalition of Black Democrats, argue for an African-American opportunity district, generally labeled District 25, in Fort Bend and Harris Counties.

The Latino and African-American plaintiffs thus present competing positions, reflecting a political reality that they are competitors in the political process.[24] This competition finds expression in an absence of cohesive voting between Latinos and African-Americans at the point in which it is meaningfully measured, the Democratic primaries.

We find that the plaintiffs have failed to prove that vote dilution will occur in violation of section 2 of the Voting Rights Act in the absence of seven Latino citizenship majority congressional districts or an African-American opportunity district, proposed District 25, in Fort Bend and Harris Counties. The evidence did not persuade us that either Latino or African-American voting age populations are sufficiently numerous to form voting age population majorities in effective districts.[25] The plaintiffs have also not proved that Latinos and African-Americans

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[24] Several political scientists alluded to this political reality in their testimony.

[25] See Valdespino v. Alamo Heights Indep. Sch. Dist., 168 F.3d 848, 852-53 (5th Cir. 1999).

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vote cohesively as required by *Thornburg v. Gingles*[26] so as to constitute a majority in a single-member district.[27]

Looking first to the proposed African-American opportunity district, the Texas Coalition of Black Democrats has conceded that the evidence showed that African-Americans would not be an absolute majority of citizen voting age population in the proposed District 25. Again, the plaintiffs were unable to prove cohesive voting between Latinos and African-Americans sufficient to compel the drawing of a district in Fort Bend and Harris Counties.[28] The overwhelming evidence found to be persuasive was to the contrary.

The matter of creating such a permissive district is one for the legislature.[29] As we have explained, such an effort would require that we abandon our quest for neutrality in favor of a raw political choice. We offer no opinion as to the wisdom of an appropriate body doing so. Such arranging of voting presents a large and complex decision with profound social and political consequences. The Congress has by its enactment of voting rights laws constrained the political process and given the courts a role--to the extent of those constraints. We have no warrant to

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[26] 478 U.S. 30, 50-51 (1986).

[27] *See Valdespino*, 168 F.3d at 852-53.

[28] *See Growe*, 507 U.S. at 41.

[29] *See Johnson*, 922 F. Supp. at 1567 ("Since political considerations pervade the redistricting task, the Court feels that any permanent footprint left on Georgia's political landscape ... should be left to those elected to make such decisions.").

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impose our vision of "proper" restraints upon the political process
beyond the constraints imposed by the Constitution or the Voting
Rights Act. The Supreme Court put it succinctly in *Growe*, stating
that, where there has been no showing establishing the "three
Gingles prerequisites," then under section 2 of the Voting Rights
Act "there neither has been a wrong nor can be a remedy."[30] A month
later, the Court stated even more directly that, "[o]f course, the
federal courts may not order the creation of majority-minority
districts unless necessary to remedy a violation of federal law."[31]

In sum, these arguments so ably presented by Morris
Overstreet, African-American attorney and former state official and
candidate for elective office, and others are directed to the wrong
forum, however much we may personally admire the arguments. It
bears mention that our plan has hardly left a bleak terrain. In
District 25 of our plan, the combined African-American and Latino
voting age population increased to a 52.3 majority. In the
practical world, this percentage will dominate the Democratic
primary in a district that has consistently elected a Democratic
congressman. This is, then, in a real sense, a minority district
produced by our process that enhances the elective prospects of a
minority, albeit not wholly the district sought.

As for the proposed Latino opportunity districts, the evidence

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[30]   507 U.S. at 41.

[31]   *Voinovich v. Quilter*, 507 U.S. 146, 156 (1993).

shows that the Latino population is not sufficiently compact or numerous to support another, effective majority Latino citizenship district in Texas, in Dallas County or in South Texas.[32]   We find that, under the totality of the circumstances, the failure to create seven such districts will not prevent full and equal Latino participation in the political process.   It bears mention that our insistence upon compactness has increased the Latino force in District 24, a result supported by Congresswoman Eddie Bernice Johnson in her testimony at trial.

The Valdez-Cox plaintiffs also urge that Webb and Hidalgo Counties be left whole.   We heard powerful arguments from the witness stand and counsel in opposition to a splitting of Hidalgo County in South Texas, and our neutral standards stood against such a county split.   That standard was ultimately overriden as to Hidalgo County by the mandate of population equality under the principle of one-man, one-vote, and the existence of surrounding protected majority-minority districts.   It is an ugly fact that the law's insistence on absolute population equality in court-drawn plans has the perverse effect of splitting counties and cities, when a tolerance of greater deviation would not demand such undesirable divisions.   The split here of Hidalgo County is a fit

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[32]   See Growe, 507 U.S. at 39-40; Gingles, 478 U.S. at 50-51; NAACP v. Fordice, 252 F.3d 361, 365-67 (5th Cir. 2001).

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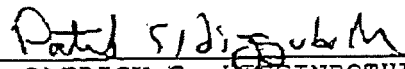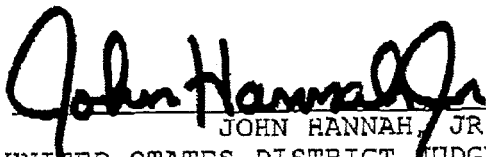
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example.[33] Webb County was not caught in this squeeze and remains wholly intact in District 23.

<div align="center">VI</div>

There being no reason for delay, we direct entry of final judgment in this case pursuant to Federal Rule of Civil Procedure 54(b).

So **ordered** and **signed** this 14th day of November, 2001.

_____
PATRICK E. HIGGINBOTHAM
UNITED STATES CIRCUIT JUDGE

_____
JOHN HANNAH, JR.
UNITED STATES DISTRICT JUDGE

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T. JOHN WARD
UNITED STATES DISTRICT JUDGE

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[33] We endeavored to and did respect the municipal boundaries of McAllen, a major population center of Hidalgo County.