

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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NORTHWEST AUSTIN MUNICIPAL	)	)
UTILITY DISTRICT NUMBER ONE,	)	)
	)	)
Plaintiff,	)	)
	)	)
v.	)	Civil Action No. 1:06-CV-01384
	)	(DST, PLF, EGS)
ALBERTO GONZALES, Attorney General of	)	)
the United States, <u>et al.</u> ,	)	)
	)	)
Defendants.	)	)
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DECLARATION OF PAUL R.Q. WOLFSON IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF DEFENDANT-INTERVENORS TEXAS STATE CONFERENCE OF NAACP BRANCHES, AUSTIN BRANCH OF THE NAACP, RODNEY LOUIS, NICOLE LOUIS, WINTHROP GRAHAM, YVONNE GRAHAM, WENDY RICHARDSON, JAMAL RICHARDSON, MARISA RICHARDSON, NATHANIEL LESANE, PEOPLE FOR THE AMERICAN WAY, JOVITA CASARES, ANGIE GARCIA, AND OFELIA ZAPATA

I, PAUL R.Q. WOLFSON, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

I am an attorney at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendant-Intervenors Texas State Conference of NAACP Branches and Austin Branch of the NAACP (“NAACP Defendants”). Attached hereto are true and correct copies of the following documents, to which reference is made in the Memorandum In Support Of Motion For Summary Judgment Of Defendant-Intervenors Texas State Conference of NAACP Branches, Austin Branch of The NAACP, Rodney Louis, Nicole Louis, Winthrop Graham, Yvonne Graham, Wendy Richardson, Jamal Richardson, Marisa Richardson, Nathaniel Lesane, People For The American Way, Jovita Casares, Angie Garcia, and Ofelia Zapata:

1. Northwest Municipal Utility District Number One's First Amended Complaint filed Feb. 1, 2007 in *Northwest Austin Municipal Utility District v. Gonzales*, No. 06cv1384 (D.D.C.).
2. Northwest Austin Municipal Utility District Number One's Section 5 Submissions to the Department of Justice and Communications between District officials and the Department of Justice:
  - A. November 25, 1986, Section 5 submission to Assistant Attorney General, Civil Rights Division, Department of Justice from Ted R. Hendricks, President, Board of Directors, Northwest Austin Municipal Utility District Number One, No. 1986-1537; Responsive Letter from Wm. Bradford Reynolds, Assistant Attorney General, dated January 26, 1987; and two Memoranda of Telephonic Communication, dated January 16, 1987.
  - B. March 21, 1988, Section 5 submission to Assistant Attorney General, Civil Rights Division, Department of Justice from Clifton D. Spillar, President, Board of Directors, Northwest Austin Municipal Utility District Number One, No. No 1988-1404; Responsive Letter from Wm. Bradford Reynolds, Assistant Attorney General, dated June 10, 1988; Memorandum of Telephonic Communication, dated June 2, 1988.
  - C. March 6, 1990 Section 5 submission to Assistant Attorney General, Civil Rights Division, Department of Justice from Chester Collinsworth, President, Board of Directors, Northwest Austin Municipal Utility District Number One, No. 1990-1423; Responsive Letter from John R. Dunne, Assistant Attorney General, dated June 11, 1990.
  - D. April 4, 1996, Section 5 submission to Assistant Attorney General, Civil Rights Division, Department of Justice from Scott Storm, President, Board of Directors, Northwest Austin Municipal Utility District Number One, No 1996-1732.
  - E. May 30, 1996 Memorandum of Telephonic Communication between D. Shorago, Attorney/Analyst, Department of Justice and Sharlene Collins, Counsel, Northwest Austin Municipal Utility District Number One.
  - F. June 3, 1996 Letter from Deval L. Patrick, Assistant Attorney General, Civil Rights Division, Department of Justice, to Sharlene Collins, Counsel, Northwest Austin Municipal Utility District Number One regarding April 1996 Section 5 submission.

G. June 6, 1996 Section 5 submission to Chief, Civil Rights Division, Voting Section, Department of Justice, from Scott Storm, President, Board of Directors, Northwest Austin Municipal Utility District Number One, No. 1996-2592

H. June 27, 1996 Memorandum of Telephonic Communication between C. Powers, Attorney/Analyst, Department of Justice and Sharlene N. Collins, Counsel, Northwest Austin Municipal Utility District Number One.

I. August 1, 1996 Letter from Deval L. Patrick, Assistant Attorney General, Civil Rights Division, Department of Justice to Sharlene Collins, Counsel, Northwest Austin Municipal Utility District Number One, regarding June 1996 Section 5 submission.

J. March 26, 1998 Section 5 submission to Chief, Voting Section, Civil Rights Division, Department of Justice, from Sharlene Collins, Counsel, Northwest Austin Municipal Utility District Number One, No. 1998-1264.

K. May 19, 1998 Letter from Elizabeth Johnson, Chief, Voting Section, Department of Justice, to Sharlene Collins, Counsel, Northwest Austin Municipal Utility District Number One, regarding March 1998 Section 5 submission.

L. March 21, 2002 Section 5 submission to Chief, Voting Section, Civil Rights Division, Department of Justice, from Sharlene Collins, Counsel, Northwest Austin Municipal Utility District Number One, No. 2002-1980.

M. May 24, 2002 Letter from Joseph D. Rich, Chief, Voting Section, Department of Justice, to Sharlene Collins, Counsel, Northwest Austin Municipal Utility District Number One, regarding March 2002 Section 5 submission.

N. February 26, 2004 Section 5 submission to Chief, Voting Section, Civil Rights Division from Kerrie Jo Qualtrough, Counsel, Northwest Austin Municipal Utility District Number One, No. 2004-0946.

O. March 18, 2004 Memorandum of Telephonic Communication between S. Celandine, Attorney/Analyst, Department of Justice and Kerrie Jo Qualtrough, Counsel, Northwest Austin Municipal Utility District Number One.

P. April 8, 2004 Letter from Joseph D. Rich, Chief, Voting Section, to Kerrie Jo Qualtrough, Counsel, Northwest Austin Municipal Utility District Number One, regarding February 2004 Section 5 submission.

3. A. Expert Report of Ryan Robinson  
B. Exhibit 2 from Deposition of Ryan Robinson (April 4, 2007)
4. Expert Report of Terry L. Musika (including exhibits A-H)
5. Professor Ellen D. Katz, *Not Like the South? Regional Variation and Political Participation through the Lens of Section 2 in Democracy, Participation and Power: Perspectives on Reauthorization of the Voting Rights Act* ch. 8, at 26 (Ana Henderson ed., Berkeley Pub. Pol'y Press, forthcoming 2007.)
6. A. *City of Salem v. Gonzales*, No. 1:06CV00977, Dkt. No. 8 (D.D.C. June 1, 2001).  
  
B. *Botecourt County v. Gonzales*, 1:06cv1052, Dkt. No. 8 (Consent Judgment and Decree) (D.D.C. Aug. 28, 2006);  
  
C. *Large v. Fremont County, Wyoming*, No. 05-CV-270J Dkt. No 84 (Order Denying Motion for Summary Judgment) (D. Wyo. Jan. 26, 2007)
7. May 19, 2006 Memorandum from Gregory S. Coleman to Northwest Austin Municipal Utility District Number One, Re: Possible Change to Pre-Clearance Procedures
8. "Voting Rights in Texas, 1982-2006;" a report of RenewtheVRA.org certified by Jane Butterfield, Chief Clerk of the U.S. Senate Judiciary Committee, May 14, 2007, and attached to the July 13, 2006 testimony of Nina Perales for the hearing "Renewing the Temporary Provisions of the Voting Rights Act: Legislative Options after LULAC v. Perry.
9. William A. Dunning, *The Undoing of Reconstruction*, in William A. Dunning, *Essays on the Civil War and Reconstruction* 353-385 (1897, 1965 reprint).

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 15, 2007.

/s/ Paul R.Q. Wolfson  
Paul R.Q. Wolfson