

IN THE STATE OF MICHIGAN
IN THE SUPREME COURT

DETROIT CAUCUS; ROMULUS CITY
COUCIL; DR. CAROL WEAVER, 14th
Congressional District Executive Board
Member; WENDELL BYRD, Former State
Representative; and DARRYL WOODS,
Resident of Wayne County.

Supreme Court Case No. 163926

Jurisdiction: Original pursuant to Mich Const
1963, art 4, §6(19)

Plaintiffs,

v.

MICHIGAN INDEPENDENT CITIZENS
REDISTRICTING COMMISSION,

Defendant.

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EXHIBIT A TO PLAINTIFF'S COMPLAINT

Attached below please find **Exhibit A to Plaintiffs' Complaint: Michigan Department
of Civil Rights December 9, 2021 Memorandum: Analysis of MICRC's Proposed Maps.**

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Respectfully submitted;

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Dated: January 6, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this date I filed the foregoing paper and any attachments with the Clerk of Courts for the Michigan Supreme Court using the MiFile electronic filing system.

Respectfully submitted;

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Dated: January 6, 2022



MEMORANDUM

DATE: December 9, 2021

TO: Members of the Michigan Independent Citizens Redistricting Commission

FROM: John E. Johnson, Jr., Executive Director of the Michigan Department of Civil Rights on behalf of the MDCR and the Michigan Civil Rights Commission

SUBJECT: **Analysis of MICRC's Proposed Maps**

Michigan Independent Citizens Redistricting Commissions' (MICRC) proposed, maps may lead to forbidden retrogression in minority voting strength. Election district maps cannot be drawn that will impair the ability of geographically insular and politically cohesive groups of black voters to participate equally in the political process and to elect candidates of their choice. *Thornburg v. Gingles* (1986).

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

—Voting Rights Act of 1965

Coalitions of Black, Asian, Hispanic, Native American, "Other," and those who identify with "two or more" racial groups have had the ability to coalesce and elect candidates of their choice. The VRA requires majority-minority districts be drawn to prevent vote dilution in Saginaw, Southfield, Flint, Pontiac, Taylor, Inkster, Redford, Hamtramck, and Detroit. Each of these communities of interest could be denied the opportunity to elect a candidate of their choice if the present percentages of majority-minority districts are diluted.

The U.S. Supreme Court determined three threshold measures in *Thornburg v. Gingles* (1986) to evaluate whether or not an electoral map violates the rights of minority groups set forth in the Voting Rights Act.

- A minority group must demonstrate it is large enough and compact enough to constitute a majority in an electoral district;
- A minority group must demonstrate it is politically united;
- A minority group must demonstrate the majority group historically votes

sufficiently as a group to defeat the minority group's preferred candidate; coalitions of Black, Asian, Hispanic, Native American, "Other," and those who identify with "two or more" racial groups have had the ability to come together and elect candidates of their choice.

Justice Brennan said in *Gingles*, 478 U.S. at 36-37, that there are several additional “objective factors” in determining the “totality of circumstances” surrounding an alleged violation of Section 2 of the Voting Rights Act. Some objective factors include the extent to which the members of the minority group bear the effects of discrimination in areas like education, employment, and health, which hinder effective participation, is one measure.

In Michigan the effects of discrimination that help demonstrate the “totality of circumstances”, that surround the potential violation of the Voting Rights Act in the MICRC is proposed November 5, 2021, maps include:

- Until the 1954 election of Charles Diggs in the old 15th District (13th today) followed by the election of John Conyers 10 years later in 1964 in the old 1st District (14th today) Detroit’s majority-minority community could not elect a Congressional candidate of their choice
- The quality of education in Michigan depends greatly on where students live. Residency is dependent on household income, which in turn is dependent on the opportunities provided to families, which is also dependent on parents’ own race and background.
- The continuing crisis in Flint, Michigan relating to its public water supply and delivery system includes allegations that the city’s residents are the victims of discrimination based on their race, color, national origin, age, and disability.
- Black, Hispanic, and Latino ethnicity, non-English speaking status, lower socioeconomic status, and are more likely to be admitted to the hospital as Michigan’s Covid-19 hospitalized patients. This creates a disparity in the ability to vote.

One measure of whether the majority-minority communities will be worse off than before is whether they are likely to be able to elect fewer minority representatives than before redistricting. If they are able to elect fewer minority representatives, then there is a dilution of present Black voting strength.

Table 1 demonstrates the number of predominantly Black Michigan districts under the Legislative Plans that are current and the collaborative and individual Commissioner plans.

The collaborative MICRC plans are Apple V2, Birch V2 Chestnut, Magnolia, Magnolia am, Hickory, Cherry V2, Palm, and Linden. The individual MICR Commissioner plans are: Stzetela Congressional, Stzetela House, Stzetela Senate, Kellom Senate, and Lange Senate.

Citizen Voting Age by Race and Ethnicity (CVAP) is tabulated by the US Census Bureau at the request of the US Department of Justice. Work on a CVAP directly from the 2020 Census data has been suspended indefinitely.

Voting Rights Act and Citizen Voting Age Population Statistics

Table 1

Legislative Plan	Majority- Black Districts (2019 CVAP)	
Current US House	2	
Apple V2	0	
Birch V2	0	
Chestnut	0	
Lange	0	
Stzetela	0	
Current State House	12	
Magnolia am	6	
Magnolia	6	
Hickory	6	
Stzetela House	6	
Current State Senate	4	
Cherry V2	0	
Palm	0	
Linden	0	
Stzetela Senate	0	
Kellom Senate	3	
Lange Senate	0	
Based on Black-alone and Black/White 2-race		

<https://promotethevotemi.com/wp-content/uploads/2021/11/2021-rd-metric-report-with-charts.pdf>

Using the latest available 2019 Citizens Voting Age Population (CVAP) none of the five Nov. 5, 2021, proposed Congressional District maps has a majority Black district (50% plus) while currently there are two.

With 2019 CVAP data there twelve State House Districts that are majority Black (with three majority-minority districts). MICRC Nov. 5, 2021, proposed maps would cut the number of majority Black districts in half.

Similarly, the four State Senate Districts that are majority Black using 2019 CVAP data would be reduced in five of the six Nov. 5, 2021, maps. Commissioner Kellom's map contains three majority Black State Senate districts.

An act that reduces minorities' opportunity to participate in the political process and to elect representatives of their choice is a violation of the Voting Rights Act, 42 USC § 1973(b).