

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELBY COUNTY, ALABAMA,

Plaintiff,

v.

ERIC H. HOLDER, Jr.,
in his official capacity as
Attorney General of the
United States,

Defendant

Civil Action No.
1:10-cv-00651-JDB

Declaration of Dr. Sarah Brinegar

Pursuant to 28 U.S.C. § 1746, I, Sarah Brinegar, make the following declaration:

1. My name is Sarah Brinegar. I am a Social Science Analyst employed since January, 2008 by the Voting Section, Civil Rights Division, of the United States Department of Justice. My responsibilities include obtaining and analyzing Census data in support of voting rights litigation and administrative review of voting changes submitted for review pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c ("Section 5"); using Geographic Information Systems to draw and assess districting plans in the course of voting rights litigation and Section 5 review; and instructing attorneys in the use of Census data.

2. I am a professional geographer by training, earning a B.A. in geography from the University of Illinois (Champaign-Urbana) in 1992; an M.A. in geography from Western Illinois University in 1996; and a Ph.D. in geography from Arizona State University in 2000. These

degree programs included training in quantitative research methods and computer based mapping and analysis.

3. From May 2001 to December 2007, I was a faculty member of the Geography Department at Marshall University, West Virginia. When I left Marshall University to take my current position in the Department of Justice, I was a tenured Associate Professor. To date, I have authored solely or been the lead author in six research articles published in peer-reviewed scientific journals, four of which utilized quantitative research methods.

4. I have been asked by attorneys for the Department of Justice to determine the proportion of the country's Black population which resides inside and outside of Section 5 covered jurisdictions. I have also been asked to determine the proportion of the country's minority population which resides inside and outside of Section 5 covered jurisdictions.

Method

5. Determining population counts within and without Section 5 covered jurisdictions involved downloading Census 2000 data into a statistical software program (SPSS), specifying Section 5 covered jurisdictions, and performing basic calculations. A dataset consisting of Census 2000 redistricting data (PL94-171, Table PL2) for all U.S. counties was downloaded from the Census Bureau's webpage and imported into an SPSS datafile. To split the datafile and obtain separate population figures for those counties inside Section 5 jurisdictions versus those outside, a dummy variable was created so that covered jurisdictions = 1, and non-covered jurisdictions = 0. The Civil Rights Division's webpage provided the listing of covered jurisdictions.¹ Another variable representing all minorities was calculated by adding together the

¹ See http://www.justice.gov/crt/about/vot/sec_5/covered.php.

major minority groups in the census data plus those who indicated more than one race.² One last variable was created to produce an inclusive Black population category consisting of Black(NH) alone and those persons reporting two races, i.e., Black(NH) and White(NH). Similarly, Census 2000 redistricting data for the 12 covered townships in Michigan and New Hampshire were obtained and processed, then subtracted from non-covered totals and added to the covered totals.

Results

6. The following population counts and proportions were obtained as described above:

	Total Population	White(NH) Alone	Black(NH) Alone	Black(NH) plus Biracial*	All Minorities
United States	281,422	194,553	33,948	34,645	86,869
Covered Jurisdictions	67,588	39,334	13,592	13,725	28,254
Non-covered Jurisdictions	213,834	155,219	20,356	20,920	58,615

Data Source: Census 2000, PL 94-171 dataset, table PL2

Data expressed in 1000s

* Biracial: Black(NH) and White(NH)

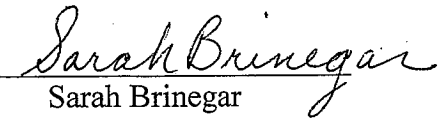
- a. proportion of Black(NH) Alone in Section 5 covered jurisdictions = 40.0%
- b. proportion of Black(NH) plus Biracial in Section 5 covered jurisdictions = 39.6%
- c. proportion of All Minorities in Section 5 covered jurisdictions = 32.5%

Summary

7. According to Census 2000 Redistricting Data, only 40% of non-Hispanic Blacks and 33% of all minorities reside within Section 5 covered jurisdictions.

² “All minorities” derived from the following categories found in Table PL2: Hispanic, Black(NH) alone, Asian(NH) alone, American Indian/Native Alaskan(NH) alone, Native Hawaiian/Other Pacific Islander(NH) alone, some other race alone, and population of two or more races.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
12th day of January, 2011.


Sarah Brinegar