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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

**BEVERLY CLARNO, GARY
WILHELMS, JAMES L. WILCOX, and
LARRY CAMPBELL,**

Petitioners,

v.

SHEMIA FAGAN, in her official capacity as
Oregon Secretary of State,

Respondent,

and

**JEANNE ATKINS, SUSAN CHURCH,
NADIA DAHAB, JANE SQUIRES,
JENNIFER LYNCH, and DAVID
GUTTERMAN,**

Intervenor-
Respondents.

Case No. 21CV40180

**INTERVENOR-RESPONDENTS'
PROPOSED FINDINGS OF FACT**

**INTERVENOR-RESPONDENTS' PROPOSED
FINDINGS OF FACT**

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1 **PREFATORY STATEMENT**

2 Mere hours before this submission was due, Petitioners withdrew their claim that the
3 Oregon Legislative Assembly enacted a new congressional map in violation of the statutory
4 directive that legislators draw district maps based on five factors: contiguity, equality of
5 population, existing political and geographic boundaries, communities of common interest, and
6 transportation links. *See* ORS 188.010(1). Petitioners’ decision is an extraordinary admission: they
7 have presented *no evidence* to rebut the voluminous record demonstrating that the Legislative
8 Assembly was guided by the statutory factors in enacting a new congressional plan.

9 The Court should not be misdirected by Petitioners’ eleventh-hour dismissal of their Fourth
10 Claim for Relief. Petitioners withdrew their statutory claim to divert the Court’s focus away from
11 the reasons that the Legislative Assembly enacted the new congressional map and the legitimacy
12 of those reasons, in the hope that the Court will consider only Petitioners’ expert-driven case. But
13 the best evidence of why the Legislative Assembly enacted the new map is the reasons stated in
14 the legislative record. And the best evidence of whether those reasons were legitimate and non-
15 pretextual are the unrebutted declarations offered by Intervenor-Respondents about communities
16 of common interest, transportation links, and other neutral considerations.

18 In sum, this case is all about the statutory factors of ORS 188.010. Petitioners’ withdrawal
19 of their fourth claim should not shift the Court’s focus or change any findings of fact that the Court
20 would have made if the fourth claim had not been withdrawn.

21 **PROPOSED FINDINGS OF FACT**

22 Having reviewed the full evidentiary record submitted by Petitioners, Respondent, and
23 Intervenor-Respondents, I make the following findings of fact:
24

1 1. Petitioners originally asserted four claims. Petition ¶¶ 58–104. Two of their claims
2 arise under ORS 188.010 and two of their claims arise under the Oregon Constitution. *Id.*

3 2. Intervenor-Respondents raise several defenses. Intervention Petition ¶¶ 39–41.
4 These defenses arise under ORS 188.010; the Privileges and Immunities Clause of the Oregon
5 Constitution; federal law—specifically, 2 USC section 2c and section 2 of the Voting Rights Act;
6 and Article I, section 2, of the United States Constitution. *Id.*

7
8 **I. Findings of Fact Related to Claims and Defenses Under ORS 188.010**

9 3. Petitioners’ claims under ORS 188.010 fall into two categories. *See* Petition ¶¶ 58–
10 104. First, Petitioners allege that Senate Bill 881 (2021) (“SB 881”), which established a new
11 districting map for Oregon’s six congressional districts (the “Enacted Map”), violates ORS
12 188.010(2) because it was drafted by the Legislative Assembly “for the purpose of favoring” the
13 Democratic Party. *Id.* ¶¶ 58–76. Second, Petitioners allege that SB 881 violates ORS 188.010(1)
14 because the Legislative Assembly failed to consider and/or reasonably incorporate neutral
15 districting criteria when drafting the Enacted Map. *Id.* ¶¶ 95–104.

16 4. As a defense, Intervenor-Respondents allege that the Enacted Map satisfies the
17 statutory criteria set forth in ORS 188.010. Intervention Petition ¶ 41.

18 5. As described in detail below, I find that there is no evidence that the Legislative
19 Assembly drafted the Enacted Map for the purpose of favoring a political party. I also find that
20 there is no evidence the Legislative Assembly failed to consider or reasonably adhere to neutral
21 districting criteria when drafting the Enacted Map.

1 **A. The Enacted Map was not drafted with impermissible partisan intent (ORS**
2 **188.010(2)).**

3 **i. The Enacted Map was enacted after extensive public comment and**
4 **debate.**

5 6. The Oregon Legislative Assembly commenced its redistricting efforts during its
6 2021 Regular Session by constituting Special Committees on Redistricting in the Senate and House
7 of Representatives. Ex 3018-E; Ex 3018-F.¹

8 7. Due to a delay in the United States Census Bureau’s dissemination of population
9 data caused by the ongoing pandemic, the Legislative Assembly postponed the process for
10 congressional redistricting with the enactment of Senate Bill 259 (2021). Video Recording, House,
11 SB 259, June 14, 2021, at 2:35:03.²

12 8. Notwithstanding this delay, the Redistricting Committees initially held ten public
13 hearings during the 2021 Regular Session to solicit public input on the redistricting process.
14 Ex 3018-G at 7:16–25 (statement of Sen. Taylor).

15 9. On August 12, the United States Census Bureau released the detailed 2020 census
16 data used for redistricting. Stipulation of Facts ¶ 19.

17 10. Shortly thereafter, on September 3, the Legislative Assembly released
18 congressional map proposals for public scrutiny and comment. Two proposals for congressional
19 district boundaries were released: “Plan A” was offered by the Redistricting Committees’
20

21
22
23 ¹ Exhibit 3018-F is a transcription of a meeting of the Senate Special Committee on Redistricting.
24 The document was mislabeled by the stenographer as the “House” committee.

25 ² I am permitted by OEC Rules 201(b) and 201(f) to take judicial notice of the video recordings of
26 the hearings of the Legislative Assembly, which are publicly available on a government website.

1 Democratic members; “Plan B” was offered by the Redistricting Committees’ Republican
2 members. Ex 3018-A at 20:14–24 (statement of Sen. Taylor); Stipulation of Facts ¶ 20.

3 11. Between September 8 and 13, the Redistricting Committees held an additional 12
4 public hearings, this time focused on the district boundaries contained in Plan A and Plan B.
5 Ex 3018-G at 7:16–25 (statement of Sen. Taylor).

6 12. On September 20—the first day of a special session—the Senate passed SB 881,
7 relating to congressional redistricting in Oregon, which was substantively identical to Plan A.
8 SB 881 passed in the Senate by a vote of 18 ayes to 11 nays. Stipulation of Facts ¶¶ 21–22.

9 13. Although House Speaker Tina Kotek initially gave Republicans disproportionate
10 representation on the House Special Committee on Redistricting, House Republicans refused to
11 work collaboratively with House Democrats in developing redistricting proposals. Republican
12 members of the House Redistricting Committee also sought to prevent SB 881 from receiving a
13 vote on the House floor. Video Recording, House, SB 881, Sept 20, 2021, at 2:29:05; Video
14 Recording, House Special Committee on State Legislative Redistricting, SB 881, Sept 20, 2021,
15 at 11:43, 13:10, 14:25, 15:10, 16:35, 22:55.

17 14. In response, Speaker Kotek exercised her prerogative to reconstitute the House
18 Redistricting Committee: she divided it into two committees—one for legislative and one for
19 congressional redistricting—and restored proportionate Democratic majorities. Video Recording,
20 House, SB 881, Sept 20, 2021, at 2:14:50.

21 15. As Representative Daniel Bonham acknowledged under cross-examination, and as
22 Special Session Rule 8.05 of the House of Representatives for the 81st Legislative Assembly
23

24

25

1 reflects, Speaker Kotek had the authority to reconstitute the committee. Ex 3017-N at 12; Hearing
2 Tr (rough), Oct 27, 2021, at 100:14–101:12.

3 16. When the House later convened on September 25 for the second reading of the
4 Senate’s bill, only one Republican representative appeared on the House floor, denying the House
5 a quorum to vote on SB 881. Stipulation of Facts ¶ 24; Video Recording, House, SB 881, Sept 25,
6 2021, at 30:45–4:34:43.

7 17. During cross-examination, Representative Bonham explained that, in denying the
8 House a quorum to vote on the bill, Republican legislators were motivated to “fight[] for
9 potentially one congressional seat”—that is, to draw a map that would advantage Republican
10 candidates in one more district. Hearing Tr (rough), Oct 28, 2021, at 118:9–14, 119:5–9.

11 18. On September 25, Senate President Peter Courtney proposed an amendment to
12 SB 881 that redrew the Senate-passed map based on the feedback the Redistricting Committees
13 had received. Ex 3018-B at 7:23–25.

14 19. On September 27, the House passed the amended version of SB 881, now known
15 as SB 881-A, by a vote of 33 ayes to 16 nays, with 11 members excused. Stipulation of Facts ¶ 25.

16 20. Republican lawmakers considered blocking passage of SB 881-A by again denying
17 the House chamber the necessary quorum, but they decided instead to appear on the House floor
18 and voted to suspend House rules to allow SB 881-A to come to an immediate vote. Hearing Tr
19 (rough), Oct 28, 2021, at 119:19–120:4.

20 21. On September 27, the Senate passed SB 881-A by a vote of 18 ayes to 6 nays, with
21 six members excused. Stipulation of Facts ¶ 26.

1 22. On September 27, Governor Kate Brown signed SB 881-A—now referred to post-
2 passage as SB 881—into law. Stipulation of Facts ¶ 27.

3 23. In total, lawmakers held 22 hearings during which they listened to public
4 testimony—more than double the ten public hearings required under ORS 188.016—and collected
5 more than 1,400 pieces of testimony. Ex 3018-A at 20:14–24 (statement of Sen. Taylor)
6 (describing public hearing and comment process); Ex 3018-C at 5:19–22 (statement of Rep.
7 Salinas) (same); Hearing Tr (rough), Oct 27, 2021, at 140:13–16 (testimony of Rep. Bonham).

8 24. Although some Republican lawmakers faulted their Democratic colleagues for
9 failing to hold further public hearings after they amended Plan A on September 27—accusing them
10 of eschewing public input—the revisions were themselves the result of the extensive public
11 feedback submitted on Plan A. Ex 3018-A at 6:25–9:1 (statement of Sen. Taylor) (summarizing in
12 detail changes made to Plan A based on public feedback); Ex 3018-C at 6:14–13:18 (statement of
13 Rep. Salinas) (same).

14 25. Some Republican lawmakers even acknowledged as much in their speeches on the
15 House and Senate floors. Ex 3018-A at 11:18–21 (statement of Sen. Knopp) (“[T]he public
16 testimony for [Plan A] said to change it. This map does change it. It doesn’t make all the changes
17 that [were] suggested, but it definitely is different.”); Ex 3018-A at 15:1–7 (statement of Sen.
18 Findley) (“When we spoke to the Senate Bill 881 a few days ago, I raised some concerns that I felt
19 the biggest issue was that none of the public testimony about the bill was incorporated in the bill
20 as we voted it out of this body. So thankfully, that has changed, and this 881-A reflects a lot of
21 that testimony, which I think is a great thing.”); Ex 1030; Ex 1034.
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1 26. Taken together, I find that the Legislative Assembly enacted SB 881 after extensive
2 public comment and debate.

3 **ii. Lawmakers offered neutral, nonpartisan reasons for supporting the**
4 **Enacted Map.**

5 27. The legislative record reflects that, in drafting the Enacted Map and debating
6 SB 881, lawmakers described neutral, nonpartisan reasons for supporting the bill. Ex 3017-A
7 (floor letter of Sen. Taylor) (describing each district as contiguous, of equal population, connected
8 by transportation links, and based on geographic boundaries); Ex 3018-A at 6:17–21 (statement of
9 Sen. Taylor) (describing each neutral criterion reflected in SB 881); Ex 3018-D at 4:16–6:25
10 (describing transportation links, existing geographic and political boundaries, and communities of
11 common interest in each district); Ex 3018-A at 14:9–17 (statement of Sen. Knopp) (“So I am
12 going to be a no But I do want to thank everyone for all the efforts they put in to get us to this
13 place. Even though we may vehemently disagree on the outcome, we did accomplish what the
14 statute lays out for us, in both the constitution and our statutes.”).

15 28. The legislative record reflects that lawmakers considered transportation links
16 within the Enacted Map’s congressional districts. Ex 3018-E at 8:3–11:17 (statement of Rep.
17 Salinas) (describing transportation links in each district); Ex 3018-D at 4:8–6:25 (statement of
18 Rep. Salinas) (same); Ex 3017-A at 1–2 (floor letter of Sen. Taylor) (listing transportation links
19 within each district); Ex 3018-C at 39:23–40:2 (statement of Rep. Kropf) (assessing transportation
20 links within Fifth Congressional District).

21 29. The legislative record reflects that lawmakers considered communities of common
22 interest within the Enacted Map’s congressional districts. Ex 3018-D at 12:16–17 (statement of
23 Rep. Salinas) (“[W]e took seriously the need to keep communities of common interest together.”);
24

1 Ex 3018-C at 18:19–22 (statement of Rep. Leon) (“I keep coming back to this question of
2 community, which I truly believe is the central question of this redistricting process and our
3 democracy”); Ex 3018-C at 6:18 (statement of Rep. Salinas) (“The proposed and final maps
4 . . . reflect the diversity of communities of common interest in our state.”); Ex 3009 ¶¶ 6–7
5 (declaration of Margaret Carter) (“I was very concerned about splitting this important historic area
6 from these other Black populations in eastern Portland and Multnomah County. I believe our act
7 of writing our letter, and sending it to the Legislature, made some difference, as the map was
8 redrawn to [remedy the division].”).
9

10 30. The legislative record reflects that lawmakers considered political and geographic
11 boundaries within the Enacted Map’s congressional districts. Ex 3017-A at 1–2 (floor letter of Sen.
12 Taylor) (describing political and geographic boundaries incorporated into each congressional
13 district); Ex 3018-C at 28:17–19 (statement of Sen. Campos) (“In drawing these maps, we started
14 with existing political and geographic boundaries, as we are legally obligated to do.”); Ex 3018-G
15 at 8:14–18 (statement of Sen. Taylor) (“As you will see in the current plans, even though we are
16 adding a new congressional district to Oregon’s map, we designed the new map to ensure that our
17 new districts resemble existing districts.”).

18 31. The legislative record reflects that lawmakers considered public feedback when
19 drawing the Enacted Map. Ex 3018-A at 6:25–9:1 (statement of Sen. Taylor) (summarizing
20 changes made to Plan A based on public feedback); Ex 3018-D at 10:14–15:3 (statement of Rep.
21 Salinas) (same); Ex 3018-B at 8:10–14:10 (statement of Rep. Salinas) (same); Ex 3018-A at 11:18–
22 21 (statement of Sen. Knopp) (“[T]he public testimony for [Plan A] said to change it. This map
23 does change it. It doesn’t make all the changes that [were] suggested, but it definitely is
24

1 different.”); Ex 3018-A at 15:1–7 (statement of Sen. Findley) (“When we spoke to the Senate Bill
2 881 a few days ago, I raised some concerns that I felt the biggest issue was that none of the public
3 testimony about the bill was incorporated in the bill as we voted it out of this body. So thankfully,
4 that has changed, and this 881-A reflects a lot of that testimony, which I think is a great thing.”).

5 32. The legislative record does not demonstrate that any lawmakers drafted or voted in
6 favor of the Enacted Map for any partisan purpose or otherwise opined as to the potential partisan
7 benefits of the Enacted Map. Exs 3018-A–V (compiling transcripts of legislative record); Ex 3018-
8 C at 62:9–17 (statement of Rep. Salinas) (“I do take offense that I would draw these maps and lead
9 this process in any way, shape, or form that was not legally defensible, including understanding
10 any portion of these maps that may favor one part over another or where an incumbent lives or
11 doesn’t live. We have known from the very beginning that these are things that you are not to take
12 into account.”); *cf.* Ex 1025 at 11 (Petitioners’ introduction into evidence of brief signed by Oregon
13 Department of Justice in case from North Carolina where co-chair of North Carolina’s Joint Select
14 Committee on Congressional Redistricting was quoted as stating that map was drawn “to give a
15 partisan advantage to 10 Republicans and 3 Democrats because [he] d[id] not believe it[would be]
16 possible to draw a map with 11 Republicans and 2 Democrats” (alterations in original)).

17
18 33. To the contrary, even the Enacted Map’s opponents acknowledged that the process
19 satisfied the applicable statutory and constitutional requirements. Ex 3018-A at 14:11–16
20 (statement of Sen. Knopp) (“Even though we maybe vehemently disagree on the outcome, we did
21 accomplish what the statute lays out for us, in both the constitution and our statutes. And I think
22 that is something that is rare, statistically, over the last 100 years, and especially in such a shortened
23 time frame.”); Ex 3018-A at 15:1–7 (statement of Sen. Findley (“When we spoke to the Senate
24

1 Bill 881 a few days ago, I raised some concerns that I felt the biggest issue was that none of the
2 public testimony about the bill was incorporated in the bill as we voted it out of this body. So
3 thankfully, that has changed, and this 881-A reflects a lot of that testimony, which I think is a great
4 thing.”).

5 34. Taken together, I find that lawmakers offered neutral, nonpartisan reasons for
6 drafting and supporting the Enacted Map.

7 **iii. Expert testimony demonstrates that the Enacted Map is not a partisan**
8 **gerrymander.**

9 35. I received expert testimony from Dr. Devin Caughey, Dr. Paul Gronke,
10 Dr. Jonathan Katz, and Dr. Thomas Brunell.

11 **a. Dr. Devin Caughey**

12 36. Dr. Caughey is a tenured professor of political science at the Massachusetts Institute
13 of Technology. He holds a PhD in political science from the University of California–Berkeley
14 and has published numerous peer-reviewed articles on the quantitative analysis of political
15 phenomena, including legislative redistricting. Ex 3001 ¶¶ 4–5 (declaration of Dr. Caughey).

16 37. I find the testimony of Dr. Caughey credible and his methodology and conclusions
17 reliable. His testimony is relevant and limited in scope because it considered whether the Enacted
18 Map is a partisan gerrymander. His methodology is reliable because it is similar to that which he
19 uses in his published work and because he produced all of the data on which he relied, such that
20 his conclusions are testable by others in his field.

21 38. Based on Dr. Caughey’s analysis, I find no evidence that the Enacted Map
22 constitutes a partisan gerrymander.
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1 39. Dr. Caughey undertook his analysis by reviewing whether election results under
2 the Enacted Map are likely to exhibit “partisan symmetry,” which political scientists broadly agree
3 is the test for whether a districting scheme is neutral with respect to a party and which refers to the
4 share of legislative seats a party can expect to win if it earns a given share of the statewide vote.
5 *Id.* ¶ 6.

6 40. Dr. Caughey reviewed whether election results under the Enacted Map are likely to
7 deviate from partisan symmetry by reviewing its “partisan bias,” which, in a two-party system, is
8 the difference between the two parties’ seat shares when each receives the same statewide vote
9 share. *Id.* ¶¶ 14–16.

10 41. Dr. Caughey provided illustrative examples of partisan bias under the enacted map
11 where one of the major parties wins 58% of the statewide vote, as the Democratic candidate did in
12 Oregon’s 2020 presidential election, and where each party receives 50% of the statewide vote,
13 which is a scenario that political scientists commonly analyze in performing these calculations. *Id.*

14 42. Dr. Caughey reported that if Democrats win 58% of Oregon’s statewide vote, they
15 are likely to win five of six congressional seats under the Enacted Map. Conversely, Dr. Caughey
16 illustrated that when Republicans win 58% of Oregon’s statewide vote, they are likely to win four
17 of six congressional seats. This one-seat difference in the two party’s expected fortunes with 58%
18 of the statewide vote reveals a partisan bias of 8%, the smallest possible pro-Democratic bias. *Id.*
19 I credit this finding and accept it as my own.

20 43. Dr. Caughey explained that a more principled focal point is the partisan bias in an
21 election where the two parties exactly split the statewide vote. Dr. Caughey modeled the results of
22 a 50%-50% election by applying the “uniform partisan swing assumption” to the 2020 presidential
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1 election results, which is a commonly accepted method in the field of political science. Under this
2 model, Dr. Caughey reported that an even split of Oregon’s statewide vote would result in
3 Democrats winning two seats under the Enacted Map, and Republicans winning four seats. This
4 two-seat difference reveals a partisan bias of 17% in favor of Republicans. *Id.* ¶ 17. I credit this
5 finding and accept it as my own.

6 44. Dr. Caughey found that an election where Democrats and Republicans evenly split
7 the statewide vote is a plausible scenario in Oregon, confirming the validity of this generally
8 accepted statistical analysis. The Republican candidate for Oregon Secretary of State won a
9 majority of the statewide vote as recently as 2016, and the usual fluctuation of the major parties’
10 fortunes suggests that Democrats’ successes in recent cycles are likely to dissipate in future
11 elections. *Id.* ¶ 19; Hearing Tr (rough), Oct 28, 2021, vol 3 at 50–54. I credit this finding and accept
12 it as my own.
13

14 45. In addition to his illustrative examples, Dr. Caughey reported a full statistical
15 analysis of the enacted plan’s partisan bias, which shows that the Enacted Map has approximately
16 a 0.6% pro-Republican bias in elections where the statewide vote is evenly split between the major
17 parties. This degree of partisan bias is small by historical standards. The model estimates that in
18 an election where the statewide vote is tied, the Republican Party has a 68% chance of winning
19 half or more of Oregon’s congressional seats. Ex 3001 ¶ 21 (declaration of Dr. Caughey). I credit
20 this finding and accept it as my own.

21 46. Dr. Caughey also reported three alternative indicators of partisan bias—the “mean-
22 median difference,” the “declination,” and the “efficiency gap,” and found that they yield mixed
23 results, but in no case do they indicate strong evidence of partisan bias. Dr. Caughey explained
24

1 that each indicator is subject to statistical uncertainty, and so any given estimate should be
2 interpreted as evidence of partisan gerrymandering only if its degree of uncertainty justifies such
3 an inference. This is especially true when a plan includes fewer than seven seats, as Oregon’s does.
4 Additionally, each indicator focuses on a different aspect or consequence of gerrymandering,
5 which vary in their prominence depending on circumstance. *Id.* ¶¶ 12, 22. I credit these findings
6 and accept them as my own.

7
8 47. The “mean-median” difference is defined as the difference between the Democratic
9 vote share in the median district and the average Democratic vote share across districts. Like the
10 measures of partisan bias that Dr. Caughey reported, the mean-median difference indicates a small
11 pro-Republican bias in the Oregon congressional map. Under the Enacted Map, according to this
12 measure, the expected Democratic vote share in the median district is 0.1% lower than its expected
13 statewide average. This bias is extremely small by historical standards. *Id.* ¶¶ 23–24. I credit this
14 finding and accept it as my own.

15 48. The “declination” identifies the difference between the lopsidedness of Democratic
16 and Republican districts (normalized by each party’s seat share), which can indicate the skewness
17 of districts’ partisan distribution. Dr. Caughey reported that the Enacted Map’s declination is
18 estimated to be 0.1 in favor of the Democratic Party, which is comparatively small by historical
19 standards and indicates little certainty about the Enacted Map’s partisan direction. *Id.* ¶¶ 25–26. I
20 credit this finding and accept it as my own.

21 49. The “efficiency gap” measures the difference in “wasted” votes between the two
22 parties. Dr. Caughey reported that when Democrats win 54% of the statewide vote in Oregon,
23 which represents the Party’s performance in the average election between 2012 and 2020, the
24

1 efficiency gap is estimated to be 8.5%, a moderate pro-Democratic bias. Comparison with other
2 districting plans indicates that efficiency gaps of this magnitude are hardly unusual, and the
3 efficiency gap of the Enacted Map is expected to favor Republicans fully 25% of the time. *Id.*
4 ¶¶ 28–29. I credit this finding and accept it as my own.

5 50. Dr. Caughey also reported that estimates of the efficiency gap under different
6 election scenarios are highly sensitive to the size of the statewide vote, suggesting that the Enacted
7 Map does not offer a durable advantage to either party. Dr. Caughey found that any Democratic
8 advantage under the Enacted Map is estimated to shrink the closer that the major parties come to
9 even competition in Oregon, and the efficiency gap is predicted to be almost exactly zero in the
10 case of a statewide tie. *Id.* ¶ 29. I credit this finding and accept it as my own.

11 51. Of the four common indicators of partisan gerrymandering that Dr. Caughey
12 reviewed, two of the indicators—including the most direct and theoretically grounded estimate of
13 partisan bias—suggest that the map favors Republicans in competitive elections, and two
14 indicators suggest a pro-Democratic bias. Dr. Caughey reported that on its own, each estimate
15 carries considerable uncertainty about the direction of partisan bias, as indicated by the fact that
16 for all four indicators, electoral simulations assign substantial probabilities to both pro-Democratic
17 and pro-Republican bias. And regardless of the direction of bias, Dr. Caughey reported that
18 comparisons with other districting plans indicate that the absolute magnitude of bias under the
19 Enacted Map is unusually small. *Id.* ¶ 30. I credit this finding and accept it as my own.

20 52. Based on these findings, I agree with Dr. Caughey’s conclusion that “[t]here is, in
21 short, little compelling evidence that the Oregon districting plan substantially favors the
22 Democratic Party.” *Id.* ¶ 15.
23
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1 **b. Dr. Paul Gronke**

2 53. Dr. Gronke is a Professor of Political Science at Reed College and Director of the
3 Elections and Voting Information Center. He holds a PhD in Political Science from the University
4 of Michigan and has written scientific research publications on elections, voting behavior, election
5 administration, congressional representation, and voting turnout that have appeared in peer-
6 reviewed journals, university press-edited volume, and policy reports. He has also published a
7 number of articles that contain statistical analyses of congressional redistricting, congressional
8 representation, and voting in congressional elections, and served as editor of the *Election Law*
9 *Journal* from 2010 to 2017. Ex 3002 ¶¶ 5–7 (declaration of Dr. Gronke).

10 54. I find the testimony of Dr. Gronke credible and his methodology and conclusions
11 reliable. His testimony is relevant and limited in scope because it considered whether there is
12 evidence that the Enacted Map constitutes a partisan gerrymander. His methodology is reliable
13 because it is similar to that which he uses in his published work and because he produced all of
14 the data on which he relied, such that his conclusions are testable by others in his field.

15 55. Based on Dr. Gronke’s analysis, I find no evidence that the Enacted Map constitutes
16 a partisan gerrymander.

17 56. Dr. Gronke undertook his analysis by calculating and explaining statistical
18 estimates of the fairness of the Enacted Map and comparing the fairness of the Enacted Map with
19 previous congressional districting plans. *Id.* ¶ 2.

20 57. Dr. Gronke explained that “a simple demonstration of a disparity between vote
21 shares and seat shares—a metric called ‘disproportionality’—is not sufficient to demonstrate a
22 gerrymander. The use of single-member, winner-take-all districts in the United States does not
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1 produce proportionate results; instead, it most often provides a ‘bonus’ in representation to the
2 majority party.” *Id.* ¶ 10.

3 58. Dr. Gronke further explained that “[p]artisan advantage can occur because of a
4 deliberate effort to draw a plan to advantage one party, but it can also arise because of other factors,
5 such as demographic changes, political geography, candidate strengths and weaknesses, and
6 national electoral swings.” *Id.*

7 59. In his declaration, Dr. Gronke considered four metrics of symmetry and fairness in
8 order to evaluate the Enacted Map:

9 a. The “efficiency gap,” a measure of partisan asymmetry that can be used to
10 express the performance of an advantaged party, and the number of seats an advantaged
11 party has won, over and above what the advantaged party would have been expected to
12 have won if there were no partisan advantage, *id.* ¶ 14;

13 b. “Declination,” a second measure of partisan asymmetry that expresses the
14 number of votes needed to gain seats for an advantaged political party compared to a
15 disadvantaged party, *id.* ¶ 15;

16 c. “Partisan bias,” which measures the degree to which a map deviates from
17 partisan symmetry by simulating a set of elections under a map using a plausible range of
18 counterfactual vote shares and comparing the shares of seats that two parties would receive,
19 *id.* ¶ 16; and

20 d. The “mean-median difference,” which expresses the difference between a
21 party’s vote share in its median district compared to its average vote share across all
22 districts, *id.* ¶ 17.
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1 60. Dr. Gronke evaluated the Enacted Map using the measures of the efficiency gap
2 and declination and compared these results to all Oregon congressional plans adopted since 1970.
3 He also evaluated the Enacted Map using the measures of partisan bias and the mean-median
4 difference. *Id.* ¶ 18.

5 61. Dr. Gronke observed that comparing the Enacted Map with historical maps was
6 enlightening for two reasons: (1) similarities across maps might reveal that perceived partisan
7 advantage is actually the consequence of political geography, demographic changes, and other
8 factors in the state; and (2) because previous maps were adopted through various processes, similar
9 partisan advantages are not likely to be the result of partisan intent. *Id.* ¶¶ 19–20, 23.

10 62. Specifically, Dr. Gronke reported that:

11 a. In 1971, a divided legislature was unable to agree to a congressional map,
12 thus requiring judicial redistricting, *id.* ¶ 22;

13 b. In 1981, a Democratic-controlled legislature passed a congressional map
14 that was signed by a Republican governor, *id.*;

15 c. In 1991, a divided legislature was unable to agree to a congressional map,
16 thus requiring judicial redistricting, *id.*;

17 d. In 2001, a Republican-controlled legislature passed a congressional map
18 that was vetoed by a Democratic governor, thus requiring judicial redistricting, *id.*; and

19 e. In 2011, a divided legislature passed a plan that was signed by a Democratic
20 governor, *id.*
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1 63. Dr. Gronke found that the efficiency gap of the Enacted Map—.085—“falls well
2 within the range of plans that have been used in the state for the past fifty years.” *Id.* ¶ 25. I credit
3 this finding and accept it as my own.

4 64. Dr. Gronke similarly found that, converting the efficiency gap into seats, “[t]he
5 level of ‘bias’ in the [Enacted Map] is comparatively small” and “within the range of all these past
6 plans.” *Id.* ¶ 26. I credit this finding and accept it as my own.

7 65. Dr. Gronke found that, in terms of declination, the Enacted Map “is a significant
8 improvement over plans that have been in place since 1990, and the estimated value falls well
9 within the range of plans that have been in place for a half-century.” *Id.* ¶ 27. I credit this finding
10 and accept it as my own.

11 66. Dr. Gronke found that, when measuring partisan bias and the mean-median
12 difference, “[b]oth of these metrics show [the Enacted Map] to have a very slight pro-Republican
13 skew.” *Id.* ¶ 28. Specifically, “[t]he partisan bias measure indicates that Republicans would be
14 expected to win .6% extra seats in a hypothetical, perfectly tied election, and that Republicans
15 would be favored in 68% of the scenarios.” *Id.* Furthermore, the mean-median difference “also
16 shows a very small Republican advantage: the median Republican vote share is expected to be
17 0.1% higher than the mean Republican vote share, favoring Republicans in 50% of the scenarios.”
18 *Id.* I credit these findings and accept them as my own.

19 67. Dr. Gronke concluded that, “[o]verall, the results show that [the Enacted Map]
20 provides what is at most a half-a-seat Democratic advantage over a completely neutral plan,”
21 which is likely could not “feasibly be drawn” given other factors—specifically, “Democratic
22 strength in the state, the geographic concentration of many of the Democratic voters in the Portland
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1 metro region and the Willamette Valley, and the geographic concentration of many Republican
2 voters in central and eastern Oregon.” *Id.* ¶ 30.

3 68. Based on these findings, I agree with Dr. Gronke’s conclusions that “there is no
4 evidence to suggest that this process was unusually partisan given how the plan compares to
5 historical plans,” and that, “[o]n well-established metrics, [the Enacted Map] is well within the
6 range of partisan asymmetry and fairness measures produced by these historical plans.” *Id.* ¶ 31.

7
8 **c. Dr. Jonathan Katz**

9 69. Dr. Jonathan Katz is the Kay Sugahara Professor of Social Science and Statistics at
10 the California Institute of Technology. He received his PhD from the University of California, San
11 Diego and has written numerous articles published in leading journals. He is currently the Deputy
12 Editor for Social Sciences of *Science Advances*, the open access journal of the American
13 Association for the Advancement of Science, and previously served as co-editor of *Political*
14 *Analysis*, the journal of the Society for Political Methodology. He has also served on the editorial
15 boards of *Electoral Studies*, *Political Research Quarterly*, and the *American Journal of Political*
16 *Science*. He has done extensive research on American elections and statistical methods for
17 analyzing social science data and, over the past two decades, has testified and consulted in election-
18 related litigation for both Democratic and Republican client involving issues such as the Voting
19 Rights Act, evaluation of voting systems, statistical evaluation of electoral data, and partisan
20 gerrymandering. Ex 2300 at 6–7 (declaration of Dr. Katz).

21 70. I find the testimony of Dr. Katz credible and his methodology and conclusions
22 reliable. His testimony is relevant and limited in scope because he considered the potential partisan
23 impact of the Enacted Map. His methodology is reliable because it is similar to that which he uses
24

1 in his published work and because he produced all of the data on which he relied, such that his
2 conclusions are testable by others in his field.

3 71. Based on Dr. Katz’s analysis, I find no evidence that the Enacted Map constitutes
4 a partisan gerrymander.

5 72. Dr. Katz explained that “[t]he most commonly accepted standard for fairness of
6 voting in a legislature is statewide partisan symmetry,” which “requires that parties with the same
7 level of voter support be treated equally by the electoral system. In more concrete terms, the
8 symmetry standard requires that each party should receive the same fraction of legislative seats for
9 the same percentage of the vote.” *Id.* at 7.

10 73. Dr. Katz further explained that “[p]artisan symmetry requires that the seats-votes
11 curves”—which is, in turn, “a simple mapping” that “stat[es] for a given party’s vote share what
12 fraction of the seats they will receive”—“be the same for all political parties contesting an
13 election.” *Id.*

14 74. Dr. Katz, like Dr. Gronke, noted that “proportionality”—the idea that “a party’s
15 share of the seats should be roughly equal to their share of the vote in the election”—is not required
16 for partisan symmetry, and that lack of proportionality is not an indication of unfairness because
17 of the effects of the single-member, winner-take-all electoral system in the United States. *Id.* at 8.

18 75. Dr. Katz also explained “responsiveness,” which is “[a] second criterion for
19 evaluating a redistricting plan . . . from a seats-vote curve” that “measures how much an increase
20 in a party’s average district vote share increases its seat share.” *Id.*

21 76. Dr. Katz employed regression analysis to estimate the expected Democratic vote
22 share in each new district, plotted the estimated seats-vote curve for the Enacted Map, and then
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1 “directly calculate[d] the partisan bias and responsiveness of the plan to statistically test for
2 partisan fairness.” *Id.* at 12–16.

3 77. Dr. Katz calculated that measures of estimated partisan bias and different statewide
4 vote shares yielded mixed results—slightly pro-Democratic in the 55%–60% vote share, slightly
5 pro-Republican in the 51%–55% and 49%–51% vote shares—but that ultimately, given that the
6 lines representing the “95% confiden[ce] interval” for his estimates “cross the dotted line marking
7 zero bias, . . . the [Enacted Map] shows no statistically significant partisan bias in favor of either
8 party.” *Id.* at 17–18. I credit this finding and accept it as my own.

9 78. Dr. Katz further determined that the estimated responsiveness of the Enacted
10 Map—“between 2.80 and 3.49”—is “not out of the ordinary for district based electoral systems.”
11 *Id.* at 18–19. I credit this finding and accept it as my own.

12 79. Alternatively, Dr. Katz performed his analysis assuming that Democratic
13 incumbents would run in the First, Third, Fourth, and Fifth Congressional Districts; a Republican
14 incumbent would run in the Second Congressional District; and no incumbent would run in the
15 new Sixth Congressional District. *Id.* at 19.

16 80. Dr. Katz calculated that, even with the 3-percentage-point increase that incumbency
17 provides, the results for partisan bias are “qualitatively similar to the case without incumbents
18 running”; although “all the point estimates [] show small Democratic bias,” the Enacted Map
19 “shows no statistically significant partisan bias in favor of either party with this given
20 configuration of incumbents assumed to be running.” *Id.* at 20–21. I credit this finding and accept
21 it as my own.
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1 81. Dr. Katz further determined that, “[a]s with the bias estimates,” the estimated
2 responsiveness “do[es] not qualitatively differ from the scenario without any incumbents running.”
3 *Id.* at 21–22. I credit this finding and accept it as my own.

4 82. Finally, Dr. Katz countered Petitioners’ assertion that the Enacted Map contains
5 five Democratic seats and one Republican seat, emphasizing that “this is not how we should think
6 about fairness, which should be based on partisan symmetry” rather than proportionality, and
7 determining that “it is not an accurate assessment of the map” since “Democrats are expected to
8 win [on average] 3.85 seats assuming all seats were open.” *Id.* at 22–25.

9 83. Based on these findings, I agree with Dr. Katz’s conclusion that the Enacted Map
10 “shows no statistically significant partisan bias.” *Id.* at 6.

11
12 **d. Dr. Thomas Brunell**

13 84. Dr. Thomas Brunell is a Professor of Political Science and the Program Head for
14 Political Science at the University of Texas at Dallas. Ex 1006 at 1 (report of Dr. Brunell).

15 85. I find the testimony of Dr. Brunell to lack credibility and his methodology and
16 conclusions to be unreliable.

17 86. Several of Dr. Brunell’s conclusions lack even a minimum of academic or
18 methodological rigor. First, he was unprepared to testify about several components of his
19 submissions. For example:

20 a. Dr. Brunell reports compactness scores and the number of county and
21 municipal maps for the Enacted Map and two other maps he purported to compare. *See*
22 *id.* at 8–9. But Dr. Brunell testified that he merely copied and pasted these figures from
23 counsel—he did not otherwise know where the figures came from—and he never examined
24

1 or verified the calculations that he reported. *See* Hearing Tr (rough), Oct 27, 2021, at 168–
2 169, 264–65.

3 b. Dr. Brunell attached an alternative congressional map to his report, but he
4 testified that he knew nothing about the map. *See id.* at 218, 268–72. He could not explain
5 basic features of the map, such as the relevance of white lines that were drawn across it,
6 nor could he explain whether the map complied with statutory redistricting criteria. *Id.* at
7 268–72.

8 87. The credibility of Dr. Brunell’s report and testimony is further weakened by
9 apparent inconsistencies in Dr. Brunell’s approach. For example:

10 a. Dr. Brunell reported county splits as a typical method of quantifying how
11 well a map preserves communities of interest, but admitted previously criticizing the notion
12 that a county is a good proxy for a community of interest. *Compare* Ex 1006 at 9 (report
13 of Dr. Brunell), *with* Hearing Tr (rough), Oct 27, 2021, at 175–76.

14 b. Dr. Brunell reported compactness as a “measure of interest” when
15 comparing potential maps, but admitted his view that stressing compactness is a mistake.
16 *Compare* Ex 1006 at 8 (report of Dr. Brunell) *with* Hearing Tr (rough), Oct 27, 2021, at
17 187.

18 c. Dr. Brunell failed to report uncertainty associated with his projections, but
19 admitted that he has previously criticized calculations of a map’s partisan bias that failed
20 to report the associated uncertainty. Hearing Tr (rough), Oct 27, 2021, at 253–54.
21 Specifically, Dr. Brunell reported that Democrats are “likely” to win in five of the six
22 congressional districts under the Enacted Map, but he could not describe with any
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1 specificity or confidence how likely such a scenario would be. *Compare* Ex 1006 at 9
2 (report of Dr. Brunell) *with* Hearing Tr (rough), Oct 27, 2021, at 197–98.

3 d. Dr. Brunell reported that the Enacted Map favors the Democratic Party
4 because he expects Democrats to win a seat share disproportionate to their vote share, but
5 he testified that in America’s electoral system of single member, winner-take-all districts,
6 is it common for the majority party to win a share of the elected seats that is more than
7 proportional to their share of the vote. *Compare* Ex 1006 at 4 (report of Dr. Brunell), *with*
8 Hearing Tr (rough), Oct 27, 2021, at 211, 250–51.

9
10 88. In addition to these problems, the credibility of Dr. Brunell’s report and conclusions
11 suffers from other shortcomings. For example:

12 a. Dr. Brunell’s report failed to cite any academic or peer-reviewed sources.
13 Hearing Tr (rough), Oct 27, 2021, at 212, 242.

14 b. Dr. Brunell declined to publish calculations he performed that were
15 inconsistent with his conclusion. *Id.* at 206.

16 c. Dr. Brunell declined to share limitations of his conclusions, such as the fact
17 that any efficiency gap estimate is likely to be especially volatile in a state with only six
18 congressional seats. *Id.* at 216–17, 250–51.

19 89. Dr. Brunell filed a Supplemental Report on October 28 that further undermines his
20 original conclusions. Dr. Brunell originally estimated an efficiency gap under the Enacted Map of
21 19.85%, which he calculated by analyzing what the efficiency gap would be under only three
22 scenarios: the vote distribution reflected by the 2012, 2016, and 2020 presidential elections in
23 Oregon. Ex 1006 at 8 (report of Dr. Brunell). Because data from these three elections are
24

1 insufficient to model elections that will occur under the Enacted Map, Dr. Brunell reconducted his
2 analysis using data from all Oregon statewide elections from 2012-2020. Ex 1049 at 2
3 (supplemental report of Dr. Brunell). Under this more comprehensive approach, the Enacted Map’s
4 estimated efficiency gap shrunk significantly—by over 60%—to 7.76%. *Id.* at 21.³

5 90. Given these significant errors in judgment and methodology, I do not credit
6 Dr. Brunell’s findings or adopt his conclusions as my own.

7 **iv. The findings discussed in Part I.B below are relevant to rebutting the**
8 **claim of impermissible partisan intent.**

9 91. All proposed findings of fact set forth in Part I.B below are incorporated by
10 reference here.

11 92. My findings below that the Enacted Map was based on neutral criteria further
12 support the inference that it was not drafted with impermissible partisan intent.

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17 ³ Dr. Brunell suggested that the November 2016 victory of Republican Secretary of State Dennis
18 Richardson was an anomaly attributable to the scandal that brought about Governor John
19 Kitzhaber’s resignation. This suggestion seems unlikely, as government records subject to judicial
20 notice demonstrate. The scandal involving Governor Kitzhaber occurred during the 2014 election
21 cycle and brought about his resignation just six weeks after he took office in 2015. *See* Heather
22 Roberts, *Governor John Kitzhaber’s Full Resignation Statement*, KBND (Feb 13, 2015), [https://
23 kbnd.com/kbnd-news/local-news-feed/131459](https://kbnd.com/kbnd-news/local-news-feed/131459). By the time of the November 2016 election—
24 when Richardson was elected Secretary of State—more than 18 months had passed. Notably,
25 Governor Kate Brown ran for governor in both the 2016 special election and two years later; her
victory in 2016 was 50.6% to the Republican candidate’s 43.5%, while her victory in 2018 was
similarly 50.1% to the Republican candidate’s 43.7%. *Compare November 6, 2018, General
Election Abstract of Votes*, Or Sec’y of State, [http://records.sos.state.or.us/ORSOSWebDrawer/
RecordView/6873825](http://records.sos.state.or.us/ORSOSWebDrawer/RecordView/6873825) (last visited Oct 29, 2021), *with November 8, 2016, General Election
Abstract of Votes*, Or Sec’y of State, [http://records.sos.state.or.us/ORSOSWebDrawer/
RecordView/6873777](http://records.sos.state.or.us/ORSOSWebDrawer/RecordView/6873777) (last visited Oct. 29, 2021).

1 **B. The Enacted Map is based on neutral districting criteria (ORS 188.010(1)).**

2 93. An organizing principle of the Enacted Map is that the greater Portland
3 metropolitan area comprises a large and growing swath of the state’s population with
4 interconnected and codependent interests.⁴ Ex 3003 ¶ 5; Ex 3018-C at 8:1–3. Those interests are
5 best divided into communities that are bound together by major transportation routes that radiate
6 out from the city core. Ex 3003 ¶ 5.

7 94. The most salient recent example of the greater Portland area’s interconnected
8 interests is the ongoing affordable housing crisis. Ex 3003 ¶ 5; Ex 3006 ¶ 10 (declaration of
9 Thomas Markgraf). In the urban core, the most visible consequence of the lack of affordable
10 housing is rampant houselessness. Ex 3003 ¶ 5. In the city’s suburbs and exurbs, as housing has
11 gotten more expensive, lower-income individuals have moved increasingly farther outside of the
12 city. *Id.* ¶ 5. Thus, individuals who may once have lived in Beaverton now live in Hillsboro;
13 individuals who once may have lived in Tigard now live in Newberg and McMinnville; individuals
14 who once may have lived in Gladstone now live in Molalla; and individuals who once may have
15 lived in Gresham now live in Sandy or Cascade Locks. *Id.* ¶ 5; Ex 2015 ¶ 8; Ex 3017-L at 1; Ex
16 3017-B at 76 (“[H]omes in North-West Salem are often used as a bedroom community for travel
17 to Wilsonville and Portland.”).

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22 ⁴ Petitioners waived their right to cross-examine Intervenor-Respondents’ non-expert witnesses.
23 *See* Petitioners’ Waiver of Cross-Examination of Lynn Peterson, Les Aucoin, Kevin Leahy,
24 Thomas Markgraf, Paul Blackburn, Margaret Carter, Kate McBride, Arnold L. Roblan, Jennifer
witnesses to be uncontradicted.

1 95. Communities along the major transportation routes that radiate out from Portland
2 are bound not just by common concerns; acknowledging these as communities of common interest
3 respects where low-income communities and communities of color have historically lived but also
4 the areas where they have been and continue to be displaced by the economic pressures associated
5 with Portland’s growth. Ex 3003 ¶ 5.

6 96. Organizing four congressional districts around the transportation routes that radiate
7 out from Portland is also consistent with the state’s population growth. Ex 3003 ¶ 6; Ex 3018-C at
8 7:2–8:5. Over the past several decades, Multnomah, Washington, and Clackamas counties have
9 seen some of the highest rates and volumes of population growth in the state, concentrated in and
10 around the Portland metropolitan area. Ex 3003 ¶ 6; Ex 3018-B at 14:5–10. This growth has placed
11 unprecedented strains on the region’s primary and secondary transportation arteries, exposed gaps
12 and inequities in public transit systems, and led to complex problems around the affordability and
13 availability of housing. Ex 3003 ¶ 6.

14 97. “[T]he importance of city and county lines diminishes in large metropolitan areas
15 where regional concerns transcend those of individual cities and counties.” *Perrin v. Kitzhaber*,
16 No. 0107-07021, slip op at 8 (Multnomah Cnty Cir Ct Oct 19, 2001); Ex 3003 ¶ 7. Interests do not
17 adhere to political and geographic boundaries in the Portland metropolitan area—they often follow
18 transportation routes and associated communities across these lines. Ex 3003 ¶ 7.

19 98. To name one example, OR-99W, which connects Newberg and Sherwood, runs
20 through the boundary between Washington and Yamhill counties, but both cities, along with others
21 along OR-99W, face the same challenges related to affordable housing and houselessness
22 catalyzed by the population growth in Portland. *Id.*; Ex 3017-L at 1 (“The vast majority of
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1 Columbia County residents now commute to Portland, Beaverton, and beyond. . . . Our young
2 families are no longer comprised of just lifelong county residents.”).

3 99. The city boundary of Portland and county boundary of Multnomah County are of
4 little significance when considering communities of common interest. Milwaukie has become
5 indistinguishable from Southeast Portland neighborhoods like Sellwood. Close-in Beaverton and
6 unincorporated areas of Washington County like Cedar Mills and Garden Home have become
7 indistinguishable from Southwest Portland neighborhoods like Hayhurst and Bridlemile. Ex 3003
8 ¶ 13; Ex 3017-L at 2–3 (“[T]he county boundary is almost meaningless in our area.”); Hearing Tr
9 (rough), Oct 27, 2021, 180:7–181:22 (testimony downplaying relevance of county boundaries
10 relative to communities of common interest).⁵
11

12 100. Drawing congressional districts that radiate out from Portland and hold together
13 communities of common interest that are urban, suburban, and rural, is consistent with how the
14 Oregon congressional district map has been drawn for many years. Ex 3004-A, Ex C (testimony
15 of L. AuCoin to Legislative Assembly); Ex 3004 ¶ 6 (declaration of L. AuCoin) (“From the
16 beginning of my time in Congress, and throughout my service, CD 1 has included urban, suburban,
17 and rural areas.”); Ex 3013 ¶ 3 (declaration of Joan Mooney) (“Oregon’s Fifth Congressional
18 District has always combined urban, suburban, and rural communities. . . . [T]hat organization
19 made sense to me because these communities are really part of one greater community.”).
20

21 _____
22 ⁵ One Portland resident colorfully described the interconnectedness of the metro area this way:
23 “Personally, I spend most of my time traveling to buy groceries at la Tapatia in Gresham, visiting
24 my doctor in SE, visiting my eye doctor in Gresham, gardening in Sauvie Island, volunteering with
an immigrant mutual aid group in Milwaukie . . . , sometimes driving out to Hillsboro/Beaverton
area to bike with other Brown folks, and working from home in the Buckman neighborhood.”
Ex 3017-B at 52.

1 101. When the Fifth Congressional District was created in 1981, it was drawn to include
2 the urban and suburban areas of northern Clackamas County, Salem, and Corvallis, as well as the
3 rural areas of eastern Clackamas and Marion counties. Ex 3017-Q at 2. Likewise, the First
4 Congressional District began on the westside of Portland and included the Washington County
5 suburbs, and rural communities between Portland and the coast. Ex 3017-Q at 2. The Third
6 Congressional District, too, covered Portland’s urban core, the outer eastside and Gresham, and
7 rural eastern Multnomah County. Ex 3017-Q at 2. At a high-level, this general organization has
8 persisted since 1981. Ex 3017-Q at 3 (1993 map); *id.* at 4 (2003 map); *id.* at 5 (2013 map). And
9 for the past 20 years—since 2001—all three of the Portland metro area districts have included
10 parts of the City of Portland, starting with the congressional map adopted by Judge Jean Maurer
11 in *Perrin v. Kitzhaber*. Ex 3013 ¶ 4.
12

13 102. Drawing a congressional district map to bind together urban, suburban, and rural
14 areas enhances representation of the state in Congress. Former Congressman Les AuCoin explains:
15 “Representing both rural and urban parts of the state made me a more effective representative of
16 these shared interests because of this interdependence. Although loggers in the Coast Range may
17 live in Clatsop, Tillamook, or Columbia County, they sell their products in urban areas, and they
18 ship their products from the ports located in Portland. People building homes in Hillsboro use fir
19 and alder harvested from our coastal forests. As a member of Congress serving Oregonians, I could
20 effectively represent Oregonians in my district because I got the opportunity to sit down with all
21 of these people and learn about how our state’s economy really functioned. And with this
22 knowledge, I could set out to help solve problems and try to create solutions.” Ex 3004 ¶ 7. Joan
23 Mooney, who served as Chief of Staff to former Congresswoman Darlene Hooley, agrees: “I
24

1 always used to say that the Fifth District was a ‘microcosm of the state.’ What I meant was that
2 Congresswoman Hooley represented interconnected urban, rural, and suburban communities.
3 These communities have been well-served by this organization.” Ex 3013 ¶ 3. Stated differently,
4 while some might see this organization as dividing Portland and stitching together disparate
5 communities, for 40 years Oregon has seen this organization as a way to bind together
6 interdependent communities and enhance their representation.

7
8 103. The Legislative Assembly also heard considerable testimony to the effect that
9 maintaining the traditional blend of rural, suburban, and urban areas within congressional districts
10 resists the “false narrative” that communities are polarized and not unified by commonality. One
11 legislative witness explained, “While there are certainly differences between our communities, we
12 are *one* Oregon; and as our state continues to grow it is crucial that we form collaborative
13 partnerships between our state’s urban and rural communities to ensure a prosperous and
14 sustainable future for our children and grandchildren.” Ex 3017-C at 9. Representative Williams
15 of Hood River echoed this sentiment on the House floor: “I’ve spoken frequently about my strong
16 belief that the rural-urban divide is a geographical fiction There is an assumption that pervades
17 our politics that rural and urban communities somehow have nothing in common. Yet in my
18 experience and in the testimony we heard on the record, that is simply not the case. To divide these
19 regions would divide communities of common interest.” Ex 3018-C at 34:22–35:8. As former
20 Congressman Les AuCoin put it: “At a time when society is hunkering into foxholes based on
21 geography, ethnicity, employment, economic rank, and the like, it is too easy for us to forget that
22 people living in these different communities have the same concerns, and that diverse communities
23 need each other to thrive.” Ex 3004 ¶ 6 (declaration of L. AuCoin).

1 104. The fundamental organization of the Enacted Map—holding together
2 interconnected and codependent urban, rural, and suburban communities—is how districts in the
3 northwest-central part of Oregon have been arranged for 40 years. And, to the extent the Enacted
4 Map results in material county divisions beyond this area (i.e., Washington, Clackamas, and
5 Multnomah counties), they are limited to just three counties: Douglas, Marion, and Deschutes. Ex
6 3017-O.

7 **i. The First Congressional District reflects neutral districting criteria.**

8 105. The resident population of the First Congressional District is 706,209. Stipulation
9 of Facts ¶ 28; Ex 3017-A at 1.

10 106. The boundaries of the district are contiguous. Stipulation of Facts ¶ 34.

11 107. The First Congressional District extends from downtown Portland to Oregon’s
12 North Coast, including all of Clatsop, Columbia, and Tillamook counties, as well as portions of
13 Washington and Multnomah counties. Ex 3017-A at 1; Ex 2001 at 1.

14 108. The northernmost boundary of the First Congressional District extends along the
15 Columbia River. Ex 2001 at 1. The westernmost boundary of the First Congressional District is
16 the Pacific Ocean in Clatsop and Tillamook counties. *Id.* Except for a portion of the district that
17 crosses the Willamette River in the central eastside in Portland, the easternmost boundary of the
18 district is the Willamette River in Portland. *Id.*

19 109. The district is connected by numerous transportation links, including US-26, US-
20 30, US-101, I-5, I-405, US-97, and US-197. Ex 3017-A at 1; Ex 2001 at 1.

21 110. One of the unifying transportation links in the First Congressional District is US-
22 26 (known as “the Sunset Highway”). The highway extends from downtown Portland out to the
23 Oregon coast, connecting with US-101 in Clatsop County. Ex 3003 ¶ 8 (declaration of L.

1 Peterson). It is a pivotal transportation link between Oregon’s northern coast and the Portland
2 metropolitan area. Ex 3004 ¶ 12 (declaration of L. AuCoin).

3 111. US-26 is also a major transportation link for commuters between downtown
4 Portland and employers in Hillsboro and Beaverton—such as Nike, Intel, Tektronix, and Columbia
5 Sportswear—as is the Westside MAX. Ex 3003 ¶ 8 (declaration of L. Peterson); Ex 3004 ¶ 10
6 (declaration of L. AuCoin). The district also captures the Tualatin Valley Highway, known as OR-
7 8, as it runs between Beaverton, Hillsboro, and Forest Grove, ensuring that the large Latinx
8 communities anchored by the highway remain undivided. Ex 3003 ¶ 8 (declaration of L. Peterson).

9 112. Another unifying transportation link within the First Congressional District is US-
10 30. Like US-26, the highway spans virtually the entire length of the First Congressional District,
11 running alongside the Columbia River from Portland to the Port of Astoria. *Id.* Both US-30 and
12 the Columbia River provide critical infrastructure and commercial links between the North Coast
13 and the Portland metropolitan area, with goods and other freight flowing in both directions through
14 the district’s many ports. *Id.*

15 113. As one resident of the district testified: “Highway 30 from Astoria through
16 Columbia County is an important commerce route connecting us with neighboring cities and the
17 Oregon and Washington lower Columbia River region as is Highway 26 through the coast range,
18 connecting us to the North Willamette Valley. Highway 101 connect us south to our Tillamook
19 County neighbors on the North Coast where we share the benefits and challenges of our resource-
20 based economies.” Ex 3018-T at 37:5–13 (testimony of R. Reid); *see also* Ex 3017-B at 59
21 (testimony of L. Allen) (“In fact, two of our three major—and only—highways also lead directly
22 to the metro area, Hwy 26 thru the Coastal Range into part of Washington County and the N.
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1 Willamette Valley, and Hwy 30, a major commercial route thru Columbia County to the metro
2 area and Lower Columbia region.”).

3 114. These transportation links facilitate significant commuter flows from Columbia,
4 Tillamook, and Clatsop counties into the Portland area. Of those Columbia County residents who
5 commute to work, 28.4% do so into Multnomah County and 26.9% do so into Washington County.
6 Ex 3017-F at 44 (presentation to Redistricting Committees by Population Research Center at
7 Portland State University). Similarly, of those Clatsop County residents who commute to work,
8 9.4% do so into Multnomah County and 7.3% do so into Washington County. *Id.* at 29. And of
9 those Tillamook County residents who commute to work, 9.1% do so into Multnomah County and
10 6.5% do so into Washington County. *Id.* at 59. In each of Tillamook, Clatsop, and Columbia
11 counties, the most common destinations for workers outside of the county are Multnomah and
12 Washington counties. *Id.* at 29, 44, 59.

14 115. Laura Allen explained to lawmakers that “[m]any North Coast residents are
15 originally from Portland and many consider the metro area residents our neighbors; they own and
16 operate businesses here, have homes on the North Coast, and participate in our activities and local
17 governments. Many of our neighbors in Columbia County work at Nike or Intel in the Metro area.
18 We are interconnected as a region.” Ex 3017-B at 59.

19 116. Moving eastward, US-101, which runs the length of the district’s westernmost
20 boundary, unites the district’s coastal communities and facilitates access to and from the Portland
21 metropolitan area by way of US-30, US 26, and OR-6. Ex 3003 ¶ 8 (declaration of L. Peterson).
22 As Ivette Pantoja told lawmakers in her written testimony: “HWY 26 is a major transportation link
23 that connects the North Coast to Washington County and vice versa, leading us to have similar
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1 transportation needs. In addition, . . . Congressional District 1 encompasses many communities
2 who could be devastated by the anticipated Cascadia Subduction Zone earthquake and who would
3 rely on transportation links such as HWY26 or HWY 6 to flee eastward and away from our
4 coastlines to seek refuge and support.” Ex 3017-E at 13.

5 117. The economic interests and activities of many of the counties in the First
6 Congressional District are closely aligned. Tillamook, Clatsop, Columbia, and western
7 Washington counties are grouped together in the Columbia-Pacific Economic Development
8 District, a federally designated Economic Development District that coordinates and manages the
9 counties’ economic development activities. Ex 3005 ¶ 3 (declaration of K. Leahy). Similarly,
10 Business Oregon—the state’s economic development agency—treats Tillamook, Clatsop, and
11 Columbia counties as a single North Coast region. *Id.* The Northwest Oregon Economic Alliance,
12 which manages the region’s state-funded projects, is also comprised of Tillamook, Clatsop, and
13 Columbia counties. *Id.*

14 118. The economic overlap between Tillamook, Clatsop, Columbia, and western
15 Washington counties is a natural one. All four have abundant natural resources, similar climates,
16 and related workforce, housing, and economic development challenges and opportunities. *Id.* ¶ 4;
17 Ex 3017-E at 25 (testimony of T. Algee) (“Washington County has shared interests with our
18 neighboring counties through forestry and the timber industry— we share the beautiful Tillamook
19 Forest with neighboring Tillamook, Yamhill, and Clatsop Counties as well.”). Clatsop and
20 Tillamook counties, for instance, rely heavily on the fishing and seafood-processing industries,
21 and the economies of all four have robust timber and tourism industries. *Id.* Tillamook and Clatsop
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1 counties are also home to a fast-growing craft brewing industry, including Buoy and Fort George
2 in Astoria and Pelican in Pacific City. *Id.*

3 119. Healthcare likewise a key sector in the North Coast region, with a combined three
4 hospitals in Tillamook and Clatsop counties: Adventists Health Tillamook, Providence Seaside
5 Hospital, and Columbia Memorial Hospital in Astoria. *Id.* And an influx of new residents into
6 Tillamook and Clatsop counties has created shared challenges around the availability of housing,
7 workers, and childcare. *Id.*

8 120. Lawmakers also heard about the North Coast’s economic ties and
9 interdependencies with the Portland area. In addition to providing a steady stream of consumers
10 for the region’s tourism, restaurant, and hospitality industries, Portland is also a major market for
11 timber, seafood, and beer that is produced, processed, and harvested in the North Coast region.
12 Ex 3005 ¶ 5 (declaration of K. Leahy). Washington County and Portland, for instance, are critical
13 markets for the beer brewed by Buoy and Fort George, as well as local seafood that is sustainably
14 harvested along the coast. *Id.*

15 121. As one resident testified: “We are a coastal community at the mouth of the
16 Columbia River. That means the Port of Portland is central to our economy. Our fishing, timber,
17 recreation, and tourism-based economy connects us most directly to the Coastal Range and part of
18 Washington County and the North Willamette Valley and across Columbia County to the metro
19 area and Lower Columbia region.” Ex 3017-B at 59 (testimony of L. Allen).

20 122. The healthcare needs and industry in Clatsop County are closely tied to Washington
21 County and Portland, with residents traveling to Hillsboro, Beaverton, and Portland to receive
22 advanced care. Ex 3005 ¶ 6 (declaration of K. Leahy). Columbia County, in fact, has no hospital,
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1 leaving its residents highly dependent on Portland for their healthcare needs. *Id.* Columbia
2 Memorial Hospital (“CMH”) and Oregon Health Sciences University (“OHSU”) are also part of a
3 collaboration in which OHSU shares staff, resources, and capabilities with CMH. *Id.*

4 123. There is also overlap in educational, development, and social programs between
5 Portland and Tillamook, Clatsop, and Columbia counties. *Id.* ¶ 7. Many of the maritime workers
6 based along the North Coast and Columbia River are supplied by a combination of the state’s
7 maritime training school at Clatsop Community College and maritime programming at Portland
8 Community College (“PCC”). *Id.* The regions are also connected by their Small Business
9 Development Centers (“SBDC”), with the SBDC at PCC covering Washington and Multnomah
10 counties, and the Tillamook Bay Community College SBDC serving Tillamook County. *Id.* The
11 PCC and Clatsop SBDCs are currently working with federal officials, the SBDC state leadership,
12 and jurisdictions in Columbia County to establish a new SBDC in Columbia County. *Id.*

14 124. Within Portland, the boundaries of the First Congressional District also recognize
15 the increased transit, commercial, and cultural ties between downtown Portland and the Central
16 Eastside. Ex 3003 ¶ 9 (declaration of L. Peterson). Metro, along with the City of Portland, have
17 worked over the past two decades to integrate the Central Eastside with Portland’s downtown
18 business core. *Id.* These efforts have included funding and development of transit projects like the
19 Tilikum Crossing, which connects the two areas with light rail and streetcar lines, as well the
20 Division Transit Project and commuter bike access across the Hawthorn, Morrison, and Burnside
21 bridges. *Id.*

22 125. Portland’s inner eastside is now an extension of its downtown. Ex 3006 ¶ 4. The
23 two areas are increasingly linked by their arts and culture offerings, with the Central Eastside now
24

1 home to the Portland Opera, the training facility for the downtown-based Oregon Ballet Theater,
2 and the Oregon Museum of Science and Industry. Ex 3003 ¶ 9 (declaration of L. Peterson). And
3 the two areas share many of the same problems that accompany new development and growth,
4 most notably increased houselessness and crime. *Id.* The Vera Katz Eastbank Esplanade also
5 makes the west- and eastsides of the river a single, seamless area for recreation, exercise, and
6 transit. Ex 3006 ¶ 6 (declaration of T. Markgraf).

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8 126. The Central Eastside is bookended to the north by the Rose Quarter and Broadway
9 Bridge, where many transit lines connect downtown to the inner eastside: the Portland Streetcar A
10 & B Loops; the MAX Red, Blue, Green, and Orange Lines; as well as Bus Routes 4, 8, 35, 77, and
11 77 (which cross the Steel Bridge), 12, 20, and 19 (which cross the Burnside Bridge), Routes 2, 6,
12 14, 10, and 30 (which cross the Hawthorne Bridge), Routes 9 and 17 (which cross the Tilikum
13 Crossing), the 19 and 66 (which cross the Ross Island Bridge), and Route 99 (which crosses the
14 Sellwood Bridge). *Id.* ¶ 7. To the Central Eastside’s south is the nation’s only major bridge
15 dedicated to transit, the Tilikum Crossing, which carries the streetcar, numerous bus lines, bicycles
16 and pedestrians. *Id.*

17 127. Lawmakers also respected existing political and geographic boundaries when
18 drawing the First Congressional District. *See* Ex 3018-G at 8:14–18 (statement of Sen. Taylor)
19 (“As you will see in the current plans, even though we are adding a new congressional district to
20 Oregon’s map, we designed the new map to ensure that our new districts resemble existing
21 districts.”). For at least 50 years, the district has contained the North Coast and parts of the Portland
22 metropolitan area—bridging rural, urban, and suburban areas. Ex 3004-A ¶ 11 (declaration of L.
23 AuCoin). Les AuCoin, a former member of Congress for the First Congressional District, shared
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1 his view with lawmakers that the district’s inclusion of rural, urban, and suburban areas has been
2 vital to the district’s success and the advancement of its residents’ interests. Ex 3017-B at 164–65;
3 Ex 3004-A ¶¶ 7–12 (declaration of L. AuCoin).

4 128. In the 1970s, the First Congressional District contained Clatsop, Tillamook,
5 Columbia, Washington, Lincoln, Yamhill, and parts of Polk and Multnomah counties (including
6 parts of Portland). Ex 3004-A at 8 (declaration of L. AuCoin). In the 1980s, after the addition of a
7 new congressional district for Oregon, the district contained Clatsop, Tillamook, Columbia,
8 Washington, Lincoln, and parts of Multnomah counties (including parts of Portland). *Id.* at 9. In
9 the 1990s, the district contained Clatsop County, Columbia County, Washington County, Yamhill
10 County, and portions of Multnomah County (including parts of Portland). Ex 3017-Q at 3. In the
11 2000s, the First Congressional District contained Clatsop, Columbia, Washington, Yamhill, and
12 portions of Multnomah counties (including parts of Portland). *Id.* at 4; Ex 3017-U at 4.

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14 129. Taken together, I find that lawmakers considered and reasonably adhered to neutral
15 districting criteria, including population, contiguity, transportation links, communities of common
16 interest, and existing geographic and political boundaries, when they adopted the First
17 Congressional District.

18 **ii. The Second Congressional District reflects neutral districting criteria.**

19 130. The resident population of the Second Congressional district is 706,209. Stipulation
20 of Facts ¶ 29; Ex 3017-A at 1.

21 131. The boundaries of the Second Congressional District are contiguous. Stipulation of
22 Facts ¶ 34; Ex 3017-A at 1.

23 132. The Second Congressional District is connected by ample transportation links,
24 including I-84, I-5, US-20, US-26, US-395, OR-140, US-97, and US-197. Ex 3017-A at 1.

1 133. The district includes all of Malheur, Harney, Lake, Klamath, Jackson, Josephine,
2 Baker, Grant, Crook, Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman, Wasco, and
3 Jefferson counties, as well as portions of Douglas and Deschutes counties. *Id.* The northern,
4 eastern, and southern borders of the Second Congressional District also track the state lines
5 between Washington, Idaho, and California. Ex 2001 at 1.

6 134. At least since the 1970s, the boundaries of the Second Congressional District have
7 encompassed much of Eastern and Central Oregon, as well as varying portions of the Rogue Valley
8 in Southern Oregon. Ex 3017-Q at 1–5. Those existing political boundaries were overwhelmingly
9 respected in SB 881. Ex 2001 at 1.

10 135. One change from the previous congressional map is the inclusion of the entirety of
11 Jackson County and the southern half of Douglas County. *Compare* Ex 3017-Q at 1–5, with
12 Ex 2001 at 1.

13 136. Jackson and Josephine counties—home to Medford and Grants Pass—are closely
14 related communities of common interest. As resident of the district Craig Martell testified: “The
15 southwest Oregon counties of Jackson, Josephine, and Douglas have close transportation links and
16 common economic interests. These communities should not be split into different congressional
17 districts. These counties belong in CD 2.” Ex 3017-E at 8; *see also* Ex 3017-B at 27 (“Ideally,
18 Jackson County and Josephine Counties may be paired together in a district that would
19 acknowledge the extensive connections between these two counties.”).

20 137. One acute common interest of these southwestern Oregon communities is wildfire.
21 Ex 3017-B at 27; Ex 3017-C at 8. In September 2020, the Almeda Fire sparked up near Ashland,
22 sped through Medford, and decimated the communities of Talent and Phoenix. Josephine County
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1 housed countless displaced Jackson County residents. Jackson and Josephine counties are unified
2 in their efforts to recover and rebuild from the Almeda Fire, and also to prevent such devastation
3 in future wildfire seasons. Ex 3017-C at 8 (testimony of D. Greenblatt) (“In order to recover and
4 return home, fire survivors need to be able to organize together to create the future of their
5 communities. Fire survivors also elected representatives who will listen to their stories, advocate
6 for their best interests, and ensure they retain decision-making power during the recovery
7 process.”).

8 138. Another change from the previous congressional map is the exclusion of the
9 Deschutes County communities of Bend, Sisters, and Redmond. *Compare* Ex 3017-Q at 1–5, *with*
10 Ex 2001 at 1.

11 139. Lawmakers heard from members of the public who wanted Central and Eastern
12 Oregon to remain in their own rural district, separate from urban areas like Bend or Hood River.
13 Ex 3018-J at 76:13–19 (testimony of N. Chasen) (“Wasco County has nothing in common with
14 any locations to the west of us We do not identify with Metro area or the Bend area.”);
15 Ex 3018-S at 65:11–18 (testimony of R. Tomberson) (“[W]e are two different cultures. If you put
16 Prineville in with Bend and Redmond, Prineville will simply have no representation in Salem or
17 in Washington, DC.”).

18 140. Similarly, lawmakers heard from many Bend-area residents who shared that their
19 region is now culturally and economically distinct from other parts of Central and Eastern Oregon.
20 Ex 3018-N at 51:16–18 (testimony of K. Condit-Chad) (“Bend needs lines drawn that recognize
21 we’ve grown from being a small town to a full metro area, as shown by the census data.”);
22 Ex 3018-I at 16:11–14 (testimony of A. Sabbadini) (“Bend is culturally and economically distinct
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1 from the towns to the east and the people in Eastern Oregon do not want my city to be part of their
2 district.”).

3 141. Bruce Humphreys, a Bend resident, testified that “[t]he citizens of Bend have little
4 or no shared interests with many of the other communities in the current CD2.” Ex 3017-B at 125.

5 142. These concerns were a central consideration for lawmakers when adopting the
6 boundaries of the Second Congressional District. Ex 3018-D at 11:18–21 (statement of Rep.
7 Salinas) (“In Congressional District 2, we respected the voices of many of our rural neighbors who
8 have asked for a district that will a uniquely rural voice.”); Ex 3018-C at 39:9–11 (statement of
9 Rep. Kropf) (“[B]end’s communities and industries are distinct from our neighbors in what is now
10 the Second Congressional District”); Ex 3018-E at 9:5–8 (statement of Rep. Salinas) (“We
11 . . . took into account the voices of rural Oregonians. Rural neighbors who have asked for a district
12 that will have a uniquely rural voice. Congressional District 2 is that district.”).

13 143. In drawing boundaries for the Second Congressional District, lawmakers also
14 respected the deeply engrained cultural and economic ties in Central and Eastern Oregon. Sarah
15 Ray, from Ontario, explained: “Congressional District 2 communities are linked by many
16 features—they have similar and shared industries pertaining to land and natural resources; they
17 have smaller, close-knit towns and communities; and they have amazing natural features that are
18 a local treasure and drive a booming tourism and recreation industry, and we have robust
19 agricultural economies as well.” Ex 3017-B at 187.

20 144. Similarly, Amy Sabbadini stated that “Congressional District 2 has had an identity
21 crisis in the past few years because of the large growth in population. This is not just cultural but
22 also economic. As tourism and tech, we now host a satellite university, making [us an] anomaly
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1 of the region. Even my friends in Redmond see themselves as distinctly NOT Bend. Congress Plan
2 A lumps culturally and economically similar groups together, which makes sense geographically.
3 Redmond and Prineville share more than Bend and Sisters do, so this makes sense to me. The line
4 on the east side of Bend is about where the economic change happens too, so again, this makes
5 sense. Cities like Bend are more and more distinct from towns to the east of us.” Ex 3017-B at 5.

6 145. Lawmakers heard from citizens in the Second Congressional District who were
7 concerned about representation within that large district, like Jordan Bruyn who said, “I am
8 concerned that some of the proposed maps would divide, dilute the voices of, and
9 disproportionately impact the Indigenous communities located in Southern Oregon. . . . Plan A
10 maps for House, Senate, and Congress, submitted by this committee keep Indigenous communities
11 mostly whole, preserving communities of common interest and those who have been historically
12 left out by systematic and deliberate state violence. Plan A maps are critical towards an equitable
13 Oregon, in which marginalized communities have representation that advocate and are responsive
14 to our needs.” Ex 3017-B at 47.

16 146. Taken together, I find that lawmakers considered and reasonably adhered to neutral
17 districting criteria, including population, contiguity, transportation links, communities of common
18 interest, and existing geographic and political boundaries, when they adopted the Second
19 Congressional District.

20 **iii. The Third Congressional District reflects neutral districting criteria.**

21 147. The resident population of the Third Congressional District is 706,209. Stipulation
22 of Facts ¶ 30; Ex 3017-A at 1.

23 148. The boundaries of the Third Congressional District are contiguous. Stipulation of
24 Facts ¶ 34; Ex 3017-A at 2.

1 149. The Third Congressional District is organized primarily around the transportation
2 links of US-26, I-84, OR-35, and city roads. Ex 3003 ¶ 10; Ex 3017-A at 1.

3 150. The Columbia River serves as the northern boundary of the Third Congressional
4 District. Running along the river, I-84 connects Portland’s East Side to Gresham, Troutdale,
5 eastern Multnomah County, and Hood River. This highway serves as a major commuter
6 transportation link between workers in Gresham and Portland and between workers in Hood River
7 and Portland. This route also supports tourist traffic into the Columbia River Gorge and Hood
8 River. Ex 3003 ¶ 10; Ex 3008 ¶ 5 (declaration of P. Blackburn); Ex 3010 ¶ 4 (declaration of K.
9 McBride).

10 151. As lawmakers heard in a presentation by the Population Research Center at
11 Portland State University, 6.4% of Hood River County residents who commute to work do so into
12 Multnomah County—the same percentage as those who commute east into neighboring Wasco
13 County (home to the Dalles). Ex 3017-G at 24.

14 152. US-26 spans most of the district and connects Portland with Mount Hood, Boring,
15 Sandy, and Welches. This route brings tourists and sports-recreationalists to the mountain and the
16 towns between Portland and Mount Hood. Ex 3003 ¶ 10; Ex 3017-A.

17 153. OR-35 brings tourists and the employees who work in tourism and tourism-adjacent
18 industries to Mount Hood. Hood River relies upon the economic engine that is Mount Hood and
19 the benefits of tourism it brings to the surrounding communities. Ex 3003 ¶ 10; Ex 3008 ¶ 7.

20 154. The Third Congressional District also recognizes the historic Black neighborhoods
21 of North and Northeast Portland and is sensitive to the displacement of these populations into
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1 eastern Multnomah County. Ex 3018-E at 8–9; Ex 3018-D at 11; Ex 3018-C at 10:2-23 (statement
2 of Rep. Salinas).

3 155. The congressional map that legislative Democrats originally submitted to the Joint
4 Redistricting Committee—Plan A—divided portions of North and Northeast Portland between the
5 First and Third Congressional Districts. Ex 3009 ¶ 4; Ex 2010 at 1. Under the Plan A map, the
6 First Congressional District crossed the Willamette River in North and Northeast Portland, cutting
7 off portions of the Sabin neighborhood in Northeast Portland from areas in the King and Vernon
8 neighborhoods. *Id.* The proposed dividing-line between the First and Third Congressional Districts
9 ran along NE 15th Avenue and NE Prescott Avenue to I-205 before turning north to the Columbia
10 River. *Id.*

11
12 156. Former Senator Margaret Carter and other leaders in the Black community
13 expressed disappointment with the lines in North and Northeast Portland in Plan A. In a letter to
14 Senator Lew Frederick, they wrote that they “encourage your strong consideration to support the
15 Albina Soul District map, or like maps that are fair, non-divisive and non-diluting of the Black
16 community and its voters. As importantly, the Albina congressional map is contiguous, and it aims
17 to meet the spirit of the Voting Rights Act of 1965. It also follows the population growth more
18 equitably.” Ex 3009 at Ex 1.

19 157. Senator Carter, who is familiar with the redistricting criteria from her over 20 years
20 in the Legislative Assembly, expressed her concern that Plan A would divide a community of
21 common interest. *Id.* ¶ 6. Even though the demographics of the historic Black neighborhood of
22 North and Northeast Portland have shifted due to gentrification, raising housing prices, and other
23 economic challenges, this area remains in important cultural touchstone. *Id.*

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1 158. A report submitted to the Legislative Assembly by the Population Research Center
2 at Portland State University shows that, up through 2010, Black residents of Portland continue to
3 live in many of the areas that Senator Carter identified. Ex 3017-M at 38–41; *see also* Ex 3017-V
4 at 2 (redistricting map from 1991 showing historic population of Black Portlanders living in North
5 and Northeast Portland).

6 159. Senator Carter also gave oral testimony to the committee to reiterate these concerns,
7 saying, “So I’d like for you to look at that and to see how splintering and how fractionalizing and
8 marginalizing 50,000 black voters are going to suffer as a result of how you presently have the
9 map drawn.” Ex 3018-M at 51:18–22 (testimony of M. Carter).

10 160. The Legislative Assembly, through both live witness testimony and written
11 submissions, received considerable criticism for this proposed division. Notably, people expressed
12 frustration that minority communities were not considered while drawing the congressional line.
13 Ex 3017-E at 10; Ex 3017-B at 32; Ex 3017-H at 10–11 (testimony of S. Demarest) (“The cohesive
14 neighborhoods of NE Portland must not be divided by arbitrary district boundaries. At the
15 congressional district level, Portland and Multnomah County east of the Willamette River is an
16 area that has grown greatly in population and diversity. It has multiple school districts. It has
17 inadequate infrastructure. It requires a representative who understands its unique issues and
18 funding needs.”).

19 20 161. As Sharon Gary-Smith, President of the NAACP Portland 1120B Branch, told
21 lawmakers, “I am also one whose family was displaced, driven out and dispersed when Black
22 homes, land and wealth were snatched through racist City policies using eminent domain to
23 deprive us of our voice and diluting our representation. Yet, I retain the richness of a once-thriving
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1 self-sufficient, culturally rich community with barber and beauty shops, a community economy
2 that supported restaurants, clothing shops, social clubs, neighborhood markets, community schools
3 and a full-service credit union started in the basement of their N. Shaver home by Verdine and
4 Otto Rutherford, active leaders in our local NAACP branch.” Ex 3017-H at 9 (testimony of S.
5 Gary-Smith).

6 162. Lawmakers also heard from members of other communities of common interest,
7 reminding legislators to consider minority populations when drawing the congressional districts.
8 Ex 3017-C at 33–34 (testimony of W. Miller, Government Affairs Manager of Native American
9 Youth and Family Center) (“Congressional Plan A, House Plan C and Senate Plan C work to
10 amplify the political power of our diverse communities throughout Oregon. The adoption of these
11 three plans would be a significant step toward increasing BIPOC political representation and
12 creating a more equitable political process.”); Ex 3017-B at 2 (testimony of A. Riedlinger) (“I am
13 not confident that if North Portland, East Portland, and East County were to be redrawn into
14 another congressional district, that these issues, interests, and unique struggles will be well
15 represented by neighboring lawmakers from politically, culturally, and geographically dissimilar
16 districts. Therefore, I believe North Portland, East Portland, and East County communities,
17 especially those that are Black, Indigenous, people of color, immigrants, and refugees, should be
18 kept together for the reasons outlined.”); Ex 3017-B at 91 (testimony of T. Duc Tu) (“We must
19 prioritize keeping together BIPOC communities and historically marginalized communities who
20 have been intentionally shut out from the political process for too long. Our vibrant and diverse
21 communities, like the Jade District, must be kept together. The Jade District is home to many Asian
22 markets, restaurants, law offices, real estate agents and daily living service businesses. It is nice to
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1 have Portland Community College’s South East Campus where thousands of Asian Americans
2 and Asian international students pursue a variety of college degrees.”).

3 163. Many of the public comments highlighted the importance of being sensitive to how
4 populations have been pushed out of certain neighborhoods in Portland and the surrounding cities.
5 Ex 3017-B at 22 (testimony of B. Cortes) (“After reviewing the Redistricting Committee’s map
6 proposals we have the following recommendations for the proposed maps: Congress Map, Plan A:
7 Many of Portland’s historically Black neighborhoods and neighborhoods where Black community
8 members are being displaced to, are broken up across districts in North Portland, Albina, and outer,
9 East Portland. This is a similar case with our immigrant communities who are moved out of
10 Portland into North Portland (St. John’s area), East Portland (Gresham, Happy Valley), and West
11 Portland (Hillsboro, Beaverton), and Washington County (Tigard, Tualatin.”); Ex 3017-B at 39
12 (testimony of D. Thomas) (“That’s also what concerns me about Congressional Plan B— it treats
13 all of Portland like it’s the same, when the reality is lots of parts of Portland have changed a lot
14 and I don’t think that will stop anytime soon.”).

16 164. The public testimony also highlighted how marginalized groups pay the price when
17 redistricting does not consider their communities of common interest. Ex 3017-B at 97 (testimony
18 of T. Salmon) (“I also hope the legislature will consider how the Black community has been
19 harmed by redistricting in the past, and makes different choices this time around. The legislature
20 failed to complete redistricting in 1941 and in 1951, when the Black community had grown from
21 2,000 to nearly 25,000 people. By not acknowledging our growth in Oregon, the legislature set up
22 decades of under-representation for the Black community.”).

1 165. Senator Carter reminded the legislators of the sacrifices past leaders had to make to
2 have a voice in the legislature, saying, “Madam Chair, because in the 1980s, had it not been made
3 possible through the sacrifices of these other elected leaders, I never would have been a member
4 of the legislature. Never would have been. We never had enough voices, collectively and
5 contiguously enough, to be able to send an African American to the legislature. And so I want you
6 to take that in mind, all of you, as you put this map together. And so I think that as we look, and I
7 like the fact that it has both Republicans and Democrats on this committee. And so what I say to
8 you, that you're piercing my heart. I'm greatly disturbed and I'm emotionally upset that if this map
9 goes through, that you would not have taken in consideration the hard work and the voices of those
10 of us who are saying to you ‘don’t break up the present voices that we have.’” Ex 3018-M at 52:23–
11 25, 53:1–15 (testimony of M. Carter).
12

13 166. In amending the map to change the division between the First and Third
14 Congressional Districts in Northeast and Southeast Portland, which included moving that division
15 South to the Banfield Freeway, the legislature noted the testimony it received and the concerns
16 that had been expressed. Ex 3018-E at 8:7–9:4 (statement of Rep. Salinas); Ex 3018-D at 11:7–17
17 (statement of Rep. Salinas); Ex 3018-C at 10:2–22 (statement of Rep. Salinas).
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19 167. Representative Andrea Salinas explained how the amended map responded to
20 community response to the Plan A map: “The -3 map responds to feedback from the advocates
21 who expressed an interest in keeping north and northeast Portland connected to the rest of
22 Portland's eastside. As housing prices have increased and these areas of Portland have experienced
23 gentrification, black families who lived in Portland's historically black neighborhoods, have been
24 pushed out to outer east Portland and east Multnomah County. Black community members in outer
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1 east Portland still visit black business districts, restaurants, places of worship in north and northeast
2 Portland.” Ex 3018-B at 11:20–12:11.

3 168. The boundaries of the Third Congressional District utilize county lines, Portland
4 city boundaries, and the Willamette River. Ex 3017-A at 1.

5 169. The Third Congressional District includes Hood River County and portions of
6 Multnomah County and Clackamas County. *Id.*

7 170. The Third Congressional District has, with each successive redistricting cycle since
8 1991, extended further into Clackamas County, including more rural areas on and around Mount
9 Hood. Ex 3017-Q.

10 171. Since the 1991 redistricting cycle, Republicans have frequently advocated for a
11 congressional map that places the boundaries of the Third Congressional District either at or very
12 close to the boundaries of Multnomah County. Ex 3017-V (showing 1991 Republican “Walden”
13 map, which was discussed and rejected by three-judge panel in *Berkman v. Roberts*, Civil No 91-
14 775-RE, slip op at 5 (D Or Dec 2, 1991) (Redden, J.)); Ex 3017-T (map passed by Republican-
15 controlled legislature in 2001 and vetoed by Governor Kitzhaber, which was discussed and
16 rejected in *Perrin v. Kitzhaber*, No 0107-07021, slip op at 1–2 (Multnomah Cnty Cir Ct Oct 26,
17 2001 (Maurer, J.)); Ex 3017-S at 1 (map introduced by Republicans into Legislative Assembly in
18 2011). In each of the past three decennial redistricting cycles, Republican efforts to pack
19 Multnomah County into a single district have been rejected.
20

21 172. Hood River and Portland have strong connections in part because of Hood River’s
22 status as a tourism and recreational destination. The pandemic has caused some people who would
23 vacation at a second home in the Hood River area to live in Hood River fulltime. There are also
24

1 workers who make the commute between the two cities, both people traveling to Hood River for
2 work and people traveling to Portland for work. Ex 3008 ¶ 7; Ex 3010 ¶ 4.

3 173. Hood River has also become a location for jobs from the manufacturing, food,
4 retail, and high-tech sectors. This connects Hood River to cities like Portland and Seattle as a
5 stream of employees. Ex 3010 ¶ 5. Hood River County’s farming and agricultural businesses,
6 which employ the county’s residents, also supply food to the Portland area. Ex 3018-C at 33:17–
7 23 (statement of Rep. Williams).

8 174. Lawmakers learned from written testimony that this area of the state has undergone
9 significant change since the last time the districts were drawn. Ex 3017-E at 17 (testimony of L.
10 Gilham-Luginbill) (“Proposal B, for the most part, maintained Congressional District 3’s status
11 quo despite the fact that this part of our state has grown immensely over the last decade.”);
12 Ex 3017-E at 22 (testimony of M. Morales) (“I found that Map A’s CD 3 connects places I visit. I
13 often drive to the Gorge, and Mt. Hood, on I-84. These places feel like part of the great SE Portland
14 available locations for travel, and exploration.”).

15 175. Hood River functions as the capital of the Columbia River Gorge. This region exists
16 as a continuous area that starts just east of Portland and extends to Hood River County, connected
17 by transportation services like buses and bike routes. Ex 3008 ¶ 6; Ex 3010 ¶ 4.

18 176. Testimony received by the Legislative Assembly emphasized the cultural
19 differences between the Columbia Gorge region and the rest of the Second Congressional District.
20 Ex 3017-B at 114 (testimony of B. Flake) (“One of the big reasons why I support Congressional
21 Map A is because it takes parts of our state’s enormous 2nd Congressional District that have
22 transformed immensely over the last decade and unifies them into a 3rd Congressional District.
23
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1 How can a single elected official possibly represent communities from 18 different [] counties?");
2 Ex 3017-B at 118 (testimony of B. Danko) (“It makes much more sense to have the Hood River
3 and The Dalles areas be part of a Congressional District that stretches down the gorge toward
4 Portland and south to Bend rather than to have us continue to be part of the sprawling Eastern and
5 Southern Oregon district. Bend and the communities in the George including Hood River have
6 much more in common [with each other] than the district they currently reside in. Both areas
7 having growing populations that have a tourism focus.”).

8
9 177. The tourism and recreation industry are central to the economies of Hood River and
10 Mount Hood. Ex 3010 ¶ 6; Ex 3008 ¶ 7; Ex 3017-C at 29 (testimony of S. Smith). And while
11 tourism certainly connects Portland to Mount Hood and Hood River, it also creates challenges,
12 especially the scarcity of affordable housing. Ex 3018-C at 34:7–21 (statement of Rep. Williams).
13 Noting this complex dynamic, Representative Anna Williams commented that it “speaks to the
14 need for a representative [in Congress] who understands the interconnected nature of our state’s
15 rural and urban communities.” Ex 3018-C at 34:18–21.

16 178. Lawmakers received public testimony about the recreation, tourism, and
17 environmental ties between Portland, the Columbia River Gorge, Mount Hood, and Bend.
18 Ex 3017-C at 7 (testimony of C. Saldivar) (“This includes the Gorge, the Mountain, and Bend,
19 which have begun to face many of the concerns that come with a rapidly growing, increasingly
20 interconnected and suburban area. Though some may argue that it doesn’t make sense to connect
21 Portland to these communities, the reality is that the communities in HD52 are a short drive from
22 Portland and that they are all connected by major roads such as I-84 and HWY-26. These
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1 communities are also connected to Bend via roads such as HWY-35, and HWY-197.”); Ex 3017-
2 C at 9 (testimony of D. Dobbs).

3 179. Mount Hood is a major source of employment in the area and serves an economic
4 driver for communities in its vicinity. The flow of people to the mountain from Portland benefits
5 the Hood River economy. Ex 3008 ¶ 7; Ex 2017-C at 31–32 (testimony of S. Smithsted).

6 180. Legislators received and considered oral and written testimony recommending the
7 inclusion of Hood River in the Third Congressional District. As Representative Salinas explained,
8 “District 3 now contains Hood River County, the Mount Hood area and Clackamas County and
9 the east side of Portland. Testimony reflected that Hood River County made sense to include in
10 District 3. While we believe it made sense for The Dalles to be included as well, we respected the
11 public feedback that the rural communities in Jefferson County should not be included. . . .
12 Meanwhile, the Columbia Gorge, from Troutdale in Multnomah County to Hood River in Hood
13 River County, shares important natural, geographic, economic, cultural and commercial ties.” Ex
14 3018-C at 11:4–9 (statement of Rep. Salinas).

15 181. This public testimony also referenced the important transportation and commerce
16 connections between Portland and Hood River. Ex 3017-E at 8 (testimony of C. Martell) (“The
17 counties of Hood River, Wasco, and Jefferson have strong transportation and commerce links to
18 the Portland area. They have minimal links to the Medford/Grants Pass area.”); Ex 3017-C at 3
19 (testimony of B. New) (“It instead pairs the entire Gorge with the eastern half of the Portland
20 Metropolitan Area. The Gorge and eastern half of the Portland Metropolitan Area are connected
21 via I-84 and the Mt. Hood National Forest. The city of Bend has more similarities to areas like
22 Portland and Hood River than it does with the rest of eastern Oregon.”).

1 182. Taken together, I find that lawmakers considered and reasonably adhered to neutral
2 districting criteria, including population, contiguity, transportation links, communities of common
3 interest, and existing geographic and political boundaries, when they adopted the Third
4 Congressional District.

5 **iv. The Fourth Congressional District reflects neutral districting criteria.**

6 183. The resident population of the Fourth Congressional District is 706,208. Stipulation
7 of Facts ¶ 31; Ex 3017-A at 2.

8 184. The boundaries of the Fourth Congressional District are contiguous. Stipulation of
9 Facts ¶ 34; Ex 3017-A at 2.

10 185. The Fourth Congressional District keeps together the communities of Eugene and
11 Corvallis and one of the main arteries that connects them, OR-99W. Ex 3011 ¶ 3 (declaration of
12 A. Roblan). Eugene and Corvallis are in many ways “sister cities” because they are the state’s two
13 college towns and homes to two of the state’s biggest research universities. *Id.* ¶ 4; Ex 3017-B at
14 75 (testimony of P. Barnhart); Ex 3018-C at 12:4–8 (statement of Rep. Salinas). These two research
15 centers partner on grants for federal funding, faculty at the two schools work together often, and
16 loyal community members travel back and forth for Ducks and Beavers games (especially Civil
17 War games). Ex 3011 ¶ 7 (declaration of A. Roblan); Ex 3018-L at 7:15–23 (testimony of J.
18 Frances) (“There are frequent collaborations between our two major research universities, there
19 are so many adjunct faculty like myself tied to both universities, and the communities I believe,
20 the communities surrounding them share common interests and Congressional Map A would keep
21 the two research universities together in the same district.”).

22 186. The Fourth Congressional District keeps together the communities of Eugene and
23 Roseburg and the main artery that unifies them, I-5. Ex 3011 ¶ 3. Eugene and Roseburg have many
24

1 affinities and connections, with Eugene being a destination for Roseburg residents for resources
2 like specialized medical care and retail options. *Id.* ¶ 4; Ex 3018-I at 27:6–14 (testimony of
3 D. Morocco) (“Readily apparent in my regular travel between Lane and Douglas Counties is the
4 interconnectedness of the communities from Roseburg through Eugene and Springfield along the
5 I-5 corridor as well as smaller, outlying communities along the McKenzie Highway and Highway
6 58. Workday commutes take many such as myself from the smaller towns along I-5 and the 58 to
7 Roseburg and Eugene-Springfield.”).

8
9 187. The Fourth Congressional District keeps together the communities of Eugene and
10 Florence and the main artery that unifies them, OR-126. Ex 3011 ¶ 3; Ex 3017-B at 11. Eugene
11 and Florence are related because, on the one hand, Eugene is the nearest city that Florence residents
12 go to for services, and, on the other hand, Eugene residents go to Florence for coastal recreation.
13 Ex 3011 ¶ 4; Ex 3017-B at 44.

14 188. The Fourth Congressional District keeps together the communities of Corvallis and
15 Newport and the main artery that connects them, US-20. Ex 3011 ¶ 3; Ex 3017-B at 87; Ex 3017-
16 B at 116. Corvallis and Newport are related because, on the one hand, Corvallis is the nearest city
17 that Newport residents go to for services, and, on the other hand, Corvallis residents go to Newport
18 for coastal recreation. Ex 3011 ¶ 4; Ex 3017-B at 12.

19 189. Corvallis and Newport are also connected by the linkage between Oregon State
20 University (based in Corvallis) and its Hatfield Marine Science Center (in Newport). Ex 3011 ¶ 7;
21 Ex 3017-B at 12; Ex 3017-B at 116.

22 190. Lawmakers received public testimony about the link between Corvallis, Eugene,
23 and the Central Coast. Ex 3017-B at 12 (testimony of B. Kucha) (“Congressional Plan A keeps all
24

1 of Lincoln and Benton counties together in the same district pairing Corvallis and Eugene with the
2 Central Coast which makes sense because of the connection we have together in terms of our
3 shared HWY 20, satellite campus connections between Oregon State and OCCC as well the need
4 for us to have access to their major hospitals.”).

5 191. The Fourth Congressional District keeps together the nearby southern coastal
6 communities of Bandon, Coos Bay, and Reedsport with their Willamette Valley counterpart,
7 Roseburg, and the main arteries that unify them, OR-38, OR-138, and OR-42. Ex 3011 ¶ 3. With
8 respect to OR-38 and OR-138, significant road improvements to this key transportation link, which
9 were facilitated by federal dollars, have made these highways even more essential to the south
10 coast’s economy and our way of life. *Id.* When people from Bandon, Coos Bay, and Reedsport
11 need to do a big shopping trip, they often travel to Roseburg because the nearest Costco is there.
12 *Id.* ¶ 4.

14 192. Lawmakers received public testimony advocating for a district that connected
15 Eugene, Corvallis, and the coastal region. Ex 3017-C at 25 (testimony of O. Mintz-Lowe) (“In
16 terms of the congressional plan, I prefer Plan A as it keeps the western parts of Lane County,
17 including the coastal communities connected to the Eugene/Springfield areas. People regularly
18 travel between these two communities for recreation and shopping and keeping them together
19 works better in my view.”); Ex 3017-C at 24 (testimony of N. Ranker) (“I urge you to support
20 Congressional Map A and keep Lane County together and connected to Corvallis and the coast.”).

21 193. Another important transportation link that binds together the Fourth Congressional
22 District is the Coos Bay Rail Line, which connects Coos Bay to Eugene. Ex 3011 ¶ 6; Ex 3017-B
23 at 75 (testimony of P. Barnhart). The Coos Bay Rail Line is what keeps the Port of Coos Bay a
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1 viable major port in Oregon. Ex 3011 ¶ 6. The Port of Coos Bay will be the only port on the Oregon
2 coast that can accommodate large container ships, and its viability as an economic hub for the
3 state’s communities is heavily dependent on the Coos Bay Rail Line’s connection to Eugene. *Id.*
4 ¶ 4; Ex 3017-B at 75 (testimony of P. Barnhart) (“Similarly, Congressional District 4 should
5 include the major universities of Oregon, UO and Oregon State University. . . . [T]he upper
6 Willamette Valley where those two major institutions are located together with the central and
7 South Coast form a major tourist and economic area with major common economic interests. The
8 railroad running from Coos Bay to the Eugene rail yard is a critical transportation link for current
9 wood products and will become even more important if the container port planned for Coos Bay
10 becomes a reality. Eugene is also a major tourist hub for southwestern Oregon. Combining the
11 South and Central Coast with the education hub of Oregon through its two world class universities
12 makes a compact and economically and culturally coherent Congressional District.”).

14 194. The Fourth District also connects several community colleges. Ex 3011 ¶ 8.
15 Southwestern Oregon Community College has locations in Coos Bay (in Coos County) and
16 Brookings (in Curry County). *Id.* ¶ 4. Lane Community College has locations in Eugene, Cottage
17 Grove, and Florence. *Id.*; Ex 3018-Q at 16:1–7 (testimony of L. Fragala) (“Lane Community
18 College has campuses in Eugene, Cottage Grove, and Florence, and this map makes sense for the
19 communities the college serves and the transportation links that our students utilize. Congressional
20 Plan B splits up Lane County and essentially divides the community the college serves.”). Umpqua
21 Community College is in Roseburg. Ex 3011 ¶ 4. These institutions have relationships and
22 synergies with one another, including when they organize together to seek financial support from
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1 the state or federal governments. *Id.* ¶ 8. Likewise, the Fourth District unifies three of the state’s
2 Education Service Districts (“ESDs”): South Coast ESD, Douglas ESD, and Lane ESD. *Id.* ¶ 4.

3 195. The Enacted Map keeps coastal communities of common interest together to a
4 greater extent than the predecessor congressional district map. *Id.* ¶ 9. It divides Oregon coastal
5 communities between just two districts, rather than three. *Id.*; Ex 3017-B at 44. With a relatively
6 small population, the voices of coastal communities are amplified when they comprise a bigger
7 portion of two districts. Ex 3011 ¶ 9; Ex 3017-B at 69 (“It’s important that coastal communities
8 remain in the same district to offer the best chance to elect a leader who will represent our values
9 in the nation’s Capitol.”). The new map’s dividing line between the First Congressional District
10 and the Fourth Congressional District follows the well-recognized boundary between the northern
11 coast and the central/southern coast. Ex 3011 ¶ 9; Ex 3017-B at 44 (testimony of J. Daschel)
12 (“These maps reflect districts that keep our coastal community together, so that our representation
13 is driven by values and concerns that impact us the most. Because our smaller communities
14 necessitate that we are part of a district with a larger population, the areas containing Corvallis and
15 Eugene seem most logical, given the development of ocean science and education as a growing
16 part of our economy and employment in Lincoln County. Looking ahead, climate issues, the
17 nearshore energy sector and fisheries management are all areas of interest that align with these
18 inland communities’ future in scientific research.”).

20 196. Communities along the Oregon coast are bound together by US-101, also called the
21 Oregon Coast Highway. Ex 3011 ¶ 9. For much of the Oregon coast, US-101 is its most important
22 transportation link. *Id.*

1 197. The Fourth Congressional District also keeps together three of Oregon’s coastal
2 Native American tribes: the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, and
3 the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. *Id.* ¶ 12. These tribes share
4 many common interests, including concern for natural resources, maintenance of their culture and
5 traditions, and services to their communities. *Id.* Oregon’s coastal tribes share a deep historic and
6 cultural connection to the Pacific Ocean. *Id.*

7 198. The Enacted Map’s division of Douglas County between the Fourth Congressional
8 District and the Second Congressional District represents a reasonable and politically neutral
9 choice, keeping Roseburg together with Eugene and the south coast for the reasons described
10 above. *Id.* ¶ 10. And the boundary line draws a logical separation between more densely populated
11 communities in the northwestern half of Douglas County from the more rural parts of the county
12 in the southeastern half of the county, which have more in common with its southern and eastern
13 neighbors in the Second Congressional District. *Id.*

14 199. Taken together, I find that lawmakers considered and reasonably adhered to neutral
15 districting criteria, including population, contiguity, transportation links, communities of common
16 interest, and existing geographic and political boundaries, when they adopted the Fourth
17 Congressional District.
18 Congressional District.

19 **v. The Fifth Congressional District reflects neutral districting criteria.**

20 200. The resident population of the Fifth Congressional District is 706,209. Stipulation
21 of Facts ¶ 32; Ex 3017-A at 2.

22 201. The district’s boundaries are contiguous. Stipulation of Facts ¶ 34; Ex 3017-A at 2.

23 202. The Fifth Congressional District connects the Deschutes County communities of
24 Bend, Sisters, and Redmond to the eastern part of the Willamette Valley in Clackamas, Marion,

1 and Linn counties. Ex 3017-A at 2; Ex 3003 ¶ 13. It is organized primarily around the east-west
2 transportation links of US-20 and OR-22, as well as the north-south transportation links of OR-
3 99E, OR-213, and OR-43, but the district is also connected by the transportation links of I-5, I-
4 205, OR-226, OR-224, OR-43, OR-OR-126, and US-9. Ex 3017-A at 2.;Ex 3003 ¶¶ 12–13.

5 203. US-20 and OR-22 are critical transportation links between the Willamette Valley
6 and the cities of Bend, Sisters, and Redmond. Ex 3003 ¶ 12; Ex 3012 ¶ 6 (declaration of J. Lynch);
7 Ex 3014 ¶ 12 (declaration of A. Broadman). Both highways are open and maintained throughout
8 the year, with only occasional closures during winter storms, and they see high volumes of
9 commercial, recreational, and tourist traffic year-round. Ex 3012 ¶ 6; Ex 3014 ¶ 10; Ex 3017-W at
10 115–16 (ODOT 2018 Transportation Volume Tables); Clarno Dep Tr (rough), Oct 20, 2021, at
11 5:20–23 (“There were some times [the Santiam Pass] was pretty hairy where there was whiteouts.
12 But having spent most of my life inside the mountains, I’m pretty good in snow.”).

14 204. In part due to the access provided by US-20 and OR-22, Bend has had the highest
15 rate of population growth in the state over the past ten years. Ex 3003 ¶ 12; Ex 3014 ¶ 6; Ex 3018-
16 V at 31:1–4 (presentation to Redistricting Committees by GIS analyst with Legislative Policy and
17 Research Office). Bend is now Oregon’s sixth largest city, and it is more populous than the urban
18 centers of Beaverton, Medford, Springfield, and Corvallis. Ex 3003 ¶ 12; Ex 3018-V at 31:1–4
19 (presentation to Redistricting Committees by GIS analyst with Legislative Policy and Research
20 Office).

21 205. The same transportation links have also facilitated a growing commuter flow from
22 Deschutes County into the Portland area. Of those Deschutes County residents who commute to
23 work, 4.8% of them do so into Multnomah County and 3.1% do so into Washington County, or
24

1 they are otherwise employed by a company based in those counties. Ex 3017-G at 9 (presentation
2 to Redistricting Committees by GIS analyst with Legislative Policy and Research Office). In
3 Deschutes County, the most common destinations or employment relationship for workers outside
4 of the county are Multnomah and Washington counties. *Id*

5 206. Bend is also home to one of the fastest growing economies. Ex 3014 ¶¶ 6–7; Ex
6 3012 ¶ 3. Once a timber town, Bend has worked to diversify its economy, which now includes
7 growing technology, brewing, and healthcare sectors, in addition to its long-established tourism
8 sector. Ex 3014 ¶ 7. The city is even one of the nation’s fastest growing startup markets. *Id.* ¶ 7;
9 Ex 3012 ¶ 3.

10 207. As a result of this population and economic growth, Bend is an increasingly urban
11 city with robust economic and cultural ties to the Willamette Valley. Ex 3003 ¶ 12; Ex 3012 ¶ 5;
12 Ex 3014 ¶ 5; Ex 3018-C at 39:3–15 (statement of Rep. Kropf) (“[Bend’s] industries are much more
13 similar to [those] of Oregon City, Milwaukie, Redmond and the other cities of proposed
14 Congressional District 5.”); Ex 3017-B at 21 (testimony of B. Humphreys) (“Bend in now a very
15 urban city.”); Ex 3018-N at 63:5–9 (testimony of D. Paulson) (“[Bend’s] economy is supported by
16 the people of Portland and the tourism that comes from there. Our transportation links to Portland
17 through 97 and over Mount Hood and to Santiam make us part of the Portland commercial area.”).

18 208. Many Bend-based startups, for instance, depend on capital investment from the
19 Portland area, with the Portland Seed Fund investing heavily in Bend startups like LeadMethod,
20 Onboard Dynamics, and Amplion. Ex 3012 ¶ 3. Bend also hosts an annual startup investment
21 conference, called the Bend Venture Conference, that attracts many Portland-based investors and
22 businesspeople. *Id.* Deschutes Brewery and Ten Barrel Brewing Co., both based in Bend, have
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1 likewise opened satellite locations in Portland, and businesses incubated in Bend, like the highly
2 successful CBD manufacturer “Wyld,” have begun relocating to other cities within the district,
3 such as Milwaukie. *Id.* ¶ 4.

4 209. A growing number of Portland-based workers are also relocating or purchasing
5 second homes in Bend, with many even telecommuting to work in Portland; in fact, more residents
6 of Deschutes County are employed in each of Multnomah, Washington, Lane, Marion, and
7 Clackamas counties than any county east of the Cascades. Ex 3003 ¶ 12; Ex 3012 ¶ 2; Ex 3017-G
8 at 9 (presentation to Redistricting Committees by Population Research Center at Portland State
9 University); Ex 3018-I at 81:22–82:2 (testimony of E. Fernandez) (“Most Bendites moved here in
10 the last 20 years and moved here from places like Portland or other urban areas not from Eastern
11 Oregon or more rural areas and that includes myself. I was a longtime Portlander for 20 years
12 before moving to Bend.”); Ex 3018-N at 74:13–15 (testimony of T. Hatton) (“Since COVID, and
13 I think since before, we’re becoming a Zoom community with a lot of remote workers.”); Ex 3018-
14 S at 445:12–16 (testimony of C. DeJarnac) (“Since the last census, we have had a huge number of
15 remote workers moving to Bend.”).

17 210. The record also supports the view that Bend and its immediately surrounding areas
18 are now culturally and economically distinct from other parts of Central and Eastern Oregon.
19 Ex 3012 ¶ 5; Ex 3014 ¶ 4; Ex 3018-N at 51:6–17 (testimony of K. Condit-Chad) (“Bend needs
20 lines drawn that recognize we’ve grown from being a small town to a full metro area, as shown by
21 the census data.”); Ex 3018-I at 16:11–14 (testimony of A. Sabbadini) (“Bend is culturally and
22 economically distinct from the towns to the east and the people in Eastern Oregon do not want my
23

1 city to be part of their district.”); Ex 3017-B at 21 (testimony of B. Humphreys) (“The citizens of
2 Bend have little or no shared interests with many of the other communities in the current CD2.”).

3 211. As Connie Peterson from Bend testified, “Bend is . . . a forward-thinking
4 community. We have very little in common with eastern Oregonians who want to become part of
5 the State of Idaho. So I think we need and deserve representation responsive to our values.” Ex
6 3018-J at 46:21–47:1 (testimony of C. Peterson).

7 212. Lawmakers also heard testimony from Sarah Ray, who shared that “Bend is not that
8 similar to Eastern Oregon. Bend residents share much more in common with places like Hood
9 River and Portland than with places like . . . Burns.” Ex 3018-I at 61:16–18.

10 213. Another Bend resident observed, “[I]t does make a lot of sense for our growing
11 community of Bend to be linked to more urban areas such as Hood River and the outskirts of
12 Portland” Ex 3018-N at 75:23–76:1 (testimony of T. Hatton).

13 214. Others expressed similar views. Ex 3018-I at 81:18–21 (testimony of E. Fernandez)
14 (“If you look at our values, we have a lot more in common with places like Hood River, The Dalles
15 and east Portland than we do with Pendleton or Prineville.”); Ex 3017-B at 70 (testimony of N.
16 Boever) (“Bend’s tourism and developing high-tech economies and the interests and priorities of
17 our community [are] much more similar to [Portland and Hood River] than that of the extractive
18 industries of Eastern Oregon.”); Ex 3018-N at 32:3–5 (testimony of B. New) (“The city of Bend
19 has more similarities to areas like Portland and Hood River than it does with the rest of eastern
20 Oregon.”).

21 215. In his speech in support of the Enacted Map on the House floor, Representative
22 Jason Kropf of Bend echoed these sentiments: “Our communities and industries are distinct from
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1 our neighbors in what is now the current Second Congressional District where . . . industries like
2 timber and ranching are prominent. Our industries are much more similar to that of Oregon City,
3 Milwaukie, Redmond and the other cities of proposed Congressional District 5.” Ex 3018-C at
4 39:9–15.

5 216. The Fifth Congressional District is also organized around the north-south
6 transportation links of OR-99E, OR-213, and OR-43, which together connect northern Clackamas
7 and Marion counties to Portland. Ex 3003 ¶ 13.

8 217. OR-99E is a major thoroughfare to Portland for commuters living in Milwaukie,
9 Gladstone, Oregon City, and Canby, while OR-213 serves commuters coming into Portland from
10 Silverton and Molalla. *Id.* Both groups of commuters rely heavily on the Sellwood Bridge—which
11 forms part of the district’s northernmost boundary—to access Portland’s urban core. *Id.*

12 218. A majority of the traffic flowing over the Sellwood Bridge and into downtown
13 Portland each morning originates in Clackamas County. *Id.* Bus Route 99 is likewise an important
14 transportation link between Clackamas County, Southeast, and Southwest Portland. Ex 3006 ¶ 8.
15 The route begins at Clackamas Community College in southeast Oregon City, runs up OR-99E,
16 runs through the Sellwood neighborhood of Portland, crosses the Sellwood Bridge, and proceeds
17 up Macadam Avenue/OR-43 into downtown. *Id.*

18 219. The cities connected to Portland’s urban core by OR-99E, OR-213, and OR-43—
19 most notably Milwaukie, Gladstone, Oregon City, Canby, and Molalla—have experienced
20 significant population growth and demographic changes over the past decade. Ex 3003 ¶ 13. As
21 the price of housing in Portland’s urban core has climbed, Portland-based workers have been
22 forced to seek more affordable housing along secondary transportation routes like OR-99E and
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1 OR-213. *Id.* Milwaukie, in particular, has experienced enormous change over the past decade and
2 is now virtually indistinguishable from Southeast Portland neighborhoods like Sellwood. *Id.*

3 220. This increase in housing prices—capturing areas that were previously more
4 affordable—has further expanded the Portland metropolitan area’s footprint, with lower-income
5 populations who might otherwise have lived in Milwaukie and Gladstone instead finding housing
6 they can afford in communities like Canby and Molalla. *Id.*

7 221. These communities are united not only by their economic status but also their
8 common reliance on the transportation links that allow them to work, worship, and recreate in
9 Portland’s urban core—areas from which they were displaced. *Id.* ¶¶ 5, 13.

10 222. These communities are also united by the challenges they face, including the strains
11 placed on their transportation infrastructure, the availability and affordability of housing, and the
12 gaps and inequities in the region’s public transportation systems. *Id.*; Ex 3017-J at 1 (testimony of
13 B. Martin) (“It is my hope that the committee considers how the current iteration of Congressional
14 District 5 is serving, or not serving, low-income renters and how any redistricting proposal would
15 affect this community. Throughout all of District 5, not just Marion County, the need for affordable
16 housing is dire and blatant.”).

17 223. The Fifth Congressional District keeps each of these communities together and
18 connected to the Portland area by capturing the transportation arteries which anchor them. Ex 3003
19 ¶¶ 5, 13; Ex 3017-L at 2; Ex 3017-I at 4–12 (testimony and maps submitted by T. Powers).

20 224. The range of urban, suburban, and rural populations present in the Fifth
21 Congressional District is also consistent with its historical composition. Ex 3013 ¶¶ 3–4. As Joan
22 Mooney, former Chief of Staff for Congresswomen Darlene Hooley observed: “[P]eople commute
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1 into and out of Portland and Salem daily for work; rural and suburban residents come into the city
2 for services and retail; urban residents go to suburban and rural areas for recreation. . . . These
3 communities have been well-served by this organization.” *Id.* ¶ 3.

4 225. From 2001 to 2011, the Fifth Congressional District included a large section of
5 southwest Portland. *Id.* ¶ 4. Although that part of Portland was mostly drawn into the Third
6 Congressional District in 2011, the Fifth Congressional District retained areas of Portland around
7 PCC’s Sylvania Campus and parts of the Dunthorpe and Lents neighborhoods. *Id.* The district has
8 thus included pieces of Portland for many years. *Id.*

9 226. In addition to including urban and suburban areas around Portland, the Fifth
10 Congressional District has always included many agricultural communities—especially those in
11 eastern Clackamas and eastern Marion counties. *Id.* It makes sense that the district would be drawn
12 to include communities of Linn County, such as Albany, Lebanon, and Sweet Home, which are
13 not only nearby but also culturally and economically similar to eastern Clackamas and eastern
14 Marion counties. *Id.*; Ex 3016 ¶ 9 (declaration of K. Grainger). These closely related agricultural
15 communities are known for growing timber and Christmas trees, hazelnuts, nursery crops, and
16 livestock/poultry products. Ex 3013 ¶ 5. They are also connected by the major transportation
17 arteries of eastern Clackamas, eastern Marion, and Linn counties: OR-214, OR-22, and OR-226.
18 *Id.*

19
20 227. Taken together, I find that lawmakers considered and reasonably adhered to neutral
21 districting criteria, including population, contiguity, transportation links, communities of common
22 interest, and existing geographic and political boundaries, when they adopted the Fifth
23 Congressional District.
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1 **vi. The Sixth Congressional District reflects neutral districting criteria.**

2 228. The resident population of the Sixth Congressional district is 706,212. Stipulation
3 of Facts ¶ 33; Ex 3017-A at 2.

4 229. The boundaries of the Sixth Congressional District are contiguous. Stipulation of
5 Facts ¶ 34; Ex 3017-A at 2.

6 230. The Sixth Congressional District includes all of Yamhill and Polk counties, as well
7 as portions of Washington, Clackamas, and Marion counties. Ex 3017-A at 2.

8 231. The district is organized primarily around the transportation links of I-5 and OR-
9 99W, but it is also connected by OR-18, OR-22, OR-47, OR-210, OR-217, and OR-219. Ex 3017-
10 A; Ex 3003 ¶ 14; Ex 3018-D at 6:16-25 (statement of Rep. Salinas) (describing these links);
11 Ex 3017-B at 48–49 (testimony of J. Lechuga) (“The new district is connected through many
12 transportation links: I-5, OR-99W, OR-217, and many more.”).

13 232. I-5 begins near the district’s northernmost tip and runs to its southernmost tip. Ex
14 2001 at 1. The highway connects Washington, Clackamas, and Marion counties in the district, as
15 well as the cities of Tualatin, Wilsonville, Woodburn, and Salem. *Id.*; Ex 3003 ¶ 14. OR-99W,
16 which runs adjacent to I-5 and then westward, connects Washington, Yamhill, and Polk counties
17 in the district, as well as the cities of Tigard, Sherwood, Newberg, Dundee, and McMinnville.
18 Ex 3003 ¶ 14.

19 233. Where the district’s boundaries internally split Washington, Clackamas, and
20 Marion counties, the boundaries track alongside OR-99W and I-5, both of which run across
21 multiple county lines. Ex 2001 at 1.

22 234. I-5 is an important transportation link within the district, with freight and
23 commuters moving in both directions between the Portland area and Salem. Ex 3003 ¶ 14; Ex 3015
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1 ¶ 8 (declaration of S. Sokol Blosser); Ex 3016 ¶ 5; Ex 3018-C at 19:6–23 (statement of Rep. Leon)
2 (noting centrality of I-5); Ex 3018 at 101:7–15 (testimony of J. Lorenzen) (“It’s also my
3 understanding that homes in northwest Salem are often used as bedroom communities for travel
4 to Wilsonville and Portland. So I think of the I-5 corridor between Portland and Salem as deeply
5 interconnected in terms of home life and work life.”).

6 235. OR-99W is likewise an important transportation link within the district, acting as a
7 commuting artery for Portland-based workers living in Tigard, Sherwood, Newberg, Dundee, and
8 McMinnville. Ex 3003 ¶ 14; Ex 3018-T at 23 (testimony of M. Palacio) (“My office is located in
9 Salem and I travel HWY99 and HWY217 to get to I-5. Both HWY99 and 217, however, are main
10 transportation routes that run through the heart of Tigard and are easily accessible to members of
11 my community. They take us to and from areas with additional shopping centers and resources
12 like Sherwood and Beaverton”); Ex 3017-B at 16 (testimony of B. Bixler) (“It is also
13 important to note that highway 99 west is a huge transportation artery that connects many towns
14 in the community, but has a very strong tie between the 3 cities of Newberg, Dundee, and
15 McMinnville.”).

17 236. OR-99W is also critical to the economies of Yamhill and Polk counties. The
18 highway carries hundreds of thousands of tourists between the Portland area and wineries in
19 Yamhill and Polk counties every year, and it brings wine and other crops grown in Yamhill and
20 Polk counties to market in Portland. Ex 3015 ¶ 3; Ex 3003 ¶ 14; Ex 3018-O at 22:19–20 (testimony
21 of A. Gray) (“We are tourist destinations. We have wineries and vineyards and key transit
22 areas”).

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1 237. The cities adjacent to both I-5 and OR-99W—including Tigard, Tualatin,
2 Sherwood, Wilsonville, Newburg, Woodburn, and McMinnville—have seen significant
3 population growth over the past several decades. Ex 3018-E at 10:17–11:6 (statement of Rep.
4 Salinas) (“[The Sixth Congressional District] includes some of the fastest-growing cities in
5 Washington County, like Beaverton, Tigard, Tualatin, and Sherwood. The fastest-growing city in
6 Clackamas County, Wilsonville. Salem and Woodburn in Marion County, and Newberg and
7 McMinnville in Yamhill County.”); Ex 3018-V at 30:13–18 (presentation to Redistricting
8 Committees by GIS analyst with Legislative Policy and Research Office).

9
10 238. Much of this population growth is spillover from growth in the Portland area and
11 the lack of affordable housing in the city’s urban core. Ex 3003 ¶ 6; Ex 3015 ¶ 8; Ex 3018-C at
12 9:12–18 (statement of Rep. Salinas) (“Both the inner east side and downtown have . . .
13 skyrocketing housing prices”); Ex 3018-T at 22:3–7 (testimony of M. Lynn) (“Tigard and
14 Washington County, in general, are becoming more diverse, and I see more and more affordable
15 housing units getting built and more families joining our community.”).

16 239. As a result, many new residents of the cities along I-5 and OR-99W are lower
17 income, from traditionally marginalized communities, or both, and many residents commute to
18 jobs that are based in the Portland area and Marion County. Ex 3003 ¶ 5; Ex 3015 ¶ 8; Ex 3017-F
19 at 93 (presentation to Redistricting Committees by Population Research Center at Portland State
20 University); Ex 3017-M at 29; Ex 2018-K at 38:4–6 (testimony of J. Rodriguez) (“Woodburn down
21 to northeast Salem [is] an area that’s heavily populated by Latinos.”); Ex 3018-I at 136:12–14
22 (testimony of S. Hernandez) (“[A] BIPOC community of interest [has] existed for about half a
23 century and stretches from Woodburn down to east Salem along I-5”).
24

1 240. Lawmakers heard testimony about the growth in these cities and the need to keep
2 them together as communities with common economic, social, and transportation interests,
3 particularly the cities of Salem and Woodburn. Ex 3017-E at 15 (testimony of J. Meissinger) (“In
4 my opinion, Sherwood needs to be together with McMinnville, Newberg, and Wilsonville. . . . One
5 interest is that these communities continue to see massive population increases. These towns are
6 also seeing more businesses set up shop.”); Ex 3017-B at 48–49 (testimony of J. Lechuga) (“[The
7 district] keeps agricultural communities together, from Willamette wine growers to the Latinx
8 farmworkers in Salem. . . . I also really appreciate that this new district would keep Salem and
9 Woodburn together, which are very important communities of interest.”); Ex 3017-D at 20
10 (testimony of N. Strait) (“[T]his district does a great job at encompassing many of our state’s
11 suburban population centers, Sherwood, McMinnville, Woodburn, Salem and Dallas, who have
12 sizable population and face some similar challenges.”); Ex 3018-T at 16:7–12 (testimony of M.
13 Palacios) (“I would be within Oregon’s new sixth Congressional District along with other very
14 residential communities such as Tualatin and Salem, who have also seen a lot of growth in the past
15 decade and whose residents have become increasingly diverse. It makes a great deal of sense to
16 me.”); Ex 3017-E at 1 (testimony of Alma S.) (“Otherwise, there will be an impact to our diverse
17 and united community in which has been a home to a growing community of small businesses,
18 schools, churches and more.”); Ex 3017-F at 93 (presentation to Redistricting Committees by
19 Population Research Center at Portland State University).
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21 241. This growth along OR-99W and I-5, and the communities anchored alongside these
22 transportation links, were a central consideration for lawmakers when adopting the boundaries of
23 the Sixth Congressional District. Ex 3018-E at 10:17–11:1 (statement of Rep. Salinas) (“We drew
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1 CD 6 in a way that honors some of the fastest growing areas in the last decade We heard
2 countless testimonies about the need to keep Woodburn and Salem together in a single district,
3 and CD6 accomplishes this throughout the Willamette Valley and with the agricultural region. It
4 also keeps the Grande Ronde Reservation whole.”); Ex 3018-C at 18:19–21:3 (statement of Rep.
5 Leon) (describing importance of maintaining communities of common interest along I-5).

6 242. By following I-5 and OR-99W out of the Portland area, the district’s boundaries
7 keep intact the communities of common interest which have developed along those routes, and
8 they allow the counties through which these highways run—Marion, Yamhill, Clackamas, and
9 Washington counties—to collectively advocate for solutions to the transportation, housing, and
10 economic pressures created by this population growth. Ex 3003 ¶ 6; Ex 3015 ¶ 9.

11 243. Yamhill, Polk, and western Marion counties also share common interests in
12 tourism, agriculture, and existing civic and political ties. Ex 3015 ¶ 3; Ex 3016 ¶¶ 3–7; Ex 3018-J
13 at 11:11–12 (testimony of M. Gamba) (“The new 6 would represent a largely agricultural
14 community . . .”).

15 244. The wine industry and the wine-related tourism industry are central to the
16 economies of Yamhill, Polk, and western Marion counties. Ex 3015 ¶¶ 3–4. The Willamette Valley
17 is home to more than 700 wineries, most of them in Yamhill, Polk, and western Marion counties,
18 and wine-related tourism contributes more than \$400 million to the Willamette Valley economy
19 each year. *Id.* ¶ 3. Portland is a critical market for the wine produced in Yamhill, Polk, and Marion
20 counties, with both largescale and direct-to-consumer sales in the city. *Id.* ¶ 7. And in recognition
21 of the geographic and environmental links between Yamhill, Polk, and western Marion counties,
22 the Willamette Valley and its northern subregions have been designated as American Viticulture
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1 Areas (AVAs)—grape-growing regions recognized by the federal government for their unique
2 combination of climate, soils, and other geographical characteristics. *Id.* ¶ 4 & Ex 1.

3 245. The wine industry ties together Yamhill, Polk, and western Marion counties as
4 communities of common interest. *Id.*; Ex 3018-K at 40:5–12 (testimony of J. Rodriguez) (“[The
5 Sixth Congressional District] comprises of all Oregon’s wine industry, which gives winemaking
6 and the field workers who harvest those grapes an opportunity to be represented by someone who
7 can balance the changing needs ever these growing communities with the need to protect land that
8 is used to create world-class wine that Oregon is famous for.”).

9 246. The same geographic and other ecological features that make Yamhill, Polk, and
10 western Marion counties such renown producers of wine also support more than 100 other
11 economically important horticultural crops. Ex 3015 ¶ 5. Three of the most important non-vineyard
12 crops in Yamhill, Polk, and western Marion counties are berries, hazelnuts, and nursery products.
13 *Id.* These crops account for a significant share of the agricultural production in Yamhill, Polk, and
14 western Marion counties, and they tie together all three in yet another community of common
15 interest. *Id.*

17 247. Also unique to the region is the manner in which many horticultural crops are
18 cultivated. *Id.* ¶ 6. Whereas large-scale farming is typical on the other side of the Cascade
19 Mountains in Central and Eastern Oregon, many farmers in Yamhill, Polk, and western Marion
20 counties more intensively cultivate smaller tracts of land. *Id.* These growers focus on smaller
21 volumes of high-quality produce, and they often bypass the commodity market by selling directly
22 to consumers in the Portland area, including at farmers’ markets, local supermarkets, and farm-to-
23 table restaurants. *Id.* The interests of these farmers are distinct from those in other areas of the state
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1 and form yet another community of common interest between Yamhill, Polk, and western Marion
2 counties. *Id.*

3 248. The importance of maintaining this and the other unique communities of
4 agricultural interest in the region was repeatedly cited by lawmakers when considering the
5 boundaries of the Sixth Congressional District. Ex 3018-B at 13:16–21 (statement of Rep. Salinas)
6 (“We also heard a lot of testimony about the need to keep Woodburn and Salem together in a single
7 district, which CD 6 does. The district also respects the shared cultural and commercial
8 communities of interest throughout the Willamette Valley and agricultural regional.”); Ex 3018-C
9 at 20:2–4 (statement of Rep. Leon) (“I’m proud that this map acknowledges the links between
10 Salem, Woodburn, Polk County, Yamhill County and the rural parts of Washington County”.);
11 Ex 3018-B at 14:5–10 (statement of Rep. Salinas) (“As was reflected in public testimony in recent
12 weeks, the newly drawn sixth district area that saw the fastest growth, while keeping rural
13 agricultural communities in Clackamas, Yamhill, Marion, and Linn Counties together.”).

14 249. Yamhill, Polk, and Marion counties also share natural connections through existing
15 civic and government organizations, and they comprise an established “tri-county area” in Oregon.
16 Ex 3016 ¶¶ 3–5.

17 250. The Mid-Willamette Valley Area Commission on Transportation (“MWACT”) is
18 a regional commission chartered by the Oregon Transportation Commission whose boundaries
19 cover Yamhill, Polk, and Marion counties. *Id.* ¶ 5. According to the MWACT’s website, Yamhill
20 Polk, and Marion counties, as well as “the cities and transportation stakeholders contained therein,
21 face many similar transportation issues. Among these issues are regional travel to and through the
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1 area (including congestion on major highways), transportation and traffic safety, and provision of
2 alternate modes of transportation.” *Id.* ¶ 5.

3 251. The Willamette Education Service District, which provides services related to
4 special education, technology, school improvement, and administrative services, likewise covers
5 Yamhill, Polk, and Marion counties. *Id.* ¶ 6. It is one of 19 ESDs in Oregon. *Id.* Chemeketa
6 Community College, a public community college that is based in Salem, also serves Marion, Polk,
7 and Yamhill counties. *Id.* ¶ 7. Chemeketa’s campuses are in Salem, Brooks, Woodburn, Dallas,
8 Eola, and McMinnville—all cities in the Sixth Congressional District. *Id.*

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10 252. Taken together, I find that lawmakers considered and reasonably adhered to neutral
11 districting criteria, including population, contiguity, transportation links, communities of common
12 interest, and existing geographic and political boundaries, when they adopted the Sixth
13 Congressional District.

14 **C. The “Neutral Map” proposed by Petitioners lacks support and is entitled to no
15 weight.**

16 253. Petitioners’ submitted map (“Petitioners’ Map”), Ex 1014, was never introduced to
17 the Oregon Legislative Assembly. Hearing Tr (rough), Oct 27, 2021, at 142:22–144:4.

18 254. Petitioners’ Map was not passed by the House or Senate of the Oregon Legislative
19 Assembly.

20 255. There is no evidence that Petitioners’ Map was ever discussed in any public or
21 closed hearing held by the Redistricting Committees or any legislative committee.

22 256. It is unknown who drafted Petitioners’ Map.

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1 257. As Representative Bonham testified at the evidentiary hearing, he had never seen
2 Petitioners' Map prior to being shown it by Petitioners' counsel. Hearing Tr (rough), Oct 27, 2020,
3 at 142:15-18.

4 258. There is no evidence that the Oregon Legislative Assembly considered or received
5 any testimony regarding whether Petitioners' Map complies with any of the statutory criteria
6 contained in ORS 188.010 or any other state or federal law.

7 259. There is no evidence in the record to support whether or not the congressional
8 districts contained within Petitioners' Map are connected by important transportation links.

9 260. There is no evidence in the record to indicate that congressional districts contained
10 within Petitioners' Map do not divide communities of common interest.

11 261. Despite the absence of any evidence that Petitioners' Map does not divide
12 communities of common interest, a cursory review of the map itself reveals that it bisects major
13 cities. Ex 2574. Petitioners' Map divides Salem, divides Eugene, divides Medford, and separates
14 Salem from Woodburn, *id.*, despite extensive testimony in the record that these are communities
15 of common interest. Petitioners' Map also divides the Warm Springs Indian Reservation. Ex 2574.

16 262. The record contains no evidence to justify these divisions and the only inference to
17 be drawn is that Petitioners' Map divides communities of common interest. Hearing Tr (rough),
18 Oct 27, 2021, at 219:4–222:20 (acknowledging municipal divisions).

19 263. The record contains substantial evidence of other communities of common interest
20 in Oregon that are divided by Petitioners' Map.

21 264. Evidence in the record establishes that Portland is a community of common interest
22 with the suburban and rural communities of Washington, Columbia, Clatsop, and Tillamook
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1 counties. Ex 3004 ¶¶ 7–8; Ex 3005 ¶¶ 3–8; Ex 3003 ¶¶ 8–9. Evidence in the record establishes that
2 Portland is a community of common interest with the northern Oregon coast. Ex 3004 ¶¶ 7–8;
3 Ex 3005 ¶¶ 3–8; Ex 3003 ¶¶ 8–9. Petitioners’ Map divides these communities of common interest.

4 265. Evidence in the record establishes that communities along OR-99W—including
5 Tigard, Sherwood, Newberg, and McMinnville, as well as surrounding areas—are communities of
6 common interest. Ex 3015 ¶ 8; *id.* ¶¶ 3–7; Ex 3003 ¶ 14. Petitioners’ Map divides these
7 communities of common interest.

8 266. Evidence in the record establishes that Yamhill and Polk counties are communities
9 of common interest with the greater Portland area. Ex 3015 ¶¶ 3–7; Ex 3003 ¶ 14. In fact, evidence
10 in the record establishes that Newberg and McMinnville are now part of the greater Portland area.
11 Ex 3015 ¶ 8. Petitioners’ Map divides these communities of common interest.

12 267. Evidence in the record establishes that Portland is a community of common interest
13 with the suburban and rural areas of Clackamas County. Ex 3013 ¶¶ 3–4; Ex 3003 ¶ 13.
14 Specifically, evidence in the record establishes that Milwaukie and Southeast Portland
15 neighborhoods like Sellwood are a single, integrated community of interest. Ex 3003 ¶ 13.
16 Evidence in the record establishes that Clackamas County residents commute into Portland along
17 major transportation routes like OR-99E, the Sellwood Bridge, and Bus Route 99, and that they
18 share common interests with Portland residents, such as affordable housing and quality
19 transportation along these routes. Ex 3003 ¶ 13; Ex 3006 ¶ 8. Petitioners’ Map divides these
20 communities of common interest.
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1 268. Evidence in the record establishes that Salem is a community of common interest
2 with Portland and the Portland metropolitan area. Ex 3016 ¶ 8. Petitioners’ Map divides these
3 communities of common interest.

4 269. Substantial evidence in the record establishes that a substantial portion of Portland’s
5 Black community, which has historically been centered in North and Northeast Portland, has been
6 pushed out to the “outer eastside” of Portland and eastern Multnomah County communities like
7 Gresham. Ex 3009 ¶ 4; Ex 3003 ¶ 11. Substantial evidence in the record establishes that the Black
8 community that remains in North and Northeast Portland is a community of common interest with
9 the Black community in eastern Multnomah County. Ex 3009 ¶¶ 4–7; Ex 3003 ¶ 11. Petitioners’
10 Map divides these communities of common interest.
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12 270. Evidence in the record establishes that Portland is a community of common interest
13 with eastern Multnomah County communities like Gresham, Troutdale, and unincorporated
14 communities in the Columbia River Gorge Scenic Area. Ex 3003 ¶ 11; Ex 3008 ¶ 6. Petitioners’
15 Map divides these communities of common interest.

16 271. Evidence in the record establishes that Portland is a community of common interest
17 with Hood River and Hood River County. Ex 3008 ¶¶ 2–8; Ex 3010 ¶¶ 3–9. Evidence in the record
18 establishes that Portland is a community of common interest with Mount Hood, especially the
19 recreation sites near the summit. Ex 3010 ¶ 6; Ex 3008 ¶ 7. Petitioners’ Map divides these
20 communities of common interest.

21 272. Evidence in the record establishes that Bend is a community of common interest
22 with the greater Portland area. Ex 3014 ¶¶ 4–10; Ex 3012 ¶¶ 2–6. Evidence in the record
23 establishes that Bend is a community of common interest with Clackamas County and the
24

1 Willamette Valley more generally. Ex 3014 ¶¶ 4–10; Ex 3012 ¶¶ 2–6. Evidence in the record
2 establishes that Deschutes County and the Willamette Valley are connected by the vital
3 transportation link of the Santiam Pass, US-20, and OR-22. Ex 3014 ¶ 10; Ex 3012 ¶ 6. Petitioners’
4 Map divides these communities of common interest.

5 273. Evidence in the record establishes that eastern Marion County communities like
6 Stayton, Gates, and Detroit, are communities of common interest with Linn County communities
7 like Sweet Home and Albany. Ex 3013 ¶ 5; Ex 3016 ¶ 9. Petitioners’ Map divides these
8 communities of common interest.

9 274. Evidence in the record establishes that Corvallis and Eugene are communities of
10 common interest. Ex 3011 ¶¶ 4, 7. Evidence in the record establishes that Oregon State University
11 and the University of Oregon are communities of common interest. Ex 3011 ¶¶ 4, 7. Petitioners’
12 Map divides these communities of common interest.

13 275. Evidence in the record establishes that Eugene and Florence are communities of
14 common interest. Ex 3011 ¶ 4. Petitioners’ Map divides these communities of common interest.

15 276. Evidence in the record establishes that coastal communities on the central and
16 southern coast are communities of common interest, bound together by the major transportation
17 route of US-101. Ex 3011 ¶ 9. Evidence in the record establishes that Oregon’s coastal Native
18 American tribes are communities of common interest. Ex 3011 ¶ 12. Petitioners’ Map divides these
19 communities of common interest.

20 277. Evidence in the record establishes that Josephine and Jackson counties are
21 communities of common interest. Ex 3017-E at 8; Ex 3017-B at 27; Ex 3017-C at 8. Petitioners’
22 Map divides these communities of common interest.
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1 278. There is no evidence in the record to support whether or not the congressional
2 districts contained in Petitioners’ Map were drawn for the purpose of diluting the voting strength
3 of any language or ethnic minority group. Division of the Black community in the Portland
4 metropolitan area, especially after this was such a significant area of focus in the legislative
5 process, Ex 3009; Ex 3018-C at 10:2-11:1, raises a substantial question whether the congressional
6 districts contained in Petitioners’ Map were drawn for the purpose of diluting the voting strength
7 of the Black community.

8 279. Petitioners’ Map is susceptible to the inference that it was drawn for the purpose of
9 favoring a political party or other person. Representative Bonham testified that the Republican
10 caucus was motivated to obtain more Republican-leaning seats in the congressional redistricting
11 process. Hearing Tr (rough), Oct 27, 2021, at 118:10–11, 119:5–9. Petitioners are all Republican
12 former legislators and have coordinated in this proceeding with at least one member of the House
13 Republican leadership—their only fact witness, Representative Bonham. Republican legislators,
14 including the House Republican leader, forecasted the filing of this Petition. Ex 3018-C at 60:13–
15 15 (statement of Rep. Drazan) (“I am confident these maps will not survive the inevitable court
16 challenge ahead.”); *id.* at 53:24 (statement of Rep. Owens) (“We need to . . . take these to the court
17 of law”); Ex 3018-A at 12:25–13:1. Thus, in the absence of any evidence that Petitioners’
18 Map was drawn in satisfaction of the criteria of ORS 188.010, I infer that it was drawn to advantage
19 the Republican Party and Republican candidates.
20

21 **II. Findings of Fact Related to Claims and Defenses Under the Oregon Constitution**

22 280. All proposed findings of fact set forth above are incorporated by reference here.
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1 281. Intervenor-Respondents allege that the Enacted Map is consistent with the
2 Privileges and Immunities Clause of the Oregon Constitution by providing each district with
3 virtually identical populations to the greatest extent possible. Intervention Petition ¶ 40.

4 282. Under the Enacted Map, the population of the First Congressional District is
5 706,209; the population of the Second Congressional District is 706,209; the population of the
6 Third Congressional District is 706,209; the population of the Fourth Congressional District is
7 706,208; the population of the Fifth Congressional District is 706,209; and the population of the
8 Sixth Congressional District is 706,212. Ex 3017-A; Ex 3017-P.

9 **III. Findings of Fact Related to Claims and Defenses Under Federal Statutes**

10 283. All proposed findings of fact set forth above are incorporated by reference here.

11 284. Intervenor-Respondents allege that the Enacted Map satisfies 2 USC section 2c and
12 section 2 of the Voting Rights Act. Intervention Petition ¶ 39.

13 285. Oregon’s apportionment population as announced by the United States Census
14 Bureau entitled the state to a sixth seat in the United States House of Representatives. Stipulation
15 of Facts ¶ 15.

16 286. The Enacted Map contains six congressional districts. Ex 1008.

17 287. Based on the factual findings described in Part I above, there is no evidence that
18 the Enacted Map will result in the denial or abridgement of the right to vote based on race, color,
19 or membership in a language minority.

20 **IV. Findings of Fact Related to Claims and Defenses Under the US Constitution**

21 288. All proposed findings of fact set forth above are incorporated by reference here.

22 289. Intervenor-Respondents allege that the Enacted Map satisfies the equal population
23 requirement of Article I, section 2, of the United States Constitution. Intervention Petition ¶ 39.

1 290. Under the Enacted Map, the population of the First Congressional District is
2 706,209; the population of the Second Congressional District is 706,209; the population of the
3 Third Congressional District is 706,209; the population of the Fourth Congressional District is
4 706,208; the population of the Fifth Congressional District is 706,209; and the population of the
5 Sixth Congressional District is 706,212. Ex 3017-A; Ex 3017-P.

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1 DATED: October 29, 2021

PERKINS COIE LLP

2 By: /s/Thomas R. Johnson

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **INTERVENOR-RESPONDENTS'**

3 **PROPOSED FINDINGS OF FACT** on the following:

4 Misha Tseytlin Misha.tseytlin@troutman.com 5 Troutman Pepper Hamilton Sanders, LLP 227 W. Monroe Street 6 Suite 3900 Chicago, IL 60606 7 Attorneys for Petitioners	Shawn M. Lindsay shawn@hbclawyers.com Harris Berne Christensen LLP 15350 SW Sequoia Parkway Suite 250 Portland, OR 97224 Attorneys for Petitioners
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13 to be sent by the following indicated method or methods, on the date set forth below:

14 by **sending via the court's electronic filing system**

15 by **email**

16 by **mail**

17 DATED: October 29, 2021

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