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THE SENATE COMMITTEE ON REDISTRICTING  
SUBCOMMITTEE ON CONGRESSIONAL REDISTRICTING  
78th LEGISLATURE

JULY 2, 2003

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1:00 p.m.

Cesar Chavez High School  
8501 Howard Drive  
Houston, Texas 77017

Reported by: Carol N. Castillo, CSR  
Spanish Interpreter: Araceli Sullivan

## 1 A P P E A R A N C E S

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## SENATE COMMITTEE PANEL:

3 Chair, Senator Robert L. Duncan  
Vice-Chair, Senator Mario Gallegos, Jr.  
4 Senator Chris Harris  
Senator Kyle Janek  
5 Senator Leticia Van de Putte  
Senator Todd Staples  
6 Senator Royce West  
Senator Kip Averitt  
7 Senator Craig Estes  
Senator Jeff Wentworth

8

## ALSO PRESENT:

9 Congressman John Culberson  
Congresswoman Sheila Jackson Lee  
10 Congressman Nick Lampson  
Congressman Jim Turner  
11 Congressman Chris Bell  
  
12 Senator John Whitmire  
Senator John Lindsey  
13 Senator Rodney Ellis  
  
14 State Representative Garnet Coleman  
State Representative Richard Noriega  
15 State Representative Jessica Farrar  
State Representative Joe Moreno  
16  
HCC Board of Trustees  
17 Yolanda Navarro Flores

18

19

Clerk: Tara C. Rejino  
20 Jennifer Fagan

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22

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1 JULY 2, 2003

WEDNESDAY

2

3 SENATOR DUNCAN: The Senate  
4 Committee on Jurisprudence will now come to order  
5 and call the roll for the Senators.

6 THE CLERK: Senator Duncan.

7 SENATOR DUNCAN: Here.

8 THE CLERK: Senator Gallegos.

9 SENATOR GALLEGOS: Here.

10 THE CLERK: Senator Averitt.

11 SENATOR AVERITT: Here.

12 THE CLERK: Senator Harris.

13 SENATOR HARRIS: Here.

14 THE CLERK: Senator Staples.

15 SENATOR STAPLES: Here.

16 THE CLERK: Senator West.

17 SENATOR WEST: Here.

18 SENATOR DUNCAN: With six present,  
19 the forum is present for committee. We also ask  
20 that they make an opening statement. We also have  
21 Senator Van de Putte who is here from San Antonio.  
22 We also have Senator John Lindsey who is here from  
23 your hometown of Houston. I expect Tommy Williams  
24 who was just on the phone will be here later and  
25 we'll hear from all members of the committee in

1 opening statement in just a moment.

2                   Before we begin, let me first  
3 indicate to you that we will have a translator for  
4 any person who feels more comfortable with that  
5 service during the testimony, either in giving  
6 testimony or listening to the proceedings today.  
7 Our translator is Araceli Sullivan.

8                   Ms. Sullivan, would you please  
9 approach and explain the process for best access to  
10 your services.

11                   MS. SULLIVAN: Good afternoon. My  
12 name is Araceli Sullivan. I'm the interpreter  
13 here. I'm a licensed Court interpreter and I'm  
14 here to assist anyone who needs help from English  
15 to Spanish or from Spanish into English.

16                   (Introduction in Spanish.)

17                   SENATOR DUNCAN: Thank you very  
18 much. On behalf of the Senate Jurisprudence  
19 Committee, I want to thank all of you for taking  
20 the time to come here today to share your views  
21 with us.

22                   Governor Perry has called the Texas  
23 Legislature into special session to consider  
24 congressional redistricting. This is not a simple  
25 or casual task and it is one that we know the

1 people have strong feelings about. We want to hear  
2 what your views on this important topic are. These  
3 proceedings are being transcribed so that we can  
4 make them a part of the Legislative record and can  
5 share them with persons who are not here today. As  
6 we consider this issue, we are constrained by  
7 various legal requirements that you should be aware  
8 of.

9                   First, any plan that we adopt must  
10 comply with the Federal Constitutional requirement  
11 of one person, one vote. Each of the 32 Texas  
12 Congressional districts are to be equal in size and  
13 they will need to have 651,619 persons each. We  
14 will need to draw the districts that will be at or  
15 very near that size.

16                   Second, the State of Texas is  
17 covered by Section 5 of the Federal Voting Rights  
18 Act. As a result, we are obligated to be sure that  
19 any changes we make will not result in a  
20 retrogression in minority voting stream. In other  
21 words, any plan drawn by the Legislature may not  
22 have the purpose or effect of worsening the  
23 position of minority voters when compared to the  
24 current plan which was drawn in 2001 by the Federal  
25 Court.

1                   Third, we need to be sure that any  
2 plan the Legislature adopts ensures that minority  
3 voters do not have less opportunities than other  
4 members of the elector to participate in the  
5 political process and to elect candidates of their  
6 choice.

7                   Finally, we need to conform to the  
8 Supreme Court repeated directions over the past 10  
9 years that redistricting not result in racial  
10 gerrymandering. In particular, we need to be sure  
11 that race is not the predominant force in the  
12 redistricting process to the subordination of the  
13 traditional districting principles ^^ (GET COPY).

14                   Members, this looks like a great  
15 crowd today. I want to turn the mike over to our  
16 Vice-chairman Senator Mario Gallegos, who has  
17 helped us in making the arrangements and has  
18 invited us here as our host here today. Senator  
19 Gallegos.

20                   SENATOR GALLEGOS: Thank you,  
21 Mr. Chairman. I want to welcome everybody here to  
22 Cesar Chavez High School. It's a beautiful school,  
23 to the tune of \$50 million, and those of us here on  
24 the east side are very proud of it. I do want to  
25 welcome my colleagues that are here that the

1 chairman has already pointed out. I also, since we  
2 have elected officials here from the area, I want  
3 to welcome the Members of Congress that are here.  
4 I think they are out -- some of them are outside.  
5 Congressman Chris Bell, that is here. Congressman  
6 Nick Lampson who is here. Congresswoman Sheila  
7 Jackson Lee who is here. And Congressman Jim  
8 Turner is here. Congressman, we want to welcome  
9 you.

10                               And also from the House of  
11 Representatives we have, that I saw earlier, is  
12 State Representative Garnet Coleman, State  
13 Representative Rick Noriega and State  
14 Representative Joe Moreno that is here also. I  
15 want to welcome them. Also from the HCC board of  
16 trustees a friend of mine Yolanda Navarro Flores is  
17 here. I saw her walk in. Welcome, Yolanda.

18                               And the other -- I see a lot of my  
19 precinct judges that are here, Mr. Chairman. I  
20 want to welcome them and all of the citizens that  
21 are from the Senate, 6 or those of you from the  
22 Houston area that are here, to listen to your  
23 testimony.

24                               Let me -- I want to say that -- and  
25 I want to thank my staff too for helping out also.

1 Kaye Strickland Superintendent for HISD for  
2 allowing us to be here in this beautiful school of  
3 Cesar Chavez High School. And Mr. Mitchell, I  
4 don't know where he is. But he's helped out a lot  
5 in setting up our meeting here, Mr. Chairman. And  
6 I just saw Senator -- it looks like Dr. Janek just  
7 walked in. Is that Dr. Janick? It is. Dr. Kyle  
8 Janek is here. State Senator.

9                   And let me for the -- for the people  
10 that are here, let me just say this is a Senate  
11 Redistricting Hearing. We have not seen, to my  
12 knowledge, any maps whatsoever on the Senate side.  
13 And we've already been to Laredo, to McAllen, and  
14 here in Houston. We go to Corpus, Dallas and then  
15 we might go to Waco that I hear. And I want to  
16 tell you for the record when I entered into Laredo  
17 and also in McAllen is that, I, as the vice-chair,  
18 and I caution the membership of this committee, my  
19 colleagues, that any plan that violates any part of  
20 the Voting Rights Act, obviously what I would  
21 object to as was the plan that they tried to do  
22 away with Senator Whitmire's majority/minority  
23 district. And that that's definitely violated to  
24 -- to a lot -- and it's in the transcript that  
25 I've also entered into the record that the LRB, the

1 Legislature Redistricting Board, saw that doing  
2 away with Senate 15, Senator Whitmire's District,  
3 almost mirrors some of the Congressional districts  
4 that we've seen in some of the maps on the House  
5 side. And I want to point that out. That's all in  
6 the House. You today will be testifying to the  
7 Senate. We have no map whatsoever. We haven't  
8 seen a Senate map drawn. And I just wanted to  
9 point that out to the people that are testifying  
10 here today.

11                   But I have entered into the record  
12 those transcripts where Attorney General been now  
13 U.S. Senator John Cornyn went to Washington and the  
14 Department of Justice had told him that if we were  
15 to do away with Senator Whitmire's Senate 15 here  
16 in Houston, which mirrors Congressman Martin  
17 Frost's District, you would probably have an  
18 objection from the Department of Justice. All of  
19 this is in transcript form and the amendment that  
20 kept Senator Whitmire's 15th senatorial district  
21 intact was made by then Land Commissioner David  
22 Dewhurst now Lieutenant Governor David Dewhurst.  
23 And all of those in transcript form. It's on the  
24 website for your viewing and I have entered that  
25 into the record, Mr. Chairman and members. And I

1 just wanted to point that out to the crowd.

2                   But I look forward to hearing from  
3 my constituents that are here and my elected  
4 officials that are here and precinct judges that  
5 are here and the citizens of the surrounding  
6 Houston and Texas counties of the surrounding area  
7 and welcome them to these proceedings.

8                   Thank you, Mr. Chairman.

9                   SENATOR DUNCAN: Thank you, Senator  
10 Gallegos. And I appreciate your hard work and this  
11 is absolutely one of the most beautiful schools  
12 I've seen and I really appreciate you bringing us  
13 here to Houston to hear from the constituents that  
14 -- all of our colleagues from Harris County and  
15 this region. I think it's important that we're  
16 here and I look forward to the testimony.

17                   We'll now hear opening statements  
18 from each of our members of the committee. We'll  
19 start and go -- I hate to say this Senator Harris,  
20 but we're starting with seniority. That only means  
21 the number of years serving than anything else.  
22 Senator Harris, you have an opening statement.

23                   SENATOR HARRIS: Thank you. As all  
24 of you have heard, we do not -- the Senate has not  
25 begun to draw a map. The only map that is on file

1 is Senate Bill 25, which I filed, which is simply  
2 the court -- the court ordered plan. Which is the  
3 current congressional district as reflected by the  
4 map, over there on, what would be y'all's right  
5 side.

6                   To my knowledge, not a single member  
7 of this committee, now we're talking about this  
8 committee and I'm referring to the jurisprudence  
9 committee itself, has in any way begun to look at  
10 or even begun discussing the so-called maps. Our  
11 duty is to hold public hearing, get input from you  
12 folks, the people that this affects and then in  
13 turn, to begin our deliberations based upon the  
14 public input that we receive from this public  
15 hearing. And that's why it's very important to all  
16 of us that you-all not only express your views, but  
17 give us real meat issues such as community events  
18 and the various things that Senator Duncan was  
19 referring to earlier.

20                   Now, there will be times when I get  
21 up and walk around and it appears to you that I'm  
22 not listening. I'm going to apologize to you ahead  
23 of time. I've got advanced Rheumatoid Arthritis.  
24 And I'm telling you after four days up and down, in  
25 the pressurized airplane, my joints are giving me

1 pure "H-E", and I'm going to be getting up and  
2 moving around. Please do not think that I'm not  
3 listening. I'll probably be walking back and  
4 forth. I understand that the screen over here.  
5 And again, we are here to hear your interest.

6 Mr. Chairman, I thank you.

7 SENATOR DUNCAN: Thank you Senator  
8 Harris. Senator West.

9 SENATOR WEST: Mr. Chairman, it's a  
10 pleasure being in Houston. Senator Gallegos and  
11 Senator Lindsey and Senator Janek, I just would  
12 like to say this is like a second home after  
13 graduating from the University of Houston Law  
14 School. Senator Whitmire just walked out.

15 You know, I've attended a lot of  
16 hearings. Today we have 12 Senators here at this  
17 committee meeting. Frankly --

18 SENATOR WHITMIRE: I think today I  
19 would rather be with the people. But since I know  
20 y'all aren't, I'm going to come join y'all.

21 SENATOR WEST: We have 12 Senators  
22 here today. And it takes two-thirds of the  
23 Senators to transact any business in the State of  
24 Texas or the State Senate. You have over one-third  
25 of the senators here in Houston today. That tells

1 you how serious we take this particular issue. I  
2 can tell you that many of my colleagues on the  
3 jurisprudence committee have not made up their  
4 minds be they Republicans or I think Democrats made  
5 up their minds already.

6                   And I'm glad to hear that. But the  
7 fact is that you will not only be talking to the  
8 Senators today, the Senators will be listening to  
9 you today. And there is a difference between the  
10 two. Because obviously we can sit here and let you  
11 talk. And then when we go back to Austin, we can  
12 make decisions to whether or not we're going to  
13 listen to you in terms of making policy decisions.  
14 We've been in San Angelo and started off in Laredo  
15 and left McAllen last night and here in Houston.  
16 Let me assure you and I believe, Senators Duncan  
17 who I respect a great deal and not only as a  
18 Senator but also as a friend, we are taking our  
19 time on this particular issue to make sure that  
20 everyone has an opportunity to say what they want  
21 to say. And to make sure that as we negotiate, as  
22 we debate and deliberate on this particular issue,  
23 that we have the record of exactly who expressed  
24 what as it relates to redistricting in the State of  
25 Texas. So I'm glad to be here and I will be here

1 until the last person testifies because I want to  
2 hear what you have to say about redistricting.

3                   SENATOR DUNCAN: Thank you.  
4 Senator Staples.

5                   SENATOR STAPLES: Thank you,  
6 Mr. Chairman. It's an honor to be here today in  
7 Harris County with my colleagues. I certainly  
8 appreciate the hospitality of Senator Gallegos and  
9 the Harris County delegation.

10                   I also want to thank you,  
11 Mr. Chairman, Chairman Robert Duncan and Lieutenant  
12 David Dewhurst for insisting upon an open and  
13 accessible public hearings where the people of  
14 Texas from all parts of Texas, no matter where you  
15 reside or where your zip code is, can have an input  
16 into this process.

17                   We thank you for your hospitality.  
18 This is a beautiful campus. My senatorial district  
19 starts just north of Harris County and Montgomery  
20 County and includes a large portion of rural East  
21 Texas all the way to the Louisiana border. We do  
22 have different ideas of what compactness means and  
23 communities of interest mean. And so it's vitally  
24 important that you take this opportunity to allow  
25 the Government to work the way it's supposed to and

1 that's to hear directly from you and your  
2 interests. And I can assure you that each one of  
3 us are keenly interested in your views and your  
4 opinions in this process and look forward to  
5 hearing your thoughts today.

6 Thank you, Mr. Chairman.

7 SENATOR DUNCAN: Thank you, Staples.  
8 Senator Harris.

9 SENATOR HARRIS: Mr. Chairman, Ellis  
10 just walked in. And I think if we end up with two  
11 more senators, we're going to have to adjourn this  
12 forum.

13 SENATOR DUNCAN: We're getting  
14 close. That's a good problem. At this time the  
15 Chair recognizes Senator Averitt.

16 SENATOR AVERITT: Thank you, Mr.  
17 Chairman.

18 I'm very pleased to be here today.  
19 And I'm honored that you're here. Before the  
20 meeting began just a few minutes ago I had an  
21 opportunity to meet some of the folks here today.  
22 And surprisingly I detected an amount of cynicism  
23 about why we are here. Let me assure that you the  
24 reason we are here is to hear your opinions. Your  
25 opinions are very important. You are an equal part

1 of this process. We've been having hearings all  
2 over the State. And we're getting very  
3 constructive comments from every part of the  
4 State. Your opinions will be taken into account if  
5 and when we decide we're going to do a restricting  
6 matter. So it's great that you're here and we're  
7 looking very much forward to hearing your testimony  
8 and your opinions.

9 Thank you, Mr. Chairman.

10 SENATOR DUNCAN: Thank you, Senator  
11 Averitt. One more committee member who could not  
12 be here because of health reasons is Senator Eddie  
13 Lucio. Many of you heard that Eddie had a heart  
14 attack just right after the session. He's  
15 recovering well. And we anticipate Senator Lucio  
16 will be back with us. We certainly need and desire  
17 his counsel and advice as we consider this  
18 difficult issue.

19 Also it is the duty of the committee  
20 that we always welcome and invite one of our other  
21 colleagues to be with us as we go through here and  
22 I want to let each of them make a brief opening  
23 statement as well. I'll first turn by seniority  
24 and he's the dean of the Senate. John Whitmire.  
25 Senator.

1                   SENATOR WHITMIRE: Thank you,  
2 Mr. Chairman. I want to first thank all of the  
3 citizens that have taken their time to come. We  
4 appreciate it and its valuable input. And also to  
5 my colleagues, I want to thank them for the  
6 deliberate style that the Senate committee has  
7 viewed. Our leadership has sent us a message,  
8 Lieutenant Governor Dewhurst, to take adequate time  
9 to allow all Texans to testify. So I appreciate  
10 your being here, Senator Duncan. I've seen your  
11 remarks in the press that you're very open to this  
12 process and we appreciate it. I think the tone of  
13 these hearings is set by the leadership of you and  
14 all of the members that participate.

15                   I would like to let you know at the  
16 appropriate time I would like to testify and go on  
17 record against the consideration of the  
18 redistricting bill. At this time I'm just glad  
19 everybody is here.

20                   (APPLAUSE.)

21                   SENATOR DUNCAN: Senator Ellis.

22                   SENATOR ELLIS: Thank you, Mr.  
23 Chairman. I want to welcome you to Houston as  
24 well. And I all of my colleagues, I hope you come  
25 back on a regular basis when the circumstance can

1 give us more money and not as contentious as this  
2 one. I also want to welcome the members of the  
3 House here. I was watching the deliberation into  
4 the wee hours of the night when they were having a  
5 hearing on yesterday. And the Members of Congress  
6 that are here as well. I don't know if you  
7 recognize them as well. I saw Congresswoman Lee  
8 and my former colleague Jim Turner and Chris Bell  
9 and many others as well that I have not seen.

10 I want to thank, along with Senator  
11 Whitmire, I want to thank the public for being  
12 here. I know it's always difficult to find time to  
13 do this, particularly if it's on a weekday, but  
14 it's something that the people are interested in.

15 I'm not going to stay for the entire  
16 day. As you know some items that have been added  
17 to the call, will be heard by Dean Whitmire and  
18 Senator Wentworth and other members of the  
19 government who I don't think are here and I want to  
20 go work on that a bit. But I do want to encourage  
21 my friends and constituents and neighbors who are  
22 here that I know all of you feel very emotional  
23 about this issue and you should. I mean, we're  
24 talking about a matter that tends to create  
25 opportunity for people and end in careers. But I

1 want to encourage you as much as possible to make  
2 your points, the more that we demonstrate the point  
3 process, but obviously does cut down on the minor  
4 things that some of your friends whom may want to  
5 testify as will get a chance to testify.

6                   Regardless of what we do in Austin  
7 and how long -- with Dean Whitmire -- won't be  
8 against redistricting, I think if we do it once in  
9 a decade, that's enough. Wish we did it once every  
10 15 years unless it's creating my seat, I want to  
11 throw that in. But you need to make sure that you  
12 get the right stuff on the record whether you are  
13 for or against whatever plans come up. Because I  
14 suspect that whatever happens may ultimately be  
15 decided in court and you want to make sure that  
16 everybody gets a chance to put what they want to  
17 say in the record.

18                   And I see a number good number of  
19 you that are here might be opposed to  
20 redistricting. But I do want to -- I do want to  
21 say as much that I enjoy what's just, makes a  
22 politician's day. If you do too much of it,  
23 everybody won't get a chance to say what they want  
24 to say and put it in the record. Just remember  
25 that the day we go to court.

1 Thank you all for being here and  
2 than you, Mr. Chairman.

3 SENATOR DUNCAN: Thank you, Senator  
4 Ellis.

5 Senator Wentworth.

6 SENATOR WENTWORTH: Thank you, Mr.  
7 Chairman. I'm just glad to be here. We've now had  
8 meetings in San Angelo, and McAllen. They have  
9 been well attended. And we're looking forward to  
10 hearing what you all have to tell us this  
11 afternoon.

12 Thank you, Senator.

13 SENATOR DUNCAN: Senator Lindsey.

14 SENATOR LINDSEY: Thank you,  
15 Mr. Chairman, for allowing me to participate in  
16 your committee. I want to assure the people in the  
17 audience it's the leadership on this committee and  
18 the members of this committee are real leaders in  
19 the Senate especially on this issue. And I think  
20 we have some very objective results from these  
21 meetings and the other meetings that are going  
22 around the State. But I thank you, Mr. Chairman.

23 SENATOR DUNCAN: Thank you,  
24 Senator. Senator Van De Putte.

25 SENATOR VAN DE PUTTE: Thank you,

1 Mr. Chairman. It's certainly a pleasure to be back  
2 in Houston and particularly this wonderful high  
3 school building. You should be very proud.

4                   Senator Gallegos, thank you for your  
5 hospitality and for the entire Harris County  
6 delegation. I hate to tell you that this issue is  
7 extremely important. And for the Senate members, I  
8 think it's almost unprecedented that we have this  
9 many senators on the committee that you can tell  
10 that are most of the members of the jurisprudence  
11 committee, but there are other senators that here  
12 who by choice want to be here today. We want to  
13 listen to you. We want to be very respectful of  
14 your opinions. And if you will allow me just to  
15 speak in Spanish for a few sentences.

16                   (Spanish).

17                   SENATOR VAN DE PUTTE: We will stay  
18 here as long as it takes to listen to your input.  
19 For us, the entire representative democracy are  
20 based in one person, one vote. And we are going to  
21 listen to you today and make sure that your silence  
22 as they are taken in, that I'm going to tell you  
23 that the Senators here have no preconceived idea of  
24 where we are going with this. I can tell you that  
25 we've heard the most of the State that the majority

1 of the people do not wish us to continue with this  
2 redistricting. But we are here to listen and with  
3 total respect we are here in your community today.

4                   SENATOR DUNCAN: Thank you,  
5 Senator.

6                   SENATOR JANEK: Thank you,  
7 Mr. Chairman. Folks, although I'm not a member of  
8 the committee, I have traveled with the committee  
9 in some of these hearings and I want to briefly say  
10 that I'm here also to gather information from you.  
11 You can help me most by when you offer your opinion  
12 by elaborating a little bit on not just what you  
13 don't want to see happen or what you do want to see  
14 happen in the large picture, but how you think a  
15 change may affect you, your business, your life and  
16 so forth.

17                   It's one thing to say don't  
18 redistrict and don't redistrict anywhere else in  
19 Texas. It's quite a failure to say we don't want  
20 to change our boundaries because we like this  
21 particular community interest, don't pair our small  
22 town with another small town or do pair us with  
23 another small town. Those kind of specifics will  
24 help this committee and certainly help me when and  
25 if we do draw a map and that's the kind of

1 information that we need. Be specific when you  
2 can.

3 Thank you, Mr. Chairman for allowing  
4 me to sit in with the committee.

5 SENATOR DUNCAN: Thank you, Senator  
6 Janek.

7 Senator Estes from Wichita Falls.  
8 Senator.

9 SENATOR ESTES: Thank you, Mr.  
10 Chairman, for allowing me to participate. I will  
11 be very brief.

12 I'm here because I want to listen to  
13 you. I want to learn from you. I want to hear  
14 what is happening in this part of the state. I'm  
15 from North Texas from Wichita Falls. This is what  
16 makes America great. This is what makes Texas  
17 great. We can talk in open forum. And even if we  
18 disagree, we can treat each other with mutual  
19 respect. I appreciate that and I appreciate  
20 everyone that's here and I guess let the testimony  
21 begin.

22 SENATOR DUNCAN: Thank you, Senator  
23 Estes. And I appreciate each of the members that  
24 are here -- that are here today with us and with  
25 the committee.

1                   There are a few housekeeping rules  
2 that we need to kind of take up here before we get  
3 going and please listen carefully, if you would.  
4 First of all, all of our testimony is being taken  
5 down by a court reporter. We're doing that so that  
6 we will have a quick record of the proceedings,  
7 your testimony before this committee. And so that  
8 other members of the Senate who are not here today  
9 will have an opportunity to look at this. This is  
10 also a legal record that will follow this  
11 particular legislation, should there be legislation  
12 as it goes through the system.

13                   So, you will need -- there are few  
14 things you have to know when there is a court  
15 reporter around. You need to first when you come  
16 up to the mike, I will remind you that you need to  
17 state your name and who you represent. And speak  
18 clearly so that a good record will be made there on  
19 your name. And then speak slowly and clearly so  
20 that the court reporter can get down accurately  
21 your testimony. It's very important to do that.

22                   And I always advise the members as  
23 well, when you're asking questions or when the  
24 audience or witnesses when you're testifying, make  
25 sure that the questioner has finished the question

1 before you try to answer. And likewise, Members,  
2 make sure that the witness has finished their  
3 answer before you continue with your questioning so  
4 that we have a clear record. We don't want to walk  
5 over each other on the record.

6                   And finally, I will say a couple of  
7 things with regard to the testimony and this is the  
8 way it's gone in all of the other communities. Is  
9 that you will see from the meeting as long as there  
10 are people to testify, we will be here to listen.  
11 And you will see that we will have a forum out here  
12 at all times. And most of the time more than a  
13 quorum and most of the time we will have the  
14 members that are here who have been traveling with  
15 the committee or who are here today will be here to  
16 listen to your testimony. So you will see people  
17 get up from time to time to go to the restroom or  
18 whatever. But most of the time, they will be out  
19 here listening to what you have to say.

20                   Another thing that I need for you to  
21 do housekeeping, is all of us have cell phones.  
22 And I don't know if you have ever testified before,  
23 but it's very annoying when you're testifying and  
24 you want the members of the committee to hear your  
25 testimony and somebody's cell phone goes off right

1 at the time you're making your key point. It's  
2 very annoying and it distracts the members of the  
3 committee, but it also is very discourteous to the  
4 members and the witness who are speaking. So if  
5 you will turn off your cell phones and the pagers  
6 or beepers, we will appreciate that very much.

7                   Members, we -- Senator Staples -- we  
8 will have a motion here in a moment as we enter the  
9 decision to limit the time that each witness will  
10 have to testify. We have learned that five minutes  
11 is a good amount of time and an appropriate amount  
12 of time for people to be able to clearly express  
13 their point of view to the committee. If we do not  
14 have time limits many of you will probably not get  
15 to testify because there are some people who can  
16 talk for hours on this topic. And, in fact, have  
17 in certain other hearings. So in order to make  
18 sure that everyone has an equal opportunity to  
19 speak, we're going to limit all testimony to five  
20 minutes. You will hear a little beep go off  
21 whenever the timer goes off at five minutes. And  
22 that's your signal to close your testimony. If you  
23 keep going, then I'll kind of urge you along  
24 politely and I get less polite as you go on  
25 through, but we do want to try keep order.

1                   Finally, respect the persons who are  
2 speaking at the podium. You may disagree with what  
3 they have to say, but it's their right to be up  
4 here to say what they intend to say. And it's our  
5 purpose to be here to hear that. So, please, do  
6 not disrupt others as they come up to the podium.

7                   With that, Senator Staples moves  
8 that the Senate Committee on Jurisprudence limit  
9 testimony at the Houston hearing to five minutes  
10 per witness. The clerk will call roll.

11                   THE CLERK: Senator Duncan.

12                   SENATOR DUNCAN: Aye.

13                   THE CLERK: Senator Gallegos.

14                   SENATOR GALLEGOS: Aye.

15                   THE CLERK: Senator Averitt.

16                   SENATOR AVERITT: Aye.

17                   THE CLERK: Senator Harris.

18                   SENATOR HARRIS: Aye.

19                   THE CLERK: Senator Staples.

20                   SENATOR STAPLES: Aye.

21                   THE CLERK: Senator West.

22                   SENATOR WEST: Aye.

23                   SENATOR DUNCAN: There being six  
24 aye's and no nay's. The motion prevails for the  
25 time limit to five minutes. The clerk will keep

1 the time.

2                   Members, we're ready to begin our  
3 first witness and we will try to accommodate those  
4 elected officials to set the basis of the testimony  
5 so each of you can hear what the elected officials  
6 are saying on that so you can respond to that or  
7 will respond on that, whatever you desire.

8                   Mr. Rick Noriega State  
9 Representative for District 145, which is where we  
10 are sitting right now.

11                   HOUSE REPRESENTATIVE NORIEGA: Thank  
12 you, Chairman Duncan. Let me begin Chairman Duncan  
13 by welcoming all of the committee members to  
14 District 145. I think it's essential that you're  
15 here at Cesar Chavez High School this week, which  
16 is independence week in our nation.

17                   Cesar Chavez, as you know, is  
18 someone who stood up for right and who stood up for  
19 the disenfranchised and who is a moral accomplice  
20 for a whole host of folks. And so I think it's  
21 appropriate that you're here. And I sincerely want  
22 to thank each and every Senator. We realize how  
23 busy you are. And I will tell you, Chairman, that  
24 your committee has shown much, much more respect  
25 and dignity in your deliberations throughout this

1 State which give people more confidence in the  
2 process unfortunately than my colleagues on the  
3 other side.

4 I will tell you that I'm fearful at  
5 this point in the process given that we had  
6 subcommittee hearings which is unprecedented  
7 before, as most of you are aware, or those of you  
8 that have served on the redistricting. There have  
9 been joint sessions held across the State. There  
10 were subcommittees held. There was not a meeting  
11 held in the border region by the House and I'm  
12 fearful at this point that we're -- we may be  
13 heading down a path that is going to have us thrown  
14 out based on the Voting Rights Act anyway as it  
15 applies to due diligence, as it applies to the  
16 hearing process.

17 I'll give you an example. The  
18 chairman that rolled out the secret map last night,  
19 Mr. King, came to Houston and he sat through until  
20 about lunch break and then left with Mr. Jim Ellis  
21 who is the, of course, works for Mr. Tom Delay.  
22 And did not hear the remainder of Houstonians'  
23 testimony. And the court reporter had to leave at  
24 8:00 o'clock and we had an enormous number of  
25 persons that both wanted to testify and those

1 witnesses' affirmations were not heard.

2                   So, Chairman, you have conducted  
3 your committee with so much more respect. And I  
4 want to thank you as the representative of this  
5 district for doing that and the Members of the  
6 Senate and your deliberative fashion. I think  
7 there has been a general tone when we had our  
8 hearing in Houston and what we've heard thus far  
9 across the State. The people of Texas do not want  
10 redistricting. I don't know how much clearer that  
11 we can reemphasize that point. That has been the  
12 message throughout the State. And over nine out of  
13 every 10 persons that testified that has been the  
14 continued message. We understand the cost of these  
15 particular deliberations in the special session,  
16 that we're costing our taxpayers. We also  
17 understand as we come home, persons are saying well  
18 why are you doing this, at the same time, look at  
19 what happened over here.

20                   I got a call from some folks,  
21 Dr. Janek, from M.D. Anderson of 12,000 employees  
22 that are now affected by the new formulas as it  
23 applies to their retirement. The new formula is  
24 80. They have to reach the formula of 80 based on  
25 their age and years of service. They are

1 incredibly concerned about that. I've got teachers  
2 throughout my district that are concerned. And as  
3 it applies to the children that are coming off of  
4 CHIP here in Harris County and those other urban  
5 areas, we will be hardest hit.

6                   But our priority currently is that  
7 we are doing redistricting. I think we  
8 collectively understand and I think we will have  
9 consensus that it is the wrong priority for the  
10 State. And I trust the Senate will do the right  
11 thing through this process.

12                   Let me just give an example. Let's  
13 just say for instance what we've seen thus far with  
14 the House maps that have been presented. Both the  
15 map that was, the secret map that was presented  
16 last night and the map that was passed by the House  
17 Redistricting Committee during the regular  
18 session. In each of those instances, the stated  
19 goal is that there are a quota number of districts  
20 that are Republican. Let me just say that I think  
21 that we understand that the three-judge panel said  
22 that there were 20 Republican districts and that's  
23 how those maps were drawn. In fact, that was the  
24 testimony of Dr. -- I can't -- forgive me, I can't  
25 recall his name, from Rice University who was the

1 expert witness for then General Cornyn, who said  
2 that house was -- who said that that was a  
3 Republican map because he drew it. He testified in  
4 Dallas, if I'm not mistaken, Senator West, this  
5 past weekend to the effect. He looked at the House  
6 map that was passed by the Redistricting  
7 Committee. And he said that is a gold mine for  
8 attorneys. So not only through this process, this,  
9 what I believe, personally is an illegitimate  
10 process based on our State's priorities and having  
11 already done redistricting, not only are our  
12 priorities wrong, but we are also going to spend a  
13 tremendous amount of more taxpayers' dollars in the  
14 courts on lawsuits, etcetera, etcetera, because the  
15 end goal that was stated by Representative King in  
16 today's Houston Chronicle, is that my goal is to  
17 have X number of Republican representatives in  
18 Congress. That is my stated goal. But when he  
19 attempts to do that because he has to take out  
20 incumbent Democrats, he has to overreach. And in  
21 doing so by overreaching, there is retrogression  
22 throughout the State of Texas and he  
23 disenfranchises persons throughout the State of  
24 Texas.

25 Senator Janek, in his current map

1 last night he takes in -- he places Galveston  
2 County or half of Galveston County rather, he  
3 places Galveston County in representative Tom  
4 Delays' district. Now in that particular scenario,  
5 he disenfranchises African-American voters in  
6 Galveston County. In Jefferson County, which has  
7 never been split before, he splits Jefferson County  
8 in half, which has never been split before and  
9 disenfranchises African-American voters. I -- you  
10 understand the gist.

11                   But let me just close with this,  
12 Mr. Chairman, and it's this: I am more fearful of  
13 what we are collectively doing to our institution  
14 by letting this Genie out of the bottle. And  
15 almost every member on here has served in the  
16 House. And we're -- the path that we are getting  
17 ready to go down as it applies to our institution  
18 as a bipartisan body, we won't be able to get that  
19 Genie back in the bottle. I'm fearful. What we  
20 have been proud of as Texas members of the  
21 Legislature is now being driven by entities outside  
22 of our great State. And on this Independence week,  
23 I hope that you will hear the message that we all  
24 need to stand up. We all need to stand up to  
25 what's going on. Because at the end of the day, we

1 will have spent a lot of taxpayers' money and our  
2 priorities are so much more higher in other areas.

3 Thank you, Mr. Chairman.

4 SENATOR DUNCAN: Senator Gallegos.

5 SENATOR GALLEGOS: I think we might  
6 break the forum here. Senator Williams just walked  
7 in. But Representative Noriega, I've got a couple  
8 of questions. During session, the Chairman of the  
9 House Redistricting Committee, did he allow,  
10 outside of the committee, did he allow members to  
11 participate in the process during the session on  
12 redistricting?

13 HOUSE REPRESENTATIVE NORIEGA: Not  
14 to my knowledge, sir.

15 SENATOR GALLEGOS: Okay. And --

16 HOUSE REPRESENTATIVE NORIEGA: One  
17 of the things that concerns me that is in testimony  
18 on the House side is that the authors of the  
19 current map has said when we continue to make  
20 reference to acknowledgment of the Voting Rights  
21 Act, is that well, you know, in three years we're  
22 going to need to change that. And I think that's  
23 something that we should all be concerned about.  
24 Just that kind of cavalier attitude and tone.

25 SENATOR GALLEGOS: So what you're

1 saying is that members wanted to participate that  
2 weren't on the committee and were not allowed to by  
3 the Chairman of redistricting over there in the  
4 House during the session. Is that correct?

5 HOUSE REPRESENTATIVE NORIEGA: There  
6 were instances of that. Yes, that was the case.

7 SENATOR GALLEGOS: All right. Let  
8 me ask you this second question. Under -- under  
9 the hearings that the House is holding now, it's my  
10 understanding they're holding sub-hearings with not  
11 all of the members of the Redistricting Committee  
12 over in the house not present to hear testimony  
13 from Texas across the State or, yourself, that is  
14 not a member of the committee having allowed -- be  
15 allowed to hear input or transcripts or video or  
16 audio from those hearings. Is the Chairman of the  
17 -- of the Redistricting Committee going to allow  
18 all 150 members to hear audio, transcript testimony  
19 from those hearings on Texans inputting on the  
20 redistricting process across the State?

21 HOUSE REPRESENTATIVE NORIEGA: No.  
22 Senator, there was a motion made at the table  
23 Monday evening in the House Redistricting Committee  
24 to allow additional time for those subcommittee  
25 members that have not heard the -- or the tapes nor

1 read the transcripts, which is an in excess of some  
2 60 hours, that they were not going to have -- they  
3 voted not to allow once the transcripts are  
4 received, the additional time to review that  
5 testimony from across the state as subcommittee  
6 members before bringing a bill to the House of  
7 Representatives on Monday, which is the stated  
8 timetable.

9                   Now, I think it's just-- it smacks  
10 of just an insult to the voters of the State of  
11 Texas.

12                   SENATOR GALLEGOS: Okay. Final  
13 question. So what you're telling me is you, as the  
14 elected official from this area, are not going to  
15 be allowed to hear any of that testimony and input  
16 outside, outside the other hearings that have been  
17 held across the State. You, as the elected  
18 official, state representative, from your district,  
19 from this area here, is not going to be allowed to  
20 hear any of the testimony?

21                   HOUSE REPRESENTATIVE NORIEGA: We  
22 will not be permitted based on the time frame that  
23 has been laid out by the Chair. And that was a  
24 motion made Monday in House Redistricting Committee  
25 that the additional time was not going to be

1 allowed. Therefore, just based on the -- on the  
2 logistics or the reality of trying to go through  
3 that, I stayed all day Saturday to listen. Some of  
4 my colleagues, many of my colleagues did not. Even  
5 those that are on the committee, I don't understand  
6 how the full committee will be able to go through  
7 in a -- in a fair manner, in a fair manner, all of  
8 that testimony that was received by the full  
9 committee prior to voting either a bill out of  
10 committee or before it comes before the full  
11 House. I think that again, we are running down a  
12 course that is going to be incredibly questionable  
13 right off the bat as it applies to due diligence in  
14 this process.

15 SENATOR GALLEGOS: Thank you.

16 SENATOR DUNCAN: Thank you,  
17 Senator. Senator Harris.

18 SENATOR HARRIS: Representative,  
19 it's good to see you again.

20 HOUSE REPRESENTATIVE NORIEGA: Sir,  
21 good to see you.

22 SENATOR HARRIS: I want to stress to  
23 you, that particularly from my standpoint, I don't  
24 know what you all are doing over there. And I  
25 don't know what plan is being cranked out. And to

1 be quite honest with you, as soon as these public  
2 hearings are over with, from my standpoint, the  
3 less I know about it and I know there will be a lot  
4 of testimony today. But what I'm trying to stress  
5 to you is that I think it's very important and I  
6 think we the members of this committee recognize  
7 that we have an independent duty exclusive of  
8 whatever is happening in the House to first get  
9 public testimony in a public appearance and then  
10 start any form of deliberations or any review of  
11 any manner. And then again, I know what's  
12 happening in the House, I'm sure that's going to be  
13 the hottest topic before us today. But --

14                   HOUSE REPRESENTATIVE NORIEGA: Well,  
15 thank you, Senator. And that's why I wanted to  
16 express my great appreciation to the Chairman and  
17 those who here for giving my constituents hope.  
18 Thank you.

19                   SENATOR HARRIS: We know what the  
20 voting rights are. We know that the number one  
21 duty is first get public input before we can begin  
22 any deliberations.

23                   SENATOR DUNCAN: Senator West.

24                   SENATOR WEST: Mr. Chairman.

25 Representative Noriega, you may or may not be able

1 to answer this question. In Harris County, can you  
2 give this committee the list of minority  
3 congressional districts and a list of minority  
4 influence districts?

5 HOUSE REPRESENTATIVE NORIEGA:

6 Currently there are two minority districts.  
7 District -- the 29th Congressional District and the  
8 18th Congressional District and the 25  
9 Congressional District is an influence district or  
10 basically, in my view, my personal view is  
11 protected by the Voting Rights Act, in that it is  
12 an African-American influence district. In fact,  
13 many believe that had there been another candidate  
14 it is another African-American district currently.

15 SENATOR WEST: And you say that is  
16 an influence district?

17 HOUSE REPRESENTATIVE NORIEGA: They  
18 are the deciding vote, Senator.

19 SENATOR WEST: Would you agree with  
20 me that the person who currently represents that  
21 district must depend upon the African-American  
22 support in order to get elected?

23 HOUSE REPRESENTATIVE NORIEGA:

24 Without a question.

25 SENATOR WEST: Would you agree with

1 me that the person that currently occupies that  
2 position normally votes consistent with  
3 African-American interest and Congress?

4                   HOUSE REPRESENTATIVE NORIEGA:  
5 According to the NAACP score card, he scores  
6 upwards of the 80 percentile as it applies to  
7 issues of interest.

8                   SENATOR HARRIS: So there are two  
9 minority districts and one minority influence  
10 district in Harris County?

11                   HOUSE REPRESENTATIVE NORIEGA: That  
12 is correct.

13                   SENATOR HARRIS: Would you please  
14 give us the numbers again?

15                   HOUSE REPRESENTATIVE NORIEGA: Which  
16 ones, Senators, the district numbers?

17                   SENATOR HARRIS: The three  
18 districts.

19                   HOUSE REPRESENTATIVE NORIEGA: The  
20 districts are Congressional District 29,  
21 Congressional District 18 and 25. And one of the  
22 concerns that I have that what I've seen on our  
23 side so far by the maps that are -- have been led  
24 is that the 29th, in particular, which is Hispanic,  
25 is combined minority district high 60's. It packs

1 that district. It packs it in a way that  
2 long-term, it minimizes Hispanics' in particular,  
3 opportunity to influence other districts.

4                   SENATOR WEST: That was my next  
5 question. Has there been analysis to make  
6 determinations to exactly what percent of  
7 minorities, be it Latinos or African-American  
8 combination of the two need to be in a particular  
9 congressional district be it by population of  
10 voting population in order to make it a district  
11 where minorities have somewhat of an influence?

12                   HOUSE REPRESENTATIVE NORIEGA: There  
13 is -- I will -- yes, there is. And there are some  
14 rules of thumb as it applies to total number of  
15 minorities. However, I prefer that the experts  
16 speak specifically to voting age population on  
17 those issues of what it actually takes to elect  
18 someone.

19                   SENATOR WEST: Lastly, have the  
20 political leaders of Harris County, specifically in  
21 the districts that may very well be impacted, had  
22 or made a determination as to what is that best  
23 interest of this community as it relates to  
24 congressional redistricting?

25                   HOUSE REPRESENTATIVE NORIEGA: I

1 think that remarks by the elected leadership and  
2 those community organizations historically that  
3 have been respected throughout this Nation, be they  
4 LULAC, GI Forum, NAACP and all of the elected  
5 leadership have in unison been opposed to this  
6 particular process.

7                   SENATOR WEST: How long have you  
8 been a state representative?

9                   HOUSE REPRESENTATIVE NORIEGA: This  
10 is my third term.

11                   SENATOR WEST: And so you have the  
12 voice of your community?

13                   HOUSE REPRESENTATIVE NORIEGA: I  
14 try. I do the best I can.

15                   SENATOR WEST: And you are against  
16 redistricting?

17                   HOUSE REPRESENTATIVE NORIEGA: Yes,  
18 I am. Thank you, Senator.

19                   SENATOR WEST: Thank you.

20                   SENATOR DUNCAN: We'll, now hear  
21 from Senator Whitmire.

22                   SENATOR WHITMIRE: Mr. Chairman, I  
23 don't know about this witness.

24                   SENATOR HARRIS: You have the right  
25 to cross-examine him.

1                   SENATOR WHITMIRE: What Noriega  
2 didn't tell you was that he used to work for me and  
3 we had a very good session that year that he spent  
4 in Austin.

5                   I will be brief because I know that  
6 you came to listen to the public. In that, I want  
7 to first start by telling each Senator how proud I  
8 am that you're here. I know that we will disagree  
9 without being disagreeable. To see such a diverse  
10 Senate panel from around the State, many of whom  
11 are not on the committee here, wanting to listen to  
12 the public says a lot about the Senate and the  
13 fashion in which we work together.

14                   I want to quickly mention about  
15 three different areas. First, I want to kind of  
16 touch on where we are in the process. I believe  
17 that it's wrong that we're meeting in special  
18 session. I have said this repeatedly.

19                   (Applause.)

20                   SENATOR WHITMIRE: And if the crowd  
21 will bear with me, I appreciate the support, but I  
22 need the time. It's wrong and we ought to be back  
23 reporting on the regular session. We made major  
24 changes in many areas of state government. I  
25 believe each of us need to be back reporting to our

1 constituents. From a personal standpoint, I looked  
2 at the panel and know how many of you have young  
3 families that you need to be with. It's very  
4 costly to the taxpayers that we are undertaking  
5 this process, but the bottom line is we were  
6 charged to do it and we should go about it in a  
7 very businesslike fashion.

8                   Looking back in history, I have been  
9 involved in at least three legislative  
10 redistricting processes. I am the product of  
11 redistricting. I can recall in 1993, Senator  
12 Gallegos, and I mention this is because one of the  
13 excuses that we're doing this is because the  
14 Federal judges drew the current lines. Federal  
15 judges, gentlemen and ladies, have always been  
16 involved. It's described by law that they will  
17 review and participate. And if the Legislature  
18 does not draw congressional lines, they will draw  
19 the lines.

20                   And to show you judicial  
21 intervention in 1992 on Christmas Eve, Senator  
22 Gallegos, Judge Nowlin, a former Republican state  
23 rep redrew the entire Senate lines and placed me in  
24 a terrible situation of having to run in a district  
25 lines that were not drawn by the State Senate. I

1 survived that race, a very tough race with a lot of  
2 good support. So there is precedence for judicial  
3 drawing of lines.

4                   And I will even go to more recent  
5 history and tell you that two years ago after the  
6 legislature refused to draw Congressional lines, we  
7 all knew it was going to the Federal courts and we  
8 all even knew what the panel would be. But  
9 Governor Perry at that time chose not to have a  
10 special session. So what he's deemed working two  
11 years ago, he has now changed his mind.

12                   Let me quickly speak to be what I  
13 believe the law is. A lot of discussion about  
14 minority districts which are protected. And then  
15 there is the concept of an impact district. Ladies  
16 and gentlemen, I represent an impact district. I  
17 have represented an impact district most of my  
18 legislative career. I am elected by the minority  
19 community. Whoever serves in my capacity -- and  
20 hopefully they will have a good heart, which I  
21 believe I certainly do -- but if he or she chose  
22 not to have a great heart, they must still campaign  
23 and go to the minority community to be elected.  
24 You cannot survive in an impact district without  
25 representing the views of all of the people. And

1 where you have a majority/minority, and why I  
2 believe I'm standing before you as a State Senator  
3 today, it was recognized two years ago by the  
4 Legislative Redistricting Board after they went to  
5 Washington and visited with the Justice Department,  
6 I am told and I believe it's on the record if you  
7 will review it, they said that the Senate District  
8 15 in Houston is a majority/minority and we shall  
9 respect that and protect it or we'll be up at the  
10 Justice Department. It wasn't about John  
11 Whitmire.

12                   These seats do not belong to any of  
13 us. And I stand before you representing those  
14 750,000 people that I represent. Senator West,  
15 they are satisfied with the lines. Likewise, the  
16 congressional lines in Harris County, the people  
17 are satisfied with them, two outstanding minority  
18 districts and an impact district in Chris Bell.  
19 And I suggest you can go across the state, Senator  
20 Duncan, and look at the Stenholm seat, the Jim  
21 Turner seat, the Lampson seat, the Chet Edwards  
22 seat. What we are facing is if we go forward with  
23 the so-called proposal that we've at least seen  
24 coming from some sources, is the disenfranchisement  
25 of hundreds of thousands of minority voters across

1 the state who currently can call Chris Bell,  
2 Lampson, and I can go through the list.

3                   Those Congress people know who they  
4 are. They respond to those communities and whether  
5 it's those personalities or whoever replaces them,  
6 they must respond. I think it's the law and I  
7 think whatever plan you draw must respect that.  
8 But let me close by telling you what I believe the  
9 future will be if we go forward. And I would urge  
10 us not to take up redistricting when we go back at  
11 the full Senate, but if there are the 21 votes, and  
12 respectfully the 21 vote rule in the Senate, I  
13 think that if we're not real, real careful, we're  
14 going to do the State of Texas a huge disservice.  
15 Because, ladies and gentlemen, things are not  
16 always going to be as they are today.

17                   Senator Van de Putte, if we're not  
18 careful we are showing future Texas generations,  
19 and I speak primarily of the Hispanic community. I  
20 don't know when it's going take place, 10, for sure  
21 20 years from now, there is going to be this  
22 tremendous proud Hispanic community in control.  
23 They're going to work with the African-American  
24 community and other interest groups and they are  
25 going to start drawing the lines, Mr. Chairman.

1 And 20 years from now when they are being asked to  
2 do a power graph, and when the Republican party is  
3 squealing like a stuck pig because there is an  
4 overreach, if we're not real careful, we are  
5 setting a precedent to this process to where  
6 they're going to say y'all showed us how to do it  
7 in the Summer of 2003. I hope we're aware of  
8 that. And I think at this time we ought to have a  
9 very productive hearing. Take your information  
10 back to Austin and vote your conscious in your  
11 district and I appreciate the manner in which  
12 you're conducting this hearing. Thank you.

13                   SENATOR GALLEGOS: Senator Whitmire,  
14 and I'll be brief. I'm looking at a transcript  
15 dated -- Legislature Redistricting Board, dated  
16 July 24th, 2001. Public hearing of Texas. The  
17 Oppenheimer Reporting Services. And they are  
18 located at 9405 Crosspoint Circle, Austin, Texas.  
19 This is the official transcript of the  
20 proceedings. And it's talking about your district,  
21 Senate District 15. That is your district, right,  
22 Senator Whitmire?

23                   SENATOR WHITMIRE: Yes, sir.

24                   SENATOR GALLEGOS: Okay. And  
25 Commissioner Dewhurst was saying that he's a little

1 confused over some of these amendments that was  
2 presented by Chairman Cornyn who is now U.S. -- the  
3 U.S. Senator from Texas. And it says that he had  
4 gone to Washington -- and I'm going to be brief.  
5 It's on the record. And it's on the network for  
6 anybody in this room to review. But it says that  
7 General Cornyn at the time, now Senator Cornyn, had  
8 traveled to Washington and specifically discussed  
9 Senate District 15. And has configured and the  
10 list that there was geared in the plan lines in  
11 that Commissioner Dewhurst then, now Lieutenant  
12 Governor Dewhurst, transpired and when I talked to  
13 the lawyers after the consultation with the  
14 Department of Justice, you advised that we needed  
15 to change that.

16                   And my question was this: Is  
17 Chairman Cornyn let me make it clear we did not  
18 talk about any particular. But appropriately said  
19 that we would not ask and appropriately would not  
20 do that. And we were talking about general  
21 principles. And then it came that any change to  
22 the Senate District 15 lines would violate or would  
23 be subject to an objection from the Department of  
24 Justice because your District Senate 15 was  
25 majority/minority plan and that the voters in that

1 district what was a majority/minority voters  
2 decided to elect you on election date as their  
3 representative. Is that what you read on the  
4 transcripts, sir?

5                   SENATOR WHITMIRE: Yes, sir. That's  
6 an accurate depiction of the testimony. I'm, for  
7 history, none of the original plans by the  
8 Legislative Redistricting Board, none of them,  
9 provided for a district which I or Senatorial 15  
10 would reflect its current makeup. It became an  
11 overwhelming Republican district from an  
12 overwhelming majority/minority, quote, "Democratic  
13 district." The districts ran as far as the  
14 Woodlands in one plan, another would go to Katy.  
15 There is no question that 15, and probably partly  
16 because I was a Senior Democrat was on everyone's  
17 hit list that was on the legislative redistricting  
18 board. With exception of maybe Pete Laney and  
19 maybe Ratliff was going to give me the benefit of  
20 the doubt. But the bottom line was, I'm told that  
21 the Attorney General had gone to Washington that  
22 Friday. And, in fact, it's in the record, that the  
23 Justice Department strongly suggested to him that  
24 they should preserve Senatorial 15 as a  
25 majority/minority. Meaning one, it's an impact

1 district and during the next decade if the  
2 incumbent is not in office, it would more than  
3 likely elect a minority. And because of that and  
4 because at the time Land Commissioner Dewhurst  
5 inquired of their findings in Washington, they made  
6 a change in the map at the table that day and  
7 created a majority/minority district, which I  
8 currently represent. It is a strong impact  
9 district. It would most likely elect a minority in  
10 this decade. Very, very much similar to several of  
11 the seats that are in question in this  
12 congressional proposal.

13                   It is a -- it's a legal doctrine  
14 that could govern when we wrote the Senate plan  
15 which has about 19 Republican Senate seats. And I  
16 quite frankly think it would be uphold when any  
17 proposed plan, if, in fact, we have one, is  
18 reviewed by the courts and the Justice Department.

19                   SENATOR GALLEGOS: So what you're  
20 saying is that your district, District 15 mirrors  
21 some of the Congressional plans that are in the  
22 House, in the House?

23                   SENATOR WHITMIRE: For certain  
24 Martin Frost's District which was a majority --  
25 majority/minority and then of course the 25 with

1 Chris Bell, Lampson and others who are significant  
2 impact districts. Meaning those communities have a  
3 major say in who is elected. Any of the proposed  
4 plans that we have seen certainly coming from the  
5 House and I understand that Chris Harris an  
6 honorable man, says he has not prepared the lines,  
7 but certainly those who have been what you read  
8 that Tom Delay and others are proposing, completely  
9 strip those impact districts of the minority voters  
10 and consequently compacted minorities in the 29th  
11 here, this currently Hispanic, the 18th, Sheila  
12 Jackson Lee's. And so that's great. Those  
13 districts will still have the minority  
14 representation. But it's the surrounding districts  
15 that would be disenfranchised. And I would  
16 strongly urge us not to do that if and when you  
17 take up the congressional plan.

18                   SENATOR GALLEGOS: So basically what  
19 you're saying is what was going to happen to you  
20 under the legislative districting board and the  
21 amendment by Lieutenant Governor Dewhurst kept  
22 Senate 15 intact and elected you, that what  
23 happened there is basically happening to those  
24 congressional districts that you just referred to  
25 under the House plan?

1                   SENATOR WHITMIRE: There is that  
2 danger, certainly, yes.

3                   SENATOR GALLEGOS: Thank you.

4                   SENATOR WHITMIRE: Thank you,  
5 Members.

6                   SENATOR DUNCAN: We will now have  
7 Senator Ellis.

8                   SENATOR ELLIS: Thank you,  
9 Mr. Chairman. I'm going to speak briefly since the  
10 Dean spoke, I felt compelled to make five quick  
11 points. But I'll make it in five minutes.

12                   Number one, I heard the Dean talk  
13 about Senator Van de Putte and Senator Gallegos  
14 being in charge one day. To my Republican  
15 colleagues, I just want to say to you, don't worry  
16 about it. I've been a minority all my life. You  
17 can be born in a Houston hospital for Negroes in  
18 1954. Grow up on Sunnyside. You can get elected  
19 to the City Counsel and go to the Texas State  
20 Senate. You can even get to be the Finance Chair  
21 under a unique set of circumstances that a  
22 Republican can name you, so hope is not our loss.  
23 But don't forget, they will be in charge one day  
24 and they will watch what we're doing.

25                   My second point is: That Texans

1 have had a rather ennobled relationship as it  
2 relates to the Voting Rights Act. Texas was not  
3 originally included under the voting rights of  
4 legislation when it was passed. Although it was  
5 passed under a Texan in the White House. Lyndon  
6 Johnson passed the Voting Rights Act, but did not  
7 put Texas under it and I assume he did not put  
8 Texas under it, because he hoped in our political  
9 lifetime, we'd resolve those issues for ourselves.  
10 But he put other southern states under it, but he  
11 left Texas out.

12                   The first time I remember really  
13 paying attention to politics, close attention to  
14 politics is when I was in law school and Mark White  
15 our Secretary of State, Barbara Jordan was in the  
16 United States Congress. And she wanted to add  
17 Texas to Voting Rights Act. And it was under a  
18 bilingual amendment. And I remember how angered I  
19 was because virtually every elected official in  
20 Texas believed in state's rights. And they did not  
21 want the State of Texas included under the Voting  
22 Rights Act. The presiding officer of the Texas  
23 Senate was the only statewide elected official that  
24 got on board. Bill Hobby publicly wanted Texas  
25 included under the Voting Rights Act.

1                   I want to stress to you because of  
2 our ennobled relationship with that Act, we ought to  
3 be real cautious about what we do. I watched the  
4 debate last night in the House and I really  
5 respected the Chair of the House Committee for  
6 being honest about one thing. He did not try and  
7 duck and hide and act as though he was drawing his  
8 lines to try and help, as we say in Austin, "hep",  
9 the African-Americans and the Hispanics. He's  
10 drawing the lines to help Republicans. And a lot  
11 of ways I find it patronizing knowing the history  
12 of our state, when anybody, whether it's the  
13 Governor of this State or the U.S. Senator or  
14 Congressperson or anybody to give the impression  
15 that we're being forced to go through this  
16 discussion in a special session because we're  
17 trying to increase minority voting strategy.  
18 That's patronizing because it's essentially saying  
19 to us, we're stupid. So we don't realize -- we  
20 don't realize what people are really up to.

21                   The third point that I want to make  
22 to you is that, if we really wanted to do a  
23 congressional redistricting, we would have done it  
24 two years ago. I mean, that was probably a time, I  
25 think, when we had to make one of the biggest --

1 this is the Senate -- had to make one of the  
2 biggest decisions in our political lives. We had  
3 to pick our own presiding officer, to shake up the  
4 government, to moving chairs and we had to make  
5 some tough decisions. This was a time when we  
6 really could have fallen apart, but we didn't. We  
7 made a conscious decision. And we didn't want to  
8 fool with congressional redistricting because we  
9 didn't want our friends in Congress on the  
10 Democratic side or the Republican side coming to us  
11 and lobbying us, trying to shove their plans for  
12 their self interests on either side down our  
13 throats.

14 I want to make sure that you  
15 remember that. We, Senator Wentworth, with your  
16 share, made a conscious decision to deal with our  
17 own redistricting where we did not even want to  
18 take the risk of going through that blood bath on  
19 congressional redistricting. And we knew the  
20 Federal courts would do it for us and they did.

21 The fourth point I want to make. In  
22 a lot of ways what we do in this session makes it a  
23 marvelous country. One other state did go in, a  
24 small state, Colorado, with a Texan as Governor, by  
25 the way, and graduated from the LBJ School, they

1 went in and did congressional redistricting in the  
2 special. If this happens in Texas, imagine what's  
3 going to happen in several other states where  
4 Democrats are probably in control. There will be a  
5 push to give retribution. Clearly in New Mexico,  
6 maybe in the State of Illinois, maybe in the State  
7 of Pennsylvania. Depends on what happens with the  
8 recall up in California. Maybe so; maybe not. I  
9 mean, when the Governor of Texas ran for President,  
10 it was in part on this being a model, the  
11 bipartisan relationship by which we have operated  
12 in Texas. Since reconstruction, it's always an  
13 interesting footnote in history, to remember why  
14 the Lieutenant Governor of Texas has some power.

15                   Only two states has a Lieutenant  
16 Governor that has juice: Texas and Mississippi.  
17 It goes back to reconstruction. When the Federal  
18 Government was appointing governors of southern  
19 states, the Southerners in Texas and in Mississippi  
20 decided to be slick. They took power away from the  
21 office of governor, gave it to various regulatory  
22 boards and commissions, gave it to the legislature  
23 and put it in a tremendous amount of power in the  
24 position of the Lieutenant Governor. It has served  
25 us well.

1                   And, Chris Harris, I just want to  
2 suggest to you. What we do on this issue has a  
3 potential of ripping a knife through the heart of  
4 the bipartisan relationship, which our Senate has  
5 operated under for so long. It's always  
6 interesting that more people show up for the  
7 hearing on this matter than we had show up for  
8 hearings around the state on something as important  
9 as the budget.

10                   I was watching that hearing last  
11 night, Robert Duncan, over in the House, that late  
12 at night, 1:00 a.m. in the morning, people still in  
13 the Capital on this issue. And I can recall  
14 sitting on the finance committee when it was rare.  
15 We were making decisions on cutting or adding money  
16 to major programs. People just didn't show up.  
17 This penetrates. This is the people.

18                   Now, I know I'm singing to the choir  
19 because none of the quorum of us, almost quorum of  
20 us, in the Senate who are here wanted the special  
21 session. I dare say virtually every member that  
22 had a chance to say something to the Governor,  
23 probably said is there any way you can wiggle  
24 around dragging us back on this. We have far more  
25 important issues that we ought to focus on. I

1 don't have my suit on today because I want to be  
2 with my family.

3                   We had a tough session. We came  
4 through some difficult votes together. We came out  
5 pretty much with a good reputation and intact. I  
6 just want to stress to you this is one that could  
7 really change the way we interact with one  
8 another. And for more than just this 30 day  
9 special session. So, Senator Harris, if you go in  
10 carrying the map, I hope it will be you Senator  
11 Duncan, I hope you put a lot of thought and  
12 consideration and lot of prayer in this. Maybe you  
13 ought to put this one on the shelf and let's make  
14 good use of this \$1.7 million we're going to  
15 spend.

16                   Let's focus on government  
17 reorganization. The mother lode of all of the  
18 bills will be heard in the Senate government  
19 organization committee on next Tuesday afternoon.  
20 Load that bill up with some good stuff, things that  
21 people care about and leave these lines that we  
22 have intact at least until the end of this decade.  
23 Once every ten years is enough to go through a  
24 gut-wrenching decision about how a balanced  
25 population relationship and draw those lines.

1 Let's not go through it again.

2 Thank you very much. I'm going home  
3 to be with my family.

4 SENATOR DUNCAN: The chair calls  
5 Congressman Nick Lampson.

6 CONGRESSMAN LAMPSON: Thank you,  
7 Mr. Chairman, Senators.

8 Ladies and gentlemen, let me start  
9 by thanking all of the many people who took their  
10 time to come here from a long distance. And in  
11 many instances, there are a lot of folks here from  
12 the 9th Congressional District. And I'll tell you  
13 about where that is right after I thank each of the  
14 members of the Senate who has taken the time.

15 It's impressive to see this large  
16 number of people and the great amount of interest,  
17 not just from the public, but also from the Senate  
18 itself. We thank you for that.

19 SENATOR DUNCAN: Congressman, I've  
20 been advised that you need to state your name.

21 CONGRESSMAN LAMPSON: Sorry about  
22 that. I knew that from other day as well.

23 Nick Lampson, and I represent the  
24 9th Congressional District of Texas which runs from  
25 the Louisiana -- the Texans/Louisiana border on the

1 coastline down the coast about a hundred miles to  
2 San Luis Pass, inland, encompasses Jefferson,  
3 Chambers and Galveston Counties in full and a  
4 portion of Harris County, the southeastern Harris  
5 County in the Clear Lake area and northeast Harris  
6 County around Atascosita.

7                   That's a very diverse district.  
8 It's one that has a great deal of petrochemical  
9 activity, a great deal of agriculture, although  
10 that's slipping some with loss markets of rice  
11 growers. We have a great deal of tourism,  
12 commercial and sports fishing, bird watching, bird  
13 hurting, all of which is growing immensely. High  
14 tech, the Johnson Space Center. Our space  
15 communications' focal point, the Clear Lake area,  
16 the Johnson Space Center, the University of Texas  
17 Medical School in Galveston. All diverse interests  
18 including some educational interests that we have  
19 worked for close to four decades to try to pull  
20 together to build on communities of interest, to  
21 really be able to make a difference in all of those  
22 instances one working with another. And making  
23 sure that each would benefit from the presence of  
24 the other. And we believe that there have been  
25 some significant strides in that.

1                   I'm proud to be able to represent  
2 that district. It's one that's very difficult. It  
3 is -- it's a very much marginal district performing  
4 typically at about 51 percent Democrat. There was  
5 only one statewide elected officer that appeared to  
6 be Democrat in the last election, and that was --  
7 and that was John Sharp and all of the other  
8 statewides were Republican. That means that you've  
9 got a -- you've got to reach out to lots of folks  
10 in order to be able to be elected in such a  
11 district.

12                   One of the Senators mentioned at the  
13 beginning about cynicism. Many people thought that  
14 this was a cynical process. And we certainly -- we  
15 certainly don't, but it's difficult to wonder about  
16 cynicism when we have questions asked of us. I  
17 talked to some of my own Senators yesterday, two of  
18 them are here, and I appreciate that, about not  
19 making this a partisan issue. And I'm not sure  
20 that we want to make it a partisan issue. But when  
21 we read statements like when we read from Phil King  
22 in the Houston Chronicle about it is political, it  
23 is about making additional Republican seats for the  
24 State of Texas in the United States House of  
25 Representatives. How can we possibly wonder if

1 there is not cynicism involved in this process?  
2 And how could all of these good folks who have  
3 many, many other things on their minds to be  
4 concerned with other than redistricting, not have a  
5 little bit of cynicism within their own thoughts as  
6 we go through this process.

7                   And I heard another Senator  
8 mentioned words of mutual respect. And that's  
9 clear that you have that here. And you have a  
10 different working relationship that many of my  
11 colleagues, whom I'm also proud to be with here  
12 today. I've seen Congressman Turner here and  
13 Congress Bell and Congresswoman Sheila Jackson  
14 Lee. We don't share that same kind of feeling in  
15 the United States House of Representatives. I am  
16 very, very embarrassed and ashamed to say. It has  
17 not been the kind of partisanship, bipartisanship  
18 that I expected when I went there six-and-a-half  
19 years ago. There is a great deal of effort to  
20 force people to tow party lines. And so, again,  
21 when I am asked by my own constituents to consider  
22 the issues and consider the impact on the people,  
23 yet, I come to an issue like this where the other  
24 side says it's about politics. It's about sending  
25 more Republicans to the United States House of

1 Representatives. And I don't think that's right.  
2 That's exactly what we have tried to do differently  
3 in the 9th Congressional District.

4                   To me the democracy is not served  
5 well by a process like that. By a process that  
6 excludes people. That splits communities of  
7 interest and dilutes their ability to plan their  
8 own future. Such as an SNSA like Jefferson  
9 County. Jefferson County has built those  
10 commonalities between itself and Chambers County  
11 and Galveston County and those parts of Harris  
12 County over a long period of time. And they're not  
13 well served when we discourage voter  
14 participation. And that is one of the results when  
15 we go through such a divisive issue as what this  
16 one is. And Heaven help us if we begin to do it  
17 every other year rather than every over decade. It  
18 weakens the effectiveness of a Texas delegation.  
19 And I hate to tell you that, but the pride that I  
20 was told of was a part of, by being a member of the  
21 Texas delegation and having our regular meetings  
22 with all of our members, Democrats and Republicans  
23 shared different members' offices including our  
24 Senators who would come home. And it's always bad  
25 when there is an issue that affects the State of

1 Texas. We are no party. We are Texans.

2                   And ladies and gentlemen, I have to  
3 tell you that I sat 25 feet from a member of the  
4 Texan delegation at a restaurant four weeks ago who  
5 would not acknowledge me and it was because of this  
6 issue. When we can't work together as members of  
7 the Texas delegation, Texas loses. And it angers  
8 me. We should be absolutely outraged.

9                   Chairman Duncan, I want to make one  
10 other comment and then I'm finished. My heart is  
11 breaking for the people of Texas. There is a lot  
12 of concern. We worry about Democrats and  
13 Republicans. We don't worry about the people  
14 enough. The 9th Congressional District has seen  
15 more than 3,000 jobs lost in the last six months.  
16 People are worried about their families. They are  
17 worried about the loss of health care. Many of  
18 them are frightened. And yet, we are spending  
19 money on this issue.

20                   Rick Noriega made the comment a  
21 while ago that he was fearful of this institution  
22 and what might happen to it. My fear is for the  
23 United States of America. And what will happen to  
24 the chaotic activity in future Congresses, future  
25 governments of this nation if we allow this kind of

1 divisive issue to take place year, after year,  
2 after year, after change of the wishes of the  
3 voters.

4 Thank you to be heard this morning  
5 or this afternoon.

6 SENATOR DUNCAN: Thank you. Are  
7 there questions? Thank you.

8 CONGRESSMAN LAMPSON: Thank you.

9 THE COURT: The chair calls  
10 Congresswoman Sheila Jackson Lee.

11 CONGRESSWOMAN LEE: Mr. Chairman,  
12 thank you so very much for courtesies that you're  
13 showing.

14 Members of Congress, I am  
15 overwhelmed at the presence of the Texas Senate.  
16 My enormous respect and admiration for each of you  
17 for the collegiality that has been shown throughout  
18 even this past legislative session and particularly  
19 the work that you're doing on this issue.

20 Might I offer a moment of personal  
21 privilege to acknowledge a young man that I've had  
22 the pleasure of working with and being with his  
23 family, Senator Royce West, for his leadership and  
24 friendship over the years. And I'm positive that  
25 he be particularly unbiased in this manner. I also

1 want to acknowledge Senator Rodney Ellis, who is my  
2 personal State Senator, along with the  
3 vice-chairman Senator Gallegos, who has shown  
4 enormous leadership on these issues; but also  
5 collaborative efforts with the United States  
6 Congress and Members of Congress. And to all of  
7 you who are here. And, finally, to the excellent  
8 presentation of Senator John Whitmire, but we want  
9 to give him a hand of appreciation for the singular  
10 leadership and collaborative work that he did for  
11 the Tulia 12. And it was renowned around the  
12 nation and I simply want to thank Senator Whitmire  
13 for that leadership.

14                   Mr. Chairman, I wish that I was not  
15 standing here today, but I am certainly  
16 appreciative of the time that you are taking. And  
17 I hope to make a few points recognizing the fact  
18 that the voices of the people are clearly the most  
19 important. I have the honor and privilege of  
20 representing the 18th Congressional District, a  
21 historic district. A district that is protected by  
22 the Voter Rights Act of 1965 and 1968 after the  
23 maiden holder of this seat obviously included Texas  
24 in the Voter Rights Act protection.

25                   I can stand here today and speak

1 singularly about the eclectic and dynamic district  
2 of the people and ask for mercy and ask for your  
3 humanitarian assistance, as I am asked all of the  
4 time in the United States Congress, when people  
5 come from Liberian, Iran and come from Cuban,  
6 elsewhere to ask for humanitarian relief and ask,  
7 Congresswoman, will you engage to helping to free  
8 people from the incarceration and oppression.

9                   But I stand here as a Texan  
10 collaboratively looking for the betterment of our  
11 State. I'm proud to be a Texan. And I'm proud to  
12 be someone who has seen this State Legislature work  
13 together and have seen you work together. And so I  
14 will not selfishly part myself from my colleagues  
15 and embrace opportunities to sign deals and carve  
16 out districts and run for survival so that I might  
17 be elected or that my constituents might have what  
18 they deserve, that is, a district that has been  
19 together for 30 years. A district that is not only  
20 about minorities and I think we should make that  
21 very clear. It is about communities of interest  
22 and the Supreme Court on redistricting which has  
23 acknowledged that this is a political process. It  
24 certainly belongs in your realm. It has been in  
25 the court realm. But I don't want to leave out

1 communities of interest who happen to be  
2 Anglo-Texans. Peoples whose neighbors have been  
3 together who have the same political philosophy,  
4 social philosophy, and humanitarian philosophy who  
5 are being sliced and diced and cut and mutilated in  
6 a process that they do not have any power in.

7                   This is a political process. And if  
8 I might say that I've chaired a redistricting  
9 process for the City of Houston. And this lone  
10 city had 14 redistricting hearings in all of the  
11 neighborhood, suburban areas, and inner-city areas  
12 so that the people might be heard.

13                   My first criticism is that as this  
14 process is moving so quickly, the people are not  
15 allowed to be heard and I'm grateful that you're  
16 here. But there should be hearings in Montrose,  
17 the Heights and Acres Home and the Fifth Ward in my  
18 own district alone and in the Midtown area because  
19 the people there need to be heard. So there is one  
20 flaw in this process, that we're moving quickly,  
21 and we're moving for what haste I don't know, if  
22 you've taken this responsibility and so I question  
23 that.

24                   And let me move quickly to say that  
25 there no legal obligation that we must draw lines

1 this juncture. The Attorney General has indicated  
2 that there is no legal burden on this State to  
3 redraw lines at this point. And, in fact, it is  
4 not prohibited, but it is not obligated. The Texas  
5 constitution itself says that lines should be drawn  
6 every 10 years.

7                   And as I understand, the record will  
8 reflect that you tried to redraw lines in 2001 and  
9 that the words of the Governor, on record saying,  
10 leave it to the courts. The Court, the Federal  
11 court was comprised which has jurisdiction of the  
12 Republican presence on that court and they  
13 dutifully redrew the lines reflecting communities  
14 of interest. But more importantly, in 2002 there  
15 was a vote. And so I question why we're here  
16 today.

17                   Let me move quickly to the Voter  
18 Rights Act of 1965. And as I indicated, the -- as  
19 my Senator noted, that the inclusion of Texas came  
20 about through the maiden holder of this seat,  
21 Barbara Jordan. And just as an aside, some plans  
22 that I've seen carves out the heart of the 18th  
23 Congressional District, taking the birthplace of  
24 Barbara Jordon, the birthplace of Mickey Leland out  
25 of the 18th Congressional District, slicing again

1 the heart of people who have been together out of  
2 this district.

3                   But the Voter Rights Act of 1965  
4 requires that we look at the issues of  
5 retrogression, packing and now under the Ashcroft  
6 Georgia case influence districts. I can assure you  
7 that what I have seen, although I don't intend to  
8 speak to plan, clearly pack districts, clearly took  
9 away the opportunity for Hispanics to win a seat by  
10 packing the 30th District originally where  
11 Congresswoman Eddie Bernice Johnson was packing it  
12 with Hispanics, packing it with African-Americans  
13 and having a clashing, if you will, of the  
14 opportunities for minorities to win.

15                   Again, let me say that I stand here  
16 as well for communities of interest. The influence  
17 districts that have been labeled now under  
18 Ashcroft, plans that we have heard of would pack  
19 rural districts and put, if you will, rural voters,  
20 excuse me, and minority voters in districts that  
21 would be Republican that by the very scoring, if  
22 you will, of national, African-American groups and  
23 Hispanic groups have scored Republican legislatures  
24 at between 4 and 10 percent on voting on their  
25 interest. So if African-Americans were in a

1 district that voted or elected a Republican, it  
2 would be clear that as it is now that their  
3 districts or their influence would be limited.

4                   Let me go on to my conclusion, if I  
5 might. I am proud of the congressional delegation  
6 that we have. I work and we have to work across  
7 party lines. There is political rhetoric and  
8 that's the nature of politics. But if these plans  
9 and what you do now go into effect, we're talking  
10 about the people of the State of Texas. In the  
11 present delegation that happens to be Democrats as  
12 we speak, you have a senior ranking member on the  
13 rules committee that is the doorkeeper of all  
14 legislation in the United States Congress. And you  
15 have a member of the Ways and Means Committee. You  
16 have a senior member of the Agricultural Committee  
17 who has been a voice and a force for agricultural  
18 interest in this State in the nation. You have  
19 senior members on the appropriations committee that  
20 have been a voice on the Energy and Water issue for  
21 this Nation and for this State. You have senior  
22 members on the judiciary committee and the new  
23 Homeland Security Committee has a ranking member is  
24 a Texan. I happen to be the ranking member on the  
25 Immigration Claims Committee, the only Texan

1 working on immigration issues dealing with the  
2 State of Texas.

3                   So if you take a random knife to the  
4 congressional structure that we presently have,  
5 what you will find in doing so will be eliminating  
6 the power, the presence and the resources of  
7 Texas. Eliminating the power and presence for  
8 NASA. Eliminating the opportunity to fight for  
9 FEMA dollars when hurricane or storm Allison came  
10 into this community and we fought for resources for  
11 the University of Houston and elsewhere.

12                   There could be many things that we  
13 would say that this is a partisan fight.  
14 Mr. Chairman, I personally went or we went to the  
15 United States Congress to testify on behalf of  
16 Secretary Rob Page in his confirmation hearing.  
17 Democrats did that. Democrats went to the United  
18 States Senate to testify on behalf of Eduardo  
19 Aguierre, a Republican. Democrats did that. I  
20 don't know where this voice, and this effort has  
21 come to suggest that we have to have our cookies  
22 and go home with it because the State voted  
23 Republican. The State voted for the Members of  
24 Congress that are here or for the persons of their  
25 choice. The people have the right to elect and

1 unelect. The voices of the people have been heard  
2 across the State. I am begging this committee in  
3 its wisdom, its will, in its good will and good  
4 intentions and good faith to listen to the people  
5 of this particular State. I believe that there  
6 have been issues that have been ugly in this  
7 process. It's going to get uglier. I believe the  
8 race card has been used. It saddens me. Because I  
9 thought in this century my children would live in a  
10 place of equal opportunity where Dr. King has said  
11 that they be judged by the character of their  
12 person and not the color of their skin or the  
13 language that they speak or the birthplace that  
14 they came.

15                   So I simply ask to bring us back  
16 together, Mr. Chairman. I'd ask you to end this  
17 process now. I'd ask that there be 12 votes to not  
18 bring this up on the Senate floor. And I know that  
19 there can be more votes. Republican and Democratic  
20 Senators will do this for us. I ask you to do this  
21 for the people and I ask you to do this now. And I  
22 thank you very much. Thank you.

23                   SENATOR DUNCAN: Senator West.

24                   SENATOR WEST: Okay.

25                   CONGRESSWOMAN LEE: I got a crowd.

1                   SENATOR WEST: Have you had a chance  
2 to read the Ashcroft position?

3                   CONGRESSWOMAN LEE: I have reviewed  
4 it, Mr. Chairman, Senator West, and I have seen  
5 summaries of it, yes.

6                   SENATOR WEST: In my reading of this  
7 decision requires the State to make a decision as  
8 it relates to protective districts as to whether or  
9 not we will have what is referred to as descriptive  
10 representation as opposed to substantive  
11 representation. And the way that I read the  
12 decision, the descriptive representation means to  
13 have basically packed districts as opposed to  
14 substantive representation which means to have  
15 districts where minorities can have influence in  
16 terms of the person that's in fact elected.

17                   Now, I want to focus on this briefly  
18 on that particular area. Have you done an analysis  
19 or worked with those that have done an analysis to  
20 determine at what level we need quote, unquote,  
21 African-American population and/or Latino  
22 population in a district in order to make it the  
23 extended district or to make sure that the  
24 particular minority group or combination of the  
25 minority groups have an influence over a person or

1 the person that's elected from that district?

2                   CONGRESSWOMAN LEE: No. Well,  
3 Senator West, that's a very good question. Might I  
4 just say that the decision did not make all of the  
5 civil rights groups advocating very happy, the  
6 Ashcroft decision, because of the question of  
7 influence. But we have a lot of influence  
8 districts or opportunities of influence districts  
9 in the State of Texas. So we at least now know  
10 that the court will look at -- and you called it,  
11 our terminologies mean the same, I'm sorry for  
12 using the word "influence.". I believe -- I've not  
13 done a detailed analysis with respect to what we  
14 call majority/minority districts which would be to  
15 elect a person of your choosing if the minority was  
16 in the majority. Those numbers have been anywhere  
17 from 60 percent to 40 percent and they consider  
18 that a district that could elect a minority  
19 individual under the Voters Rights Act of 1968, now  
20 Hispanics and African-Americans districts.

21                   With respect to influence districts,  
22 we have seen influence districts be in the  
23 neighborhood of 15 to 25 percent, 15 to 20 percent  
24 strong influence districts and maybe as low as 10  
25 percent. But there is an issue that has to be

1 reflected in that. And that is, of course, that  
2 the person listens, but also that the influence  
3 feels that they are reflected in the vote of the  
4 individual. As we hear the plans now, even though  
5 we're working a bipartisan effort, we hear that  
6 plans may be to eliminate a number of members of  
7 Congress who are in influence districts right now  
8 and respond, if you will, to that percentage vote  
9 by voting the interest of those individuals with  
10 others who could ignore that small percentage that  
11 could be considered an influence district.

12                   SENATOR WEST: I would ask and in  
13 closing on my questions. In this general area of  
14 Harris County and the surrounding counties, what  
15 would the minority influence districts, if you know  
16 off to top of your head?

17                   CONGRESSWOMAN LEE: I certainly do.  
18 I guess they sort of overlap. I think the -- you  
19 look at the 25th as both an influence and a  
20 potential district for a minority person to win.

21                   SENATOR WEST: Is that the district  
22 Congressman Gene Green is currently in?

23                   CONGRESSWOMAN LEE: The 25th is  
24 Chris Bell. The 29th is considered and is a  
25 majority/minority district, in this instance

1 Hispanics. And that district has the capacity to  
2 elect. Those individuals have elected Hispanics.  
3 Those individuals have chosen over the years, time  
4 after time, Congressman Gene Green who has served  
5 in their interest and also as a Congressperson.

6                   SENATOR WEST: So the 25th is  
7 currently represented by Congressman Chris Bell  
8 would be a minority influence district?

9                   CONGRESSWOMAN LEE: As well as it  
10 could be considered --

11                   SENATOR WEST: A minority district.

12                   CONGRESSWOMAN LEE: -- a minority  
13 district. And might I add, I think the senators  
14 should do some research. I think there is a  
15 sizable percentage of minorities in the 22nd  
16 District, that happens to be Congressman Tom  
17 Delay. It would be interesting to assess the  
18 influence there in that particular congressional  
19 district.

20                   SENATOR WEST: Well, I won't get  
21 into that right about now. But I look forward to  
22 working with you as well as the rest of the members  
23 of the committee and look forward to working with  
24 you in this particular process.

25                   CONGRESSWOMAN LEE: I thank you very

1 much. I thank you, Senator.

2 SENATOR DUNCAN: Senator Harris.

3 SENATOR HARRIS: Thank you. I bet  
4 you could do Chairman West and I a huge favor, if  
5 you would not mind. Would you have your staff give  
6 Royce and I copies of the actual briefs that were  
7 filed by the parties in those two lawsuits?

8 CONGRESSWOMAN LEE: I would be happy  
9 to do that. The Ashcroft versus Georgia?

10 SENATOR HARRIS: Yes, ma'am.

11 CONGRESSWOMAN LEE: All right. That  
12 was recent a decision.

13 SENATOR HARRIS: That would be a  
14 real, real help for me in understanding the issue  
15 and I will certainly appreciate it. And I believe  
16 Senator West also feels the same way.

17 SENATOR WEST: I agree with that.

18 CONGRESSWOMAN LEE: I'll get on the  
19 phone -- I'll get on my Washington office right now  
20 and be happy to do that.

21 SENATOR DUNCAN: Senator Van de  
22 Puttee, you have a question?

23 SENATOR VAN DE PUTTE: Thank you,  
24 Mr. Chairman. Congresswoman, under the Voting  
25 Rights Act, there can be no retrogression, which

1 means that there can be no diminishment of the  
2 power, the ability of those minority districts to  
3 vote. Is that correct?

4 CONGRESSWOMAN LEE: Yes.

5 Retrogression is a factor to be considered in the  
6 preclearance responsibilities of any redistricting  
7 plan. This State of course will have to submit  
8 whatever plan that comes out, if such does, to the  
9 Justice Department and that will be one of the  
10 elements that they will look at.

11 SENATOR VAN DE PUTTE: According to  
12 the Voting Rights Act if a plan or a map is redrawn  
13 to what we call a pack and crack, in other words,  
14 pack into a minority district, pack further  
15 minority and then crack minority communities into  
16 non either opportunity or minority district, is  
17 that allowed under the Voting Rights Act under your  
18 understanding?

19 CONGRESSWOMAN LEE: I think that  
20 that would clearly be a question of violating the  
21 Voter Rights Act of 1965, 1968 on the basis of  
22 retrogression. And I can give you an example,  
23 Senator. As I understand, you don't -- there is  
24 not a plan before us from the Senate. But in any  
25 event, what we hear of in the Dallas region, in

1 actuality, the district that Martin Frost now  
2 represents is an emerging Hispanic district or an  
3 opportunity district. What we understand happened  
4 in some of the redrawing, that the 30th was packed  
5 with Hispanics thereby having a flash, if you will,  
6 of minorities to the extent of that a potential  
7 Hispanic district in years -- in years in the  
8 future or whenever, would then be denied and that  
9 is retrogression. When you have a clear movement  
10 or clear configuration of boundaries that would  
11 generate a Hispanic district, which we had a  
12 Hispanic run in that region in the last election, a  
13 Hispanic woman, because the district had such  
14 elements to it that she could run. That would be  
15 retrogression if that opportunity was eliminated.

16                   SENATOR VAN DE PUTTE: And my last  
17 question, Mr. Chairman. Under the terms  
18 retrogression under your understanding of Voting  
19 Rights Act particularly as it relates to  
20 preclearance, if we have a map that eventually  
21 either packs and then cracks, in other words,  
22 diminishes in one area of the State, but then  
23 creates to offset another minority district in  
24 another state, can there been trade-offs under  
25 Voting Rights Act under voters who were

1 traditionally a minority district or a minority  
2 opportunity district now to be cracked, packed, and  
3 then another part of the State create a minority  
4 opportunity? Can there be trade-offs under your  
5 understanding of the Voting Rights Act?

6                   CONGRESSWOMAN LEE: I think when the  
7 Justice Department, and, again, Justice Departments  
8 change. But I believe when Justice Departments  
9 look at the plan for preclearance, they will look  
10 in totality. And I think one of the issues that  
11 they will look in totality is the actual impact of  
12 the so-called influence districts or the so called  
13 cracking off districts. Because if you are in a  
14 cracked off district or influence and have no  
15 influence, then the question is do you meet the new  
16 Ashcroft vs. Georgia decision --

17                   SENATOR VAN DE PUTTE: That's  
18 correct.

19                   CONGRESSWOMAN LEE: -- which allows  
20 the preclearance criteria that you could look at  
21 influence. And as I indicated to you, some civil  
22 rights group aren't happy with that because they  
23 prefer the ultimate, which is districts plainly  
24 that can elect or allow a minority to be elected.  
25 But the courts now have said that they will look at

1 influence districts. But they will look at them as  
2 being real influence districts impacting on how  
3 that elected person either carries his or her  
4 legislative agenda.

5                   SENATOR VAN DE PUTTE: Thank you,  
6 Congressman. Thank you.

7                   CONGRESSWOMAN LEE: Mr. Chairman, I  
8 thank you for your courtesy.

9                   SENATOR DUNCAN: Members of the  
10 audience and the committee and the members, we are  
11 having this testimony transcribed by the court  
12 reporter. So out of courtesy to her, she keeps  
13 going whether we quit. She can't get up and leave  
14 and we can. So we need to take a break every now  
15 and then. It's intended to try to do that every  
16 hour and a half. It will be the intent of the  
17 Chair to take a break at 3:00. If you need a 10  
18 minute break and then right back to business.

19                   Also, I would like to remind each of  
20 the witnesses that we do have a five minute time  
21 limit and everybody has been very good about that,  
22 kind of. And apparently very -- we'll try to get  
23 as much testimony from each witness that testifies  
24 on the time limit, but we would like to stay within  
25 that. And again, I'll remind you when the time

1 expires.

2                   The Chair calls Congressmen John  
3 Culberson.

4                   CONGRESSMAN CULBERSON: Thank you,  
5 Mr. Chairman. And I'll do my best to stay within  
6 that five minute limit. And I want to start by  
7 saying and expressing my agreement with -- excuse  
8 me.

9                   SENATOR DUNCAN: State your full  
10 name for the record.

11                   CONGRESSMAN CULBERSON: Thank you,  
12 Mr. Chairman. I'm Congressman John Culberson  
13 representing the 7th District of Texas, which was  
14 created in 1965 in West Houston. And I'm here  
15 today to testify in support of the legislature's  
16 responsibility and duty to redistrict. And I  
17 wanted to express my agreement with the one key  
18 point that Congresswoman Lee made and that is she  
19 said, and I completely agree and that's why I'm  
20 here, and she said that this is a political  
21 decision and that it is properly before the  
22 legislature.

23                   And I wanted to offer, if I could,  
24 Mr. Chairman, for the record, several pieces of  
25 important information that you might not be



1 up. And I'll be back to see you in October to talk  
2 to you about school finance. I'm still working on  
3 that constitutional amendment to get control of  
4 that issue back in the hands of the courts. That's  
5 the only long-term solution to end the lawsuit and  
6 bring stability to put a constitutional amendment  
7 in place.

8                   I sued Judge William Wayne Justice  
9 to restore legislative control over the prison  
10 system. It took me 11 years, but it worked and you  
11 now are fully in control of the prison system. So  
12 I think I can speak with great authority when I  
13 tell you that I truly believe in my heart that this  
14 decision to redraw congressional district  
15 boundaries is what the legislation ought to do.  
16 Because we ought to -- the peoples representatives  
17 be in control of as many different functions of  
18 government as possible and the congressional  
19 delegation is extraordinarily important for the  
20 peace, prosperity and future security of Texas.

21                   And as Exhibit A, I've given you a  
22 -- I've prepared for you an outline of the powers  
23 and responsibilities of the Republican Steering  
24 Committee, which I was elected to represent my  
25 class. I was elected in the 107th Congress and my

1 colleagues elected me to represent them on the  
2 Steering Committee. And this is straight out of  
3 the rule book establishing the committee. The  
4 Republican Steering Committee has responsibility to  
5 recommend positions for committee chairman and  
6 Republican members to the standing committees. So  
7 the Steering Committee, literally I had a chance to  
8 interview and vote for the member of the new  
9 chairman of the Ways and Means Committee. And  
10 before he got my vote, I asked Bill Thomas, are you  
11 going to abolish the income tax and go to a  
12 national consumption tax. And he said, yes, I'm  
13 committed to it, and I said, you've got my vote.  
14 That's extraordinarily important for the people of  
15 Texas. Kevin Brady is working to get us a  
16 reduction on our sales tax these on the Ways and  
17 Means Committee, that's extraordinarily important.

18                   The Steering Committee is chaired by  
19 the Speaker. We interview and select all of the  
20 committee chairman. And if you will look on page  
21 two of this Exhibit you can see that the State of  
22 Texas shares its vote on the Steering Committee  
23 with Oklahoma. And if you look on this sheet, you  
24 will also see that California and Florida have  
25 their own vote. Now, Florida you will notice on

1 page 2 it says added two new Republican seats. Now  
2 the reason Florida got their own vote on the  
3 Steering Committee is because their Republican  
4 legislature and their Republican Governor  
5 redistricted Florida, in a way that reflected the  
6 political reality in Florida thereby strengthening  
7 Florida's power in Congress. And Florida earned  
8 their own vote on the Steering Committee.

9                   Now, Texas is bigger, more powerful,  
10 more prosperous than Florida, but because Texas has  
11 not allowed the legislature to redistrict,  
12 Florida's vote -- Texas' vote is diluted. And  
13 Florida's vote is more powerful than Texas is on  
14 the Republican Steering Committee. So I would  
15 submit to you as Exhibit A, a very powerful and  
16 practical, very important reason to redistrict  
17 because this is apparently a political decision and  
18 we here about Texas. And how do we strengthen the  
19 powers and influence of Texas in Washington? As  
20 soon as you redistrict in a way that it reflects  
21 the -- so the Congressional delegation more  
22 accurately reflects the proportionate voting  
23 strength of the Republicans in Texas, Texas will  
24 have its own vote on the Republican Steering  
25 Committee as does Florida and California. And

1 that's extremely important.

2                   The Republican -- the fact of the  
3 matter is we are in Washington divided on party  
4 lines and it's an important thing to have strong  
5 political beliefs. In fact, my hero Thomas  
6 Jefferson asked at the end of his life in February  
7 of 1826, he was asked what is the most important  
8 thing that you've ever done with your life. And he  
9 went through all of the achievements in his life  
10 and that man had been Secretary of State,  
11 President, and Congressman, Ambassador to France,  
12 President of the United States, Vice-President. Of  
13 all of those achievements, Jefferson said the most  
14 important thing that I ever did with my life was be  
15 a partisan Republican. And the reason he said that  
16 is because political philosophy is important. And  
17 I have great respect for Congressman Lee, my friend  
18 Nick Lampson, who I work with on transportation  
19 issues. But the reason the party divisions are  
20 there is because there is important philosophical  
21 differences. So I suggest to you that it is  
22 political by its nature. It's important that it be  
23 political, that you exercise your best judgment in  
24 as you design the congressional districts of the  
25 State.

1 I've worked very closely with  
2 Mr. Lampson. I'm the only Texan on the  
3 Appropriation Subcommittee on Transportation.  
4 There are no Republican or Democrat signs on any  
5 highway that I have ever seen. And Congressman  
6 Lampson serves on the Transportation Infrastructure  
7 Committee, the committee that does the statutory  
8 work. I do all the money. I'm the only Texan on  
9 that committee. And I've worked very closely with  
10 Congressman Lampson. In fact, on the  
11 Appropriations Committee, I have not submitted --  
12 there is not a single request to the appropriations  
13 bill for appropriation of my district. I've sent  
14 note over \$375 million in new spending and the only  
15 things that I've said yes to are projects mostly in  
16 Chris Bell's district because they are for the good  
17 of Texas.

18 We're here for Texas. The Texas  
19 Medical Center was flooded. They needed help. We  
20 need transportation projects. The Port of Houston  
21 needs help. I have 10 percent of one flood control  
22 project, I think. So I do my best as an  
23 appropriator to look after the good of the State,  
24 the region. I am here for the -- I'm looking after  
25 the interest of the State. You know, we have a

1 \$400 million deficit. A  
2 seven-and-a-half-trillion-dollar debt. And a  
3 Republican President who does not get the support  
4 of the Democrats members of the Texas delegation.

5                   And I do if I could, Mr. Chairman,  
6 in conclusion I want to be sure to talk about  
7 District 7. Because I'm here to talk about the big  
8 picture, but I want to leave you with some specific  
9 request about District 7, if it's appropriate.

10                   SENATOR DUNCAN: We want to honor  
11 each of our elected officials as well as each of  
12 the members of the audience.

13                   CONGRESSMAN CULBERSON: And I'll  
14 wrap up with this and leave you with the -- the  
15 exhibit speaks for itself. I wondered if could,  
16 Mr. Chairman, District 7 is very straightforward  
17 and simple. The district has always been in West  
18 Houston. The exhibits I've given you here are some  
19 affidavits that are executed by the -- with the  
20 former Congressman and Mayors in the area who as  
21 well as a plan that I prepared, designed, laid out  
22 and wrote at a time the district might be moved out  
23 of West Harris County. I can tell you that I  
24 received 4,135 postcards from constituents who want  
25 to keep the southern boundary of District 7 at

1 Westheimer.

2 Be all that I ask, that you keep the  
3 southern boundary of Westheimer and then it runs  
4 from Katy, include the Harris County portion of  
5 Katy and go into River Oaks. And whatever else  
6 that -- other than keeping my house in it and my  
7 family's house, I'd leave it to the good judgment  
8 of this committee to design the district with that  
9 one request, Westheimer on the south from Katy to  
10 River Oaks.

11 I will be happy to take your  
12 questions.

13 SENATOR DUNCAN: Let's have respect  
14 for each other. Senator Harris.

15 SENATOR HARRIS: Congressman  
16 Culberson, good to see you.

17 CONGRESSMAN CULBERSON: Good to see  
18 you, Senator.

19 SENATOR HARRIS: When I have gone  
20 back and looked at the statistical information  
21 concerning the plan as drawn by the courts, it  
22 shows me to be a 20/12 map. Do you agree with that  
23 based upon the consensus numbers as part as the  
24 number of seats as drawn by the plan that the  
25 majority Republican versus majority Democrat?

1                   CONGRESSMAN CULBERSON: Senator, I  
2 truly have not analyzed the whole state looking at  
3 all of those districts. I don't know, honestly. I  
4 haven't looked at it. I haven't analyzed the whole  
5 state. I know what District 7 has always been and  
6 should look like and we need to keep it in West  
7 Houston and those communities together, but I don't  
8 know about the rest of the State, sir. I'm sorry.

9                   SENATOR HARRIS: That's your  
10 district?

11                   CONGRESSMAN CULBERSON: District 7  
12 is the district I represent and I do not -- I'm not  
13 familiar with the percentage breakdown on the other  
14 districts.

15                   SENATOR HARRIS: You're telling us  
16 to redistrict the rest of the State and the only  
17 thing that you know is your district?

18                   CONGRESSMAN CULBERSON: No, I'm not  
19 -- yes, sir, if I could respond, Senator Harris.  
20 I'm here to express my support for the  
21 legislature's duty to redistrict and I trust you to  
22 make the right judgment. It's up to you, sir,  
23 whether you redistrict or not. It's a political --  
24 I'm just saying it is a -- it is your decision. I  
25 just want to be here as a part of the --

1                   SENATOR HARRIS:  Congressman, I'm  
2 not -- I understand what you're saying.  But I was  
3 asking a question of you because as -- from your  
4 days in the House and I remember well you being  
5 there.  And I really wanted to be able to get an  
6 opinion as to the core plan because that's what  
7 we're being asked to do.  And that's why it's very  
8 important for me, Congressman, to have your  
9 opinions as to what the real effect of the core  
10 plan was.  And that's why I was asking those  
11 questions.  I was hoping you could analyze it.

12                   CONGRESSMAN CULBERSON:  Sir, I have  
13 not analyzed the entire -- every district around  
14 the State.  I can't tell you the percentage in each  
15 one of those districts, Senator, but I do know that  
16 it's an important piece of information for your  
17 decision as to whether you redistrict and how you  
18 redistrict that I felt it was important for you to  
19 know that Florida did so.  And that it increased  
20 Florida's strength on the critical Steering  
21 Committee.  That's something that you need to know  
22 and I think as a part of your deliberations.  And  
23 that's why I'm here to offer you that testimony.  
24 And I can't comment on other people's districts.  
25 Each one of us know our regions of the State very

1 well, sir. And if asked specifically about my  
2 district, I concluded on that one point because  
3 that is about the only part of the district that I  
4 think is critical to remember.

5                   SENATOR HARRIS: Well, Congressman,  
6 I think that --

7                   CONGRESSMAN CULBERSON: Excuse me?

8                   SENATOR HARRIS: For us to be  
9 deliberative and mixed in, I feel that we have to  
10 -- we first have to have an interpretation and the  
11 true understanding of the core plan that exists.  
12 And that is why it is so important to me that I  
13 receive your view on that on the actual core plan  
14 and the actual process as currently needs to  
15 elect. And it is unfortunate for me that I was not  
16 able to receive the answer. But I thank you, sir.

17                   CONGRESSMAN CULBERSON: I just don't  
18 have any personal knowledge or percentage on those  
19 other districts. But I do know that I trust the  
20 legislature's judgment, sir. And I know that you  
21 wanted to hear from both sides. You've heard one  
22 side today and I felt it was important I be here to  
23 represent the other side.

24                   SENATOR DUNCAN: Hold on just a  
25 minute. And just for the audience and the way this

1 works, too, for each of you in the audience as well  
2 try to hold -- I think our Congressman had done a  
3 good job here today.

4                   What we try to do is when we ask  
5 questions, we let you complete your testimony and  
6 then when your time expires, we may ask questions.  
7 And so sometimes time goes over that way. I did  
8 have a question, Congressman Culberson.

9                   I would -- does the Texas Delegation  
10 meet on a regular basis?

11                   CONGRESSMAN CULBERSON: Yes. The  
12 Texas Delegation meets monthly at a breakfast and  
13 then every week the Texas Republican Delegation  
14 meets for lunch and I believe the Texas Democrats  
15 meet in a separate lunch. And we work closely on  
16 issues like transportation, for example, all of the  
17 time, and others where there is clear philosophical  
18 differences, we -- we vote differently.

19                   SENATOR DUNCAN: Does the Texas  
20 Delegation meeting where all members -- all 32  
21 members -- do all 32 members come to that meeting?

22                   CONGRESSMAN CULBERSON: Not always.  
23 It's schedules in the morning which is a difficult  
24 time for some members. The -- we, for example, are  
25 hosting the American Legislature Exchange Counsel

1 meeting which is going to take place in Washington  
2 this year. I know we're working together,  
3 Democrats and Republicans, to be sure that we're  
4 meeting with the members of the Texas Legislature  
5 to attend that conference. As someone who is  
6 interested in transportation, I'm doing my best to  
7 help focus on that issue because that again is not  
8 a -- not a partisan issue.

9                   SENATOR DUNCAN: Has the Texas  
10 Delegation reached or given an opinion with regard  
11 to redistricting and the need for redistricting?

12                   CONGRESSMAN CULBERSON: The members  
13 of the -- I think it's pretty clear from the  
14 testimony you've heard here today, that the  
15 consensus of the Democratic members of the  
16 Delegation is they do not want to redistrict. The  
17 consensus of the Republican members is that the  
18 district -- the districts around the State don't --  
19 don't reflect the Republican voting patterns and  
20 the Republican members support the legislature's  
21 right to redistrict. And I think that's something  
22 -- why I'm here today. And I will offer you a  
23 specific piece of information about the Steering  
24 Committee because it's extraordinarily important  
25 and it's something that I didn't know until I got

1 up there.

2                   SENATOR DUNCAN: Members, any other  
3 questions? Senator Gallegos.

4                   SENATOR GALLEGOS: Congressman, let  
5 me ask you on this page 2 of the --

6                   CONGRESSMAN CULBERSON: Of the  
7 Steering Committee?

8                   SENATOR GALLEGOS: Of the Steering  
9 Committee. Now, you're saying -- you're saying  
10 that you had to hook up with Oklahoma. Is that  
11 what I hear you saying?

12                   CONGRESSMAN CULBERSON: Oklahoma and  
13 Texas' votes are shared because the State of Texas  
14 has not redistricted in Florida, as I said, did  
15 redistrict and did pick up their own vote on the  
16 Steering Committee.

17                   SENATOR GALLEGOS: But you -- you  
18 know, what I'm trying to in my mind, you understand  
19 I'm not a Congressman and don't wish to be. But  
20 you're saying this is strictly political. What I'm  
21 seeing is that the Democratic Congressmen have set  
22 out structure or a region, is that correct?

23                   CONGRESSMAN CULBERSON: The  
24 Republicans already have -- there is a similar one  
25 I think for the Democrats. I'm not sure.

1                   SENATOR GALLEGOS: You're saying  
2 it's political. Let me finish.

3                   CONGRESSMAN CULBERSON: Yes.

4                   SENATOR GALLEGOS: And you're using  
5 this as an example.

6                   CONGRESSMAN CULBERSON: Yes, sir.

7                   SENATOR GALLEGOS: The last time I  
8 looked, if you're really concerned about the  
9 Steering Committee and the region and the  
10 Republicans and you're saying that by voting  
11 patterns that you should have "X" amount of  
12 Republican Congressman, that -- this is just  
13 political, but the last time I looked is the  
14 Majority leader was Republican and the Speaker is  
15 Republican. And this doesn't changes the rules,  
16 you can change your own rules and have your own  
17 region the way I see it.

18                  CONGRESSMAN CULBERSON: That's a  
19 good question. And, in fact, it's a good question,  
20 Senator, and that question was asked in the  
21 Steering Committee and the Speaker who really  
22 drives this, says that the vote breakdown on the  
23 Steering Committee is based on the number of  
24 Republican members of Congress that that State has  
25 sent to Congress. So this is an important piece of

1 the calculation you need to make because this is a  
2 political judgment. And you remember the  
3 three-court panel said that they were redrawing  
4 boundaries in the way that protected Texas. They  
5 felt it was important to draw boundaries that  
6 strengthened Texas' political power. And that's  
7 why I offer you this exhibit because by  
8 redistricting, if you increase Texas' Republican  
9 representation, you will clearly strengthen our  
10 power of the Steering Committee and you will  
11 strengthen our support for our Republican President  
12 who was our Texas Governor.

13                   SENATOR GALLEGOS: Congressman, I  
14 respectfully beg to differ with you. The majority  
15 leader is a Republican, the Speaker is a Republican  
16 and you can change within the caucus that I'm  
17 looking at, within the caucus you can change your  
18 rules in the caucus and not having to go -- I mean,  
19 that's the way it was the last time I looked.

20                   And if you have the majority  
21 district, especially as I've seen in the House,  
22 over in the Texas House, you can completely suspend  
23 any and, I can assure you, suspend any rule that  
24 you want to.

25                   CONGRESSMAN CULBERSON: Well, the --

1 for example, the State of New York has got 10. I  
2 think some of the representatives from the big  
3 states would probably object to that because the  
4 reason the rule is this way is so the states, for  
5 example, looks like the trigger point is about 18  
6 because Florida has got their own vote.

7                   SENATOR GALLEGOS: I'm talking about  
8 the big State of Texas.

9                   CONGRESSMAN CULBERSON: We have 15  
10 members. And we would lose that vote in the caucus  
11 because we would make the motion and Texas is  
12 entitled to its own vote and then I suspect that  
13 New York would be jump up and Pennsylvania, they've  
14 got 12, Pennsylvania. Ohio has got 12. Ohio says  
15 and I've got 12 members. Why can't Ohio have their  
16 own vote in the Steering Committee. I think we  
17 might lose that vote.

18                   SENATOR GALLEGOS: Congressman, I  
19 respectfully differ with you. And the last time I  
20 looked, we're bigger than Ohio and bigger than  
21 Pennsylvania.

22                   CONGRESSMAN CULBERSON: And we're  
23 bigger than Florida too.

24                   SENATOR DUNCAN: Any other  
25 questions? Senator Van de Putte.

1                   SENATOR VAN DE PUTTE: Thank you.  
2 Congressman, it's good to see you. I enjoyed  
3 working with you when we were both in the Texas  
4 House.

5                   CONGRESSMAN CULBERSON: Yes.

6                   SENATOR VAN DE PUTTE: But I found  
7 this interesting your Republican Steering Committee  
8 list, but I wanted to make sure that I understood  
9 that your main point was that you're asking us in  
10 the Senate to do redistricting to increase  
11 Republican clout on the Republican Steering  
12 Committee. Is that correct?

13                  CONGRESSMAN CULBERSON: By  
14 redistricting -- that's one of many reasons. My  
15 testimony -- my testimony is that if the Senate  
16 chooses, if the Legislature chooses to redistrict,  
17 as it is your duty and responsibility to do so. If  
18 you choose to redistrict and redraw boundaries in  
19 way that elects more Republicans, you will  
20 strengthen Texas' power in Washington because not  
21 only do we have a Republican President from Texas  
22 and because we have a Republican House, a  
23 Republican Senate, you will strengthen Texas' power  
24 within the institution, Senator, but you will also,  
25 as a direct measurement of that, you will

1 strengthen Texas' political power on the critical  
2 Steering Committee. This is one important piece of  
3 evidence that you need to take in as a part of your  
4 entire calculation. How do we best strengthen  
5 Texas? And I think you do that by redistricting.

6                   SENATOR VAN DE PUTTE: Thank you,  
7 Congressman. But as I see your list, I  
8 congratulate you for being elected as your 107th  
9 class representative.

10                   CONGRESSMAN CULBERSON: Thank you.

11                   SENATOR VAN DE PUTTE: But I also  
12 see here that Region 3 representative which  
13 includes Texas and Oklahoma --

14                   CONGRESSMAN CULBERSON: Yes.

15                   SENATOR VAN DE PUTTE: -- is  
16 represented by Joe Barton.

17                   CONGRESSMAN CULBERSON: Yes.

18                   SENATOR VAN DE PUTTE: Is Joe Barton  
19 a Texan?

20                   CONGRESSMAN CULBERSON: He is  
21 indeed. And Joe is bringing -- Joe will probably  
22 be the next chairman of the Energy and Commerce  
23 Committee I hope. And you will see that the  
24 chairman of the Energy and Commerce Committee is  
25 also a member. So if Mr. Barton is successful when

1 Chairman Tozan retires, Mr. Barton would continue  
2 to be a member of the Steering Committee and that's  
3 good for Texas, too. Anytime we can strengthen  
4 Texas' influence is always a good thing.

5 SENATOR VAN DE PUTTE: I also see  
6 here that the majority leader has two votes and the  
7 majority leader is currently Congressman Delay.

8 CONGRESSMAN CULBERSON: Yes, ma'am.  
9 And that's a good thing for Texas, too.

10 SENATOR VAN DE PUTTE: So my  
11 question is: I want to make sure that we hear the  
12 rationale for us to do the redistricting is because  
13 Tom Delay as the majority leader who has two votes  
14 here and Joe Barton who has a vote and you have a  
15 vote, feel that you don't have enough clout or you  
16 can't push it through for Texas?

17 CONGRESSMAN CULBERSON: No, ma'am.  
18 No, ma'am. We're here for Texas. And we're here  
19 to strengthen Texas' power and authority in  
20 Washington. And that includes many factors.  
21 Texas' power is many, many facets.

22 SENATOR VAN DE PUTTE: Thank you. I  
23 understand.

24 CONGRESSMAN CULBERSON: This is one  
25 important piece of it. And it is a good thing that

1 our majority leader is from Texas. He has two  
2 votes. I encouraged my friend John Carter who was  
3 elected to Congress. As soon as John was elected,  
4 I said, John, you need to run for the Steering  
5 Committee. Don't fool around with class  
6 president. This is what matters. And I helped  
7 John organize his campaign just as I campaigned.  
8 So looking after Texas, I helped John make sure he  
9 was elected. So Texas has Congressman John Carter,  
10 myself, and Congressman Joe Barton and Congressman  
11 Tom Delay. And I'm suggesting to you that by  
12 redistricting and increasing our power, one key  
13 piece of it is we would then have our own vote in  
14 the Steering Committee. And anytime you increase  
15 Texas' power, that's a good thing.

16                   SENATOR DUNCAN: Thank you,  
17 Congressman Culberson.

18                   CONGRESSMAN CULBERSON: I appreciate  
19 your time to be here. Thank you.

20                   SENATOR DUNCAN: We've been here a  
21 little bit over on the break. The committee will  
22 stand in recess until 3:30. And we'll begin  
23 promptly at 3:30.

24                   Congressman Turner will be our first  
25 representative. It's Sylvester Turner, State

1 Representative Joe Moreno and State Representative  
2 Garnet Coleman. And then it will be advised that  
3 they will be quickly. Thank you.

4 (RECESS.)

5 SENATOR DUNCAN: The Senate  
6 Committee come back to order. Please, please take  
7 your seats.

8 The Chair calls the Honorable Jim  
9 Turner.

10 CONGRESSMAN JIM TURNER: Thank you,  
11 Mr. Chairman.

12 I'm Jim Turner. I served for the  
13 Member of Congress for the Second District of  
14 Texas. I live in Crockett. My hometown. I appear  
15 here today with some degree of reluctance because  
16 having served in the Senate with many of you and in  
17 the House before that, and having watched  
18 redistricting in 1981 and 1991, I know how most of  
19 us as members of the Senate and the House feel  
20 about these Congressmen going around telling us  
21 what to do. But in as much as you've heard from  
22 quite a few Congressmen recently about the subject  
23 of redistricting, I felt that I would venture on to  
24 ask you to hear my point of view.

25 As you can appreciate, I'm among

1 those that feel that it is a mistake to go through  
2 redistricting. We will be doing it in a way that's  
3 never been done before. It's the first time in  
4 history where any state, after a final court order  
5 has been entered, has gone back and redrawn the  
6 lines. It also disturbs me as a former member of  
7 the Senate because I know how much you value the  
8 institution of the Senate, bipartisanship that  
9 prevails there and how this activity was estranged  
10 about bipartisanship.

11 In the Texas Senate it was always my  
12 recollection that we thought it was more important  
13 to be Texan than it was either to be Republican or  
14 Democrat. I also think that the basic premise upon  
15 which this redistricting is being pursued, is an  
16 error. It's based on the premise that since Texas  
17 voted 56 percent Republican in the last statewide  
18 election on average, that somehow it should be 56  
19 percent of the members of Congress who are  
20 Republican instead of the current 57 percent, or  
21 excuse me, 57 percent.

22 Frankly, if you look at the numbers,  
23 it's very clear, as I think Senator Harris pointed  
24 out, 20 of the 32 Congressional districts in Texas  
25 today vote Republican in all of the statewide

1 races. That means there are five of us, I being  
2 one of them, who are elected in districts that vote  
3 Republican in every other race. There are lot of  
4 reasons for that and most of us understand that  
5 your party label is not the only thing that  
6 determines whether you get elected.

7                   Senator Staples, who I have a great  
8 relationship with and Senator Williams, both got  
9 elected in the same rough area that I represent.  
10 They came to those races with the experience of  
11 serving in the House as I did when I ran for  
12 Congress from my experience in the State Senate.  
13 And I think the people of Texas respect and honor  
14 the experience and also honor it in their votes.

15                   If Texas chooses to redistrict and  
16 to do so on the plan that's being urged by the  
17 leadership from the Republican side in Washington  
18 and targets the six Texas Democrats who are on most  
19 of the maps targeted. It would eliminate members  
20 who have cumulatively over 100 years of experience  
21 in the United States Congress. Never before has a  
22 redistricting effort resulted in that massive of  
23 change in terms of leadership and experience on  
24 behalf of our State.

25                   But I want to talk to you more

1 specifically about East Texas, and if you choose to  
2 do a map, what I think is important about East  
3 Texas. Currently there are three Congressional  
4 districts that go down the east side of Texas. If  
5 you look at those districts, you will find that  
6 there is some similarities there. In my particular  
7 district, the second district, we are the second  
8 lowest in terms of family income of any  
9 Congressional district in the State, save and  
10 except the district represented by Congressman  
11 Hinojosa in South Texas. People in poor areas and  
12 rural areas think differently than folks in urban  
13 and suburban areas. And I think it would be a  
14 great disservice to the people of East Texas if  
15 rural East Texas was lumped in as is done in many  
16 of the State House proposed maps that we have seen  
17 today with the urban and suburban areas of Harris  
18 County and Dallas County, thus diluting the  
19 opportunity for rural East Texas to be heard.

20                   In East Texas we have a forest based  
21 economy. We have an agriculture based economy.  
22 That's why the Farm Bureau appeared the other day  
23 in Nacogdoches where 400 people showed up and a  
24 hundred testified against redistricting maybe three  
25 or four were for it. The Farm Bureau said leave it

1 alone. Because many of the members of Congress  
2 that are targeted are important to agricultural  
3 interest in our State.

4                   It's also true when you look at the  
5 districts in East Texas, the three that go along  
6 the eastern boarder, that about 25 percent of the  
7 voters there are minority voters. And I can assure  
8 you that the representation that exists in those  
9 districts today gives those minority voters an  
10 influence, a voice in the United States Congress.  
11 If you look at my record, the record of Congressman  
12 Lampson to the south, and Congressman Sandlin to  
13 the north and look at the NAACP score card, you  
14 will find that our record ranges around 80  
15 percent. The average voting percentage for the  
16 Republican members of Congress today on that same  
17 score card is 6 percent. I believe it's important  
18 to remember that minority voters in East Texas,  
19 though they're scattered, do have an influence and  
20 make an impact upon who is elected to the United  
21 States Congress.

22                   The income disparage that exists  
23 there from the rest of the State, particularly the  
24 suburban and urban areas, mean that oftentimes we  
25 vote differently on issues like Medicare and we

1 vote different on tax policies than other members  
2 of Congress. We believe that issues like  
3 agriculture, water and forestry are important  
4 interests that ought to be protected in the  
5 redistricting process. If you choose to take on  
6 this task, I would greatly appreciate if you would  
7 take those interests into account.

8 Thank you, Mr. Chairman. I would be  
9 happy to answer any questions.

10 SENATOR DUNCAN: Thank you,  
11 Congressman. Members, any questions?

12 CONGRESSMAN JIM TURNER: Thank you  
13 very much.

14 SENATOR DUNCAN: Senator Wentworth.

15 SENATOR WENTWORTH: I do have one  
16 question.

17 SENATOR DUNCAN: Certainly. I do  
18 know we have lot of audience asking me they want  
19 testify. So I want to --

20 SENATOR WENTWORTH: I just had one  
21 question, Congressman Turner.

22 In relation to his discussion about  
23 the -- would be the first time, how do you square  
24 what the legislature did in 1983 when not under any  
25 court order and after the '81 session had actually

1 adopted the Congressional Act, came back in '83 and  
2 on their own volition changed the lines between  
3 Congressional District 21 and Congressional  
4 District 23 in order to protect and become a  
5 Democrat, Congressman?

6                   CONGRESSMAN JIM TURNER: My  
7 recollection, Senator Wentworth, was and I was  
8 there, but those changes were very minor.

9                   Now, I don't know, you raised the  
10 issue of whether there was some part and intent in  
11 making those changes, I don't recall that. But I  
12 do know that the change was very minor involving  
13 only two districts, not any massive redistricting  
14 of the State as we are looking at here today.

15                   SENATOR WENTWORTH: Well, let me  
16 just say that moved Val Verde County, that entire  
17 county into District 23 and moved very critical  
18 Republican precincts into Bexar County into  
19 District 21. So it was not -- it didn't affect  
20 anybody else. It did effect those two districts  
21 dramatically.

22                   CONGRESSMAN JIM TURNER: I'm sorry.  
23 I don't have a great recollection of that,  
24 Senator. I certainly respect the fact that that  
25 obviously was some change after final plan had been

1 entered.

2 SENATOR WENTWORTH: Thank you.

3 SENATOR DUNCAN: Thank you,  
4 Senator.

5 CONGRESSMAN JIM TURNER: Thank you,  
6 members.

7 SENATOR DUNCAN: The Chair calls  
8 Representative Sylvester Turner. Is Representative  
9 Turner in the audience?

10 Let the record reflect that  
11 Representative Turner has registered a position  
12 against redistricting.

13 The Honorable Chair recognizes the  
14 Honorable State Representative Joe E. Moreno. Joe,  
15 would you approach, please? State your name for  
16 the record, please.

17 HOUSE REPRESENTATIVE MORENO: For  
18 the record, I am Joe E. Moreno, State  
19 Representative District 143.

20 Mr. Chairman and Senators, thank you  
21 for being here. I will be brief so that the folks  
22 that came out here today and took time out of their  
23 busy schedule in the middle of a workday can have  
24 their say. That's why we're here for them to say  
25 what they have to say. But I feel compelled to

1 come and share some thoughts with you.

2                   First off, Texas voters do not want  
3 to redraw Congressional districts. Although the  
4 split committee process held hearings in only six  
5 far-flung locations with little notice at least 80  
6 to 90 percent of the witnesses of the subcommittee  
7 hearings testified against having a special session  
8 to redraw Congressional districts.

9                   Republicans complain that Democrats  
10 organized turnout for the hearings are a feeble  
11 excuse. Considering that documented efforts by the  
12 Republican party leaders have turn out our  
13 redistricting supporters including offensive GOP  
14 communications for the House in Dallas, I'm  
15 appalled at that.

16                   This 2003 redistricting process is  
17 unnecessary and unprecedented. The Texas Attorney  
18 General Gregg Abbott issued an opinion saying that  
19 the legislature is not mandated to act on  
20 Congressional redistricting and the U.S. Supreme  
21 Court found that the current court ordered plan is  
22 Constitutional.

23                   Prior to 2003, no legislature in the  
24 country has redrawn congressional lines in the  
25 middle of the decade unless ordered by Federal

1 court. The Texas Legislature is under no such  
2 court order. The current plan is fair to both  
3 parties. 62 percent of the districts favor the  
4 GOP.

5                   The redistricting effort is not  
6 about partisan fairness, it is an arrogant effort  
7 to guarantee victory for GOP victories for Tom  
8 Delay. Based on the 2002 elections returns, GOP  
9 statewide candidates won 20 of 32 districts. GOP  
10 politicians haven't won 20 congressional seats  
11 under the current plan, because voters in five  
12 districts chose to elect Democrats to Congress  
13 while also voting for Republicans for other  
14 offices.

15                   I've got a quote from Professor John  
16 Alford the 2001 expert witness for Governor Perry  
17 and the Republicans. "The fact that Republican  
18 Congressional candidates have been only able to win  
19 15 congressional races is a product of the  
20 campaigns that the Republican candidates have run,  
21 the performance of Democratic office holders and is  
22 not based on any political unfairness of the map."  
23 This is Governor Perry, the Republicans' witness,  
24 Professor John Alford.

25                   The Delay plan weakens Hispanic

1 voting strength. GOP congressional redistricting  
2 proposals do not create any additional Hispanic  
3 districts. Both the current plan and Republican  
4 proposals create seven opportunity districts for  
5 Hispanic voters. Unlike the current plan, which  
6 was upheld held by the U.S. Supreme Court, several  
7 of the proposed new districts could be held  
8 unconstitutional.

9                   The Delay proposal puts Hispanic  
10 communities in Dallas and Tarrant Counties into at  
11 least six districts. The plans ultimately pack and  
12 crack Hispanic communities across the State in  
13 areas outside of the southern Hispanic opportunity  
14 districts. By submerging these Hispanic voters  
15 into overwhelming Anglo GOP districts, many  
16 Hispanic votes won't count on election day. I prey  
17 that the Texas Senate does what's best for all of  
18 Texas. Thank you.

19                   SENATOR DUNCAN: Thank you,  
20 Representative Moreno.

21                   HOUSE REPRESENTATIVE MORENO: Thank  
22 you.

23                   SENATOR DUNCAN: See you back in  
24 Austin.

25                   The Chair recognizes the Honorable

1 Garnet Coleman, District 14.

2                   HOUSE REPRESENTATIVE COLEMAN: Thank  
3 you, Mr. Chairman. And it's great to be in front  
4 of the committee where there is no bipartisanship.  
5 I remember at the beginning of the session I came  
6 over and was talking with somebody about the House  
7 and I said, you don't understand and they said what  
8 do you mean? Well, y'all are still working  
9 together. And it's kind of impossible to do in the  
10 House.

11                   So you see, particularly for you,  
12 Mr. Chairman, you've served the House and also  
13 Representative Averitt, Representative -- I mean,  
14 Senator Wentworth and Senator Williams and Mario,  
15 and Senator Staples and a whole bunch over there,  
16 except for you, Judge Lindsey. I just tell you, it  
17 is a different place.

18                   So, if we seem to be a little  
19 striven it's because we have been backed against a  
20 wall without much thought to what we think. And  
21 because that's been the case in our government, we  
22 see that as the case in the hearing process on the  
23 outside. So I just -- I want to lay that out  
24 because I know you all may be sitting around and  
25 going I don't understand what's going with those

1 folks. But what's going on is the idea that  
2 discussion has been shut down completely.

3                   People testified on Saturday in my  
4 district, District 147. And I got a question asked  
5 here today, is this worth being here? Is it going  
6 to make a difference? Are they listening to us? I  
7 said, look, I don't know. I imagine so, but the  
8 most important thing is to be heard. And so in the  
9 final analysis when something bad or good does  
10 happen, you can either congratulate the people for  
11 having good sense or go out there and try to defeat  
12 them for not listening to you because that's what  
13 the Democratic process is about.

14                   What I'm concerned about is that  
15 this isn't a Democratic process. This is a  
16 political process that has really said, look, we  
17 don't like the people who got elected, so we're  
18 going to change the lines so we can elect the  
19 people we want. And forget that the people  
20 actually voted for those folks, we want to make  
21 sure that we put the right people in those  
22 districts so that they will vote for clones of Tom  
23 Delay. And I know none of you all up there are  
24 clones of Tom Delay. I think you are all  
25 independent minded thinkers.

1                   As we've seen the map, I think that  
2 it's the most egregious thing or the different maps  
3 that I've seen or whatever maps they are, which no  
4 one has seen the map, no one can testify to the map  
5 because there still is not a map. The issue is  
6 what affects rural communities and in particular  
7 what affects communities of color, and the power of  
8 their vote and the power of the vote of all of  
9 Texans.

10                   It's really funny and that -- and I  
11 know it sounds crazy I'm down here in Houston  
12 arguing rural interest. And was arguing in front  
13 of the House Committee last night, as I remember my  
14 visit with Congressman Stenholm in the midst of the  
15 farming bill and how proud he was for what he was  
16 doing for rural and agricultural Texas. Just as  
17 proud as I would be if it was a Civil Rights Bill  
18 if he was talking about that. And I know that for  
19 Texans of all colors who are live in rural areas,  
20 we pretend there are no black farmers or brown  
21 farmers that are agricultural folks. I mean, come  
22 on. There are people who have cows and cattle. I  
23 don't have any. I've got a few squirrels.

24                   But I think when we start looking at  
25 this, it's clear to me that there hasn't been much

1 thought about that. And I think people's -- well,  
2 their problem is and my problem is I see the House  
3 process as checking a box on a legal list. And so  
4 what I would encourage you to do is really think  
5 this out. And think as you always do, is this  
6 right. And I'm telling you, everybody knows it's  
7 not. And don't be the same puppet like Governor  
8 Perry. Because I'm telling you, if you can -- if  
9 you do that, this State has just gotten ruined.  
10 And just like in the Legislative Session we would  
11 say, Thank God for the Senate. I want to be able  
12 to say thank you Senate for being reasonable and  
13 looking at the issues as they affect the people as  
14 opposed to looking at the issues as they affect  
15 folks politically.

16                   And I can tell you I'm sure Kyle has  
17 a hard time getting from Beaumont through Galveston  
18 down to West U and other areas, it's a pretty big  
19 area. And those issues are different in those  
20 areas. So look at what you would like for your  
21 constituents as you address this process.

22                   That's what I'm just here speaking  
23 for my 140,000 constituents where they're at work  
24 today. Where they probably should be in doing the  
25 things that they need to do because they can't be

1 here at 1:00 o'clock on a Wednesday. I'm sorry.

2 And at that, I'll stop and answer  
3 any questions.

4 SENATOR DUNCAN: Thank, sir. All  
5 right. Thank you.

6 HOUSE REPRESENTATIVE COLEMAN: Thank  
7 you.

8 SENATOR DUNCAN: The Chair calls  
9 Richard Cortez.

10 MR. CORTEZ: My name is Richard Vara  
11 Cortez. I'm the precinct judge for the last 20  
12 years in Magnolia Park. And I want to thank this  
13 panel for allowing me this opportunity to speak, in  
14 particular, my State Senator Mario Gallegos. Thank  
15 you, Mario.

16 I'm only here to say that I want to  
17 go on record as voting against this so-called  
18 proposition. Being a precinct judge for the last  
19 20 years I know the rules so I brought my voter's  
20 registration card to make sure I would be allowed  
21 to vote against.

22 I stand here -- I stand here  
23 wondering what happened to the will of the people  
24 is the law of the land. What I see here is the  
25 will of Tom Delay. He wants it to be the law of

1 the land. I have a message for Mr. Delay. I wish  
2 he were here in the person so I could relay it to  
3 him in person, but my message to Tom Delay is I  
4 know power corrupts. I know absolute power  
5 corrupts absolutely. And I know that is Tom  
6 Delay's ultimate goal in his life absolutely.  
7 Thank you.

8                   SENATOR DUNCAN: The next witness  
9 will be Johnny Mata.

10                   MR. MATA: Thank you. My name is  
11 Johnny Mata and I'm here to represent The League of  
12 the United Latin Americans Citizens, LULAC. But  
13 before I do, I want to thank Senator Gallegos and  
14 all of you that honored me with a Proclamation or  
15 Resolution about three weeks ago. I was deeply  
16 honored for the work that I've done before the  
17 floor of the Senate. That was the highlight of my  
18 life. But I think I would now ask you to honor the  
19 people that have gone and spoken against  
20 redistricting in the State of Texas. Honor all of  
21 the people of Texas by getting 11 people to block  
22 redistricting.

23                   District 8 represents 12 counties,  
24 including Angelina, Brazoria, Fort Bend,  
25 Montgomery, Galveston and we have a wide area. The

1 equality of Texas residents from all walks of life  
2 have been shattered by some ambitious legislators  
3 and special interest groups, who are more  
4 determined to redraw maps and have already been  
5 precleared to the U.S. Department of Justice as  
6 abiding by all provisions of the 1965 Voting Rights  
7 Act.

8                   The existing congressional districts  
9 have been reviewed and upheld by the U.S. Supreme  
10 Court. And, in fact, one election cycle, that of  
11 2002, has already been successfully conducted among  
12 some particular maps that have been selected.

13                   The League of the United Latin  
14 American Citizens, LULAC, the nation's largest and  
15 oldest Hispanic civil rights organization held news  
16 conferences throughout Texas on Wednesday, June the  
17 25th to announce it has launched a statewide  
18 campaign to protest changing congressional  
19 redistricting in Texas before the next census.

20                   The State of Texas Attorney General,  
21 advised the Legislature that there is no mandated  
22 responsibility or directive to redistrict  
23 congressional lines. Given these circumstances, we  
24 urge the members of the legislature to leave the  
25 issue alone and move on to more urgent policy

1 matters.

2                   Points that you can consider and  
3 take to heart consideration in your decision is to  
4 take this to heart when making this landmark  
5 decision. And it's at this special session is  
6 opening up the taxpayers' checkbooks to further the  
7 political agendas for a few. Wouldn't it make more  
8 sense to spend the \$1.7 million or more to fund  
9 public schools and health issues as well as to  
10 address the pressing concerns of our senior  
11 citizens?

12                   The number of children that the \$1.7  
13 million could have paid for 1,232 children to get  
14 CHIP vendor drugs included. The moneys that could  
15 have paid for the Medicaid of 236 disabled patients  
16 and the Medicaid of 990 elderly. And don't forget  
17 the millions of dollars that will no doubt have to  
18 be spent by the State to simply defend such redrawn  
19 maps, inevitable court cases that the State already  
20 had paid millions in lawsuits from the most recent  
21 congressional redistricting cycle in 2001.

22                   The Texas public schools paid a dear  
23 price for every minute in the 78th Legislature  
24 spent on congressional redistricting rather than on  
25 urgent issues such as fairly balancing the State's

1 budget, adequately funding on our public schools or  
2 providing children access to needed health care.  
3 These are issues which the 78th Legislature  
4 received a failing grade.

5                   Our opposition to the Texas  
6 redistricting -- Texas Legislature redrawing our  
7 state's congressional districts comes from the fact  
8 that redistricting is among the most partisan and  
9 divisive issues that have ever come before the  
10 Legislature. We believe that that effort to redraw  
11 the lines will divide the Legislation along party  
12 lines as well as well as ethnic and racial lines.

13                   Hispanics believe that it is very  
14 hypocritical for Texas Republicans to promise on  
15 one hand that redistricting will include another  
16 Hispanic seat, while on the other hand, Republicans  
17 may lose their only Hispanic congressman in a  
18 redistricting plan designed to increase the GOP's  
19 share of the State's Congressional Delegation,  
20 according to a legislative committee.

21                   And even here you heard today some  
22 Congressmen talk about powers and committees. In  
23 Texas, we feel, particularly some of our people  
24 that have gone from Texas and have served Texas  
25 well, that power lies in the legislator that is

1 able to be able to win support for Texas issues,  
2 not on committees and few that need numbers to make  
3 an influence in the Congress.

4                   At a time when the budgets are under  
5 severe pressure, we need more voices, not fewer  
6 speaking on behalf in Washington. Since there is  
7 no outcry from citizens to do this, LULAC can only  
8 ask why is there such a rush for radical change  
9 now? Republicans have made no secret of the fact  
10 that this is a blatant attempt to increase their  
11 numbers in Congress. Attempting to cover these  
12 partisan motivations claims of new Hispanic seats  
13 is insulting, misleading and it is also cynical.

14                   It is also alleged that the GOP is  
15 trying to sweeten the pie by using medical school  
16 funding to put pressure on border legislators to  
17 vote for redistricting. And, in fact, they would  
18 have been so concerned the medical schools would  
19 have been there 10 years ago, not now.

20                   Adding insult to injury, the  
21 Redistricting Committee Chairman, Joe Crabb from  
22 Houston angered Hispanics during the regular  
23 session by saying public hearings could not be held  
24 in South Texas because not everyone in South Texas  
25 spoke Spanish. That's why Hispanics need more

1 representation in Texas as well.

2                   The minority community should be  
3 grateful for the action of some political power  
4 hungry legislators and special interest groups that  
5 are the driving force behind this preposterous  
6 redistricting notion. What is occurring because it  
7 comes at a time when people of color have begun  
8 forming empowerment coalitions to enhance voter  
9 registration and voter participation, consumer and  
10 purchasing power, changes in the Criminal Justice  
11 System, solutions to the educational dilemma that  
12 Texas is faced after this last 78th Legislature,  
13 and other issues that will give us an even playing  
14 field.

15                   I do not believe that this attempt  
16 to change the political landscape of Texas -- I'd  
17 rather firmly believe that this attempt has only  
18 energized and placed the coalitions that are in  
19 place on a fast tract to improve conditions for  
20 people of color and Texans of all walks of life.

21                   No longer are going to allow our  
22 communities to be fooled by those who seek our  
23 votes based solely upon their surname and not  
24 through their proven performance on the issues  
25 which affect millions of Hispanics and other

1 Texans. That is why we believe that the interests  
2 of the Hispanic community in Texas, as well as the  
3 nation, are best served by leaving alone the  
4 congressional districts that are in place.

5 Today we put elected officials on  
6 notice, Texas elected officials on notice. Our  
7 membership is united, resolved and ready to  
8 vigorously fight any attempts to undo decades of  
9 progress for Hispanics in Texas.

10 SENATOR DUNCAN: Mr. Mata, your time  
11 has expired. Why don't you come to a conclusion  
12 point.

13 MR. MATA: Thank you very much.

14 In closing, I would just say that I  
15 would repeat the statements of all Alfred E. Smith  
16 criticizing Franklin D. Roosevelt's New Deal. "No  
17 matter how you slice it, it's still bologna." Thank  
18 you very much.

19 SENATOR DUNCAN: Thank you very  
20 much. Senator Gallegos.

21 SENATOR GALLEGOS: John, I have one  
22 question.

23 MR. MATA: Sure.

24 SENATOR GALLEGOS: So under your  
25 testimony it's your position, under LULAC, and the

1 umbrella LULAC that you oppose the redistricting  
2 process that we're holding now?

3 MR. MATA: That is correct. Well,  
4 our position from the State and all the districts,  
5 board and everyone, is that the decision is that we  
6 oppose redistricting. And our position is that  
7 that money could be served -- better served to take  
8 care of other issues and the needs of the needy  
9 that were not met last legislation.

10 SENATOR GALLEGOS: Thank you.

11 SENATOR DUNCAN: Members, any other  
12 questions? Mr. Mata, thank you for being here  
13 today.

14 I've served on the Legislature for  
15 10 years now. Some of the elected officials are  
16 hard of hearing. I don't know if anyone can hear  
17 that beep or not. But when this little thing goes  
18 off, I know the elected officials have a hard time  
19 hearing the beep.

20 I don't know exactly what to do, but  
21 I do know we do have a lot of cards here and I want  
22 to make sure that I know those you audience are  
23 tired or will be, if we don't get to you. So I'm  
24 going to ask you to listen and when this beep goes  
25 off, that means wrap it up and then I'll try to

1 help you and encourage you to move along.

2                   The next witness we have is Martin  
3 Kerner. Mr. Kerner will you approach, please?  
4 State your name and who you represent rent.

5                   MR. KERNER: My name is Martin  
6 Kerner and I'm an individual. Senator, if it goes  
7 off, just throw a spit wad at me.

8                   SENATOR DUNCAN: I might hit  
9 somebody behind you.

10                   MR. KERNER: I'll block for you.

11                   Members of the Committee, Senator,  
12 Senators, I thank you for coming to Houston. I  
13 thank you for the honor of appearing before this  
14 committee.

15                   I've taken off work today in the  
16 hopes that my voice might be expressed and that you  
17 will hear what I have to say. I am against any  
18 proposed redistricting of congressional districts  
19 for the State of Texas. Based on the Houston  
20 Chronicle's Sunday Edition, I find that I will have  
21 my third Congressional representative in four  
22 years. This precludes me from having any ability  
23 to form a working relationship with a Congressional  
24 representative.

25                   Senator or Congressman Culberson

1 invoked the name of Thomas Jefferson. He did it  
2 today and he did it Saturday. Can I ask you what  
3 you each think in your own heart, would Thomas  
4 Jefferson approve what's going on in this State?

5                   When the Governor announced that he  
6 was calling a special session to talk about  
7 redistricting Congressional districts here in  
8 Texas, I became very, very concerned. We in Texas  
9 are very independent people. Three Texans and you  
10 have six opinions. No one in your Republican Party  
11 spoke one word about this.

12                   Gentlemen, ladies, this was  
13 frightening. This only leads -- it leads us down a  
14 slippery slope. God only knows where this could  
15 take us. Molly Ivins who writes for the Fort Worth  
16 Star Telegraph. Molly says there are two sports in  
17 Texas, football and politics. Both of them are  
18 none -- are full contact sports.

19                   Members of the Committee, Senator  
20 Janek who is my Senator, this goes above and beyond  
21 the normal politics. When lines are drawn every 10  
22 years, there is always gerrymandering.  
23 Unfortunately, it's a fact of life. Someone is  
24 always going to seek an advantage. But this time,  
25 it's gone way above and beyond.

1                   I have to associate myself with the  
2 comments of Senator Ellis. If you go ahead and  
3 allow the redistricting of the Congressional  
4 districts in Texas, we really do go down a slippery  
5 slope. What happens if California decides they  
6 want to do it? What happens if New Mexico decides  
7 they want to do it? The election in 2004 is going  
8 to be a very close election regardless of who the  
9 Democratic nominee is. Every political analyst  
10 that you see on television says the country is  
11 split 50/50. Do we really want to start political  
12 warfare with states redistricting congressmen who  
13 exist out of their own districts? Think about  
14 that, people. Think about that. Walk away from  
15 this. This is not what the framers of the  
16 Constitution had in mind when they wrote the  
17 Constitution and the Bill of Rights. Thank you.

18                   SENATOR DUNCAN: Thank you.

19                   Michael Love. While Mr. Love is  
20 approaching, I will give you guys a history  
21 lesson. We've heard a lot about Thomas Jefferson  
22 today. And we're about to celebrate the Fourth of  
23 July. We all know that Thomas Jefferson wrote the  
24 Fourth -- the Declaration of Independence. We know  
25 that John Adams who was the second President of the

1 United States, who was also the conceptional of the  
2 Declaration of Independence. And both of those men  
3 died on the same day, and that day was the 4th of  
4 July.

5 I don't know if y'all remember or  
6 not. I didn't until I read the book of John  
7 Adams. I think that's a fairly significant piece  
8 of history. Who said there is not a Divine  
9 Creator?

10 Michael Love, would you please state  
11 your name and who you represent?

12 MR. LOVE: Yes. Thank you. My name  
13 is Michael Love. I'm an individual, resident of  
14 Harris County and the City of Houston. Thank you  
15 Mr. Chairman, Senators, I appreciate y'all coming  
16 here to Houston today to hear the voice of the  
17 people. I would just keep my remarks brief as I  
18 understand there are many people who are here today  
19 who would like to also speak.

20 I believe I'm here today because the  
21 issue that is before us is one of the most  
22 fundamental issues facing each and every American  
23 living here in these United States. Principally  
24 that is the right of each individual to be heard,  
25 one vote for one person. The current plan that's

1 in existence is a plan that's been adopted and  
2 accepted by the United States Supreme Court and as  
3 I understand it, Federal judges.

4 Under that plan, I am, in fact, a  
5 constituent of Congressman Culberson, who was up  
6 here earlier. I do not agree with everything or in  
7 fact anything Mr. Culberson had to say today. And  
8 if he's still here, I would like the opportunity to  
9 speak with him once I have finished.

10 Also, I would like to mention that  
11 under the current plan the districts as drawn are  
12 reasonable and fair. However, as we heard late  
13 last night in the House Committee meeting, the  
14 purpose behind the new plan that was proposed on  
15 the House, and I understand there has not been a  
16 plan proposed in the Senate, but the stated purpose  
17 is to elect more Republicans in DC. To me that  
18 seems fundamentally unfair. And what I mean by  
19 that is, it's my understanding that the entire -- a  
20 proper purpose for redistricting would be if there  
21 were shifts in demographics, and if there are  
22 shifts in population. That is not the stated  
23 purpose of the plan that is before the House. And  
24 I would hope that that is not the stated purpose of  
25 any plan that comes before the Senate.

1                   Also, I would like to mention that  
2 many people here today have spoken about how this  
3 is a minority rights issue. Obviously, I am not a  
4 minority and I believe that this issue is larger  
5 than just a minority rights issue. I'm here today  
6 to put the white foot forward for any and all  
7 minorities that are here today. And when I speak  
8 to that, I believe that this issue really becomes  
9 one of integrity. The people that I know, the  
10 people that I associate with are tired of seeing  
11 their State Representatives and their Federal  
12 Congressmen being influenced by special interests.  
13 What we want and what we're looking for are people  
14 that will represent diverse interest. People that  
15 will take into consideration communities of  
16 interest.

17                   Senator Janek, other Senators, you  
18 all are too familiar with the numerous amounts of  
19 times of these small public interest groups, these  
20 small packs come to your offices seeking your vote  
21 because it benefits their pocketbooks. What about  
22 benefiting the social issues that apply to every  
23 Texan. And that's why I'm here today to caution  
24 you-all to consider the fact that when you make  
25 your vote, whether or not to redistrict, it's

1 really an issue dealing with integrity, the  
2 integrity of our Democratic system. I thank  
3 you-all for your time.

4                   SENATOR GALLEGOS: Sir, let me ask  
5 sure I heard this right. It's your understanding  
6 that on the redistricting process should only be  
7 held when there is a shift in population. Are you  
8 talking about the census?

9                   MR. LOVE: Not only a census. But I  
10 don't have a full appreciation of understanding,  
11 but if it is a population shifts or perhaps even  
12 demographic shifts.

13                   I know that Congressman Culberson  
14 said he didn't want his district redesigned. I  
15 would take issue with that. I would love for his  
16 district to be redesigned, if that could happen.

17                   SENATOR GALLEGOS: Thank you.

18                   MR. LOVE: Thank you.

19                   SENATOR DUNCAN: The Chair calls  
20 A.J. Pate. Mr. Pate, if you would approach and  
21 state your name and who you represent.

22                   MR. PATE: My name is A.J. Pate.  
23 And I'm here as a private citizen. I live here in  
24 Houston, Texas.

25                   Chairman Duncan and Vice-chairman

1 Gallegos, and other distinctive members of the  
2 committee, I appreciate this opportunity to speak  
3 to you. I normally don't talk this fast, but I've  
4 got a lot to say and I'm going to go through this  
5 pretty fast.

6 I had a chance this morning to  
7 briefly review the plan as presented last night,  
8 plans one, two, four, nine. And it requires some  
9 changes in the handout that I just gave you in item  
10 three which is the comparison plans mostly on page  
11 three of item three. The plan that was presented  
12 last night did remove some of the most gerrymanders  
13 that it previously contained. Travis County in  
14 particular was changed.

15 In my opinion, it still has been a  
16 questionable district. However, it's only fair to  
17 point out that when Democrats control this entire  
18 redistricting process in 1991, the public never saw  
19 a map at all. Not even the Republican members of  
20 the redistricting committee. There was absolutely  
21 no public testimony on the Democratic plan. They  
22 produced the worst statewide gerrymander in the  
23 U.S. history, which was later declared  
24 unconstitutional in part by the U.S. Supreme  
25 Court.

1 Democratic operatives testified  
2 under oath in Federal Court here in Houston that  
3 they had gerrymandered that extremely to produce  
4 more Democratic seats in the U.S. Congress. So  
5 there is enough of blame with hypocrisy here to go  
6 around on both sides. I'm here to urge the  
7 Legislature to stop this endless cycle of dueling  
8 gerrymanders. I take the Constitution very  
9 seriously. It starts off, the first three words  
10 of, "We the people". And if you've see the original  
11 document, the letters are about an inch high. I  
12 also take seriously the ideals that are expressed  
13 in the Federalist Papers. I feel strongly about  
14 fairness and redistricting. I feel strongly about  
15 representation for the people.

16 This is the linchpin of our  
17 Republican form of government. The parties should  
18 compete in a free marketplace of ideas and election  
19 should not be rigged. I was here in 1991 when the  
20 Democrats controlled the process pleading for  
21 fairness in redistricting, which I did not get.  
22 I'm here now again with Republicans in charge of  
23 the process and, again, I'm asking for fairness in  
24 redistricting.

25 These Congressional districts do not

1 belong to incumbents or any politician. It does  
2 not belong to any political party. These districts  
3 belong to the people. So that they may fairly and  
4 effectively represent -- may elect representation  
5 for their communities of interest. Of course, the  
6 current districts are unfair in a gerrymander since  
7 it's based primarily on the 1991 redistricting, and  
8 it is appropriate that this legislature should  
9 address the issue. Redistricting is a legislative  
10 issue, not a judicial function. It's a state  
11 function, not a Federal function. So redistricting  
12 is appropriate. But let's not go from one  
13 gerrymander to the other gerrymander.

14                   It now appears that Republicans are  
15 on course to gerrymander as the Democrats have done  
16 for the past 40 years. Virtually every plan the  
17 Democratic legislature has produced over the last  
18 four years has been sued in court, mostly by  
19 Hispanic minorities. And I think it's regrettable  
20 for Republicans to follow in the same course of  
21 action. I'm a Republican and I had hoped that my  
22 party would have restored a sense of fairness and  
23 honor to this process, as their fellow Republicans  
24 in Georgia are in the process of doing.

25                   In my handout I've included fair

1 redistricting principles which are in place in the  
2 states of Iowa and Arizona, and those now have been  
3 proposed in Georgia. My question is: If Georgia,  
4 Iowa and Arizona can have fair redistricting, then  
5 why not Texas?

6                   Governor Perry in his letter calling  
7 for a special session asked the Legislature to  
8 produce a map that was fair, compact and protects  
9 communities of interest. Of all of the plans  
10 currently on the red bureau (sic) of the Texas  
11 legislative counsel, there is only one map that  
12 meets the Governor's standards, and that is my map,  
13 which is Plan No. 1160C. I used absolutely no  
14 political data in drawing my plan. My plan is  
15 based on three levels of communities of interest.  
16 These communities of interest are independent,  
17 apolitical and self-defined. At the mackerel  
18 level, our original level, I used the 24 counsels  
19 of governments in Texas which are composed of whole  
20 counties. These are voluntary associations of  
21 local governments, city and county. They are prima  
22 facie communities of interest. You can also  
23 compare my plan to the 13 regions used by the  
24 office of the State Comptroller. At the  
25 intermediate level, I used the 254 counties of

1 Texas as primary building blocks and these are  
2 historical communities of interest particularly in  
3 rural areas.

4                   SENATOR DUNCAN: Mr. Love, I think  
5 your time has expired. If you can start  
6 concluding. You've given us excellent reading  
7 materials and we appreciate that.

8                   MR. PATE: Okay. Thank you.

9                   The irony is that a plan can be  
10 drawn fairly and Republicans would still probably  
11 gain from the order of 19 -- 18 to 20 seats. To  
12 wrap it up, I would urge this Committee to consider  
13 and the Legislature to consider the recent Georgia  
14 vs. Ashcroft case on retrogression issues and note  
15 the fact that Bandemer vs. Davis the Supreme Court  
16 has just granted certiorari to a case involving  
17 partisan gerrymandering. I urge the Legislature to  
18 establish fair, objective and neutral principles  
19 for redistricting and then produce a plan based on  
20 those principles.

21                   SENATOR DUNCAN: Thank you,  
22 Mr. Pate. Members, do you have any questions of  
23 Mr. Pate? Senator Gallegos.

24                   SENATOR GALLEGOS: Mr. Pate, I've  
25 heard the term demography used before. Can you

1 define if for me?

2 MR. PATE: Yes. It's several  
3 hundred years old. What it says is basically the  
4 -- when you're -- when you're producing a  
5 scientific hypothesis, the simpler you can make  
6 that theory, the better it is. That the simpler  
7 and in effect, the simpler, the better. And as I  
8 used it there is that on my plan and in your  
9 handouts there, I've given an explanation for every  
10 district that I drew based primary on communities  
11 of interest. And I would think that I would like  
12 to say every plan that's produced has to go through  
13 that same process and the simpler you can explain  
14 why your district was drawn or why the lines are  
15 the way they are, the simpler I would say is  
16 probably of the better.

17 SENATOR DUNCAN: Thank you,  
18 Mr. Pate.

19 SENATOR GALLEGOS: Thank you.

20 MR. PATE: Any other questions?

21 SENATOR DUNCAN: The Chair calls Lee  
22 Medley to speak. Please state your name and who  
23 you represent.

24 MR. MEDLEY: My name is Lee  
25 Medley. I'm the vice-president and political

1 chairman for Pace Local 4-1. We have got 4,000  
2 members. Most of them about 2,000 in Galveston  
3 County, 2,000 in Harris County. What I would like  
4 to say to y'all today is once said by a great man,  
5 " It's the economy stupid."

6                   There are people out there today  
7 while we're sitting in this air-conditioned  
8 auditorium looking for jobs or having to work jobs  
9 that have no benefits, that they have no health and  
10 safety to them. Those people don't care about  
11 redistricting. They want just to make an honest  
12 living.

13                   Now, you heard Congressman Lampson  
14 say earlier in his district alone they've lost  
15 6,000 jobs. Well, those are 6,000 jobs that paid  
16 benefits, retirement. And you can send your kids  
17 to school on -- you used to be able to send your  
18 kids to school on, until Governor Perry and the  
19 Texas Legislature took the lid off of tuition.  
20 They're going to have to find a second job to get  
21 them there now.

22                   The problems out there that we have,  
23 that the industry has -- we've been working with  
24 Congressman Lampson, Sheila Jackson Lee, and  
25 Congress Bell, all the way to Congressman Turner.

1 When you see a paper mill close down, it doesn't  
2 only affect the people in that mill. It affects  
3 the people at the High-Lo, at the Sonic, at the  
4 hairdresser. It puts them out, too. We can spend  
5 a lot better time and money work on those issues.  
6 For myself and my wife personally, she was named  
7 teacher of the year in our school district this  
8 year. She is a 17-year Texas teacher. She was  
9 rewarded with making her retirement harder to get  
10 and taking money from her.

11 And I'm here to say that I feel and  
12 my wife feels that this is morally corrupt. We're  
13 here doing this on the back of uninsured children,  
14 the elderly, the needy, medical and handicapped  
15 people. And it's wrong and it's tragic. Go back.  
16 And go back to doing what you're supposed to do and  
17 let's put this thing to bed. Thank you.

18 SENATOR DUNCAN: Thank you for your  
19 comments.

20 The Chair calls Janie Mickey Brown.  
21 I think that's Mickey Brown.

22 SENATOR HARRIS: Breaux.

23 SENATOR DUNCAN: I'm sorry. We'll  
24 call you Dr. Breaux.

25 MR. BREAU: John Breaux from

1 Louisiana. My name is Mickey Breaux. I'm from  
2 Jefferson County, Texas. I'm glad to see both of  
3 my Senators in attendance today. I used to have  
4 one, now I have two. But at least y'all are in the  
5 same room this time, so nice to see you.

6                   You know, I agree with a lot of  
7 things that are said today, pardon me. But the  
8 problem is we have a zero budget. \$11 billion  
9 worth of deficit. We kick people off of the  
10 rolls. I represent Pace International Union with  
11 the State of Texas employed 15,000 working families  
12 of which, as we are speaking, 3 to 400 of them are  
13 losing their jobs in the next 30 days due to  
14 foreign imports or whatever reasons. Their  
15 children will not be eligible for CHIPS for 90 days  
16 after September the 1st. Some of them still won't  
17 be eligible because of the cuts that were made. We  
18 couldn't find money to fund programs to take care  
19 of needy children, the elderly and the Head Start  
20 programs to the children. We're finding money to  
21 redistrict.

22                   I don't care to see any maps. I  
23 apologize to people that are here, at the same  
24 place I was last Saturday, when I said, I don't  
25 want to see any maps until 2010, after the census.

1                   I have Congressman Lampson as a  
2 congressman. Turner is to my immediate east and  
3 north. Both of those guys will no longer be able  
4 to be elected because their districts will be  
5 chopped up. We have interest, as Congressman  
6 Turner said, his district is pulp, paper, wood and  
7 agricultural. Most of Nick's -- Congressman  
8 Lampson, excuse me, is industrial, chemical,  
9 rubber, oil, and such, with the Space and shipping  
10 thrown in.

11                   We have diverse -- the way they're  
12 drawn now, we have diversified interest. So I think  
13 what we need to do is figure out a way to fund the  
14 programs and to take care of the citizens of Texas  
15 and not the Democratic party and not the Republican  
16 party, but the citizens of Texas, the children, the  
17 elderly, the teachers. That's where we need to do  
18 redistrict. We need to figure out to pay our  
19 teachers properly.

20                   Right now we're looking at another  
21 special session to take care of school finance.  
22 That's an issue. Most everybody in this room  
23 either has children in school, will have children  
24 in school and in my case they graduated from  
25 school, but they are needed. If we can't fund our

1 schools, we shouldn't be spending money on whether  
2 it's a "D" or and "R" by somebody's name.

3                   If you have any questions, I would  
4 be glad to try to answer.

5                   SENATOR DUNCAN: Thank you,  
6 Mr. Breaux. Is there any questions -- is there any  
7 questions for Mr. Breaux? Thank you.

8                   The Chair calls Carlos Ramirez. Is  
9 Mr. Ramirez in the audience? Let the record  
10 reflect that Mr. Ramirez is not in the audience,  
11 but would like to reflect his position against  
12 redistricting.

13                   The Chair calls Ernest or rather  
14 Eugene Mendoza. Please state your name.

15                   MR. MENDOZA: Yes. My name is  
16 Eugene Mendoza. I'm a voter in Precinct 0664. I'm  
17 here to take the position against this illegal  
18 meeting. You have no business being here. You  
19 already have a map. I voted for my  
20 representative.

21                   I need 12 people to come up from  
22 this Senate and give it the integrity that it  
23 needs. People are tired of all of this politics  
24 from Washington D.C., you know. You know why  
25 people don't vote because of this stupidity. Yeah,

1 there is politics and I play politics. I was -- I  
2 have the scars from 1976 and 1970 when we sued the  
3 State of Texas to get single member districts.

4 We had to sue the City of Houston to  
5 get representation and single member districts.

6 You know, yeah, I'm pissed off because this State  
7 deserves better. This State needs a Senate that  
8 will stand up to this President that was appointed  
9 by the U.S. Supreme Court.

10 You know, Delay has all of the power  
11 he wants. He doesn't need six more U.S. Congress  
12 people. All you're doing is dividing the people.  
13 The State of Texas will come back in 30 years when  
14 we represent 50 percent of the population and we're  
15 going to need 30 or 50 percent of The State  
16 Senators. You know, I'm mad. You know, I'm going  
17 to run for precinct judge just so I can vote  
18 against Republicans.

19 I've been voting against Republicans  
20 all of my life. And I'll die like my grandfather  
21 that fought in World War II, just like that soldier  
22 that just died yesterday. Hispanics voted from  
23 Houston so I can get up here and tell you that it's  
24 an illegal meeting.

25 You know, we're tired. You're

1 taxing us. My insurance went from \$700 to \$1,700.  
2 You didn't do a damn thing about it. You're going  
3 to have a race war. You're going to have an  
4 economic war in this country if these damn  
5 Republicans don't realize that there are lot of  
6 people of color that live in this country. We need  
7 representation.

8                   You know, I can jump on top of this  
9 table, nobody is going to care because he's a  
10 quack. Well, I vote. I voted since I was 18 years  
11 old. And I will be damn sure I'm going to get kids  
12 in this school to start voting. You know, I saw --  
13 I was in the 66th session and the 67th session when  
14 the rural people of this state controlled the hell  
15 out of this state. They didn't care about poor  
16 people in the inner city. Oh, yeah, you talk about  
17 community of interest. I talked about that at the  
18 U.S. Congress when apportionment was happening for  
19 the City of Houston. Communities of interest,  
20 packing, gerrymandering. It happens all of the  
21 time. It's politics, folks. You do not have to  
22 make that political decision. It's there already.  
23 We already drew it. We already voted for these  
24 people.

25                   Ya basta. Pa que? You know, when

1 we become 50 percent of this population, we're  
2 going to demand 50 percent of everything, just like  
3 these damn Republicans.

4 SENATOR DUNCAN: Any questions?

5 The Chair calls Debra Hernandez  
6 Bell. Ms. Bell, please approach and state your  
7 name and who you represent.

8 MS. BELL: My name is Debra  
9 Hernandez Bell. I represent myself. I work for  
10 HISD. I work with special ed. I'm not a teacher.  
11 I've been trying to get my certification. I'm 45  
12 years old. I have raised six children on my own.  
13 I am raising four grandchildren. Do you know how  
14 hard it is for me to maintain insurance for myself  
15 and for my grandchildren? They do not apply for  
16 CHIP. They do not apply for Medicaid. God forbid  
17 should something happen to them. How much money  
18 are we spending on doing this right now, our  
19 redistricting? Do you know how much I have to pay  
20 for my education? Do you know what my son said,  
21 one of my children said. And he's 15. He says why  
22 are you going to talk up there? Why are you  
23 going? I said hopefully to be heard.

24 I am a native Houstonian. Three  
25 generations out of the Heights. I have been taught

1 since 8 years old at the Latino Center where my  
2 late cousin Raul Guterrez took us and have these  
3 meetings with all of these people, fighting,  
4 arguing, protesting to stop buying grapes.

5                   We are here at the Cesar Chavez High  
6 School of the man that always says, "Si puede".  
7 That you can do it. We are here -- I am amazed  
8 that we are here, but we can do this. We can fix  
9 this. But what are we going to do for the next  
10 generation that is coming up behind us? Our voices  
11 are not going to be heard. Are their voices going  
12 to be heard? I go out and I tell people they need  
13 to vote. Do you know how many Hispanic people will  
14 not vote? I'm not talking about people from  
15 Mexico, or Salvador, Honduras. I'm talking about  
16 Houstonians. I'm talking about us. Do you know  
17 how many people do not vote? Because they are  
18 never heard. I have heard people talk all day and  
19 the one thing that got me is the one person that  
20 said, give him the power. The power to do what?  
21 To keep us quiet. Y'all have never heard us to  
22 begin with.

23                   The only ones that are listening to  
24 us is the next generation. We have to show them.  
25 I thought that's why we elected y'all. I know I go

1 out and vote when it's raining, when it's cold. I  
2 know I get my children that are voting now to get  
3 out there and vote. We voted for y'all. Our  
4 voices were heard. You are not going to keep us  
5 quiet. You are creating a real bad mistake because  
6 it was done in the 60's and it will come again. We  
7 will be heard. And I thought that's what we were  
8 all here to begin with.

9                   We spoke to y'all. Y'all speak for  
10 us. I thought that was the way it worked. Now do  
11 we have to go to Austin and speak for ourselves?  
12 Special ed taught me when I was in school, the  
13 worse thing that they did was take my slang  
14 language away from me.

15                   Now, I'm 45 years old and I speak  
16 both Spanish and English. Obviously, I can speak  
17 English pretty good; and I can scare people when I  
18 come into a room. I will not stop talking. And I  
19 will not be here to wait, but we do need help. And  
20 I hope y'all will stand up and talk for us. Thank  
21 you.

22                   SENATOR DUNCAN: The Chair will  
23 recognize Orell Fitzsimmons. Would you please  
24 approach and state your name, Mr. Fitzsimmons.

25                   MR. FITZSIMMONS: My name is Orell

1 Fitzsimmons and I'm here today representing the  
2 Service Employees International Union Local 100.  
3 The Service Employees is the largest union in North  
4 America. We have over 1.5 million members. We  
5 have members in Sheila Jackson Lee's district and  
6 Mr. Frost's district, Mr. Lampson, Mr. Green's and  
7 Mr. Bell's. And makes it extremely interesting,  
8 the outcome of this process.

9                   We also represent workers in school  
10 districts here in Harris County. As a matter of  
11 fact, workers right here at this school. People  
12 that feed their children and support people. The  
13 custodian, for example, that cleans this building  
14 after we leave today, don't have health insurance.  
15 They don't have sick leave. They don't have  
16 anything other than \$6 an hour. That's the kind of  
17 people that we represent.

18                   The first question that I want to  
19 ask is is something that Senator Harris brought up  
20 a minute ago asking Congressman Culberson some  
21 questions. There is only really one person that we  
22 need here at this podium to answer those types of  
23 questions you have, Senator Harris, and that's  
24 Mr. Tom Delay. Fortunately, Mr. Delay was here  
25 yesterday speaking with the Greater Houston

1 Partnership. It would have been convenient, it  
2 would have been appropriate and would have been  
3 really nice to have him here today to talk to us.

4                   The vast majority of the people here  
5 -- we have about 12 of the Senators. I mean, to  
6 talk to y'all about why it's so important, when we  
7 just went through this process three years ago to  
8 go through it again. None of the speakers have  
9 talked about all of the problems in this State,  
10 especially the children without health care. It  
11 just seems like there is other things that we could  
12 be talking about. Now this whole process, of  
13 course, is about Mr. Delay and his grasp for power  
14 in this country.

15                   And it is a political discussion,  
16 Chairman Duncan. And what we're really talking  
17 about in a larger sense is that issues and things  
18 that are facing this country right now, we have men  
19 dying in Iraq. We have a majority leader of the  
20 House that supports that idea. Every day. An  
21 article in one -- I'm sure one of his favorite  
22 newspapers, THE WALL STREET JOURNAL states today  
23 that there have been more people killed in Iraq  
24 since the war ended than during the war.

25                   Now these six seats or seven seats

1 that he's trying to pick up here in Texas are going  
2 to help him in those kind of policies. So it's a  
3 really important decision that you Senators are  
4 going to make because it's going to have a big  
5 influence in the future of our country. So I would  
6 like to ask the Committee to give Mr. Delay  
7 invitation to come back here to Cesar Chavez High  
8 School and explain in open public debate format  
9 exactly why this needs to be done. And I think  
10 that's the least that he can do being that he was  
11 able to come down here yesterday and talk to the  
12 Greater Houston Partnership.

13                   And I may beat the record for being  
14 the shortest person. I'm done. Any questions?

15                   SENATOR DUNCAN: Your concise is in  
16 sync. We appreciate your testimony. Any questions  
17 of Mr. Fitzsimmons? Thank you,  
18 Mr. Fitzsimmons.

19                   The Chair will recognize Mr. Steven  
20 Wentland, would you approach and state your name  
21 and who you represent.

22                   MR. WENTLAND: Thank you, Mr. Chair  
23 and Committee Members. My name is Steven  
24 Wentland. I represent myself, although I am going  
25 to speak for a minority. You've not yet heard from

1 the children of Texas.

2 I am making a passion plea to put  
3 education before redistricting. We already have  
4 districts in place, any of which can elect anyone  
5 they choose, but we do not that a school finance  
6 plan. And as of now, we will not be able to pay  
7 for our children going back to school. My daughter  
8 has just received her Ph.D. in metabolic genetics  
9 from the Baylor College of Medicine after spending  
10 23 years in public and private Texas schools.

11 At the time, her public education  
12 served her well. But since then public education  
13 has deteriorated and I fear now that students today  
14 cannot duplicate my daughter's achievement, not  
15 because they don't have the ability, but because  
16 they will not get the necessary educational  
17 background. But you know all of this. This is not  
18 rocket science. The need and priority is obvious.  
19 So why is redistricting taking precedence? This  
20 priority is not about good or bad, it's not about  
21 right or wrong, but only about power. Right now  
22 when I speak to the Republicans, you have it and  
23 you might win. And if and when you do, you're  
24 going to be jumping up and down denouncing the  
25 Democrats and carving up your new territories,

1 swapping favors. And in this environment it will  
2 be easy to forget, that you have made it more  
3 difficult for Texas children to get their Ph.D.  
4 I'm here to remind you of that. Thank you.

5 SENATOR DUNCAN: Thank you. Any  
6 questions? Thank you for being here and giving  
7 your testimony.

8 The Chair recognizes Bill Coleman.  
9 Mr. Coleman, would you please approach and state  
10 your name and who you represent. Mr. Coleman -- is  
11 Mr. Coleman in the audience? Thank you. Let the  
12 record reflect that Mr. Coleman has registered a  
13 position in opposition for redistricting.

14 The Chair recognizes Mark Dunn.  
15 Mr. Dunn, please approach and state your name and  
16 who you represent.

17 MR. DUNN: Howdy. My name is Mark  
18 Dunn and I represent myself. I would like to begin  
19 by saying that I am against redistricting and it  
20 should not be happening. And the second thing I  
21 would like to say is at one time in my life I was a  
22 Republican. And I voted for Ronald Reagan in 1984  
23 and campaigned for him in my first presidential  
24 election that I was eligible to vote in. And I  
25 also voted for Tom Delay while I was a student at

1 Texas A&M voting from my home district at my  
2 parents' house in Sugarcreek near Sugar Land. And  
3 I voted for him three times. Those were the two  
4 biggest mistakes of my life.

5 I am ashamed that I was ever  
6 associated with the Republican party. And the  
7 reason why I was ashamed of that is because I was a  
8 Lincoln Republican. Abraham Lincoln freed slaves.  
9 Thomas Jefferson owned them. But Jefferson was a  
10 great man. You cannot judge a person strictly by  
11 any one or other facet of their character.  
12 However, I have grandparents that were great people  
13 that were born and bred in Texas that were also  
14 racist bigots. That's why the Voting Rights Act of  
15 1965 was necessary because my grandparents thought  
16 black people should be treated with the same  
17 respect as dogs were. The reason that I know that  
18 is I've heard them arguing with my more progressive  
19 dad, as a seven year old, when I was supposed to be  
20 asleep. My dad did not pass that racist garbage on  
21 to me.

22 The reason this redistricting should  
23 not happen globally is because the same reason that  
24 Texas is under this Voting Rights Act in the first  
25 place. Conservative Southerners that are white,

1 hard right, lily-white, like Tom Delay, cannot be  
2 trusted to deal with communities of interest. What  
3 are they doing? They're trying to elect more Tom  
4 Delay clones and they're doing it by packing and  
5 cracking. It's what was done before 1965 in this  
6 State when I was born. Back when Democrats did it  
7 when they were conservatives and now they switched  
8 parties because they didn't like the Civil Rights  
9 Act.

10                   That's vocal. Now, I want to talk  
11 local. I used to not be a cynical person because I  
12 don't believe any of y'all are like my  
13 grandparents. That is long past. Nobody here  
14 really believes, even someone like Tom Delay, that  
15 is what they're up to. Because we're no longer a  
16 slave state. We're no longer segregated. We're no  
17 longer overtly keeping people from meeting their  
18 potential.

19                   The trouble or the problem is, as  
20 Mr. Culberson pointed out, there is a fundamental  
21 difference in viewpoint between conservative  
22 Southern Republicans and everybody else. Have any  
23 of y'all read this book, The Rise of Southern  
24 Republicans, by Earl and Merle Black. In this book  
25 there is a graph on page 382, graph 12.3 that I

1 would like to submit to this committee. And it  
2 shows all of the Texas and Southern Republicans in  
3 the House of Representatives. And they are all  
4 bunched up here in the corner of this graph. And  
5 on this -- the reason that they are in the corner  
6 is this accesses Republican party unity score  
7 that's voting with Tom Delay. On this graph is  
8 minority support. How many out of every hundred  
9 voters who is black or Hispanic votes for these  
10 folks? And you will see the answer is close to  
11 zero. That's why they're all bunched up right  
12 there. That's why I say the Texas and the Southern  
13 Republican Party is hard right, lily-white. The  
14 constituencies that are going to be gerrymandered  
15 out of power are not even on the screen of these  
16 people. They can win without them, so they don't  
17 pay attention. That's something I would like to  
18 stop by stopping the redistricting.

19                               Now, I live in near West Gray and  
20 Taft. I moved out of Tom Delay's district because  
21 I didn't care for it too much. But it turns out  
22 under the new redistricting I'm going to get  
23 Mr. Culberson, who I would like to debate about  
24 Thomas Jefferson among other things. Mr. Culberson  
25 doesn't see eye to eye with me on anything. I will

1 get no representation. And how do I know this is  
2 going to happen or why am I, quote, "cynical," like  
3 Mr. Averitt referred to when he began this  
4 situation by saying that there was a lot of  
5 cynicism in the audience is because I used to be  
6 represented by Debra Danberg in the Texas House  
7 under community of interest including the Heights,  
8 Montrose and parts of West University, the Rice  
9 University area, the Village and Downtown. What  
10 happened? The Legislative Review Board didn't like  
11 the Texas House's map, so the Texas Senate blocked  
12 it and sent it to the LRB with a four to one  
13 Republican majority. They tore up my district.  
14 The Heights isn't in it anymore. I'm packed and  
15 cracked into downtown. And now if you walk down  
16 the street a block away, you walk into Martha  
17 Wong's district who doesn't agree with me or any of  
18 my constituents either. I want this stopped. And  
19 the long-term reason I want this stopped, is I  
20 would appreciate you guys thinking about a little  
21 self-preservation.

22                   In the long run, Texas right now is  
23 52 percent Anglo and 48 percent minority. It might  
24 have happened by now, but in the next few months,  
25 Anglos are going to be a minority in Texas for the

1 first time. The last Legislature session when you  
2 regained power, you cut health care for children  
3 because you didn't want to raise taxes on rich  
4 people and corporations and you think you're doing  
5 the right thing. But your constituencies aren't  
6 the ones that have to bear the brunt of this  
7 problem.

8                   The Hispanic population in Texas  
9 grew about 60 percent in the last 10 years. 60  
10 percent of new Texans were Hispanic. The two  
11 congressional districts that we got because of this  
12 expansion of Texas, they were both hard right,  
13 lily-white. What I do not want to have happen is  
14 voters choose representative. Right. We're having  
15 representatives choose voters so they can determine  
16 the outcome. It needs to stop, but the good news  
17 is in 10 or 15 years, liberal Anglos like myself,  
18 Roman Catholic Hispanics, Roman Catholics like  
19 myself, and African-American Texans will be a  
20 majority. And you will be on the other side of  
21 this and we will remember and we will run you  
22 down.

23                   SENATOR DUNCAN: Thank you.

24                   The Chair calls Julia Rosatka.

25 Would you state your name, please, and who you

1 represent.

2 MS. ROSATKA: My name is Julia  
3 Rosatka and I represent myself, an individual, a  
4 citizen of the State of Texas. Almost a native  
5 Houstonian. My father was military for 20 years  
6 and we moved back home when he retired, back in  
7 '65. I'm a multi-generational Texan, at least  
8 three, possibly longer. You know, I haven't  
9 followed all the lines back.

10 I'm here to vote to ask you to  
11 reconsider this whole redistricting question. We  
12 are poised at the moment on the edge of the night.  
13 As many of our other citizens had mentioned today,  
14 what we do here, what you do when you go back to  
15 Austin, can have very far ranging repercussions,  
16 not only in this state but across the country.  
17 Colorado, it's been said, has already voted to  
18 redistrict between census and the court cases have  
19 already denied. Suits have already been filed. I  
20 suspect, although I'm not familiar with the  
21 Colorado case, that it will get thrown out.

22 I suspect very strongly that if our  
23 Legislature and the House go on with this in the  
24 way that it has begun, that we will also see our  
25 redistricting thrown out to the tune of I've heard

1 \$9 million stated. \$9 million in a legislature  
2 year that has, its people have said, seen children  
3 thrown off of insurance. Seen old people thrown  
4 out of various other programs, home care,  
5 allowances given while the nursing home's been  
6 cut. School teachers as we've heard. I found out  
7 this morning, as an employee of University of  
8 Houston, that I have to wait an extra 10 years  
9 before I can retire and maintain my insurance.  
10 I've been with the University for 15 years. In 10  
11 years I was looking to be able to retire. My  
12 daughter will have graduated from college by then.  
13 And I would then be in a position finally for the  
14 first time in my life to consider something like my  
15 own business, but without that insurance I can't  
16 afford it. But I have to wait another 10 years now  
17 because of what you guys did in this session. And  
18 yet, we can afford redistricting.

19                   It's alternately hilarious and  
20 terrifying. And then we get people like  
21 Mr. Culberson who unfortunately would be my  
22 representative under at least one of the House  
23 plans speaking in, I will call it logical circles,  
24 but I don't really think the word "logic" applies.  
25 In that this whole process it's important that we

1 put more Republicans in power because the  
2 Republicans are somehow endangered. I haven't  
3 noticed Republicans in Texas being an endangered  
4 species. Whooping Cranes yes, but not  
5 Republicans.

6                   When I was here -- I was there on  
7 Saturday for all 12 hours. And I will say that  
8 there is something very different about this  
9 meeting. Throughout the 12 hours that we sat there  
10 on Saturday and looked into the faces of the House  
11 Subcommittee, what I saw were closed faces and  
12 closed minds. They heard the words, but they  
13 weren't listening. Their minds had been made up  
14 before they arrived. The one thing that I was very  
15 impressed by when I showed up here is looking into  
16 y'all's faces and seeing not a one of them closed.  
17 Every one of you appeared to be interested in  
18 what's going on and you appear to actually be  
19 asking reasonable questions and you appear to not  
20 have already made up your minds.

21                   And with that token of respect, I  
22 wish to thank you. Historically the impression of  
23 the House has always been sort of wild and woolly  
24 and anything goes and you have fist fights on the  
25 floor and all. The Senate has always had the

1 reputation being a much more deliberative body of  
2 being comprised of people who will think through  
3 the issues at a more intellectual level, who will  
4 think about broader issues then simply what can we  
5 gain today and who can I stab in the back because  
6 he didn't follow by lead last time. And I hope  
7 that you will proceed with that idea in mind.

8                   You have the chance to make some  
9 history here. Some very available history. You  
10 also have the chance to make some very bad  
11 history. If you go back to Austin with the  
12 recommendation that this not proceed, that we  
13 maintain the districts that we currently have, that  
14 in 2010 when the next census comes through we have  
15 an opportunity to look at how populations have  
16 grown and demographics have changed, if we agree to  
17 wait until then, you will have made good history,  
18 you would have made an excellent decision. You  
19 would have also, especially in light of what  
20 Colorado has done, taken a stand for the fact that  
21 Texas is a progressive state for all who are rather  
22 conservative. You can also take one step further.  
23 You could go back and not only say no, we do not  
24 redistrict. We do not take the money out of the  
25 children's -- out of the mouths of children in this

1 State to play partisan politics and you could  
2 propose a constitutional amendment to prevent this  
3 in the future. There is no reason why, short of a  
4 court order, based on Voting Rights Act or similar  
5 kinds of things we should ever face this again.  
6 That's all I have to say.

7                   SENATOR DUNCAN: Thank you. Any  
8 questions? Thank you.

9                   The Chair calls Irene Ayala. I'm  
10 sorry. I didn't read the "Doctor".

11                   MS. AYALA: Hello. My name is Irene  
12 Ayala. Thank you for coming here to meet with us.

13                   I've never been involved in  
14 something like this and I've never spoken in front  
15 of so many people at one time, but I feel that it  
16 is important for me to tell you that I think what  
17 is going on with this redistricting plan is not  
18 right. I think we should not change the district  
19 now just to please Tom Delay. To me it makes it  
20 look like Governor Perry is not a leader but a  
21 follower of Mr. Delay. I'm very disappointed in  
22 that.

23                   Thank you for listening to what I  
24 have to say.

25                   SENATOR DUNCAN: Thank you,

1 Ms. Ayala.

2 The Chair recognizes Joe A. Brown.

3 Mr. Brown, would you please approach and state your  
4 name and who you represent.

5 MR. BROWN: I am Joe A. Brown. And  
6 I am here to represent myself. And I guess in a  
7 sense, my wife, who, the two of us kind of think a  
8 lot of like on most of these things, including  
9 this.

10 I have to say that I have not had  
11 the opportunity of studying the new redistricting  
12 maps which is fortunate because they change by the  
13 minute. But I haven't had a chance to study them  
14 to the extent that the -- those with self-serving  
15 political agendas have had. I have looked at some  
16 of the discussions or maps and read about it and  
17 followed the debate. And with that in mind, there  
18 is essentially three, maybe four points that I  
19 would like to make.

20 The maps and the reports that I have  
21 seen show gerrymandering at its worst. Texas  
22 Congressional districts were illogically drawn  
23 prior to the current redistricting effort. This is  
24 true of virtually every state everywhere because  
25 gerrymandering is a fact of life logic from the

1 standpoint of the citizens. It's not necessarily  
2 what it is. This is a political process.

3                   One of the things that I've noticed  
4 in particular is the rural areas, long distances  
5 away, dilute metropolitan areas and the opposite  
6 also occurs. This does not serve either the rural  
7 or the metropolitan areas properly. I for one  
8 would like to see districts drawn so that they are  
9 more homogeneous. Representatives should represent  
10 populations that have common interests.

11                   In view of the current state of the  
12 State, the time and money spent on redistricting  
13 would be better spent on more pressing problems  
14 such as education, health care, etcetera. I would  
15 also like to say that at 68, I am an independent  
16 who has lived in the 25th District, which is to my,  
17 what I learned today, is considered to be one of  
18 the minority influenced districts. And I wasn't  
19 quite aware of that, but I've been perfectly happy  
20 living in the 25th for several decades.

21                   I have voted for representatives  
22 from both parties over the years at one time or  
23 another. And I am appalled that my district, for  
24 all practical purposes, at this point, looks like  
25 it's being severely modified. This will -- this

1 plan will not provide a valid cross section of our  
2 community. And since I have a little bit of time  
3 and I haven't had too much time to really give this  
4 complete thought, but as I was sitting here, I was  
5 thinking if my memory from civics classes 50 some  
6 odd years ago is correct, the reason for the  
7 bicameral Congress was to give small and large  
8 states some more equitable representation. That  
9 principle filters down to the State level as well.

10                   Currently, our Congressional  
11 representation is divided 50 some odd percent are  
12 in the House is Democrats and 100 percent the  
13 Senate is Democrats. And the logic that I keep  
14 hearing is that somehow the Republicans deserve the  
15 -- to have the -- this majority which seems to be  
16 gerrymandered in. I would say if that's the case,  
17 then probably we ought to have a Senator who is  
18 maybe 48 percent Democrat. Somehow the logic --  
19 this is the way our -- our government has been set  
20 up. And our Constitution has been set up. And it  
21 was set you that way for a reason and that was to  
22 protect the large and the small interests.

23                   Thank you and I do thank the  
24 committee for being here.

25                   SENATOR DUNCAN: Thank you,

1 Mr. Brown. Did you say that you were 68?

2 MR. BROWN: Yes, sir.

3 SENATOR DUNCAN: I hope to hold up  
4 that well.

5 MR. BROWN: All I can tell you is  
6 that it looks a lot better on the outside then it  
7 does on the inside.

8 SENATOR DUNCAN: Members, it's 5:00  
9 o'clock. We've been going for an hour and a half.  
10 And we'll take our 15 minute break at this time.

11 Senate Committee on Jurisprudence  
12 will stand in recess until 5:15.

13 (RECESS.)

14 SENATOR DUNCAN: The Senate  
15 Committee will come back to order. We know some of  
16 you may not to want wait. If you're not reached,  
17 and you wish to leave written testimony we  
18 certainly will accept that. We would also like for  
19 you to testify live. So we're here. And we will  
20 be moving right to the next in order. The first  
21 witness we have is Victoria Susan Keller.

22 Ms. Keller, would you approach and  
23 state your name and who you represent.

24 MS. KELLER: I'll start off by  
25 saying good evening. My name is Victoria Keller.

1 And I'm here to represent myself and enter my  
2 opposition for this proposed redistricting.

3                   The proposed plan will remove my  
4 family from Congressional District 9 and hammer me  
5 into the 22nd District. Mr. Delay is bad for  
6 Houston, Amarillo, Laredo, McAllen, Corpus Christi,  
7 El Paso, Waco, Tyler and every other city that is  
8 being ripped apart by this redistricting plan. And  
9 his record clearly reflects this.

10                   Mr. Delay is on record as referring  
11 to the EPA as the gestapo of the U.S. Government.  
12 Yet, he claims he is the Federal Government. So  
13 deductively speaking, is Mr. Delay the gestapo?

14                   He has orchestrated vicious attacks  
15 towards the rescission of the Clean Air and Water  
16 Acts. Has aggressively blocked and diverted  
17 Federal commuter rail funds for Houston to Dallas  
18 and Chicago. Houston has an air quality problem,  
19 Mr. Delay. Mr. Delay who obviously has no respect  
20 for any constituent in his district or any others  
21 is having us expend \$7 million to ramrod this  
22 redistricting plan down our throats.

23                   I would like to ask how many members  
24 of our House and Senate have been subjected to  
25 Mr. Delay's vindictive arm-twisting and orgreistic

1 approach as recently described in the Houston  
2 Chronicle. This \$7 million expenditure belongs to  
3 our children, but as quoted in roll call, Mr. Delay  
4 does not believe education is important to the  
5 people of the district.

6                   Further, he seeks to abolish the  
7 Department of Education. This proposed version of  
8 redistricting is not even covertly biased towards  
9 minorities. This proposed redistricting will have  
10 a devastating impact on minority voting rights and  
11 minority office holders.

12                   As we've all heard and you are  
13 aware, Section 5 of the Voting Rights Act was  
14 enacted to protect minority voters from the  
15 worsening of their voting strength and not to  
16 promote electoral fortunes of any and I stress the  
17 word "any" political party. Section 2 of the Voter  
18 Rights Act also guarantees the right of a protected  
19 class to elect its candidates of choice.

20                   On August 6th, 1975, then President  
21 Gerald Ford signed the Voting Right Act extension  
22 into law. His remark upon signing this amendment  
23 was, unquote, "This bill will permit private  
24 citizens as well as the Attorney General to  
25 initiate suits to protect the voting rights of

1 citizens in any state where discrimination  
2 occurs." The bill's about to get bigger. The  
3 voters have spoken.

4                   In closing, as written in the case  
5 of Georgia versus Ashcroft, a vote for legislation  
6 is almost always a compromise of some sort  
7 motivated by a complex intersection of  
8 self-interest and external pressure. I submit to  
9 this committee, please do not succumb to  
10 Mr. Delay's tactics. Do not waist our money and  
11 penalize the children of our great State of Texas.  
12 Tell Mr. Delay in no uncertain terms this is not  
13 how you run Texas politics. His politics is  
14 unwarranted and unneeded. Put an end to this  
15 redistricting issue and focus on all of the  
16 children who are being left behind.

17                   SENATOR DUNCAN: Thank you.  
18 Members do we have any questions? Thank you for  
19 your testimony.

20                   MS. KELLER: In close -- one last  
21 comment. Thank you. You did come in with an open  
22 mind.

23                   SENATOR DUNCAN: The Chair calls  
24 R.W. Johnson. Mr. Johnson, would you approach,  
25 please? State your name and who you represent.

1                   MR. JOHNSON: My name is Robert W.  
2 Johnson. I've been in Texas politics since 1929  
3 and 1930. And when my dad was running for county  
4 commissioner. I've seen my share of dirty  
5 politics, but not quite as bad as Mr. Delay. You  
6 might call him Hitler, Jr. And I want that  
7 tonight. Because I've crawled halfway across  
8 France and halfway across Germany on my back. I  
9 still come back. I left one night. I come back  
10 one night.

11                   The thing of it is, is this: I want  
12 to know and see why the U.S. Supreme Court has  
13 named our President, Governor, Attorney Generals,  
14 plus some other Washington D.C. politics for the  
15 simple reason of violating Federal law, not state,  
16 Federal. And once and for all, this -- some of  
17 whatnot because when they're term is up, they can  
18 be hit with some nice 10 trillion dollar lawsuits.  
19 That would take some teeth out.

20                   Next, is this: I am a vocal against  
21 redistricting. You want to know why? I want to  
22 know who has the authority in Washington D.C. to  
23 tell the people, the voters of this state they got  
24 to do this so I can have more power in two years  
25 when Mr. George W. goes out office.

1                   You want to know how to stop it?  
2 You start recall elections in every district in  
3 this state and once you get the understanding,  
4 recall elections is a death sentence to politicians  
5 in this state. Lock, stock and barrel. They may  
6 be recall elections and stay in until their term is  
7 up, but never after that. Check your records.

8                   Thank you for my comments.

9                   SENATOR DUNCAN: Thank you,  
10 Mr. Johnson.

11                   The Chair calls Mr. Robert  
12 Garamillo.

13                   MR. GARAMILLLO: Good evening. I've  
14 never done this before so I might seem a little  
15 nervous. My name is Robert Garamillo. And I'm  
16 representing myself. I'm a precinct chairman for  
17 142. Mario Gallegos lives in 142, just down the  
18 street from me.

19                   Let's see. Some of the points that  
20 I want to bring up about the three judges panel and  
21 how they gave us the lines that we're using today.  
22 The -- in 1990 -- 1980, big changes were made to  
23 the district lines after the '80 census and in 1990  
24 the lines changed a little bit after the '90  
25 census. That change gave us, for me, Congressman

1 Gene Green. And let's see, all of this was done by  
2 our State legislature. Just like our Constitution  
3 tells us.

4                   Now, in 2000, our state legislature  
5 had changed just like our population. The  
6 population had changed so much that very big  
7 changes needed to be done. The legislature could  
8 not pick a plan or a map then for new districts, so  
9 our Governor Rick Perry let it go to the  
10 three-judge panel. That was a big mistake on his  
11 part because the legislature should have knuckled  
12 down then and addressed the redistricting issue,  
13 like they should have.

14                   The judges didn't have time to make  
15 a plan so they told the State to use the old plan,  
16 the old lines that are 20 years old, basically.  
17 Here's the important part. The three judges also  
18 said in their ruling that the State Legislature  
19 must revisit the issue. Right there the courts  
20 told the State Legislature to make a plan and that  
21 the legislature could not wait until the 2010  
22 census. They must go back and make a plan that  
23 will work for the 2000 census. They have not done  
24 that yet.

25                   I'm not really concerned with

1 parties. What I really see going on here is the  
2 minority population that is not being fairly or  
3 properly represented. We're still using the basic  
4 1980 lines and those lines have done nothing for  
5 the Hispanics. Some legislatures will tell you  
6 that the Hispanic population has not grown. I  
7 looked at the census data from 1990 and 2000. And  
8 the facts show that -- something very different.  
9 An increase of 2.3 million for the Hispanics. That  
10 number should give us, should give Hispanics  
11 basically three more districts of representation.  
12 That doesn't even include what some liberals call  
13 undocumented people. These are real citizens.

14                   So things have to change and new  
15 lines need to be drawn so that Hispanic voice in  
16 Washington will be properly represented. That's  
17 really what I'm concerned with. Some people, like  
18 Johnny Mata, they talked about stopping Hispanic  
19 progression in its tracks. Well, for the past  
20 almost 30 years since the '70's, Legislature hasn't  
21 properly addressed what the Hispanics really need.  
22 And the representatives now, you know, they're not  
23 doing their job. They're shirking responsibility  
24 by just passing it off. And to wait until the 2010  
25 census and then draw new lines, that will be a

1 serious failing on the legislature's part.

2                   They're counting on y'all, the  
3 Senators of Texas, to block this for 11 or 12 of  
4 y'all not do anything to hold it up and let it die  
5 again. That -- y'all can't do that. The  
6 Hispanics, they need proper representation with new  
7 lines so that our voice will grow louder.

8                   I'm starting to speak on the  
9 Hispanic progress that Johnny Mata had mentioned  
10 Saturday in education and stuff. Those issues have  
11 not been addressed with the representation that we  
12 have now. The lines that we have drawn now.  
13 That's why I don't have a problem with new proper  
14 lines being drawn. Maybe that will give us the  
15 representation that we need because we certainly  
16 don't have it now.

17                   Was that the beep?

18                   SENATOR DUNCAN: Yes, sir. You can  
19 go ahead and give a conclusion.

20                   MR. GARAMILLO: Okay. Education was  
21 the last part I wanted to address. It's failing  
22 for the Hispanics. The dropout rate is over  
23 50 percent. I just saw an article that said --  
24 that broke it down. The dropout rate being over 50  
25 percent and of the ones that do graduate, only 10

1 percent of those go on to college. And those  
2 numbers -- we need more better representation.  
3 Okay. We need new lines. Thank you.

4                   SENATOR DUNCAN: Thank you. Senator  
5 Wentworth.

6                   SENATOR WENTWORTH: Should I just  
7 say, this witness and several others thus far have  
8 indicated a lack of Hispanic representation. I  
9 believe it's important for the record to reflect.  
10 In case you don't know, we've got these Congressmen  
11 currently who represent Texas in the United States  
12 House of Representatives: Congressman Henry  
13 Bonilla, Congressman Charlie Gonzalez, Congressman  
14 Ruben Hinojosa, Congressman Solomon Ortiz,  
15 Congressman Silvestre Reyes and Congressman Ciro  
16 Rodriguez. They weren't representing Hispanics in  
17 1980. We've increased the number. And I think  
18 it's important that you understand that.

19                   MR. GARAMILLO: Yes, sir. I'm  
20 familiar with two or three of those names. But  
21 none of them are from this part of Texas, the lower  
22 southeast.

23                   SENATOR DUNCAN: Senator Van de  
24 Putte.

25                   SENATOR VAN DE PUTTE: Thank you,

1 Senator. I appreciate your point of view. My  
2 question is: Is it your testimony in this case  
3 that we need to redraw maps to increase Hispanic  
4 seats at the Congressional level in this area as  
5 Senator Wentworth has corrected or kind of reminded  
6 you that we do have Hispanic seats in other areas?  
7 If a new map is drawn which does not increase the  
8 number of Latino seats in the U.S. Congress, would  
9 you still be in favor of redistricting at this  
10 point?

11 MR. GARAMILLO: I don't see how our  
12 representation could get worse. In Harris County  
13 the Hispanic population went up 400,000 percent.  
14 The figure of 2.3 million, that was Texas overall.  
15 That's -- that's over three districts basically.  
16 The figure of 650,000 per district -- I know the  
17 Constitution or part of the Constitution, a figure  
18 that they put in there, districts would be 600,000  
19 people. To me 650 with 32 congressional districts,  
20 if you cut that down to 550 people being  
21 represented, that will give us almost four  
22 districts more. And going by those figures, we  
23 need drastic changes in our lives.

24 SENATOR VAN DE PUTTE: My question  
25 was --

1                   MR. GARAMILLO: Now, I feel like a  
2 politician.

3                   SENATOR VAN DE PUTTE: -- would you  
4 be in favor of redistricting if the map for this  
5 new congressional line has no net gain of any  
6 Latino seats and no change of any Latino seats in  
7 Harris County, would you still be in favor of  
8 redistricting?

9                   MR. GARAMILLO: I would have to say  
10 yes, because we need the redistricting. Someone  
11 would have to be very -- the district would have to  
12 be very gerrymandered for the Hispanics to not be  
13 properly represented. I mean, if we just come up  
14 with a clean map, a proper map, I mean, if what --  
15 the scenario you put forth, someone would have to  
16 go through great effort to -- for the Hispanics not  
17 to gain. That would take a lot of effort on an  
18 individual or some group.

19                  SENATOR HARRIS: Let's say this.  
20 Let's say this --

21                  SENATOR DUNCAN: Senator Harris.

22                  SENATOR HARRIS: Let's say that  
23 Senator Van de Putte's question and what she is  
24 saying is what if it's so badly gerrymandered if  
25 there is no opportunity for an additional Latino

1 seat, would you still be for redistricting? You  
2 are presuming that there would be fairness within  
3 those districts. Let's say there is not fairness  
4 within those districts, would you still be for  
5 redistricting? I think I believe that's really  
6 what her question was.

7                   MR. GARAMILLO: On principle, I  
8 would still have to be for redistricting. On  
9 principle of what the figures and the Constitution,  
10 we need redistricting. The Hispanic numbers say  
11 that theoretically we should get more  
12 representation. But on principle, I would have to  
13 say yes to the redistricting even if our numbers  
14 don't grow. Simply on principle.

15                   SENATOR DUNCAN: Thank you. The  
16 Chair calls George Batten, B-a-t-t-e-n. Mr.  
17 Batten, state your name and who you represent.

18                   MR. BATTEN: My name is George  
19 Batten. I represent my family and myself. I would  
20 like to make a historical note of, as I recall  
21 Thomas Jefferson died 20 years before the  
22 Republican party was founded.

23                   U.S. Courts have long held -- by the  
24 way, I do want to say that I am strictly opposed to  
25 redistricting. U.S. Courts have long held that

1 congressional districts must be contiguous and as  
2 compact as possible with reasonable consideration  
3 for the community. I will speak to this first as a  
4 mathematician for which my credentials are sound,  
5 as I have three degrees in mathematics from Rice  
6 University.

7                   Mathematicians have many ways of  
8 quantifying compactness. Of these, I will mention  
9 only one. One that anyone can understand. For any  
10 district, compute a number as follows: Square the  
11 length in miles of the boundary and divide that by  
12 the area of the square miles.

13                   I will call the number of the  
14 dispersion of the district. It increases as the  
15 district becomes less compact. For a circle, the  
16 most compact shape, dispersion is about twelve and  
17 a half. For square, it is 16. Congressional  
18 districts are much less compact in these nice  
19 shapes. So I guess you're all aware.

20                   Here are some very crude estimates  
21 that I made. For Nick Lampson's District 9, 34.  
22 His is fairly compact by that nature. For Sheila  
23 Jackson Lee's District 18, 70. For Chris Bell's  
24 District 25, 107. My point is this: A simple  
25 measure shows that compactness was not a very

1 important factor in drawing the districts. If the  
2 Legislature is going to redistrict Texas, it will  
3 have to do much better than the Court did a couple  
4 of years ago. The fragments of proposed maps that  
5 I have seen are much worse, in fact.

6 I would like to put a comment in  
7 here. One thing that might be worth considering as  
8 an alternative to redistricting is considering an  
9 alternative method of voting, such as cumulative  
10 voting. And I can't address that at great lengths  
11 now. It only occurred to me as I was sitting here  
12 to mention it.

13 One more district that is worth  
14 mentioning, for Tom Delay's District 22, my  
15 dispersion estimate is about 31, the lowest of any  
16 of my estimates. That district is somewhat like an  
17 oval with one side mashed in and a finger raised  
18 towards the rest of Texas. I have considerable  
19 respect for some Republicans. But so they could  
20 say we didn't raise taxes, the Republican Governor  
21 and the Republican dominated legislature produced a  
22 terrible budget. There is no free lunch and Texas  
23 will understand that when they buy their fishing  
24 licenses, register their cars, or trying to go to  
25 emergency room.

1                   I think the State of Mississippi  
2 will be very happy to get the good teachers that we  
3 will loose to them. Texas is starting to realize  
4 that the Republican Party is no longer the party of  
5 Lincoln, Teddy Roosevelt or even Ronald Reagan.  
6 The dominating theme of the party is merger of  
7 corporate interest with those of the nation. The  
8 main leaders of the party who style themselves as  
9 compassionate neoconservatives are in fact selfish,  
10 arrogant supporters of neocorporatism, whose only  
11 passion is out of extracting wealth from the  
12 masses.

13                   If you redistrict Texas for the  
14 purpose of increasing the power of the Republican  
15 Party, instead of providing a good system of  
16 government for all, Texans will recognize this  
17 neofascism some for what it is.

18                   Thank you for being here. Any  
19 questions?

20                   SENATOR DUNCAN: The Chair calls  
21 Thomas John Gentry. Mr. Gentry, please approach.  
22 State your name and who you represent.

23                   MR. GENTRY: Hello. My name is  
24 Thomas Gentry or Tom. That's what I go by and I am  
25 just representing myself. I am a resident of the

1 25th Congressional District. And a pretty well  
2 satisfied resident of the 25th District. I speak  
3 in opposition to this redistricting effort.

4                   My objection is to any map, any of  
5 them that's come along and including any of them  
6 that might be favorable to the Democratic Party.  
7 You know, it's primarily because of what you've  
8 heard here today is just because of waste of time,  
9 energy, and the precious resources that could be  
10 devoted to other, more critical issues.

11                   We've heard in some of the things  
12 today that the Democrats have done something  
13 similar in the past -- in the past. I heard a  
14 mention about the 40 years of gerrymandering and so  
15 this is just kind of a -- I don't know if it's  
16 payback or just a continuation of the same thing,  
17 but it's kind of excuses. But I would disagree  
18 that, you know, the Democrats have screwed it up  
19 for the last 40 years. That does not give  
20 Republicans license now to screw it up again.

21                   It should be important to point out  
22 that basically there has been problems in the  
23 past. The current plan is not the Democratic  
24 plan. If it is one that is now and may have been  
25 based on it, but it is now a court plan. And, you

1 know, looking at some of the history of what the  
2 Legislature has done that the courts had to step  
3 and take over things and get them to straighten it  
4 out, maybe that's the best way for it to be left.  
5 It been cleared through the courts and I think it  
6 ought to be left alone.

7                   You know, it makes you wonder since  
8 the stated purpose of this redistricting is to kind  
9 of create a quota for Republicans. I wonder if  
10 this plan, if it goes through, if this plan doesn't  
11 get the right mix the right number that comes out  
12 of this next election, we will be looking at this  
13 again in two years from now because of the number  
14 is stealing the money.

15                   The bottom line is, it shouldn't be  
16 messed with. We have a lot more important things  
17 and lot of more important problems to address with  
18 our state. Senator, I think it was Senator Janek  
19 who basically said he wanted to hear how the change  
20 would affect us. And it just occurred to me that,  
21 I guess, if those that are supporting this and the  
22 success of getting through and they do make some  
23 kind of changes, how it would affect me, it would  
24 make me angry enough to try my dead level best to  
25 do everything I can to throw each and every one

1 that supports this thing out of office. Thank  
2 you.

3 SENATOR DUNCAN: Any questions from  
4 this witness? Thank you.

5 The Chair calls Elaine Hamilton.  
6 Ms. Hamilton, please state your name and who you  
7 represent.

8 MS. HAMILTON: Yes. My name is  
9 Elaine Hamilton. And I represent the League of  
10 Women Voters of Texas in the Greater Houston area.

11 On behalf of our members statewide,  
12 the League Of Women Voters of Texas appreciate the  
13 opportunity to appear before this committee to  
14 present comments on redistricting, a process that  
15 affects citizens' fundamental right to vote.

16 The League is a nonpartisan  
17 political organization that encourages the informed  
18 and active participation of citizens in government  
19 and influences public policy through education and  
20 advocacy.

21 The lines for the current Texas  
22 Congressional districts were drawn by the court and  
23 have withstood legal challenges. To attempt to  
24 change them at this point would be a misuse of  
25 resources that should be focused on the serious

1 current issues for the State. The next  
2 redistricting should follow the 2010 census.

3           Redistricting after a decennial  
4 census to create voting districts approximately  
5 equal in population is a basic step in ensuring  
6 that each citizen's vote carries the same weight in  
7 an election. Our position is based on a conviction  
8 that a population standard is the most equitable  
9 way of assuring that each vote is of equal value in  
10 a democratic and representative system of  
11 government. Unfortunately, partisan political  
12 concerns often take precedence, and redistricting  
13 is used for gerrymander or to protect incumbents or  
14 the party in power. This does not serve the  
15 interests of citizens.

16           When district lines are drawn such  
17 that the districts are not competitive, or when one  
18 or another group or party is assured to win in a  
19 district, the meaning of our vote is diluted. If  
20 we think that our vote does not have any impact, we  
21 lose the motivation to participate. This can  
22 happen whether you belong to the group that never  
23 wins or to the group that always wins.

24           The League urges you to make the  
25 protection of the value, or weight, of each vote in

1 an election your paramount goal during the  
2 redistricting process. Toward that end, League  
3 members support the following standards for the  
4 redistricting process and future decennial  
5 periods.

6                   First, a commission with the initial  
7 responsibility of formulating a redistricting plan  
8 designating boundaries for Congressional, Texas  
9 Senate, and Texas House districts should be  
10 established.

11                   Second, the commission should be  
12 appointed, bipartisan, small in size, and composed  
13 of an odd number of members.

14                   Thirdly, if a commission is not  
15 initially responsible, the Legislature should  
16 conduct the work of redistricting during a special  
17 session called for the sole purpose of  
18 redistricting. The special session would operate  
19 within a short strict time frame.

20                   Fourth, the State Legislature should  
21 be responsible for the final approval of the  
22 redistricting plan.

23                   Fifth, specific provisions should be  
24 made for automatic court review, preferably with  
25 the Texas Supreme Court having original

1 jurisdiction.

2                   Last, definite preestablished time  
3 limits for each step in the process should be  
4 included.

5                   We agree that districts should be  
6 apportioned on the basis of equal population, that  
7 districts should be single member and that  
8 districts should not be drawn to dilute minority  
9 strength minority populations.

10                   In addition, the League members  
11 believe the following guidelines should be used  
12 when establishing district lines: District lines  
13 should coincide with the boundaries of local  
14 political subdivisions, considerations should be  
15 given to ensure that districts are compact.  
16 Retention of incumbents should not be a primary  
17 consideration. Nor should policy party strengths  
18 be a consideration either.

19                   Drawing the lines to divide these  
20 states into districts where all voters have a real  
21 chance of having their concerns addressed. It's  
22 crucial to maintain the vitality of our system of  
23 government. Your work will affect the most vital  
24 part of our American Democracy -- the citizens'  
25 vote. Protecting the vote, not partisan gain, must

1 be your sole focus.

2                   We do thank you for your  
3 consideration to our attention and concerns. Thank  
4 you very much.

5                   SENATOR DUNCAN: Thank you very  
6 much. Any questions from any members? Thank you.

7                   The Chair recognizes Thomas  
8 Zampieri. I apologize if I mispronounced your  
9 name. State your name and who you represent.

10                  MR. ZAMPIERI: Thomas Zampieri. And  
11 I appreciate the -- represent myself.

12                  I appreciate the ability to be here  
13 today and testify in front of the Senate  
14 Committee. It's a lot different as other people  
15 have told you, than Saturday. I hope that you will  
16 all go back and look at what you've heard and think  
17 about the effect that this is going to have on  
18 voters. I'm opposed to this process for a lot of  
19 reasons. And I don't have time to go into all of  
20 them, but, you know, it's pretty common knowledge  
21 here that voting districts today, throughout the  
22 United States are manipulated.

23                  Computers can tell you in a variety  
24 of easy ways exactly how to set up your districts  
25 to have an outcome the way you want it to be. And,

1 in fact, the center for voting in democracy in 1998  
2 picked the winners of 315 Congressional Districts  
3 in the United States, not based on the candidates'  
4 platform, not based on their incumbency, not based  
5 on how much money they raised, by just looking at  
6 how the districts are gerrymandered.

7                   There is even a computer program  
8 now, which should scare people, that was set up by  
9 a group of Australian mathematicians who -- you can  
10 take this program and play with it and set up any  
11 way you want so that only a certain party wins.  
12 And this is where we're headed. People who don't  
13 like the outcomes of elections will turn to the  
14 computers which is frightening and put into them  
15 whatever they want so that things fall the way they  
16 want.

17                   The other thing is voters are sick  
18 and tired of the process as it is. Texas ranks  
19 overall low in voter turnout, 40.3 percent of voter  
20 participation in Texas. There is a gradual decline  
21 throughout the United States and one of the  
22 problems is the very perceived notion that the vote  
23 doesn't count because of the way the districts can  
24 be gerrymandered.

25                   The United States overall ranks

1 103rd out of 131 countries in voter participation  
2 with an average of less than 45 percent of the  
3 people casting ballots. Compare that to 83 percent  
4 of the people who vote in Australia, 79 percent of  
5 the people who vote in Austria, 76 percent of the  
6 people vote in Poland. 121 million Americans  
7 didn't bother to vote. And even more alarming is  
8 in 19 states there was a further decline in voter  
9 turnout. How this is affecting us here today is  
10 that this obviously isn't about a court order that  
11 we got to change this.

12                   The Governor didn't get petitioned  
13 with 300,000 signatures on it saying that we demand  
14 that you change this. What we are doing here  
15 today, as the New York Times headlines said  
16 yesterday, is satisfying Tom Delay. And that's  
17 it. He wants more Republicans to be there.

18                   So I'm opposed to making a change.  
19 I agree with some of my fellow voters who have said  
20 that, especially the last speaker on the League of  
21 Women Voters, there are other states that have  
22 grappled with this same problem that you are. My  
23 brother spent 24 years in the State Legislature in  
24 Vermont. And this fight is not unique. But the  
25 way this is being done this time is disturbing.

1                   And I think there is -- there is  
2 other models and a commission could be set up and  
3 you could go back to Austin and say look, you know,  
4 number one, we're going to leave this the way it  
5 is. But to avoid these partisan battles in the  
6 future, we set up some type of voter commission  
7 with members like yourselves participating along  
8 with representatives from the community and work to  
9 establish a fair or as nearly fair and equitable  
10 way of setting this up.

11                   Last, somebody else that hasn't been  
12 mentioned today, James Madison in the Federalist  
13 Papers wrote, "It is of the great importance in a  
14 republic not only the guard society against  
15 oppression of its rulers, but to guard one part of  
16 society against the injustice of the other part.  
17 In framing a government which is to be administered  
18 by men over men, the great difficulty lies in  
19 this: You must first enable the government to  
20 control the government; and in the next place  
21 oblige it to control itself."

22                   I appreciate this, and I especially  
23 want to thank you all. And I know it's a long trip  
24 down here. And I've lived through watching  
25 politics in Vermont and I know how hard it is to

1 get out to these areas and meet the voters, but I  
2 thank you sincerely.

3 SENATOR DUNCAN: Thank you,  
4 Mr. Zampieri. Any questions for Mr. Zampieri.

5 The Chair recognizes Steven Dennis.  
6 Steven Dennis, are you in the audience? Let the  
7 record reflect that Mr. Dennis is not in the  
8 audience but he reflects or registers the position  
9 against redistricting.

10 The Chair recognizes Sheryl  
11 Roppolo. Sheryl Roppolo. Is Ms. Reppolo in the  
12 audience? Let the record reflect that Ms. Roppolo  
13 is not in the audience, but registers the position  
14 of against redistricting.

15 I just wanted to recognize Jessica  
16 Farrar. Representative, how are you?

17 HOUSE REPRESENTATIVE FARRAR: Fine.

18 SENATOR DUNCAN: Representative  
19 Farrar, the time limits are five minutes. If you  
20 would like to present your testimony.

21 HOUSE REPRESENTATIVE FARRAR: Thank  
22 you, Mr. Chairman, and Members.

23 SENATOR DUNCAN: Ms. Farrar is the  
24 State Representative for District 148.

25 HOUSE REPRESENTATIVE FARRAR:

1 Correct. I represent the district here in Houston  
2 from the Second Ward on the east to Spring Branch  
3 on the west.

4 I appreciate the opportunity to  
5 present testimony before you this afternoon. I  
6 just drove in from Austin, I'm going to drive right  
7 back for the session tomorrow morning. I felt it  
8 was important enough to come because the only --  
9 you're the only legislative chamber that seems to  
10 still have an open ear and an open mind and still  
11 seems concerned about balance and fairness. I have  
12 come here because I know you're still listening.

13 The first thing, I implore you not  
14 to take up the unpress -- not to take the  
15 unprecedented step of redistricting between  
16 decades. Sometime last May, I pulled an article  
17 off of the Internet about how the Colorado  
18 Legislature had redistricting between decades. The  
19 hairs on the back of my neck went up because of my  
20 fear that this disease of political greed would  
21 come to Texas and spread throughout the nation. I  
22 shared the article with my colleagues and I felt  
23 that there was nothing that be could done and then  
24 I found myself on a bus to Ardmore, Oklahoma.

25 The reason we went was to protect

1 the tyranny of the majority, to protect our state.  
2 I respect the voters and live with their decision,  
3 but I don't think the voters ever intended for me  
4 not to be able to represent my district. And I  
5 hope that this will not be a legacy of the  
6 Republican Party.

7                   There are other reasons not take up  
8 the issue. Because of last week's Supreme Court  
9 decision with regards to implied protection and the  
10 voting rights of the minorities in minority impact  
11 districts, it would be nearly impossible to draw a  
12 map that could pass muster with the courts and  
13 achieve a better result for a greater majority of  
14 Republican Congress members. In fact, the very map  
15 that was unveiled last night was just withdrawn a  
16 couple of hours ago because of retrogression in the  
17 24th and the 25th District. We all know that  
18 people are itching to test this decision in the  
19 courts. And we know what the court costs are going  
20 to be. And we also have spent the last six months  
21 dealing with our budgetary constraints. And I  
22 don't think that this is best use of our resources  
23 as many people in the audience have just said.

24                   To take up redistricting and ensure  
25 Republicans the majority of the Texas Delegation

1 because statewide Republicans did better in the  
2 last elections is to take away the voting rights of  
3 independent voters as well. A handful of districts  
4 are Republican leaning yet elected a Democrat.  
5 These people voted for Rick Perry and David  
6 Dewhurst, yet, split their ticket and picked a  
7 Congress person of the other party.

8                   Another reason not to take up  
9 redistricting is that the census and the  
10 redistricting process that's to follow it is based  
11 on population, not voting patterns. The Hispanic  
12 child in the 29th District deserves as much  
13 representation as the Anglo adult in the 7th  
14 District.

15                   Mr. Chairman and Members, as you've  
16 seen today and we've seen throughout the various  
17 hearings, no one is asking the legislature to  
18 redistrict in between decades. The courts are not  
19 asking us to do it. My Republican colleagues  
20 aren't asking for this. And privately, they will  
21 tell you that they don't want to deal with it. And  
22 I guess that explains why no one has -- no  
23 Republican -- none of my Republican colleagues has  
24 been testifying at these hearings. So I just want  
25 to ask you again, please, don't take this issue

1 up. And thank you for continuing to be the voice  
2 of reason. And thank you for your attention here  
3 this afternoon.

4                   SENATOR DUNCAN: Thank you,  
5 Representative Farrar. Any of the Members have any  
6 question?

7                   Ms. Farrar, is there any indication  
8 of when the House is going to do anything for or  
9 with regards to --

10                   HOUSE REPRESENTATIVE FARRAR: My  
11 understanding is that Mr. King says it will take a  
12 while for him to change the 24th and the 25th, the  
13 problems that the lawyers are telling him that he  
14 has. And, as you know, that causes a domino effect  
15 and so the whole statewide map changes. So I'm not  
16 sure we will have a map this evening. It's up in  
17 the air. I'm not sure we will have a -- be able to  
18 have -- have this on the House vote by Monday.

19                   SENATOR DUNCAN: Senator Gallegos.

20                   SENATOR GALLEGOS: Representative  
21 Farrar, you said he pulled his map two hours ago?

22                   HOUSE REPRESENTATIVE FARRAR:  
23 Right.

24                   SENATOR GALLEGOS: Was it stated  
25 that the reason that he pulled it was because of

1 retrogression of the two congressional districts?

2 HOUSE REPRESENTATIVE FARRAR:

3 Right. That's exactly -- those were his words.

4 SENATOR GALLEGOS: Those were his

5 words?

6 HOUSE REPRESENTATIVE FARRAR:

7 Right.

8 SENATOR GALLEGOS: Of Representative

9 King?

10 HOUSE REPRESENTATIVE FARRAR:

11 Correct.

12 SENATOR GALLEGOS: And it was his

13 map that he pulled?

14 HOUSE REPRESENTATIVE FARRAR:

15 Correct.

16 SENATOR GALLEGOS: Thank you.

17 SENATOR DUNCAN: Any other

18 questions? Thank you for coming down here and

19 being with us here today.

20 HOUSE REPRESENTATIVE FARRAR: I

21 appreciate it.

22 SENATOR DUNCAN: The Chair

23 recognizes Amy Bleyl, B-l-e-y-l. Ms. Bleyl in the

24 audience? Let the record reflect that Ms. Bleyl is

25 not in the audience, but she has registered the

1 position against redistricting.

2 We have a card from Mrs. or Mr.  
3 Merriman, M-e-r-r-i-m-a-n. Looks like Hans or Stan  
4 or Fran.

5 MR. MERRIMAN: Stan.

6 SENATOR DUNCAN: Mr. Merriman, would  
7 you please approach?

8 MR. MERRIMAN: Stan Merriman. Thank  
9 you. My handwriting has plagued me all my life.

10 I have some handouts if I may impose  
11 on the clerk or --

12 Thank you. My name his Stan  
13 Merriman. I'm a constituent of both Senator Ellis  
14 on this committee as well as Chris Bell in the  
15 25th. In addition, I'm the elected chair of the  
16 statewide progressive populous caucus of the  
17 Democratic Party of Texas.

18 My theme today is as follows: A  
19 tyrannical majority can only lead to totalitarian  
20 America. I might add a subtext there. We may be  
21 there already.

22 James Madison argued that the  
23 majority tyranny was the single great danger to our  
24 democracy. He argued that our governing system  
25 needs safeguards to protect one part of the society

1 against the injustice of the other part. This is  
2 what we are experiencing today. A majority rule,  
3 which though comparatively new in Texas, is already  
4 behaving in a much more autocratic fashion than the  
5 decades' long rule of the State by the Democratic  
6 Party, embodied by the "Shivercrats."

7                   I come from a wing of the Democratic  
8 Party which fought for decades for a voice within  
9 our own party. Our robust opposition to the  
10 conservative majority which suppressed the liberal  
11 minority, led the way to inclusion and  
12 power-sharing among Anglos, African-Americans,  
13 Latinos, poor and moderate income women and men,  
14 gay and straight. Our party became the better for  
15 it and the legislature and congressional  
16 representation moved from complete domination by  
17 white males to greatly improve, though still  
18 inadequate, diversity. That diversity led to the  
19 transformation of Texas from one party state to a  
20 vital Republican Party which emerged to majority  
21 status. Ironically and tragically, the intrusion  
22 by Tom Delay into our state electoral process could  
23 result in the return to a one party state, a  
24 condition good Republicans abhorred a few short  
25 years ago.

1                   People who are economically  
2 disadvantaged, most of whom are people of color,  
3 are experiencing the tyranny of a minority  
4 privileged class. That privileged class has  
5 attained their power through financial influence  
6 and participation in the system. The economically  
7 disadvantaged have been struggling for 30 years in  
8 the losing battle just to stay afloat and see no  
9 self-interest in participating in the electoral  
10 system. Nor do they see their interests advocated  
11 by our representative system.

12                   James Madison again observed that  
13 the idea of a majority representing a minority is a  
14 fiction. He argued that the accumulation of power  
15 in the hands of a few, quote, "whether of one, a  
16 few, or many, and whether hereditary,  
17 self-appointed or elective, may justly be  
18 pronounced the very definition of tyranny."

19                   A despot is defined by Oxford as a  
20 "tyrant or oppressor, autocrat, bully,  
21 authoritarian, arbitrary." Congressman Delay, Karl  
22 Rove and their surrogates in the Texas Republican  
23 Party actually meet this definition. Oxford also  
24 defines fascism as the totalitarian principles and  
25 organization of an extreme right-wing movement. Is

1 this not also what we were experiencing with this  
2 redistricting intervention?

3                   Let me inject, that if it's not  
4 obvious at this point, I oppose this whole  
5 redistricting process.

6                   Lani Guinier, respected lawyer,  
7 professor and African-American advocate for  
8 electoral reform argues, that a self-interested  
9 majority can govern fairly if it cooperates with  
10 the minority. The self-interested majority values  
11 the principle of reciprocity. The self-interested  
12 majority worries that the minority may attract  
13 defectors from the majority and become the next  
14 governing majority. The result will be a fair  
15 system, she argues, of mutual cooperation. The  
16 minority, both Madison and Guinier argue, need  
17 protection against an overbearing majority.

18                   I ask you today to examine your  
19 consciences. As our representatives, is your time  
20 not better spent repairing a badly broken electoral  
21 system? A system participated in by a tiny  
22 minority of the eligible voting population? Is  
23 your time not better spent creating a system of  
24 participation which encourages diversity of thought  
25 and opinion, robust debate, competing ideas and

1 thoughtful dissent from the majority opinion? This  
2 defines a democracy, in contrast to a totalitarian  
3 and fascist regime.

4                   Let me conclude by quoting from Lani  
5 Ganier's brilliant exposition on The Tyranny of the  
6 Majority. Quote, "I borrow from my criticism of  
7 winner-take-all majority rule to show that zero  
8 sum, adversarial solutions suffer from similar,  
9 exclusionary tendencies."

10                   I stand in opposition to this  
11 redistricting process and hijacking of our  
12 democracy. Thank you.

13                   SENATOR DUNCAN: Thank you. We  
14 appreciate that.

15                   The Chair recognizes John Alford.  
16 Mr. Alford, would you state your name and who you  
17 represent?

18                   MR. ALFORD: My name is John  
19 Alford. And I work with members of the Texas  
20 Congressional Delegation and Democratic Members. I  
21 want to speak on behalf of the existing map. I  
22 think it's gotten too little praise. It's a lovely  
23 Congressional map. Maybe the best Congressional  
24 map that Texas has seen in modern times. Probably  
25 the least gerrymander. Probably the most compact.

1 Probably the one that does the best job of  
2 respecting communities of interest.

3                   I want to say some things that I  
4 think very quickly that I think are good qualities  
5 of the map and then I'm going to address the flaws  
6 of the map. It is a map which rewards the majority  
7 party in the State with the majority of the  
8 representation as the map should. The Republicans  
9 are the majority party of the State. They run the  
10 State of Texas. Something Democrats seem to have a  
11 very hard time coming to terms with. And this is a  
12 map that provides 62 percent of the districts as  
13 Republican majority districts drawn as they ought  
14 to be to favor the Republican Party.

15                   It is a -- it achieves the result  
16 because it is a map that represents considerable  
17 hard work on the part of the Republicans in the  
18 State of Texas. It was a map which went to -- was  
19 drawn by the court when Governor Perry decided, I  
20 think quite frankly, not to call a special  
21 session.

22                   It reflects the very able  
23 representation of Attorney General Cornyn's office  
24 in pushing the views of the State of Texas. And it  
25 reflects careful and serious effort by the Federal

1 panel that drew it.

2                   It rejects, in fact, the argument of  
3 Democrats in that court that there should be at  
4 lease change map based on 1991. Something that's  
5 been raised here as a charge against this map.  
6 That it's the lease changed 1991 map. The court  
7 explicitly rejected that and the Democrats lost  
8 that argument. And I invite anyone to take a look  
9 at the 1991 map if you have not seen it. The much  
10 bought in 1991 gerrymander and is a truly ugly map  
11 it bears very little resemblance in most areas to  
12 this -- to this map. And the court addressed  
13 precisely that issue in saying that they started  
14 with a blank map of Texas.

15                   Second, the map is a legal map, and  
16 that's a -- Texas, that's a darn rare thing to have  
17 -- to begin a decade with an old map that has been  
18 imbedded by the Supreme Court and is legal. So I  
19 think you should be -- you should be very  
20 respectful of that. A legal map isn't a bad thing  
21 to have. And I said earlier, I think it's also a  
22 map of substantial quality. It's also an extremely  
23 expensive map. The State's just finished paying  
24 for it. Paid a lot of money for it. Maps drawn in  
25 court costs a lot because you pay your bills and

1 you pay the other side's bills and so forth. So  
2 it's a very expensive map. And it would be nice I  
3 think to, like an expensive building, to keep it  
4 around to get the 10 years out of it that we paid  
5 for before we start paying for another very  
6 expensive map. So I think it's a map that reflects  
7 a fiscal responsibility.

8                   What's wrong with the map? That's  
9 one of the great mysteries I've found. This is not  
10 the first hearing that I've attended, and I try to  
11 keep up with this process. What strikes me as in  
12 normal redistricting hearing, a map is put up some  
13 place and person after person comes up and says, I  
14 don't know about the rest of the State, but I can  
15 tell you in my little corner of the State this map  
16 is terrible. It splits, you know, Road Rock, Texas  
17 in half and it -- you know, my county ought to be  
18 over here where the next county is not. And they  
19 say, I don't care what you do with the rest of the  
20 State, but this map you got here, messes up my part  
21 of the State and needs to be fixed.

22                   And what surprised me about this is  
23 we've heard very, very little testimony of that  
24 sort. I can recall very few witnesses who have  
25 said, there is a real problem with this map and

1 here's what it is. Here's a line that's drawn.  
2 Here's a city that's split. Here's an interest  
3 that isn't being represented correctly. By and  
4 large, witnesses seem to be sort of nonplus by this  
5 map or they certainly don't have very much  
6 criticism of it, no.

7                   And, Culberson, I think gives a very  
8 good -- does a very good job of representing the  
9 basic view that most people have of that map who  
10 oppose the map. Which is, I don't like this map.  
11 If asked about their own corner of the map, as he  
12 was, I like it just fine. So if you're going to  
13 change this map and I think you should, don't  
14 change my part of the map because it's really --  
15 I'm not -- he's not here to complain about a  
16 problem in the part of the map he knows about. So  
17 he's asked about the rest of the map and he says,  
18 well, I don't know much about the rest of the map.  
19 I know my district is okay. Keep it that way. The  
20 rest of the map I'm not too sure about, but I think  
21 there is some overarching problems. And those are  
22 two basic problems that you've heard cited.

23                   One of those problems is that the  
24 map doesn't produce enough Republican seats. Now,  
25 when you gerrymander in terms, you gerrymander

1 seats by putting voters together so that they can  
2 elect. And the map puts Republican voters in  
3 places where they can elect Republicans. They just  
4 -- it doesn't actually produce it. He would like  
5 it to give you more -- to give the Republicans more  
6 seats. He noted that the Florida map, for example,  
7 gave the Republicans two more seats. This map gave  
8 Republicans additional seats as well, but maybe  
9 they could get more seats.

10                   So the question is: Is it a  
11 sufficient gerrymander? That's one side of the  
12 flaw. And the other is that there is some mandate  
13 to have the map drawn by the legislature, but  
14 because the map were drawn by courts, it's  
15 problematic. Texas has been functioning under a  
16 court map for a substantial period of time. As you  
17 all know the court asked the Legislature to draw a  
18 map in 1995, which the legislature didn't. In  
19 1996, the legislature didn't. It's been a long  
20 time since we've had a legislature draw a map.

21                   In addition, the Legislature didn't  
22 draw the map, so the Texas House, the Texas Senate  
23 and the State Board of Education. So I don't think  
24 that that alone is an argument for replacing the  
25 map. Thank you.

1                   SENATOR DUNCAN: Thank you,  
2 Mr. Alford. Senator Gallegos.

3                   SENATOR GALLEGOS: Mr. Chairman,  
4 Dr. Alford. Let me -- I'm going to ask you a  
5 series of questions.

6                   The first one is under the current  
7 congressional plan, 20 out of 32 seats are  
8 Republican districts. And this is based on the  
9 2002 election return. Is that correct?

10                  MR. ALFORD: That's correct. In  
11 either terms of statewide average or if you just  
12 want to look at Dewhurst or Carol Keyton Rylander,  
13 whatever office you want to look at, they are  
14 Republican seats.

15                  SENATOR GALLEGOS: So in those 20  
16 Districts, GOP candidates won statewide races. Is  
17 that correct?

18                  MR. ALFORD: Yes. Up and down the  
19 ballot.

20                  SENATOR GALLEGOS: But in five of  
21 those districts, the candidate choice for Congress  
22 was a Democrat; is that correct?

23                  MR. ALFORD: That's correct.

24                  SENATOR GALLEGOS: So let me just  
25 summarize here. Some of the testimony that we've

1 heard, especially from Congressman Culberson, who  
2 was -- who said all statewide offices are held by  
3 Republicans and we should redistrict to provide for  
4 more Republican representation in Congress. But is  
5 it your testimony here today that this is already  
6 the case? That 20 out of 32 districts all indicate  
7 with the GOP?

8 MR. ALFORD: That's correct. And,  
9 again, if this was a gerrymander in favor of the  
10 Democratic Party that's been charged, then those  
11 would be districts that favor the Democrats and  
12 elected Democrats. In effect, those are exactly  
13 the districts you would draw in drawing districts  
14 to favor your party. You draw districts that have  
15 60 percent Republican vote in them and then elect a  
16 Republican. It's a downhill race, right, but  
17 that's the race you got to run.

18 SENATOR GALLEGOS: Right. And I  
19 guess for the benefit of the Committee, this is not  
20 the first time you've talked about redistricting.  
21 Is that correct?

22 MR. ALFORD: That's correct. I work  
23 with the Attorney General's Office in -- both at  
24 the LRB process and in the Federal court, state and  
25 Federal court process.

1                   SENATOR GALLEGOS: At that time you  
2 represented Governor Perry and then Attorney  
3 General John Cornyn during the LRB process?

4                   MR. ALFORD: That's correct.

5                   SENATOR GALLEGOS: And you were  
6 representing them during the LRB process?

7                   MR. ALFORD: I worked -- well, not  
8 Governor Perry. During the LRB process, I worked  
9 for Attorney General Cornyn who was there at the  
10 LRB. And when the process moved into courts with  
11 regard to the Board of Education, the Congressional  
12 Districts, the State House Districts and the Senate  
13 Districts, I was the expert for the State of  
14 Texas. And so I was working for --

15                  SENATOR GALLEGOS: But it was during  
16 the LRB process, correct?

17                  MR. ALFORD: Yes, both the LRB  
18 process and the later court process.

19                  SENATOR GALLEGOS: All right. So  
20 we've heard testimony during these field hearings  
21 that we've been having, that it is our duty to  
22 redistrict congressional districts now, but that  
23 the State Attorney General submitted an opinion and  
24 the legislature is not required to so. What's your  
25 opinion?

1                   MR. ALFORD: That's a simple yes or  
2 no question. And the Attorney General Abbott gave  
3 a rather lengthy but a very direct answer to that  
4 question which is, and asked General Abbott if you  
5 don't believe me, but the answer is, there is no  
6 requirement. This is a legal plan and this plan  
7 will stay in until the next census.

8                   SENATOR GALLEGOS: So it's your  
9 opinion that we're not required to do so, but if I  
10 may ask, if in your opinion whether you think we  
11 should or should not? So you're saying no?

12                  MR. ALFORD: There is certainly no  
13 legal compulsion to do so. If there was, Attorney  
14 General Abbott certainly would. The question that  
15 was asked by Joe Crabb and the answer he wanted  
16 was, of course, yes, you must do this. And the  
17 answer that General Abbott wanted to give was  
18 definitely yes, you have to do this. But the  
19 answer is, no.

20                  I don't know anybody who believes  
21 that there is a legal compulsion to replace a legal  
22 plan under any circumstance, even this were not a  
23 court plan. There is no legal obligation for the  
24 State to replace a legal district even if a new  
25 census has come out. Any legal plan, there is no

1 obligation for the legislature to replace.

2                   SENATOR GALLEGOS: And one last  
3 question, Dr. Alford. During this whole process  
4 and in the past months, the past six months did Tom  
5 Delay publish in newspapers and on the media, claim  
6 that various maps leased during the legislature  
7 session create two new Hispanic districts. Have  
8 you seen any maps whatsoever that do that?

9                   MR. ALFORD: There -- I have seen no  
10 maps. And I would include the -- certainly the map  
11 that was being discussed there, the King map, but  
12 I've seen no map that produces any additional  
13 minority seats of any kind in the State in terms of  
14 net seats. That's -- again, it's -- and this goes  
15 back I think to what I said about this map. The  
16 debate here, by and large, has not been about  
17 what's wrong with this map.

18                   The reason that we're here is not  
19 this map. Nobody really thinks this is a bad map.  
20 And I would include my Republican friends. They  
21 don't really think this is a bad map. What  
22 happened here was somebody came in with a rolled up  
23 map and said maybe that's not such a bad map, but  
24 what I've got here is a great map. I've got a map  
25 that increases Republican seats and that increases

1 minority representation, and does a better job of  
2 serving the communities of Texas. And until that  
3 map got unrolled, people were pretty darn  
4 interested. Who wouldn't be?

5                   If you can do that in a map, that's  
6 an exciting thing to do. That's the reason for our  
7 legislature to get the work to do something. If  
8 you can draw a map that remains that is going to  
9 fall short of and illegal parts of the gerrymander,  
10 that helps Republicans, they are the majority  
11 party, and any help that they can get out of the  
12 map, they have every right to. If you can help  
13 minority at the same time and you have a legal map,  
14 that's great.

15                   When you finally get that map up  
16 there, it's not a legal map. It's illegal in as  
17 many ways that you can think. I was pleased to  
18 hear that it was pulled down on the basis of the  
19 24th and the 25th. Because what that tells you is  
20 -- I mean, that's a message directly to the people  
21 who are thinking about drawing another map of just  
22 how little flexibility there is in this map to do  
23 anything else.

24                   You really can't tinker much with  
25 the areas of the map that would, in fact, provide

1 the partisan boost to make what are already  
2 Republican Districts more Republican. You can't  
3 tinker with the 24th or the 25th. You can't tinker  
4 with any other minority districts other than what  
5 are in the map.

6                   There is only a single -- a single  
7 district, this map in the State of Texas that has a  
8 democratic majority and is not a protected majority  
9 party district and that's Lloyd Doggett's District,  
10 the 10th. That's the only Democratic seat that  
11 isn't protected. All the other Democratic seats  
12 are protected seats. The ones that aren't  
13 protected already have got Republican majorities in  
14 them. You can't put Republican majorities in  
15 protected seats. That's retrogression. And so  
16 you've taken everything really off -- what is it  
17 that you've got to work with if you want to draw a  
18 new map? What is it you've got to do that you can  
19 change to this that will actually produce any of  
20 the good things that people have talked about  
21 here? And the answer is very, very little for you  
22 to work with that will not leave you with a map  
23 that is illegal.

24                   SENATOR GALLEGOS: Dr. Alford, when  
25 the Senate hearing started, I entered into the

1 record the transcripts of the LRB when -- and I  
2 just heard that Representative King pulled his map  
3 on those two districts. That -- what I entered  
4 into the record was the transcripts of the LRB and  
5 Senator Whitmire's District if it was -- it was  
6 diluted under the plan of the LRB consequently  
7 Governor -- Lieutenant Governor Dewhurst had to  
8 amend it after now Senator Cornyn went to  
9 Washington and was told that it would probably draw  
10 an objection from the Justice Department. I added  
11 that into the record and the transcript which is on  
12 -- which is public, that Senator Whitmire's  
13 District would be retrogression under the LRB  
14 plan. And now we hear that -- and so they fix it  
15 under Governor Dewhurst's amendment. And now we're  
16 hearing that Representative King has pulled his map  
17 because of the 24th and 25th due to similar things  
18 he said was going to do to Senator Whitmire's  
19 Senate District No. 15. Is that what your take  
20 is?

21 MR. ALFORD: That's my  
22 understanding. And I would say that that reflects  
23 very much the decision in the Georgia vs. Ashcroft  
24 case. Because at the time that those decisions  
25 were being made the law was fairly unsettled. I

1 think a very good argument could be made that, in  
2 fact, had you challenged the feelings of the  
3 Justice Department on Senator Whitmire's District,  
4 you may have been able to succeed in court.

5                   What the Supreme Court has done in  
6 the most recent decision is to lay to rest the  
7 debate about the status of the district like John  
8 Whitmire's District, like the 24th, like the 25th.  
9 So at that time, you could have argued that it was  
10 overzealous on some part on the voting rights  
11 section. It's now -- the Supreme Court now -- has  
12 now endorsed precisely the reason behind that.

13                   SENATOR GALLEGOS: So based on that  
14 transcript and that's why I entered that into the  
15 record, I caution my colleagues when we started  
16 receiving that, any map that looks like it's  
17 retrogression in these congressional maps that  
18 we're going to receive, that they will be -- they  
19 probably and will be subject to an objection from  
20 the Justice Department. Is that your take on it,  
21 Dr. Alford?

22                   MR. ALFORD: Assuming that you go to  
23 the Justice Department without going directly to a  
24 court, which you have the option of doing. But I  
25 say, given the most recent decision with either --

1 with either of those routes, you're going to be  
2 extremely careful about those districts whereas in  
3 the past you might have been a little more  
4 cavalier. And the odd thing about those districts  
5 is that even though it may not seem to be as  
6 obvious a vehicle of the minority representation as  
7 a district like Sheila Jackson Lee's District, for  
8 example, you actually have to be more careful with  
9 those districts. Sheila Jackson Lee's District is  
10 not a district that is balanced on the edge of  
11 becoming a nonminority district. And so you may  
12 have some flexibility in that district. I know she  
13 won't appreciate my saying that. But with the  
14 districts that are very closely balanced both in  
15 their partisan makeup and then the racial ethnic  
16 makeup, like the 24th and 25th, there is virtually  
17 nothing you can do that won't disturb that  
18 balance. So you really are -- they have to be left  
19 almost completely alone in order to assure that you  
20 don't face a legal challenge.

21                   SENATOR GALLEGOS: Thank you,  
22 Dr. Alford.

23                   SENATOR DUNCAN: Members, any  
24 questions for the Doctor?

25                   SENATOR VAN DE PUTTE: Thank you,

1 Mr. Chairman. Just a quick question. According to  
2 your testimony since 20 districts are actually --  
3 voters in that district vote Republican except for  
4 five districts that have decided to continue to  
5 vote for their Democratic Congressman, in your  
6 opinion is there any way to change both Republican  
7 voters in those five districts and replace them  
8 with other Republican voters, they're still  
9 Republicans and they're still Republican Districts  
10 that would not impact the rest of the districts?

11 MR. ALFORD: You know, anytime you  
12 start moving voters in districts around, the ripple  
13 effects are substantial.

14 If you will remember in 1995, when  
15 the court took on three of the districts in the  
16 then 30 district plan it ended up redrawing 13  
17 districts in order to change those three. So it's  
18 a ripple effect that moves out as you attempt to --  
19 to shift voters around. Other than -- it's very  
20 harmonic that the -- that the real focus of this  
21 attack is on -- on a fairly small number of  
22 Republican voters in these districts that are not  
23 -- that are voting Republican exactly the way they  
24 should except for one office and it's an attempt to  
25 make sure that their -- it's not Democratic voters

1 that this is about in those districts. It's about  
2 Republican voters who are not voting sufficiently  
3 straight ticket and it's about moving them out and  
4 replacing them with new voters that will be more  
5 likely to vote a straight ticket.

6                   SENATOR VAN DE PUTTE: But is there  
7 any way to do that without severely impacting or  
8 even impacting other lines?

9                   MR. ALFORD: I think you're --  
10 they're definitely going to be affected outside the  
11 district you're changing, so you have to do that  
12 very cautiously. And you have to also think very  
13 carefully about whether in moving this from a 20  
14 District plan to a 21 District plan or a 22  
15 District Republican plan, whether you have now  
16 moved up against the court saying they're for  
17 partisan gerrymander. Partisan gerrymanders are  
18 illegal. The court ruled that on Bandemer. But  
19 they did not give us a very clear sense of how we  
20 know if one is illegal. And to my surprise, the  
21 court has now agreed to take up the Pennsylvania  
22 case.

23                   Representative Culberson mentioned,  
24 with some enthusiasm, that Pennsylvania done a  
25 job. Well, Pennsylvania is headed to the Supreme

1 Court to defend against the charge that they have  
2 undertaken a partisan gerrymander. And the fact  
3 that the court has taken that up, and the lower  
4 courts did not rule that a partisan gerrymander,  
5 suggested at a minimum, it might be in Texas'  
6 interest, if this is really something we can do  
7 anytime we want, it might be in the interest of the  
8 State to wait and see what the decision is in  
9 Pennsylvania. If what was done in Pennsylvania is  
10 an illegal partisan gerrymander or at least we get  
11 some better guidance of what is an illegal partisan  
12 gerrymander, we might have a better sense of just  
13 what tinkering we could do with those Republican  
14 districts.

15                   SENATOR WENTWORTH: Mr. Chairman.  
16 You probably said this in your beginning remarks,  
17 but I didn't catch it. Who do you represent now  
18 when you're not representing Governor Perry or  
19 Senator Cornyn?

20                   MR. ALFORD: No, I was called -- I  
21 was called by someone on the, an acquaintance of  
22 mine -- asked to comment on the King map when it  
23 first came out. And based on my comments, I was  
24 asked to -- if I would be willing to attend  
25 hearings and discuss this on behalf of some

1 Democratic members of the State Delegation. So, I  
2 don't represent them in the sense that I'm saying  
3 what they want me to say. But based on what I  
4 thought about the King map it became clear that the  
5 Republicans that I worked for before were not  
6 interested in having me say those things about the  
7 King map on their behalf.

8 I don't think representing is  
9 something that you're elected to do or something  
10 that you're hired as an attorney to do. I'm not in  
11 either of those senses. But I've been asked to  
12 attend -- to attend the hearings and to address my  
13 feelings to the -- to both the Senate and the House  
14 by people who are working on behalf of the -- of  
15 Democrats in the Texas Congressional delegation.

16 SENATOR WENTWORTH: It's been a few  
17 weeks or maybe even months since I've read what  
18 General Abbott had to say in response to the  
19 request of whether or not the legislature had to do  
20 this. But my recollection is that it's a pretty  
21 long, as you said, it's more than just a simple yes  
22 no answer.

23 My recollection is that he said more  
24 than just, no, you don't have to do this. I  
25 believe, if I'm remembering correctly, he also said

1 that it was -- it wasn't the legislature's  
2 responsibility and we could do this.

3 MR. ALFORD: Yes, sir. As is often  
4 the case when you ask a lawyer for a yes or no  
5 answer, you get a two page letter. And this is --  
6 the letter very definitely answered the question  
7 that wasn't really asked in the letter -- original  
8 -- if you look at the letter from Joe Crabb, it  
9 didn't ask, could we do this? It said, must we do  
10 this. And the letter from Abbott is very clear  
11 that in Abbott's opinion you can do this. There is  
12 nothing that legally bars you from doing this, but  
13 it also makes it clear that there is nothing that  
14 legally requires you to do this.

15 SENATOR WENTWORTH: Thank you.

16 SENATOR DUNCAN: Dr. Alford, I think  
17 your card says you represent the Texas Democratic  
18 Delegation. Is that a formal representation or --

19 MR. ALFORD: I guess I tried to  
20 explain. I'm not really sure what to put on these  
21 cards.

22 SENATOR DUNCAN: I never have been  
23 either.

24 MR. ALFORD: I typically treat them  
25 as if you're not a lawyer or a elected official,

1 then you're probably not representing anybody but  
2 yourself. I don't want there to be  
3 misunderstanding. I've been asked to appear here  
4 by some members of the Texas Democratic  
5 Delegation. So I don't want people to be misled  
6 about that.

7                   SENATOR DUNCAN: Sir, and that's no  
8 -- there is no problem there. I was trying to  
9 clarify that. And my question is: Are you here  
10 voluntarily or is this as a paid expert?

11                   MR. ALFORD: I'm here voluntarily,  
12 but my -- whatever expenses I might have, they  
13 volunteered to pay.

14                   SENATOR DUNCAN: Thank you very  
15 much. Any other questions for Dr. Alford? Thank  
16 you, Dr. Alford.

17                   MR. ALFORD: Thank you.

18                   SENATOR DUNCAN: The Committee calls  
19 Brian Smith. Is there a Brian Smith in the  
20 audience?

21                   MS. SMITH: Yes.

22                   SENATOR DUNCAN: Thank you,  
23 Mr. Smith. Come forward, please, and state your  
24 name and who you represent. I see you shake a lot  
25 of hands. You must be a -- are you an elected

1 official?

2                   MR. SMITH: No, I'm not an elected  
3 official. I'm a businessman here in the 18th  
4 Congressional District. So my name is Brian G.  
5 Smith. And I represent the business community in  
6 the 18th Congressional District, myself, my  
7 family. And I noticed there is a lot of people who  
8 just weren't here today. A lot of business people,  
9 Chairman Duncan, just can't get off during the day  
10 at 1:00 o'clock. I've been here from a quarter to  
11 1:00 and it's almost a quarter to 7:00. It's 7:00  
12 now, I think.

13                   I'm really very much so opposed to  
14 the redistricting plan or any plan that would  
15 dilute the strength of the 18th Congressional  
16 District. I've lived in the district all my life.  
17 I really -- since before the district was formed.  
18 It's a historic district. We that live in the 18th  
19 Congressional District are very proud of the  
20 district. The representation that we've had from  
21 the district from people like Barbara Jordon and  
22 Mickey Leeland and now, our Congresswoman Lee.

23                   I also represent the children of the  
24 18th Congressional District. And the reason that I  
25 say that is because our children in the 18th

1 Congressional District need role models to look up  
2 to. And right now we have very strong leadership  
3 and people they can look at and touch.

4 I have a 4-year-old and a  
5 10-year-old. And this time last year we had the  
6 pleasure of going to Washington and I tried to take  
7 care of business there. I have two business  
8 concerns as a businessman. And while I'm there,  
9 they have the opportunity to go down on the floor  
10 and actually sit in the Speaker's chair. My  
11 10-year-old about a month or so ago said, I really  
12 think I want to be President of the United  
13 States.

14 So without this type of direct  
15 access to the people like our Congresswoman and the  
16 people like Barbara Jordon and Mickey Leeland, that  
17 just wouldn't be possible and I don't think that I  
18 would have heard something like that coming out of  
19 his mouth.

20 I'm 44 years old. And I still  
21 remember when Barbara Jordon went before the  
22 Democratic Committee at the caucus to speak. I saw  
23 the impact that it made on me. So we have strong  
24 leadership now in Washington. We need keep our  
25 strong leadership. We need Congress people that

1 can represent our interest in Washington.

2                   Congresswoman Lee equates what the  
3 needs are and in our community are and she takes  
4 that to Washington to represent us well. She does  
5 a real good job of that. The two things that  
6 affect businesses are access and opportunities.  
7 And she has provided or been the conduit to access  
8 to Washington for me and other businesses that I  
9 know of. She's helped to set up meetings with  
10 National Parks and the State Department and FEMA.

11                   And as a result of that access that  
12 I've had, that I've been fortunate enough to have,  
13 right before Allison about two weeks before  
14 Allison, we signed a contract with FEMA. We teamed  
15 with Dewberry and Davis through going and  
16 researching to find out who would be the best  
17 people to team with. We actually won that  
18 project. And signed the contract two weeks before  
19 Allison hit. When Allison hit we worked nine weeks  
20 straight without taking off for a weakened. So  
21 it's -- it's that type of things, it's access and  
22 opportunities.

23                   The 18th the Congressional District  
24 houses the SBA office that's probably one of the  
25 most active SBA offices in the country. And the

1 SBA office has some of the largest, largest  
2 presence of loans, productive loans given out to  
3 small businesses in our community.

4                   And about a year or so ago, I had to  
5 get a loan from the SBA to open up a restaurant  
6 franchise that I'm involved in. I had to get help  
7 from my Congresswoman because the deal that we had  
8 initially was pulled back from SBA. And so with  
9 having her involved just really gave me a higher  
10 comfort level that with them knowing that the eyes  
11 of our Congresswoman were upon them, that they  
12 would do the right thing.

13                   And I'll wrap up. This  
14 redistricting plan is unnecessary. It's costly.  
15 We can't afford to lose representation that we  
16 have. I'm shocked and amazed at the concept that  
17 the Fifth Ward and Downtown would be taken out of  
18 the 18th Congressional District. The Fifth Ward is  
19 where Barbara Jordan lived and grew up. And it's a  
20 shocking idea that we would do that.

21                   I'm here to say that I -- I'm here  
22 to oppose the redistricting plan and to please  
23 preserve the strength of the 18th Congressional  
24 District. Thank you.

25                   SENATOR DUNCAN: Anything from

1 anybody? Thank you once again.

2                   The Chair will recognize Ms. Diane  
3 Mosier. Ms. Mosier, would you state your name and  
4 who you represent?

5                   MS. MOSIER: Hi. My name is Diane  
6 Mosier. I represent -- I am the president of the  
7 Greater Heights Democratic Club. Of course, it's a  
8 partisan club. I was born and reared a Catholic  
9 Republican, married a Democrat and see where I  
10 landed.

11                   I do want to say, though, he is also  
12 a mediator. And one day I asked him how he knew if  
13 he mediated correctly. And he said because  
14 everybody goes away unhappy. And I think that's  
15 what our original map did. When the courts have to  
16 decide and the Republicans and the Democrats could  
17 not agree, it was mediated, in essence, by the  
18 court system that was looking out for all of the  
19 different interests that we had.

20                   Were the Democrats excited about  
21 that map? Absolutely not. We didn't want that  
22 plan. Now you want to come back with another plan  
23 and I represent an area which is the Heights which  
24 is caught dead in the middle of this conflict.

25                   Right now we have Sheila Jackson Lee

1 who is done a great job for our area. We're  
2 connected to a black area which is also a  
3 historical area, and Montrose which is also a  
4 historical area. We have common interests. I just  
5 saw the King map and it looks like it would take us  
6 to the northwest and all the way back down to the  
7 south and kind of squeeze us in the middle, with  
8 people who have different needs than we have.  
9 We're very proud of our area in the Heights. We  
10 want to keep our area with the same representation  
11 that we voted for.

12                   Mr. Culberson, Saturday, turned to  
13 us and said that he could represent this inner-city  
14 group because, in his words, he was born and raised  
15 in West University. When I asked him point-blank  
16 did he believe in using rail, he told me that he  
17 believed in any decent Metro solution. He never  
18 would answer that question because he doesn't  
19 believe in rail. Our inner-city group does. There  
20 is just different needs and different interests for  
21 different areas. I asked him to consider that  
22 because the map you have is workable. We're all in  
23 it. We were all voted in it. We all understand it  
24 now. And I question whether or not you really want  
25 to be with a group that instead of giving us less

1 government, it's going to give us more. Instead of  
2 reducing the budget, it's actually going to spend  
3 more. I mean, you also even called a special  
4 election for constitutional amendments which is  
5 going to cost us \$10 million.

6 I really thought that the Democrats  
7 were the party of the government. And I'm  
8 obviously wrong about that. If you don't want to  
9 be viewed that way you need to stop this. If you  
10 want to do this where it meets whatever, I don't  
11 know, organizational mishap that you think the  
12 courts didn't do it and you should have done it.  
13 Well, just go back and ratify the map, but ratify  
14 the one you already have. That makes sense both  
15 financially and politically. Thank you.

16 SENATOR DUNCAN: Thank you,  
17 Ms. Mosier. Thank you for your presence today.

18 We have -- the Chair recognizes  
19 Edward Ybarra. Edward Ybarra. Is Mr. Ybarra in  
20 the audience? Let the record reflect that  
21 Mr. Ybarra is not present, but has registered a  
22 position against redistricting.

23 The Chair recognizes Bruce D.  
24 Mosier. Would you come up? Please approach and  
25 state your name and who you represent.

1                   MR. MOSIER: Thank you,  
2 Mr. Chairman. My name is Bruce Mosier. And I  
3 represent myself, my family and my small law firm,  
4 which exists on Heights Boulevard in the City of  
5 Houston.

6                   I am a resident of the 18th  
7 Congressional District. I was formally a resident  
8 of the 29th District before the last  
9 redistricting. I was pleased with being  
10 represented in the 29th by Gene Green. I'm pleased  
11 to be represented by Sheila Jackson Lee.

12                   As an attorney, I have a little bit  
13 different view of what redistricting should be  
14 about. The Constitutional mandate that  
15 redistricting should be done after the 10 year  
16 census, each 10 year census, was met in 2001. It  
17 was met by the courts because our governor refused  
18 to call a special session to redistrict and  
19 guarantee that the Federal court system would  
20 redistrict the State of Texas.

21                   This year by calling the special  
22 session of the legislature for redistricting, and  
23 once again, it guarantees that this redistricting  
24 plan with whatever it is, will be addressed by the  
25 Federal court system. It's a very divisive, very

1 reckless and very expensive proposition. There is  
2 away that the Senate can keep the redistricting or  
3 the districting plans for the State of Texas out of  
4 the Federal courts. Just don't mess with it.  
5 Block it. Stop it and we'll continue until the  
6 next 10 year cycle with the plan that we have in  
7 place today.

8 I understand, because I've been told  
9 that, that the present plan is a 20/12, plan. That  
10 is, 20 districts in favor of Republicans. I along  
11 with Representative Culberson have not studied each  
12 one of those districts. And consequently, I would  
13 count myself as being as ignorant on the matter as  
14 Representative Culberson. But, I do recall,  
15 because having existed in this society for more  
16 than six decades, I recall that the Democrats were  
17 not happy with the Federally mandate or Federal  
18 court mandated plan in 2001, but the Republicans  
19 danced with glee, believing that they would  
20 accomplish what they wanted to. Now they're  
21 unhappy with the plan because they didn't  
22 accomplish it. And what they want to do now is to  
23 gerrymander more intentionally gerrymander the  
24 State to try to guarantee themselves a majority in  
25 Congress from the State of Texas.

1                   That, gentlemen and ladies,  
2 will guarantee us the intervention of the Federal  
3 courts. Again, spending money on something that we  
4 don't need to be spending money for when there are  
5 so many unresolved issues that you've heard today.

6                   I will go on the record as being  
7 opposed to this process. Regardless of what the  
8 lines would be at the end of the day, I'm opposed  
9 to the process. And I thank you for your time.

10                   SENATOR DUNCAN: Thank you,  
11 Mr. Mosier. Members, any questions for  
12 Mr. Mosier? Thank you, Mr. Mosier for being here.

13                   The Chair recognizes Evelyn Chorush,  
14 C-h-o-r-u-s-h. Ms. Chorush, are you here? Let the  
15 record reflect that Ms. Chorush is not present, but  
16 does wish to reflect a position against  
17 redistricting.

18                   The Chair recognizes Henry C. Horne,  
19 Jr. Mr. Horne, are you present? Let the record  
20 reflect that Mr. Horne is not indicated as present,  
21 but he does, however, register the position against  
22 redistricting.

23                   The Chair recognizes R. Joseph  
24 Rodriguez. Mr. Rodriguez, are you present? Let  
25 the record reflect that Mr. Rodriguez is not

1 present and does wish to register a position  
2 against redistricting.

3                   The Chair recognizes Deidre or Hidi  
4 rather, Hines Rasheed. Ms. Hines Rasheed, are you  
5 present? Let the record reflect that Ms. Rasheed  
6 is not present but wishes to register her position  
7 against redistricting.

8                   The Chair recognizes Catherine  
9 Nolan. Ms. Nolan, are you present? Ms. Nolan does  
10 not appear to be present. The Chair -- or she  
11 indicates that she is here as a resource witness.  
12 The Chair will reflect her forum and her presence  
13 are here today.

14                   The Chair recognizes Lisa Auerbach.  
15 Is Ms. Auerbach present? Okay. Let the record  
16 reflect that Ms. Auerbach is not present, but she  
17 does register a position against.

18                   Members, it's 7:00 o'clock. And I  
19 think what we're going to do at this point in time  
20 it's been an hour and a half. We're going to take  
21 an hour and a half -- take a 15 minute break, not  
22 an hour and a half break. And we'll resume  
23 promptly at 7:15. And if you could, please, be  
24 back promptly at 7:15. We have quite a few cards  
25 and a lot of people waiting a long time. Thank you

1 for your patience.

2                   The Committee on Jurisprudence  
3 remains in recess until 7:15.

4                   (RECESS.)

5                   SENATOR DUNCAN: The meeting will  
6 come to order. We will start with Dr. Johnson  
7 while Jennifer is getting the remaining of the  
8 meeting cards in order.

9                   Dr. Johnson, do you mind if we  
10 start?

11                  DR. JOHNSON: Yes. That will be  
12 fine.

13                  SENATOR DUNCAN: State your name and  
14 who you represent.

15                  DR. JOHNSON: Yes. I'm Dr. Lockett  
16 Johnson. I represent the Houston Branch of the  
17 NAACP. As you know, the NAACP is a civil rights  
18 organization and we fight for to make sure that  
19 there is no discriminatory issues within our  
20 society. We oppose this redistricting plan. We  
21 feel that there is no present need at this time to  
22 redistrict other than to give a political edge to  
23 one political party. I do not believe that this is  
24 the purpose that most Texas citizens envisioned for  
25 use of their tax dollars especially in light of the

1 budget shortfall.

2                   The Governor and the Texas  
3 Legislature were unable to find sufficient money  
4 for children's health care, education, and many of  
5 the programs but is able to find the millions of  
6 dollars needed to spend on political  
7 redistricting.

8                   The presently proposed redistricting  
9 lines will rob the 18th Congressional District, a  
10 minority district, of its economic basis. The  
11 Medical Center and the Downtown area will be  
12 redistributed out of the 18th Congressional  
13 District to other districts. And as Representative  
14 Culberson indicated twice in his testimony that he  
15 requests that River Oaks be included in his  
16 district and we understand why.

17                   The present plan will concentrate  
18 minorities into certain districts and disperse  
19 minorities into other districts. This will cause  
20 overrepresentation of minorities in some districts  
21 where there will be a clear majority/minority of  
22 voting age population, but will reduce the voter  
23 strength of minorities in other districts thus  
24 reducing their overall voting strength.

25                   Another effect of the proposed

1 redistricting would be on the racial makeup of our  
2 two-party system. This plan would tend to pack  
3 people of color into Democratic districts based on  
4 the present incumbency with other districts  
5 becoming whiter and Republican. This shift of  
6 wealth and of the racial makeup of the political  
7 parties will produce the 21st Century version of  
8 separate, but equal.

9                   In the 20th Century the issue was  
10 schools and education, now it will be separate, but  
11 equal political parties. As in the last century,  
12 the document will produce racially divided,  
13 separate but unequal political parties. The NAACP  
14 believes that segregation is wrong whether it is in  
15 segregating housing, public facilities or schools  
16 or in political parties. We refuse to go back to  
17 segregation, Jim Crowe, or other forms of  
18 discriminatory practices. We refuse to live as  
19 second class citizens where our vote does not  
20 count.

21                   This past legislature faced a \$10  
22 billion budget shortfall. The Governor and the  
23 Legislature have a duty of trust to put the  
24 interest of the people of the State above their own  
25 greed for personal and party power. They have

1 breached that duty by cutting significant services  
2 to the people and spending its limited funds in a  
3 political fight.

4                   It is time we end this partisan  
5 political fight at taxpayers' expense, and have the  
6 Governor and the Texas Legislature return to the  
7 business of governing in the State of Texas for the  
8 benefit of the citizens. Thank you.

9                   SENATOR DUNCAN: Thank you,  
10 Dr. Johnson. Any questions for Dr. Johnson? Thank  
11 you for your presence here today, Dr. Johnson.

12                   DR. JOHNSON: Thank you.

13                   SENATOR DUNCAN: Do we have a card  
14 ready?

15                   Okay. The Chair calls Bernice  
16 Beckerman. Ms. Beckerman, please approach and  
17 state your name and who you represent.

18                   MS. BECKERMAN: My name is Bernice  
19 Beckerman. I'm representing myself. I reside in  
20 the 25th Congressional District where I feel like  
21 I'm ably represented by Congressman Bell.

22                   I -- this is a new experience for  
23 me. I've always expressed my opinion in the voting  
24 booths before, but I feel like this is such an  
25 important occasion that I have sat here freezing

1 all afternoon in order to be heard. I do  
2 appreciate the fact that you, our State Senators,  
3 are willing to listen to our voice, and give us a  
4 chance to be heard on this very important issue.

5 I am totally opposed to this  
6 redistricting. I feel like it's unnecessary. A  
7 waste of the State's money. We have a plan in  
8 effect. We have voted under that plan. The people  
9 have voted according to their desires, their -- who  
10 they want to represent them. And at this point, I  
11 don't see any reason to change that. There are a  
12 number of reasons why it doesn't make sense for  
13 this procedure to be happening economically,  
14 financial or from an educational point of view.

15 But my interest in this stems from  
16 the fact that each of you was voted into office by  
17 your constituents in your senatorial district. I  
18 don't recall Congressman Delay being elected to any  
19 statewide office. And I resent the fact that he is  
20 attempting to influence and change statewide  
21 representation. Thank you.

22 SENATOR DUNCAN: Thank you,  
23 Ms. Beckerman. I appreciate you being here all  
24 day. Are there any questions for Ms. Beckerman?  
25 Thanks once again.

1                   The Chair recognizes Virginia  
2 Stogner. Ms. Stogner, would you please state your  
3 name and who you represent.

4                   MS. STOGNER: Thank you, Mr. Chair.  
5 My name is Virginia Stogner. Although I'm a  
6 committee member from State District 7 for the  
7 State Democratic Party and a member of the National  
8 Association of Women and the Womens' Political  
9 Caucus, I am here to represent myself. I know that  
10 I'm happy to speak on behalf of these groups too.

11                   I think we have a couple of debates  
12 going on here today, one is whether or not we  
13 should be debating redistricting at all. And, of  
14 course the second debate the ever changing King  
15 plan which we're never sure what it is at any given  
16 moment.

17                   Two years ago I resided in the  
18 Sharpstown area and I was represented by Tom  
19 Delay. The new lines moved me to District 25. And  
20 according to this recent article quoted in the  
21 Chronicle today, I'm going to be moved to District  
22 7. So again, to reiterate what my current position  
23 today, my Congressman would change three times in  
24 less than four years. It's a little ridiculous. I  
25 don't want to have to wait to I get my voter

1 registration card from year to year to know who is  
2 representing me in any given capacity.

3                   The other thing that I would like to  
4 take issue with is Representative Crabb in today's  
5 Chronicle says that we have subcommittees that went  
6 across the State and took testimony and were  
7 seeking to incorporate that testimony into a map  
8 that is being drawn as a substitute. This alludes  
9 to the five hours that many constituents had to  
10 wait yesterday in Austin while Phil King was  
11 redrawing another map.

12                   Many of us that were here Saturday  
13 as well with the House subcommittee was here, we  
14 waited for 12 hours to testify. And I would like  
15 this committee to know that Phil King and Ron  
16 Wilson never even came back after lunch. And many  
17 of us found that very disrespectful because we did  
18 come here and spend a lot of time and we wanted  
19 them here. So we're glad that there is such a  
20 large community here today to listen to us.

21                   One thing that we need to look at in  
22 terms of whether or not we should be redistricting  
23 at all, is the logic about bringing up the issue at  
24 all. The Republicans are trying to argue that  
25 since the State Legislature didn't draw the lines,

1 we've got to have the State Legislature revisit  
2 that issue. Well, the State Legislature didn't  
3 draw the State Legislature lines either. The  
4 legislative committee drew those lines. Plan A was  
5 the State Legislature two years ago after the  
6 census would have drawn the lines. The  
7 Congressional State Legislature, whatever, they  
8 didn't do it. So Plan B was, of course, the  
9 redistricting committees would have made up the  
10 statewide officers. They managed to do some in the  
11 State House -- State Senate and then, of course, it  
12 went to the courts on the Congressional lines. But  
13 if you are going to use that same logic then the  
14 legislature should draw all of the lines. Why  
15 aren't they reopening redistricting for everybody?  
16 It's because they didn't like the results of what  
17 happened at the Congressional level and perhaps  
18 they're satisfied with the results with the new  
19 lines of the State Legislature. Again, this is  
20 just not logical for them to do this at all.

21                   Also getting back to whether or not  
22 this new map would pass the Department of Justice  
23 scrutiny, when you consider the fact that it seems  
24 to many of us that they're just trying to throw us  
25 a bone, that by creating a new minority seat it's

1 going to keep some of the Democrats in the  
2 Legislature. And I would like to argue that  
3 perhaps if some of you have colleagues in the  
4 Senate or the House that you think may be able to  
5 run for this new seat, if they think they can  
6 replace the caliber of the six Democrats that we  
7 stand to lose, whoever plans to run for the seat  
8 may have enough sense to run for Tom Delays.

9                   We do live in a country represented  
10 by democracy and we do have congressional seats in  
11 the State right now that are majority/minority.  
12 Gene Green's district is 62 percent Hispanic. And  
13 Martha Wong's District is also majority/minority  
14 and heavily Hispanic. They choose to elect who  
15 they elect.

16                   We remember when the '91 map came  
17 out, the 29th Congressional District was supposedly  
18 long to create the possibility of the Hispanic  
19 representative in Congress. Representative  
20 Thompson, Sefronia Thompson in fact in her  
21 testimony argued that we've really got to keep in  
22 mind that protecting minority voting strength has  
23 much to do with the color of the public official  
24 and has everything to do with the makeup of the  
25 district and the right to elect their own

1 representative.

2                   Many people that live in the 29th  
3 Congressional District are very happy with the  
4 likes of Gene Green and perhaps happier electing  
5 someone like Gene Green than Henry Bonilla out of  
6 San Antonio. The same holds true for myself as a  
7 woman, Leticia Van de Putte does not necessarily  
8 have a lot of company in the State Senate when it  
9 comes to Women's Protective Rights and Women's  
10 Movement for Protective Health Issues. I am much  
11 happier that I thought someone like Mario Gallegos,  
12 Senator Whitmire and Senator Ellis were  
13 representing my right then perhaps someone like  
14 Jane Nelson or Florence Shapiro.

15                   We do live in a representative  
16 democracy and we've got to make sure that -- and I  
17 want you to understand that the Democratic Party is  
18 comprised of coalition results. Sheila Jackson Lee  
19 is African-American and she represents the Montrose  
20 area and John Culberson tried to tell us on  
21 Saturday that since he grew up in West U, he's  
22 fully capable of representing the Montrose area. I  
23 would like to -- and I know people of Montrose  
24 would much rather have Sheila Jackson Lee to  
25 represent them than John Culberson.

1                   SENATOR DUNCAN: Your time is up.

2                   MS. STOGNER: Okay. The last thing  
3 I want to say and would want you to make sure that  
4 you take this message back to your colleagues,  
5 especially Senator Ratliff and Armbrister. The  
6 honeymoon might just end, that Republicans are in  
7 charge now, and if you do send some of these  
8 Congress people back home, we may very well  
9 encourage you to run for the State Legislature  
10 because many of us are unhappy with what's  
11 happening in Austin right now. We have a very  
12 decodium (sic) budget that even with these  
13 Republican measures wasn't even certifiable by the  
14 State Comptroller. And we want you to make sure  
15 that y'all understand and the colleagues understand  
16 that we don't want this to happen. That the  
17 hearings that are taking place all over the State  
18 and taking place tonight and people are  
19 overwhelming against redistricting. We have too  
20 many other issues to deal with, the \$10 billion  
21 shortfall and the \$170,000 cut off CHIP.

22                   Thank you for your time and thank  
23 you for listening.

24                   SENATOR DUNCAN: Senator Gallegos.

25                   SENATOR GALLEGOS: Is it Stogner?

1 MS. STOGNER: Yes, sir.

2 SENATOR GALLEGOS: Your testimony  
3 was that you had -- or somebody else, a friend, had  
4 gone to Austin and that Representative King was  
5 there and then they recessed for six hours and  
6 while leaving the people that were there to testify  
7 Saturday for six hours. Is that your testimony?

8 MS. STOGNER: It's in the Houston  
9 Chronicle, today's paper.

10 SENATOR GALLEGOS: I haven't read  
11 the Chronicle.

12 MS. STOGNER: Yeah. I would even --  
13 from listening to the testimony, they said they  
14 waited for about five or six hours. It says that  
15 King was trying to redraw the map and taking in  
16 from the hearings from Saturday. We know in  
17 Houston that's not true because he never came back  
18 after lunch. In fact, he went to lunch with Jim  
19 Ellis from Tom Delay's office on Saturday and never  
20 came back to the hearing.

21 SENATOR GALLEGOS: So what you're  
22 saying from what you read and what you've heard, he  
23 made you wait for five hours?

24 MS. STOGNER: Absolutely. I think  
25 that's rude.

1                   SENATOR GALLEGOS: I want you to  
2 take notice that we didn't make you wait for five  
3 hours.

4                   MS. STOGNER: No. We thank you very  
5 much. And we haven't -- when I finally got to  
6 testify on Saturday, I waited for ten hours. And  
7 many of us waited all day Saturday waiting to  
8 testify Saturday night. By the time 8:00 o'clock  
9 rolled around, there were only two members of the  
10 committee that was still left.

11                   Yeah, 200 people were still there  
12 waiting to testify, so...

13                   SENATOR GALLEGOS: Thank you.

14                   MS. STOGNER: Thanks.

15                   SENATOR DUNCAN: Members, any other  
16 questions? Thank you for your testimony.

17                   The Chair recognizes Ira Leichtman.  
18 Mr. Leichtman, state your name and who you  
19 represent.

20                   MR. LEICHTMAN: Good evening. My  
21 name is Ira Leichtman. I speak for myself as a  
22 resident of Bellaire. But I believe that I also  
23 express a voice in the sentiments of what I believe  
24 are the many voices of the residents and  
25 constituents of the 25th District.

1                   I am a native Houstonian. I was  
2 born in Methodist Hospital. My family moved to  
3 Willow Meadows in 1956. And I got to know my  
4 neighbor Elenor Tinsley, and quickly learned of her  
5 pride in Congressmens Eckhart, Andrews, Bentsen and  
6 Chis Bell. My father was a prominent Realtor who  
7 was on the board of the Houston Board of Realtors  
8 and also president of the local Willow Meadows  
9 Civic Club.

10                   I'm here to oppose this  
11 redistricting plan. It is totally partisan and a  
12 waste of taxpayers' money. As Republicans are fond  
13 of saying, it's my money. They are wasting it for  
14 partisan political advantage. Clear and simple.

15                   My residence is currently in  
16 Bellaire and I've lived there since 1990. For a  
17 short unfortunate time I was represented by  
18 Congressman Tom Delay. Yes, it does make a  
19 difference who your Congressman is. And let me  
20 give you an example. When Congress was discussing  
21 a national Tort Reform Bill and I believe they  
22 called it Auto Choice. I called Congressman  
23 Delay's office in Washington and told him that I  
24 would be visiting there along with family members  
25 and we would like a short amount of time, maybe

1 five minutes, to just express my opinions about  
2 this bill. I was told flatly by his staff that he  
3 doesn't have time and that he wasn't interested.  
4 Similarly, when my father attempted to speak with  
5 Congressman Delay he was given the same brush-off.  
6 Even though my father was vice-president of the  
7 Houston Board of Realtors in the '60's and had  
8 serious issues to discuss about real estate and  
9 business issues. My family was treated as, quote,  
10 "nonentities" when we were called -- when we  
11 called Congressman Delay's office. We were the  
12 other side. We were Democrats.

13 I feel that my voice and that of my  
14 families was silenced. Is this a voice of  
15 democracy? Is this the voice of our redistricting  
16 plan? Senator Janek, I appreciate your being  
17 here. I don't know if you recall, but about a year  
18 ago I was involved with issues of Tort Reform. I  
19 respectfully disagreed with you about every  
20 position you had. But, Senator, you took the time  
21 and you showed me the decency to spend 45 minutes  
22 in your office discussing intelligently and  
23 logically issues and differences that we had about  
24 Tort Reform. That will disappear if the  
25 redistricting prevails because I don't believe the

1 likes of Tom Delay have the same decency and  
2 respect for constituents that, you, Mr. Janek, have  
3 shown me and I do thank you for that.

4                   This past Saturday I testified how  
5 Congressman Bell before the paint was even dry on  
6 his walls and one week after being sworn in was  
7 contacted -- contacted Medicare's district office  
8 to deal with several of my frustrated clients who  
9 were trying to return thousands of dollars in --  
10 from their liability claim that Medicare, and this  
11 didn't make any sense to my clients, refused to  
12 accept thousands of dollars they were trying to  
13 return. Congressman Bell -- through Congressman  
14 Bell's effort, the money was quickly returned  
15 within days. This was good for Medicare. This was  
16 good for Texans. This was good for the 25th  
17 District. And this was good for the United  
18 States. And I'm sure that if Tom Delay was still  
19 my Congressman and knew that those proceeds that my  
20 clients had from their liability claim were from --  
21 recovered from the liability claims, that he would  
22 not have even returned my calls. I'm convinced of  
23 that. So, please, don't tell me it doesn't matter  
24 who your Congressman is. Because it is and it has  
25 to my family and to my clients.

1                   Now, we've heard testimony of how  
2 precipitously voter turnout has dropped in this  
3 country. Exactly what message do the Republicans  
4 think they are sending to those already cynical  
5 voters if by passing this voter turn out drops.  
6 Now, many Republicans are ready to break out the  
7 champagne glasses to get giddy about this Karl Rove  
8 and this Tom Delay grab for power.

9                   And I want you to be aware that the  
10 Washington Post, and I'll try to finish up,  
11 reported this morning that if this tragedy  
12 continues in the Texas and Colorado State  
13 Legislatures, that the Democratic speakers in New  
14 Mexico and Oklahoma State Legislature are prepared  
15 to call their own redistricting sessions. I think  
16 the axiom that what goes around, comes around  
17 should be considered today. I'm attaching a copy  
18 of the Washington Post article.

19                   I'm out of time, but I would also  
20 like to point out Congressman Bentsen's editorial  
21 in today's Chronicle, which if I could just read  
22 the last sentences. "While many arguments will be  
23 made to why there must be a wholesale midstream  
24 redrawing of the State's Congressional districts  
25 absence any legal mandate, citizens should be wary

1 of false and misleading statistics that belie the  
2 reality and undermine the essential American right  
3 to vote for the candidate of one's choice."

4 I have more to say. Primarily my  
5 message and the rest of my presentation was going  
6 to be that Republicans have put up bad candidates  
7 like Dr. Fontenot and Mr. Risner. They spent  
8 millions to defeat Ken Bentsen and Chris Bell.  
9 They've lost over and over and over again because  
10 our candidates have spoken for the constituents.  
11 We've had hundreds of unpaid volunteers to go out  
12 and speak one to one to the citizens of the 25th  
13 Congressional District. This is what democracy is  
14 about, not what y'all are doing. Thank you.

15 SENATOR DUNCAN: Thank you,  
16 Mr. Leichtman.

17 The Chair calls Julie Jackson  
18 Lusby. Ms. Lusby, please approach. State your  
19 name and who you represent.

20 MS. LUSBY: I'm Julie Jackson  
21 Lusby. And I'm here to represent myself. I'm a  
22 sixth generation Texan. And wrote everything down  
23 because I'm not much of a speaker. This special  
24 session is costing taxpayers at least \$1.7  
25 million. Some have said more. And this action is

1 conceived from the administration that touts itself  
2 as fiscally conservative.

3                   Our state is contending with an \$11  
4 billion deficit and has little money for schools or  
5 teachers, but plenty of money to deal with this  
6 session and the redrawing of districts to exclude  
7 democrats.

8                   Three years ago Governor Perry  
9 decides to let Federal courts draw these lines  
10 saying that special session was too expensive. Why  
11 is it not too expensive now? Republicans have  
12 charged that Democrats drew the lines to their  
13 advantage when they were the majority party, but I  
14 submit to you that never did they call a special  
15 session to do it. And they never did it more often  
16 than every 10 years after the census, as the law  
17 specifies.

18                   Our previous Governor bragged about  
19 his being a uniter and not a divider during his  
20 campaign for President. He spoke in glowing terms  
21 of his work in Austin as an example. It's very  
22 telling that now that his party is in power,  
23 moderate and undecided Republicans are getting  
24 calls from Washington saying that redistricting is  
25 very important to the White House.

1                   This ploy has divided our  
2 legislators like no other. Where is our uniter  
3 now? This is a blatant attempt to overturn the  
4 choices that voters make -- made in the past  
5 election.

6                   In countless districts, Republicans  
7 crossed party lines to elect Democrats who they  
8 felt would represent them best. The people have  
9 spoken. Fewer and fewer people vote. Schemes like  
10 this with the situation in Florida only drives more  
11 voters to stay home on election day. When their  
12 votes don't make a difference, who can blame them?  
13 Listen to me and listen to the people. This is  
14 wrong. Don't do it. Thank you.

15                   SENATOR DUNCAN: Thank you. Any  
16 questions? Thank you.

17                   The Chair recognizes Caroline  
18 Horton. Ms. Horton, approach. State who you are  
19 and who you represent.

20                   MS. HORTON: My name is Caroline  
21 Horton and I represent myself. I live in the NASA  
22 area and one reason that Nick Lampson was elected  
23 from a Republican District is that he is second to  
24 none in his support of NASA, and NASA supporters  
25 appreciate him.

1 I am here to oppose redistricting.  
2 I am personally interested in children's health  
3 care. President Bush likes to talk about  
4 evildoers. I believe evildoers are overactive.  
5 When they say that we have money for redistricting,  
6 but less money for CHIPS. I'm interested in FDA  
7 changes to force them to immediately release  
8 information about dangerous legal drugs and devices  
9 that can kill children. No child should die  
10 because the FDA is withholding information.

11 Nick Lampson and his associates Tom  
12 Combs and Dorethea Lewis have helped me in this  
13 endeavor. Can you imagine Tom Delay, the darling  
14 of the case street lobbyist helping me? The  
15 pharmaceutical industry will spend \$130 million  
16 this year, an off election year, to help elect  
17 national representatives. And \$47 million to help  
18 elect state representatives in the next election.  
19 Reportedly most of this money goes to Republicans.  
20 And, you know, they want the most for their money.  
21 Who is going to represent me and the children of  
22 Texas?

23 My family came to Texas in the  
24 1820's. They fought and were prepared to die to  
25 free Texas from a Republican -- a Federal

1 Government that did not represent the interest of  
2 the people of Texas. They served in the Texas  
3 Legislature in the 19th and 20th Century to form a  
4 strong Texas Legislature. There is spinning in the  
5 graves of the family cemeteries in South Texas  
6 because the Texas Legislature they loved is taking  
7 orders from a Federal Government that does not  
8 represent the best interest of the people of  
9 Texas.

10                   The 9th District voted Republican  
11 for Governor, but we wanted Nick Lampson as our  
12 representative. Now Tom Delay says we cannot have  
13 Nick Lampson. Tom Delay was at NASA today. That  
14 is less than 10 miles from here. Where is Tom  
15 Delay? Thank you.

16                   SENATOR DUNCAN: Thank you,  
17 Ms. Horton. Members, any questions? We appreciate  
18 your testimony.

19                   The Chair recognizes Less Ruthven.

20                   MR. RUTHVEN: That's pretty good.

21 Less Ruthven.

22                   COURT REPORTER: Say it again.

23                   MR. RUTHVEN: Les Ruthven,

24 R-u-t-h-v-e-n. My name is Les Ruthven. I live in  
25 the Heights. And I live there with my wife and my

1 three daughters. They are 8 and 10 and 12. And we  
2 are very well represented right now by Sheila  
3 Jackson Lee in the 18th Congressional District and  
4 also by Senator Gallegos and Jessica Farrar in the  
5 House.

6                   And we have just started -- we just  
7 changed, excuse me. We have just redistricted in  
8 2001 and we voted one time for our Congressman and  
9 we're very happy where we are. And I tend to agree  
10 with the doctor on the map. We paid for the map  
11 and we would like use it for 10 years. It's good  
12 and I don't see any reason to change it. And,  
13 actually, I went to the House proceeding on  
14 Saturday and it was -- it was quite different. I  
15 really appreciate the time and the attention that  
16 you're giving everyone one in this audience. And  
17 think that everyone is feeling like they're heard  
18 and I really appreciate it.

19                   I was a little upset after the last  
20 meeting because I was finding that John Culberson  
21 was going to represent, you know, my Heights  
22 neighborhood, and a lot of the other inner-city  
23 neighborhoods and I agreed with a lot of the other  
24 speakers that he would have to fight really hard to  
25 represent us and I don't think that he would

1 actually be interested anyway.

2                   And when I was preparing to come  
3 here again, I was a little rusty on my civics.  
4 It's been 25 years since I was in class. I've been  
5 looking through the Federalist Papers and the  
6 Constitution to refresh and look pretty good at the  
7 election laws. And in the Federalist Papers,  
8 actually on page 29, they spend a lot of time  
9 deciding how to divide the law so that the states  
10 or the Federal Government could control the  
11 election of the legislature. And one of the  
12 sections, paper No. 59, considering the power of  
13 Congress to regulate the election of members.  
14 Hamilton was explaining some of the dangers that  
15 happened when the states would be allowed  
16 unfettered access to the election law. And I'm  
17 quoting, "With so effectual a weapon in the hands  
18 as the exclusive power of regulating election for  
19 the national government, a combination of a few  
20 such men and a few of the most considerable states  
21 where temptation will always be the strongest might  
22 accomplish the destruction of the union. By  
23 seizing the opportunity of some casual  
24 dissatisfaction among the people and which perhaps  
25 they may themselves have decided to discontinue the

1 choice of members of the Federal House of  
2 Representatives."

3                   Here we're not talking about the  
4 discontinuance of choice, but about the control of  
5 that choice. This is not talking about keeping the  
6 numbers the same, but of increasing the control for  
7 the Republican party. We are also aware that Karl  
8 Rove encouraged redistricting in California -- in  
9 Colorado to a -- add a Republican seat in  
10 Congress. And the Majority Leader Tom Delay has  
11 worked with others to push for redistricting here  
12 in Texas.

13                   Given the recent history of the  
14 number of eligible voters being prevented from  
15 voting, in 2004, general election and the  
16 redistricting, it appears that a few such men and a  
17 few of the most considerable states, Texas,  
18 Colorado, Florida and Pennsylvania are in the  
19 position to adversely affect the vote and voice of  
20 the people. And really it's a seriousness here of  
21 the situation that brings me here.

22                   The -- there are a lot of checks and  
23 balances that are put in the Constitution and the  
24 bicameral system here in Texas allows you to --  
25 I'll finish up -- to exercise your vote to not hear

1 any redistricting map. And I'm encouraging you to  
2 do that or if you have to submit a map, you're in  
3 power to resubmit the current one and then it will  
4 just reduce the cost. That's all I have to say.  
5 Thank you.

6                   SENATOR DUNCAN: Thank you,  
7 Mr. Ruthven. Any questions for him? Thank you.

8                   The Chair recognizes Gerald, I think  
9 it's Womack.

10                   MR. WOMACK: Thank you very much,  
11 Senator. It is certainly a pleasure for me to come  
12 before this great distinct body today. After  
13 knowing and being raised in --

14                   SENATOR DUNCAN: State your name.

15                   MR. WOMACK: My name is Gerald  
16 Womack. After being raised up in the 18th  
17 Congressional District, after voting ever since I  
18 was at the age of 18, after really looking back at  
19 the history of what Barbara Jordan did for  
20 African-American people who had no hope, who had no  
21 hope in the voting system, and then now being able  
22 to meet a woman like Congresswoman Sheila Jackson  
23 Lee who has fought for, not just only the  
24 Democratic issues, she has fought for issues as it  
25 relates to children. She has fought for issues as

1 it relates to me as a Texan, as a business person,  
2 who has some, may have some disadvantage, but  
3 always gave me the fact that there was always some  
4 hope out there because our system would be right.

5 I come here today saying to you that  
6 I feel certain that Congresswoman Lee has  
7 represented all of the people, not just one  
8 fraction of the people. I've watched her. I've  
9 watched her issues as it relates to children  
10 caucus. I've watched her as it relates to mental  
11 illness situation in our state. I know. I serve  
12 right now on the Harris County Mental Health  
13 Retardation Board. I'm watching hundreds of people  
14 right here in Harris County that are being laid off  
15 because of our \$11 billion deficit.

16 I'm watching also as it relates to  
17 our recovery campus in the Fifth Ward area that has  
18 been a substance abuse center, also that's being  
19 now told by the University of Texas because of  
20 funding that their substance abuse campus will be  
21 shut down.

22 I'm also saying to you that I've  
23 watched even on a higher level that -- that have  
24 come before the body that I represent. Professors,  
25 psychiatrists from Baylor saying to us that in the

1 first time in years and years that the research  
2 department right here in the Medical Center, a  
3 Medical Center that is powerful all over this  
4 country is being cut out because of funding.

5 I'm saying to you that -- that it  
6 takes upon you, the leadership, that you have in  
7 your hands to vote no for this redistricting plan.  
8 I was one of those people two years ago who worked  
9 along with the others who went to the Federal  
10 courthouse and stood in line and said we do not  
11 want our district changed again.

12 I'm saying to you that it's going to  
13 take you all who are bold leaders of this great  
14 state to change this apathy about -- that it's  
15 about one party versus the other.

16 I think Congressman Culberson had  
17 said it very well. It's not about what is best for  
18 the State of Texas, it's about a party who is  
19 someone who is grabbing for power. I believe that  
20 if the Republican party wants to change this  
21 policy, it's already controlled by the White House,  
22 it's already controlled by the Senate, it's already  
23 controlled by the House of Representatives. They  
24 can do it within their own party. But I think it's  
25 very detriment to this state for you to use

1 taxpayers' dollars, those of us who have worked  
2 very hard for a living, to vote for this plan.

3 I believe that even today it should  
4 be without a doubt that you can go back to Austin  
5 and easily come to a final decision that the 12  
6 votes are there. And you're doing this not for a  
7 Republican referendum or a Republican plan, you're  
8 doing this because it's the right, it's the best as  
9 it relates to the people of Texas.

10 I urge you to vote against this  
11 redistricting plan. And I certainly want you to  
12 know that as it relates to Congresswoman Lee and  
13 the 18th Congressional District, we hold that to  
14 our heart. We -- we -- we are -- African-Americans  
15 in particular, are proud that she cannot only  
16 represent African-American people, but she can  
17 represent all Texans and members of that 18th  
18 Congressional District.

19 So, again, I want to remind you, I  
20 urge you to vote no for this redistricting plan.  
21 Spend your dollar for those CHIP children that I'm  
22 hearing from studies that's coming before my board  
23 that's saying to us for the first time in the  
24 history of this country that Texas is the first  
25 state to vote against the CHIP program as it

1 relates to children with mental illness. Also,  
2 spend your dollars as it relates to those other  
3 programs that those dollars could go toward to cure  
4 all of these problems.

5                   One last thing, just last night -- I  
6 serve on another board of a small organization --  
7 who has been able to pay their payroll for the last  
8 30 years. And just last night, they said because  
9 the Child Protection Service and the State funding,  
10 that they will not be able to pay their payroll  
11 because of the shortfall cuts that you have in  
12 Austin.

13                   So, again, I want you to vote no.  
14 Thank you very much.

15                   SENATOR DUNCAN: The Chair  
16 recognizes John Cobarruvias. Is Mr. Cobarruvias  
17 present? John Cobarruvias.

18                   Let the record reflect that  
19 Mr. Cobarruvias is not present and he has submitted  
20 written testimony and has registered a position  
21 against redistricting.

22                   The record will or the Chair will  
23 recognize Marcia Tibbets. Ms. Tibbets, please  
24 state your name and who you represent.

25                   MS. TIBBETS: My name is Marcia

1 Tibbets and I represent myself. And I would like  
2 to say God bless all of you for staying here with  
3 the last of us until the bitter end. Either you  
4 are all truly paying attention or you are really  
5 good.

6                   But I would like to say that Ron  
7 Wilson in Saturday's hearing said redistricting,  
8 quote, is going to happen, unquote. That is not  
9 necessarily so just because Republicans want it to  
10 be so. Actually this mid census process is  
11 unprecedented and the only ones who really want it  
12 are Tom Delay and President Bush and their  
13 cohorts.

14                   So far this Republican shell game  
15 which presents this map and that map and the  
16 mystery maps is estimated to cost our budget crunch  
17 to date \$1.7 million. And the sad fact is that it  
18 will cost Texans even more when redistricting  
19 certainly ends up back in the courts. The courts  
20 just drew the current map. Why would they want to  
21 redraw it two years later? They made their  
22 decisions and their map was upheld by the Supreme  
23 Court of the United States.

24                   I think this whole unnecessary  
25 process is a huge waste of time and money when we

1 can least afford either and when there are much  
2 more important issues to be addressed. It occurred  
3 to me that maybe some sneaky Republicans are using  
4 this redistricting circus to draw our attention  
5 away from the little mentioned government  
6 reorganization. I've heard it quietly mentioned  
7 that in the reorganization it would include  
8 strengthening the Governor's power. Lord help all  
9 Texans if that happens now.

10                   But back to the issue at hand. If  
11 unfortunately this redistricting happens, I  
12 furtherly hope that some of the districts drawn for  
13 Houston do not include one that goes through Austin  
14 all the way to the edge of Blanco County or that  
15 another Houston district will not go through  
16 Beaumont to the Louisiana border. In such  
17 districts neither urban, suburban or rural  
18 interests will be fairly represented.

19                   Why should farmers and ranchers care  
20 about Houston's need for funds to address homeland  
21 security, more light rail, cutting air pollution,  
22 health care, etcetera. And how much do Houston  
23 citizens know or care about agriculture, saving  
24 family farms or school funding for outlying planned  
25 communities. I am counting on all the Democratic

1 Senators to save us from this redistricting  
2 travesty by stopping it in its tracks on the Senate  
3 floor. Don't sell out or mail order cases of wine  
4 or Republican promised health centers or anything  
5 else. Do the right thing and then work for what  
6 you want in the present state government. But if  
7 redistricting goes through, I hope I end up in Tom  
8 Delay's District just for the pure pleasure of  
9 voting against him. Thank you.

10 SENATOR DUNCAN: Thank you.

11 The Chair recognizes Craig Stewart.  
12 Please state your name and who you represent.

13 MR. STEWART: I actually made it up  
14 here. My name is Craig Stewart and I am  
15 representing myself. I'm a student at the  
16 University of Houston where I have paid my own way  
17 which hopefully I will be able to continue to do,  
18 but I'm not sure now that tuition is going to go up  
19 over 40 percent this Spring and even more after  
20 that. So I want to -- thanks a lot.

21 First of all let me just say that  
22 I'm against redistricting. I think that this is  
23 just simply an illegal and immoral and just plain  
24 wrong, however based on Tom Delay's cockamamie  
25 ideas about what he thinks the government should be

1 and what the government should do. This statement  
2 that I am the Federal Government I think is typical  
3 of his humor and of his pride. And I think that he  
4 is not Louie the XIV, King and he should just calm  
5 down a little bit.

6                   You wonder why people don't vote  
7 today and you wonder why there is nobody my age in  
8 this hearing. Hey, check it out. There is two  
9 other people. It's because of messes like this.  
10 It's because we look at politics as it happens and  
11 realize that it's not actually about the issues,  
12 that it's not actually about trying to represent  
13 our interests. That it all boils down to a power  
14 struggle. What is this? You know, you're supposed  
15 to be there representing us, not just trying to  
16 pick up a few extra seats and say, you  
17 know, "Whoop-de-do".

18                   The former Governor, now President  
19 Bush prided himself on being able to reach across  
20 the aisle to accomplish the things that needed to  
21 be done for all Texans, but now it seems like it's  
22 devolving into just a agree for all, which is not  
23 what the State House should be.

24                   It's against the will of the people  
25 as is being evidenced by nearly every single

1 speaker today, by nearly every single speaker on  
2 Saturday when the State Committee was in Houston  
3 when they weren't listening, but....

4                   The people were against it anyway.  
5 Ron Wilson said that it was going to happen whether  
6 or not we liked it, but that shouldn't be the  
7 case. Representative King says that they're having  
8 these meetings to accept input and to make map  
9 space from that. Well, we shouldn't have a map  
10 then. That should be the map that we come up with.  
11 That's what the people are saying. 90 percent of  
12 the people across Texas that have approached these  
13 committees have said no, more than that. But it's  
14 just happening anyway.

15                   So Representative Culberson or voter  
16 Representative Culberson, comes up in front saying  
17 he's a Jeffersonian. And then the question is:  
18 Well, what does that mean? What does that mean to  
19 the rest of us? I think it's apt in this situation  
20 when we look at the wording on the Jefferson  
21 Memorial in Washington, it says, "Nothing is more  
22 certainly written in the book of faith in that  
23 these people ought be free." And we all sit back  
24 and we say, yes, this is a man who we love and can  
25 emulate and want his support. But what they don't

1 tell you, what's not in the history books and  
2 what's not on the monument is the second half of  
3 his sentence. It's half a sentence. The other  
4 half is that, "Nor is it less certain that the two  
5 races equally free cannot live in the same  
6 government." This was not a person who had wanted  
7 to be emulating. This is not ideals that would  
8 want to be emulated. Jeffersonian, give me a  
9 break.

10                               So basically where are the  
11 Kennedys? Where are the Lincolns? Where are the  
12 Washingtons? We want leaders who call us to be  
13 more than what we are right now. We want people  
14 who inspire us, who show us what it means to be a  
15 good person and to be able to get things done? We  
16 are the rare crossroads where we face a difficult  
17 choice, but one is clearly, it has the weight of  
18 right behind it. It has the support of the people  
19 behind it. And one would lead us down a dangerous  
20 road and set a dangerous precedent that will reek  
21 havoc against our entire nation.

22                               What if every state decides, you  
23 know, willy-nilly, after a huge election that  
24 they're going to redistrict? You know, at the  
25 Federal level control the House who vacillates back

1 and forth, back and forth. And for what gain? For  
2 what purpose? None. It's just party politics as  
3 usual.

4 So show us that you can be more and  
5 give us something to aspire to, and we'll back  
6 you. That's all I've got to say. Thank you.

7 SENATOR DUNCAN: The Chair  
8 recognizes Monica Krieger.

9 MS. KRIEGER: That was very good. I  
10 hope you vote next time.

11 SENATOR DUNCAN: Ms. Krieger, would  
12 you state your name and who you are?

13 MS. KRIEGER: Let's see. Does this  
14 work? Yeah.

15 My name his Monica Krieger and I  
16 represent myself basically as a homeowner.  
17 Basically, I would first like to say thank you for  
18 having me here. I was here on Saturday and it was  
19 a very long wait, but I think it is worth the wait,  
20 so thank you for your time.

21 First of all, let me quote the  
22 Houston Chronicle when Mr. King basically says in  
23 the article, "Democrats slap a new map." Mr. King  
24 says, "My intent was simply to send a few more  
25 Republican Congressional seats to Washington to

1 help hold on to a Republican majority to assist  
2 President Bush in his endeavors," says Mr. King.  
3 He also states, or we also know the facts is that,  
4 "Democrats currently hold 17 to 15 majority in the  
5 State's Congressional delegation." Mr. King says  
6 he believes his new map will result in a 19 to 13  
7 Republican majority. That's a fact if he goes with  
8 this plan.

9                   Now, please, intelligent Members of  
10 the Committee and this intelligent audience, I  
11 mean, let's do the math. Why can't we or why  
12 couldn't we have created a map on redistricting to  
13 be created equally? So why must our President need  
14 more Republicans in Congress in order to do his job  
15 right?

16                   I apologize for my comments and I  
17 don't mean to be insensitive, but I guess as a  
18 citizen of this great State of Texas, I'm  
19 disappointed that Republicans are using this  
20 special session and taxpayers' time and money for  
21 this particular session.

22                   Now, obviously I'm aware that  
23 Republicans and Democrats have very different  
24 political philosophies that if even if there was an  
25 even number of Democrats and Republicans, then it's

1 possible that we probably couldn't get anything  
2 done.

3                   So for my next point is still why  
4 must Republicans get six more Congressional seats  
5 over Democrats? To be honest, I'm still a little  
6 bit confused about what the map really means except  
7 that minorities -- you know, I don't really know  
8 what the slicing and dicing and carving up of a  
9 map. I'm not really sure what all that really  
10 means except that I know that minorities seem to be  
11 concerned that their voices may not be heard as  
12 loud. And maybe it would also create a great deal  
13 of divisiveness that there might be a breaking up  
14 of several tight-knit communities that had a great  
15 deal in common.

16                   So, I mean, Honorable Members, I  
17 hope that you will make the most fair and  
18 intelligent decision because this will, in fact,  
19 impact every one of us here in Texas. Whether or  
20 not you're a minority or you live in a rural  
21 community, whether you live in the Port of Houston,  
22 whether you live in Galveston, it will affect us  
23 all.

24                   And as a Hispanic female, this will  
25 definitely affect me in a most positive and

1 effective way, because as I was there on Saturday,  
2 I was here again today. I will be here again when  
3 I have to speak against an injustice.

4                   So, basically, I don't know, just  
5 like my 13 year old who is questioning, mom what's  
6 all of this stuff going on? Why do you have to go  
7 and speak? Because it's for his voice. In the  
8 next 10 years I want him to have a voice. I want  
9 him to be able to speak in front of you and say I  
10 have a voice and I want you to hear me.

11                   So as a teacher and mentor in public  
12 schools working with minorities, the next time that  
13 I see a slate of Senators, I hope I see some of my  
14 kids sitting in your seats because that would be a  
15 great, great victory for everyone in the State of  
16 Texas.

17                   Now, Mr. Macario Ramirez obviously  
18 has left, but I have to tell you he made a most  
19 powerful plea. I don't if you all remember him,  
20 I'm sure you do, but he woke everybody up. It  
21 would be great to have him here. He reminded me of  
22 a time when I was a little girl, I was a toddler  
23 going with my dad, Chicano Raza, you know, Viva La  
24 Raza or Chicano power or whatever all it was. I  
25 didn't know what it all meant at the time. But it

1 meant something. It meant something for my dad.  
2 And it meant something for me. Because -- because  
3 of him I have everything that I could want.

4                   We live in a neighborhood in Sheila  
5 Jackson Lee's neighborhood, old Sixth Ward. And at  
6 the time, my dad couldn't buy a house in that  
7 neighborhood because Ms. Smith owned a lot of  
8 properties. She would not sell to him because he  
9 was Mexican. That's why she would not sell to  
10 him. But you know what he did, he bought the house  
11 next door, the house behind her, the house down the  
12 street.

13                   Today because of his passion, I am  
14 here. I own a \$300,000 house on that lot that she  
15 wouldn't sell to my dad. And I'm really mad that  
16 my taxes are paying for this special session.  
17 That's all.

18                   I just want to add one thing. I  
19 urge you, I implore you to make the right  
20 decision. Table this until 2010. This is really  
21 ridiculous. Please table this. Thank you.

22                   SENATOR DUNCAN: Thank you. The  
23 Chair recognizes Joe Jennings. Mr. Jennings,  
24 please state your name and who you represent.

25                   MR. JENNINGS: My name is Joe

1 Jennings. I am a Democratic precinct chairman in  
2 Alief. And I am a 26th year associate of the  
3 philosopher and economists whose warnings are being  
4 worn out every day by the economic crisis in which  
5 these hearings are happening. And I'm talking  
6 about Lyndon LaRouche who is also a Democratic  
7 candidate for presidency.

8                   Now, the Delay redistricting plan is  
9 part of the process that is just taking a wrecking  
10 ball to representative government on all levels in  
11 this country right now. What is absolutely  
12 required is very thoughtful cooperation and  
13 collaboration to deal with unprecedented economic  
14 crisis.

15                   Right now all of the financial  
16 bubbles that localities and states were counting  
17 upon, were banking upon for revenue, during the  
18 1980's and '90's are just -- are just disappearing  
19 disappearing. I mean the high-tech bubble including  
20 the Y2k bubble almost seems like ancient history  
21 now. But you might know two weeks ago the Federal  
22 Reserve panicked and lowered the interest rates a  
23 quarter percent and tried to boost up Wall Street,  
24 but in so doing they're actually collapsing the  
25 dollar itself and reflect upon the fact that the

1 whole leadership of Freddie Mack (sic) just was  
2 forced out. To think about Enron disease hitting  
3 Freddie Mack is awesome because that's the entire  
4 domestic banking system there.

5                   Now, the question is: Is  
6 representative government going to work in this  
7 country under conditions of financial melt down. I  
8 mean, could we go fascist? Is that possible? But  
9 speaking today in Washington D.C. in front of a  
10 crowd of about 500 people including our  
11 Legislators, embassies and so forth, Mr. LaRouche  
12 pointed to the possibility, and he's making a  
13 specific warning here, that suddenly reverse in  
14 course and jacking up interest rates 7 to 10  
15 percent and just wiping out local budgets in  
16 communities. Kind of an economic 911 and using the  
17 chaos and the havoc to force through radical budget  
18 cutting and so forth everywhere.

19                   Now, could this happen? Could  
20 legislators just kind of give up their authority to  
21 take charge of their own economic destiny? Well,  
22 just think, it wasn't too long ago that the  
23 Congress of the United States surrendered its  
24 authority on the Constitutional prerogative to  
25 declare a war. And maybe very soon Dick Cheney

1 will pay for his role in falsifying evidence and  
2 passing it on to stampede the nation toward that  
3 award.

4                   But there are solutions. And the  
5 real crisis before us is how are we going to deal  
6 with an all rush economic depression? Is the  
7 Constitution going to work on our behalf under  
8 those conditions? And you policy makers are going  
9 to have to be able to get up to the mountain top to  
10 reconsider a lot of things to straighten this mess  
11 out. And that would not be possible I think in  
12 Texas under the conditions of the political civil  
13 war that the Delay redistricting plan would bring  
14 about, I believe.

15                   And so, I would heartedly encourage  
16 people, if you can take the opportunity to log on  
17 to LaRouche's website, LaRouche in 2004.com and  
18 hear the speech that he made today. Because it  
19 goes to the solutions that are in the proud  
20 traditions of the best edition of Texas in terms of  
21 big projects, water development, credit policy and  
22 so forth. A lot of it is there.

23                   But at the same time, I think, as  
24 Diane Mosier said earlier today, go back to Austin  
25 and ratify the map that you have. And then decide

1 that there are bigger problems on the table that we  
2 all have to deal with. And let's move forward on  
3 that basis. Thank you very much.

4                   SENATOR DUNCAN: Thank you.  
5 Members, any questions? Thank you.

6                   The Chair recognizes Ruth Milburn.  
7 Ms. Milburn, please state your name and who you  
8 represent.

9                   MS. MILBURN: Thank you. My name is  
10 Ruth Milburn and I represent Common Cause of  
11 Texas. I'm a charter member of Common Cause.  
12 Common Cause, if you are not aware, is a citizen's  
13 lobby interested in issues of accountability and  
14 integrity of governmental officials and an  
15 equitably of government action.

16                   As an organization, we have observed  
17 the redistricting process now in four decades. We  
18 believe the process itself is flawed. We have  
19 proposed alternatives to address the important  
20 responsibility of redrawing districts. And we'll  
21 continue to work towards an establishment of such a  
22 alternate process as the redistricting commission.

23                   Senator Wentworth has introduced in  
24 the last several sessions carried bills which  
25 provided for the establishment of an independent

1 redistricting commission. And we have supported  
2 him in that effort. We believe the best way to  
3 preserve the interests of voters in the electoral  
4 process is to develop redistricting plans outside  
5 the legislative process. As that set of bills is  
6 not before us today, that is not what I have come  
7 to testify on, however.

8                   I want to suggest several  
9 possibilities that do need to be considered by this  
10 body if redistricting is, in fact, taken up. One  
11 way in which we might be able to reduce the  
12 necessity for changing our district every time our  
13 political incumbency changes, either in the State  
14 Legislature or in Congress, is to redistrict based  
15 on several processes and simple ideas. Such things  
16 as natural boundaries, natural local communities of  
17 interest. And I would like to point out that  
18 within Houston the area inside Loop 610, although  
19 changing very dramatically now, both in terms of  
20 demographic and economic background, will continue  
21 to have a good deal more in common with ourselves  
22 with inside the loop than with those sprawling  
23 suburbs that are outside it.

24                   Secondly, I would like to point out  
25 that Common Cause has a concern that the

1 traditional Constitutional and Congressionally  
2 instituted requirements for an equitable  
3 distribution representation might be overlooked in  
4 this particular special session's approach to  
5 redistricting. We fear that the measures put  
6 before the legislature in this session are weighted  
7 too heavily by political concerns. Partisan  
8 politics are an appropriate consideration for  
9 redistricting. But they are not the only issue.

10                   Equitable representation of the  
11 State's more populous ethnic and racial minorities  
12 is absolutely essential to the preservation of  
13 representative government.

14                   In those less-populous regions of  
15 the State, the preservation of local subdivisions  
16 is also a major concern. Should population require  
17 splitting a county or a town, we would prefer that  
18 the smaller units within an area not be divided.

19                   And, lastly, I would like to speak  
20 to the issue of compactness and contiguity of  
21 districts. These are not esoteric or aesthetic  
22 concerns. They speak to the ability of a  
23 constituency with local concerns and common  
24 interests to organize and influence the outcome of  
25 an election and the ultimate actions of their

1 incumbents.

2                   Thank you very much for the  
3 opportunity to address you today. I appreciate  
4 your attendance here in Houston.

5                   SENATOR DUNCAN: Thank you,  
6 Ms. Milburn. Members, any questions? Thank you.

7                   The Chair recognizes John Odam.  
8 Mr. Odam, please state your name and who you  
9 represent.

10                   MR. ODAM: Mr. Chairman, my name is  
11 John Odam. And I represent myself. Thank you very  
12 much to each of you for coming to Houston tonight  
13 and today, this long day, and conducting these  
14 public hearings. And thank you very much for  
15 allowing me to take time to testify. I know some  
16 of you, some of you I do not, but that's  
17 immaterial. But I would like to give you a little  
18 bit of my background that is relevant to this  
19 point.

20                   First and foremost, I think I have a  
21 unique perspective with anybody in the great State  
22 of Texas about redistricting because when I decided  
23 to run for the State Attorney General's Office in  
24 1987, I visited each and every one of 254 county  
25 courthouses. I believe, to the best of my

1 knowledge, no one had ever done that before. And I  
2 promise you that anybody with any good sense will  
3 do it in the future. Because if I had one, I'm  
4 sure, I would have used that as a textbook to know  
5 how to run -- win the statewide office, Senator  
6 Harris, rather than Dan Morales, who is another  
7 issue that didn't have to do all of that. But my  
8 point is, I had unique perspective of campaigning  
9 and visiting every county on that map in all of  
10 these congressional districts as they presently  
11 exist.

12 I will say to you that I believe  
13 that there were many more issues just at the lady  
14 just said that should go into consideration rather  
15 than simply adding up how many D's and how many of  
16 the R's that there are. That is always been the  
17 process and should continue to be the process.

18 I'm not unfamiliar the legislature  
19 process. I served in the State Attorney General's  
20 Office in the 1970's and I represented the State,  
21 House of Representatives before the Texas State  
22 Senate on the trial of a State District Judge.  
23 I've served as Chair of the Harris County  
24 Democratic Party in 1982 through 1984. Also in  
25 1984 and 1985, I served as the legislative counsel

1 to Governor White in the House and the Senate. And  
2 I've had the privilege of being on the Floor in the  
3 Senate when I don't believe any of you were members  
4 of the Senate and I know a little bit about the  
5 legislative process.

6 I will say to you that I've never  
7 heard in my about 30 years of legislative and  
8 political experience in the great State of Texas  
9 through offices, that anyone has ever suggested or  
10 used as a legal or political basis that's simply  
11 because we have so many elected statewide office  
12 holders that we're entitled to so many members of  
13 Congress. That will not stand up in Congress and  
14 no member of the Democratic Party, to my knowledge,  
15 when they were in power, used that as a reason.

16 I would say to you and urge you that  
17 I do not believe that the issue should become  
18 before the Senate. However, I can count votes, and  
19 it's pretty tough. So that goes to my second  
20 point. And that is simply to say to each one of  
21 you that I would urge every one of you to rise  
22 above partisan politics on what is obviously a  
23 partisan politics issue.

24 In my opinion, George W. Bush when  
25 he was governor stressed the importance of

1 bipartisanship. I also will say that I served on  
2 the board of the Texas Youth Commission while,  
3 Governor Bush, while George Bush was Governor and  
4 while Anne Richards was Governor. And I heard him  
5 talk about that bipartisanship. And I think if he  
6 were involved in this process today, he would talk  
7 about a need for bipartisanship. Well, he's not  
8 here. And, so, therefore, it is up to this body,  
9 the State Senate, to talk about bipartisanship. I  
10 think it should not come to a vote. But if it  
11 does, I would urge you, as a body, to reach a  
12 reasonable compromise. This body involves State  
13 Senate is used to political and legislative  
14 compromise.

15 I finally say to you if you have not  
16 read the great book by Robert Caro, I would urge  
17 you to do so about the Senatorial career of Lyndon  
18 B. Johnson. The reason he named him the Master of  
19 the Senate is because, in his opinion, he was a  
20 master of the Senate of the entire Senate in the  
21 history of the Senate. It goes back to the days of  
22 Webster. What is the relevance of that? Each one  
23 of you, Senator Wentworth, Senator Chip Averitt,  
24 Senator Duncan, Chairman, Senator Gallegos, Senator  
25 Staples, Senator Van De Putte, Senator Janek and

1 Senator Harris from Baylor Law School, one of you  
2 can or all of you can be masters of the Texas State  
3 Senate, one or all of you, including Senator West,  
4 and including Senator Ratliff, can take a  
5 leadership position and show the people of the  
6 State of Texas, and show this audience and show the  
7 people of the country that even on this issue, we  
8 can reach a compromise. We can reach a compromise  
9 that is fair to all of the people. Now, that is  
10 difficult, but it's not impossible to do. Nothing  
11 is impossible.

12                               So, one -- I say to you I hope that  
13 it does not come to a vote, but if it does come to  
14 a vote, I challenge every one of you to go back to  
15 Austin and take that leadership position. I used  
16 to hear Senator Moffett and Senator Duncan talk  
17 about, well, all we want is a level playing field,  
18 that's a great phrase they he used to have. That's  
19 what we're talking about here is a level playing  
20 field in terms of what is fair and right to all of  
21 the people of the State of Texas, whether they are  
22 Democrats or Republicans. And I urge you, each one  
23 of you, to become a master of the Texas State  
24 Senate. Thank you very much.

25                               SENATOR DUNCAN: Any questions?

1 Senator Harris.

2 SENATOR HARRIS: Now, I seem to  
3 remember when I was at Baylor Law School there was  
4 an Odam there, was there not?

5 MR. ODAM: That was my father there,  
6 I believe. Now, I practiced court Judge Frank  
7 Wilson in 1971. That was me.

8 MR. HARRIS: Yeah. I don't know  
9 which one of us politics is more brutal from the  
10 standpoint of -- did we debate?

11 MR. ODAM: We definitely debated.  
12 I'm standing out here and you're sitting up there.

13 SENATOR HARRIS: Well, as I remember  
14 he was our cum laude of the Baylor class. He was  
15 an exceptional law student and had been an  
16 exceptional individual. And I'm glad to hear from  
17 you.

18 MR. ODAM: Thank you very much.

19 SENATOR DUNCAN: Are there any other  
20 questions? Thank you for being here.

21 MR. ODAM: Thank you.

22 SENATOR DUNCAN: We have two Texas  
23 Tech Law School graduates here.

24 Now, the Chair recognizes Mary Kay  
25 Green.

1 MS. GREEN: I am Mary Kay Green.  
2 I'm representing myself this evening. I'm a  
3 resident of Houston, Harris County, Texas. And I  
4 live in the current 18th Congressional District,  
5 Senate District 6 and State Representative District  
6 148 in the historical Heights area. I thank you  
7 for the opportunity to be heard.

8 I oppose redistricting. There is no  
9 compelling state interest to do this. In my case,  
10 I do not have the same commonality of interest of  
11 those in the west area of the county with whom I  
12 may be joined. The Voting Rights Act does not  
13 contemplate change on a partisan basis. And the  
14 committee approved a plan initially put forth is  
15 nothing but that in my opinion.

16 If a redistricting map similar to  
17 that which was proposed passes the legislature, the  
18 legislature's decision may not say a political  
19 decision. In the remote possibility that the  
20 Justice Department does not follow precedent and  
21 accept such a plan, the issue will likely go  
22 through the Federal Court system with the  
23 three-judge panel as it did in Vera, et al, versus  
24 Bush, et al, which was filed in a noncensus year,  
25 which was 1994. If appealed, it goes straight to

1 the U.S. Supreme Court and is out of the hands of  
2 the Justice department. The cost to the State of  
3 Texas would be in the millions of dollars, not to  
4 mention the cost to the special session that we are  
5 incurring as we speak.

6                   From a pragmatic point of view, I  
7 have served as an election judge, or alternate  
8 judge for 15 years. And in my opinion, you're  
9 going to have an extraordinarily unhappy electorate  
10 if these lines keep shifting. The current court  
11 plan has a 50 percent Democratic voting strength in  
12 more than 12 districts -- in 12 districts. And it  
13 has 15 percent voting strength in 20 districts.

14                   If the Republican Party wants to  
15 claim these districts, then I say get out and work  
16 for them. Put forward candidates who appeal to the  
17 voters. In five of those districts, Democrats have  
18 done so. And please note, that the two new  
19 districts that were most recently created, are  
20 represented by Republicans.

21                   As we know, the Voting Rights Act  
22 guarantees a right to vote, not the result. As was  
23 mentioned earlier that there were no congressional  
24 districts or representations for Hispanics here, I  
25 don't think of that is true simply because our own

1 Congressional District 29 which has a Hispanic  
2 community of interest of over 63 percent has chosen  
3 Gene Green as its Congressman. And if he is not  
4 representing those interests, then whose?

5                   Redistricting adjustments are made  
6 due to shift in population according to census  
7 data, not the number of voters or party  
8 affiliation. We, as a state, still have to pass  
9 muster through the Justice Department when this  
10 happens. I have collected census data as a field  
11 worker, and which changes were made in the 1980's.

12                   I'm a deputy voter registrar. And I  
13 have worked in Ted Hertz's office who was at the  
14 time local counsel for Vera vs. Bush, the case that  
15 was heard in 1994. I have run for public office  
16 and I have been a part of the nuts and bolts of the  
17 electoral process for sometime.

18                   I find it stunning that the  
19 legislature has been called into special session  
20 for redistricting when draconian cuts were made to  
21 health and educational programs in this state. I  
22 urge you to reject any effort to alter the  
23 boundaries of the existing congressional districts  
24 and do it as quickly as possible. Thank you.

25                   SENATOR DUNCAN: Thank you. The

1 Chair calls Pastor Willie Davis. Please state your  
2 name and who you represent.

3 PASTOR DAVIS: My name is Pastor  
4 Willie Davis, and I'm representing myself and also  
5 my church, Grace St. Paul Baptist Church, which is  
6 in the 18th Congressional District. And also, I'm  
7 representing the Ministry Advisory Board to the  
8 City of Houston, the Mayor's office.

9 And I want to go on record as  
10 opposing this redistricting. I've had the  
11 privilege and the opportunity to go to Austin and  
12 to -- before the three panel, judge panel to also  
13 testify there in the early stages of this and, of  
14 course, the creation of this what is probably  
15 proper lines, this mysterious map.

16 But I think it's rather indicative  
17 of the fact we're gathered here because in this  
18 district, the 18th Congressional District we have a  
19 Congresswoman who has represented us applicably and  
20 have done it with all of us in mind. I make no  
21 bones about the fact and there are many other  
22 pastoral or ministerial leaders in this community  
23 that could very well probably fill this building up  
24 talking about the awesome leadership that we've  
25 gotten out of Congresswoman Sheila Jackson Lee.

1                   I think it would certainly be a  
2 heartening effect for us to know and especially to  
3 me, because the Republican Party has always dubbed  
4 itself as a party of morality. But I would  
5 question that today. And I don't want to try to  
6 debate the principles of being a Republican or a  
7 Democrat. That's really not why we're here. What  
8 I do want to go on record saying that for this to  
9 be done would hurt this state immensely. What  
10 Congresswoman Lee has done in her district, in this  
11 district, which is a historical district, has  
12 enabled many of us to take leadership and really  
13 aspects on how we conduct our business and  
14 certainly how we open up doors in avenues for our  
15 parishioners. Congresswoman Lee has served us in  
16 so many different capacities as it relates to  
17 social, as well as faith-based changes and how we  
18 can adequately increase economic and power within  
19 our congressional district.

20                   I would hate to see that happen by  
21 this tearing up or the dividing of this district.  
22 Certain few things come to mind as I take my seat.  
23 First of all, I was born and raised in this city.  
24 Born and raised. Went to school from here. Went  
25 into the military, served. I was a Vietnam vet. I

1 went in and I was one of the first to go in during  
2 the Volar Army in which we now have sent many of  
3 our men and women across seas to fight on my behalf  
4 which was creative army. I was one of the first  
5 voluntary groups out of college into the Volar  
6 Army.

7 I would hate to believe that out of  
8 all that's been done in this country at this very  
9 point to have this type of action taken in the  
10 State of Texas. Because I am a Native Houstonian  
11 and was born and raised in this city, as I sit and  
12 listen to most of the peoples' expressions, some  
13 angry, some very frustrated, something came to my  
14 mind being a Native Houstonian born and raised in  
15 this city. And that was, I remember the State song  
16 and of course, those of us who are Texans and a  
17 pure Texans know that much of what we learned in  
18 elementary school is that you definitely learn the  
19 State song. Isn't that right? And I sit and  
20 listen and what came to my heart was the Eyes of  
21 Texas are upon you. And it really is upon you to  
22 make the right decision in what this is about.  
23 What is this about? Is this about values of  
24 vendiction (sic)? Is this about a party or a total  
25 power, or is this about the will of the people or

1 is this about the will of a person? And I think  
2 each one of us need to really stop and think  
3 prayerfully and think upon this line.

4                   God knows that I didn't come to  
5 preach a message, but I think one could really be  
6 used right about now. And then all we have to do  
7 is just pass the plate and then we could all go  
8 home. But please, I would request of you, to  
9 please, please take into consideration how this has  
10 divided our state and we don't need it. Thank  
11 you.

12                   SENATOR DUNCAN: Thank you very  
13 much. Any questions for Pastor Davis? I  
14 appreciate your testimony.

15                   PASTOR DAVIS: Thank you.

16                   SENATOR DUNCAN: Pastor Davis, do  
17 you know the Texas pledge?

18                   PASTOR DAVIS: Most definitely.  
19 Okay.

20                   SENATOR DUNCAN: Thank you.

21                   PASTOR DAVIS: All right. Thank  
22 you, too.

23                   SENATOR DUNCAN: Let the Chair  
24 recognize F. Raymond Balch. Mr. Balch, state your  
25 name and who you represent.

1                   MR. BALCH: My name is Ray Balch and  
2 I'm a high school and advanced placement U.S.  
3 Government teacher and I'm here representing  
4 myself.

5                   First of all, I want to say as a  
6 Republican who believes in fiscal responsibility,  
7 I'm appalled at the fiscal irresponsibility that's  
8 being displayed by the party leaders right now.  
9 This is ridiculous to be spending money at a time  
10 when education, which I happen to have a personal  
11 interest in, has been cut. We're cutting money for  
12 children in the CHIPS program. We're taking aides  
13 away from the handicapped -- we're doing all of  
14 these things because of the draconian, excuse me  
15 the draconian state of our economy right now, the  
16 budget. And, yet, we have \$1.7 million to spend  
17 for this? And, you know, some of these districts  
18 that were proposed by Tom Delay and Representative  
19 King are attempting to draw racially gerrymander  
20 districts, that will wind up in court because  
21 that's unconstitutional. So guess what? We're now  
22 going to spend 7, 8, or 9 more million dollars to  
23 defend this plan? That's ridiculous. I thought  
24 that we as Republicans stood for fiscal  
25 responsibility, not for this kind of

1 irresponsibility.

2                   Secondly, you are going to -- if  
3 this plan goes through, we will start a very bad  
4 precedent. And that precedent is that every time  
5 there is a new majority in Austin, we will  
6 redistrict. And so when the Democrats come back  
7 into power as the majority they're going to want to  
8 redo it and here we go again.

9                   One of the hardest things I've had  
10 to teach my students is to understand about  
11 redistricting and apportionment and  
12 gerrymandering. And people are always confused  
13 about who represents them. And if you start  
14 changing the lines every two, every four years,  
15 guess what, they're really going to be confused.  
16 And you know what you get when you get confused  
17 voters, you get people not voting. Is that any way  
18 to run a Democratic system? I think not.

19                   Now, I heard someone say earlier  
20 today that Governor Perry by calling the special  
21 session is simply trying to provide the people of  
22 Texas with the opportunity to make their own  
23 choices and not have Federal judges do it. Well,  
24 that's great. But why didn't he have that kind of  
25 backbone and conviction two years ago? Why did he

1 let it go to the courts in the first place? He  
2 said it was too expensive for a special session in  
3 2001. How in the world is it now not so expensive  
4 in 2003? That logic totally escapes me.

5                   Also, when I saw the first map that  
6 was proposed posed by Representative King, actually  
7 by Tom Delay, it said the district -- it drew  
8 districts that we're really all out of kilter. I  
9 want the people of Harris County to be represented  
10 and you put a district that goes from Harris County  
11 up to the Panola County or from Harris County up to  
12 Austin County, you are putting people together,  
13 excuse me, Travis County, you have people together  
14 who don't necessarily have the same interests who  
15 don't have the same issues, the same problems and  
16 you're going to wind up getting certain people not  
17 presented and that's not right either. We need to  
18 make representation fair so that everyone gets  
19 represented.

20                   Now, Representative King said the  
21 whole purpose in this plan is to send more  
22 Republicans to Washington to help President Bush.  
23 Well, gee, I thought President Bush was the great,  
24 you know, successor to the great communicator, I  
25 thought he was a great person who could do

1 bipartisan things. As Governor, he worked with  
2 Democrats. Why does he suddenly need six more or  
3 whatever Republicans from Texas to get the job  
4 done? Why can't he simply be more bipartisan in  
5 Washington because he was elected as a  
6 compassionate conservative who is concerned about  
7 being able to work in a bipartisan nature.

8                   I would encourage you -- also, the  
9 argument has been made that because the Republican  
10 Party got 58 or 60 percent of the popular vote  
11 statewide, they should have that percentage of  
12 Congressmen. And that's not necessarily true,  
13 that's faulty logic because as it was pointed out  
14 before, people vote split ticket.

15                   Even though I'm Republican, I  
16 encourage my students not to vote on party line. I  
17 encourage them to vote the basis of issues on  
18 things that concern them and vote for the person  
19 who you best believe will get the job done. Be  
20 that Democrat or Republican. That's not what's  
21 important. You don't need to take this kind of  
22 faulty logic and apply it, because, well, guess  
23 what, when the Democrats get 60 percent of the  
24 popular votes statewide, they will be wanting 60  
25 percent of the legislative districts and off you go

1 with the same merry-go-round over and over again.

2 I encourage you at the Texas Senate  
3 to stop this in its track and let's go on to  
4 something more important. But if we do have to  
5 have this redistricting plan, please pick one that  
6 is fair and equitable, not one that was conceived  
7 by Tom Delay that is out for a simple power grab.

8 And I want to echo, lastly, the same  
9 thing that everyone else has said. We appreciate  
10 the fact that you're all here. I was at TSU on  
11 Saturday and got the distinct impression that most  
12 of the people up on these biases had no interest at  
13 all of what was being said. You obviously do and I  
14 appreciate that. And I thank you for your time.

15 SENATOR DUNCAN: Members, we've been  
16 going an hour and a half. We have about 50 minutes  
17 left. We need to take a short break. I'm not  
18 going to take a 15 minute break. We'll take a five  
19 minute break and let the court reporter take a  
20 little rest and a restroom break for everyone  
21 else. And start promptly in five minutes. I'm  
22 really going to stick to that. I know y'all are  
23 tired and we need to conclude.

24 The meeting stands adjourned until  
25 9:00, or rather 8:50.

1 (RECESS.)

2 SENATOR DUNCAN: The Committee on  
3 Jurisprudence will come back to order and we'll  
4 proceed with our next witness. Is Michael Mosteit  
5 M-o-s-t-e-i-t, here? Michael Mosteit, please  
6 approach. State your name and who you represent.

7 MR. MOSTEIT: Thank you,  
8 Mr. Chairman and Committee. Michael Mosteit. I'm  
9 a business representative with the International  
10 Brotherhood of the Electrical Workers. And I stand  
11 in opposition of redistricting.

12 Redistricting is supposed to be  
13 based on the census. What is proposed now is being  
14 based on the number that 58 percent of the voters  
15 voted Republican. This insinuates that 58 percent  
16 voted a straight ticket. The truth is while voters  
17 may have voted for more Republicans than Democrats,  
18 they did vote straight ticket, but actually split  
19 their ticket and elected Democrats and  
20 Republicans.

21 Redrawing district lines to meet a  
22 certain percentage number pulled out of context is  
23 unfair. If numbers were pulled out of the census  
24 then elected will reflect that the census is  
25 showing 32 percent Hispanic, 12 percent

1 African-American, and 50 percent women. Therefore,  
2 our elected officials should be 32 percent  
3 Hispanic, 12 percent African-American and  
4 50 percent women.

5                   The census is supposedly used in  
6 redistricting to have equal number of citizens  
7 sharing a community of interest put in the  
8 districts allowing them to elect the candidate of  
9 their choice. And I would like this committee to  
10 take that into consideration in opposing the  
11 redistricting issue. Thank you for your time.

12                   SENATOR DUNCAN: Thank you, Mr.  
13 Mosteit.

14                   The Chair recognizes Fred Gosling.

15                   MR. GOSLING: Not bad. Gosling.

16                   SENATOR DUNCAN: Mr. Gosling, please  
17 approach. State your name and who you represent.

18                   MR. GOSLING: My name is Fred  
19 Gosling, G-o-s-l-i-n-g. "U guyan beuvater" (sic).  
20 We've been snaked in Beaumont.

21                   First, I would like to ask a  
22 question. To make sure my math is right because  
23 the guy from Rice and I both had the same math  
24 teacher. 651.6K roughly is the per  
25 representative --

1                   SENATOR DUNCAN: That's correctly  
2 stated.

3                   MR. GOLSLING: -- representative  
4 state population is roughly 20,851,820 from the  
5 website of the Census Bureau. I checked that last  
6 night. The population of Harris County is  
7 3,405,078. 651.6 in the 3,405,078 gives 5.2.  
8 That's what Harris County is entitled to in my own  
9 opinion.

10                   What happened in 2001? We didn't  
11 have redistricting of our State Senate by a  
12 legislative process. We had a five-person panel,  
13 four Republicans and one Democrat. As a result and  
14 I have found out, that because East Texas -- I live  
15 in Jefferson County that's surrounding by Orange  
16 County, Hardin County, Liberty County, Chambers  
17 County, and also who I think because we have a  
18 bunch of beach houses down on Boliver Peninsula, we  
19 are in with Galveston County somehow.

20                   My point: I represent Southeast  
21 Texas. I failed to say who I represent. But I  
22 represent myself, but I'm a retired CPA and I  
23 represent Southeast Texas. We have no  
24 representation in the Texas Senate because it is  
25 legally -- you are legally able to gerrymander

1 because we have no minorities in Southeast Texas.  
2 Now, is that representative democracy? Is that  
3 representative democracy that we have to give up  
4 our representation under the Texas Senate to  
5 Montgomery County? That we have to give up our  
6 representation in the Texas Senate to the west side  
7 of Houston? Is that representative democracy? I  
8 think not.

9 "We the people of the United States  
10 in order to form a more perfect union." Partisan  
11 politics is the dismemberment of the body of  
12 politics. Senators, and I appreciate your  
13 attendance here and I especially appreciate my  
14 Republican Senators' attention and the other  
15 Republican Senators' attention of the very fact  
16 that 90 percent of us are obviously Democrats. As  
17 Will Rogers said, I have belonged to no organized  
18 political party. I'm a Democrat.

19 Senators in Austin, think of this as  
20 you ponder redistricting. Are you forming a more  
21 perfect union? Are you preserving and defending  
22 the representative democracy that moved our  
23 founding fathers to pledge their lives, their  
24 fortunes and their sacred honor, or do you shame  
25 our forefathers' sacrifices with your lust for

1 partisan political power at the expense of a  
2 representative democracy?

3 I will fight tyranny in my own  
4 state. As Martin Luther said, "Here I stand."

5 Thank you.

6 MR. DUNCAN: Thank you,  
7 Mr. Gosling. Members, any questions for Mr.  
8 Gosling? Thank you.

9 The Chair recognizes Margaret  
10 Bartholomew.

11 MS. BARTHLOW: Bartholow.

12 SENATOR DUNCAN: I'm sorry.  
13 Margaret Bartholow.

14 MS. BARTHLOW: It's okay.

15 Good evening. My name is Margaret  
16 Bartholow. I live in the 18th Congressional  
17 District in Houston and Montrose. I appreciate  
18 your presence here. And I thank you for affording  
19 me the opportunity -- excuse me, I'm nervous, to  
20 speak.

21 I am very -- I am proud and honored  
22 to be represented by Aida Edwards (sic), Garnet  
23 Coleman, Rodney Ellis, and Sheila Jackson Lee. I'm  
24 very honored to be represented by Sheila Jackson  
25 Lee. I would feel punished if I were to be

1 represented, albeit, though he maybe a nice man, by  
2 Representative Culberson.

3                   I submit to you that this is -- this  
4 -- I strongly oppose this redistricting and the  
5 special session. I would submit that it's neither  
6 conservative nor compassionate. It is radical,  
7 vindictive and punitive. Hundreds, myself and  
8 hundreds, hundreds upon hundreds of thousands of  
9 people in my district and others are being punished  
10 simply because we disagree with the Bushes, the  
11 Roves and, the Delays. And we voted. We have the  
12 audacity to vote accordingly.

13                   This -- well, basically that's all I  
14 have to say. But I do not think we as innocent  
15 voters should be punished by this. People that did  
16 not work nor have no -- what is the word, this  
17 would be a bad marriage to have John Culberson  
18 represent where I live. I live in a very  
19 historical old -- one of the oldest neighborhoods  
20 in the State. It's not only historical statewide,  
21 it's nationally historical. And I do not think  
22 again, though he may be nice person, it would not  
23 be a good match for Culberson to represent my  
24 area.

25                   And, again, millions of people in

1 this state and thousands upon hundreds of thousands  
2 in my district are being punished. And money is  
3 being spent -- I mean, the State is hemorrhaging  
4 money as has been put forth. And this is just not  
5 right. And somebody made reference to Robert  
6 Caro's book about Lyndon Johnson and the Senate and  
7 the State, really that's the history of the State  
8 if you read the three Caro's books. And it was  
9 modern, you know, 20th Century Texas.

10                   And when they write this history  
11 it's -- I think y'all are going to be embarrassed  
12 in 20 years when they -- when they start writing  
13 about this. It's not -- it's not a good way to  
14 present Texas to the world, I think.

15                   Thank you very much.

16                   SENATOR DUNCAN: Thank you, Ms.  
17 Bartholow. Members, any questions?

18                   The Chair recognizes Edwin Young.

19                   MR. YOUNG: Thank you. My name is  
20 Edwin Young. Before I say anything, I want to  
21 thank you people for being here. I was at the  
22 House meeting hearing on Saturday and they all  
23 acted like Cinderella when the clock -- they all  
24 disappeared. So I thank you for being here and  
25 listening to those of us who are still here.

1                   SENATOR DUNCAN: Did they leave a  
2 glass slipper anywhere?

3                   MR. YOUNG: I don't know. They got  
4 out of there so fast. But anyway, I'm not a native  
5 Texan. But like Bruce Spinks (sic) says I'm proud  
6 to be an American. I actually -- I have lived in  
7 -- worked and lived in southern states. I lived  
8 in five -- I lived in five of them long enough to  
9 get my driver's license and voting cards so I'm  
10 used to this redistricting.

11                   I do want to say I will repeat some  
12 of what the gentleman -- who actually stole my  
13 lines -- the gentleman from the IBEW. At the  
14 hearing on Saturday, an elderly African-American  
15 gentleman suggested that because 10 percent of the  
16 Texas population were African-Americans, therefore  
17 10 percent of the congressional delegation should  
18 be African-American. And then the a young Latina  
19 lady suggested that since 30 percent of the State's  
20 population were Hispanic, that 30 percent of  
21 congressional delegation should be Hispanic. Later  
22 on an Anglo Congressman suggested that because more  
23 than 50 percent of the people have voted  
24 Republican, more than 50 percent of the  
25 Congressional Delegation should be Republican.

1                   Well, actually, the Latina lady and  
2 the elderly African gentlemen were closer to be  
3 being correct. Because I have this article that  
4 was referred to before -- and written by Ken  
5 Bentsen. What he says is, "The Federal Voting  
6 Rights Act and the U.S. Supreme Court upheld that  
7 districts are drawn on the basis of the number of  
8 individuals, not the number of who voted." And I  
9 hope that you will remember that and not vote.

10                   I am opposed to redistricting  
11 obviously. I also -- I want to congratulate you on  
12 staying so long. I do have one complaint though.  
13 You let some of these people talk much. I address  
14 -- they talked -- I'm surprised that the abortion  
15 rights issue didn't come up because we've discussed  
16 everything except redistricting. So, I want to  
17 stick to the point. I think we should redistrict  
18 once every 10 years the way the Constitution says  
19 and not have a special session.

20                   I want to say, excuse me. Excuse  
21 me, I want to digress. The last time redistricting  
22 affected me personally I was living in the Empire  
23 State, New York State. I was living on Long  
24 Island. There were five Congressmen, one Democrat  
25 and four Republicans. At that time Nelson

1 Ruckerfeller was the Governor. The State assembly  
2 was Republican and the State Senate was Republican  
3 and we had what they called a Rockymander. On Long  
4 Island the one Democratic Congressman disappeared.  
5 Well, you know, what goes around comes around.

6                   If you look at -- my daughter still  
7 lives on Long Island. Right now on Long Island  
8 there are four Democratic Congressmen and one  
9 Republican. So you have to remember that.  
10 Gerrymandering is fine as long as it's done in  
11 accordance with the law, not in the special session  
12 to do it. Thank you.

13                   SENATOR DUNCAN: Thank you,  
14 Mr. Young. Members, any questions?

15                   The Chair recognizes Linda George  
16 Smith. Ms. Smith.

17                   MS. SMITH: Good evening, Senators.  
18 Thank you Senator Duncan for coming today and I  
19 want to thank my own State Senator Kyle Janek for  
20 being here as well.

21                   I want to say this in public and  
22 I've been saying it to you in private. I respect  
23 the way that you have conducted the meeting and  
24 giving us breaks and listening respectfully. And  
25 coming as a committee and not just sending a

1 subcommittee.

2                   My name is Linda George Smith. I am  
3 testifying against redistricting and I'm  
4 representing myself and my family. I am a  
5 51-year-resident of West University Place. The  
6 City of West University Place. I was born into a  
7 family with a Republican dad and a Democratic  
8 mother, an aunt in Bellaire who worked for George  
9 Bush, Sr., in his congressional race many years ago  
10 in the 60's. I studied to be a nurse before I  
11 became a public school teacher, which I have been  
12 since 1971.

13                   First of all, actually or second of  
14 all, but anyway, first of all, I want to say that  
15 I'm a proud American. I love my country deeply  
16 especially our beloved Constitution. I cherish my  
17 right to vote and to exercise my freedom to vote  
18 for and organize others to vote for the candidate  
19 of our choice, as I was trained do by the great  
20 progressive Democrat Billie Carr.

21                   Second, my Congressional District,  
22 the 25th, is composed of Republicans, Democrats and  
23 Independents. In the 2002 election, our district  
24 elected Congressman Chris Bell. Congressman Bell  
25 is doing an excellent job representing our

1 district. When the next election cycle occurs, the  
2 people of the 25th will vote Congressman Bell in or  
3 out. This process should continue until the 2010  
4 census. Then and only then should we redraw the  
5 district lines.

6 Senators, no individual or group has  
7 the right to overturn the will of the people. The  
8 redistricting map of 2001 is legal and complies  
9 with the 1965 and 1968 Voting Rights Act.

10 As you know, the last legislative  
11 session cut a tremendous amount of money from  
12 public education, health and human services,  
13 medical and academic research, etcetera. This  
14 current budget in no way reflects our moral call to  
15 be "stewards of the earth" and help the poorest of  
16 the poor, the least of these.

17 Revisiting redistricting at this  
18 time is an obscene waste of our State's money. To  
19 spend our money this way at this time is an  
20 arrogant and shocking slap in the face of middle  
21 class people and most of all, the working poor.  
22 This redistricting plan will set a terrible  
23 precedent for the future.

24 Finally, I am asking the Committee  
25 to recommend to the full Senate the removal of

1 redistricting from the special session of the Texas  
2 Legislature which began on Monday, June 30th, 2003  
3 in Austin. Please speak truth to power. Speak for  
4 the people of the great State of Texas.

5 Thank you.

6 SENATOR DUNCAN: Thank you,  
7 Ms. Smith. Members, any questions for Ms. Smith?

8 MS. SMITH: I would like to say one  
9 more thing.

10 SENATOR DUNCAN: Sure.

11 MS. SMITH: I have been an alternate  
12 election judge living in a very largely Republican  
13 area. Oftentimes, I'm the alternate Judge. And as  
14 you know, we've just come to the -- to use the  
15 E-slate. And I'm sure you all know how  
16 intimidating E-slate has been to be so many people,  
17 particularly our seniors and, you know, just people  
18 in general. So I really think that the fact that  
19 we are even considering this redistricting will  
20 have a chilling, an intimidating affect on voters.  
21 And, as you know, we have not nearly enough voters  
22 and we need to do everything we can to empower the  
23 people and facilitate.

24 That's how I think of myself as a  
25 learning facilitator. And that's what you all

1 are. You are facilitators. And we should  
2 facilitate voting and make it as easy and a joyous  
3 experience, empower the people. And please don't  
4 do this and disempower the people even more. Thank  
5 you.

6                   SENATOR DUNCAN: The Chair  
7 recognizes Paul Scott. Paul D. Scott.

8                   MR. SCOTT: My name is Paul Scott.  
9 I'm here to represent myself and my views on  
10 redistricting.

11                   You know, we've all heard people  
12 talking about the special sessions costing the  
13 taxpayers of Texas money. Well, you know, I don't  
14 remember when Garnet Coleman and Ms. Farrar and 50  
15 other Democrats left to go to Oklahoma and  
16 basically shut down the House. They put  
17 redistricting off. They didn't -- they just didn't  
18 do redistricting. There were other bills property  
19 tax relief, school finance reform. All of these  
20 things that didn't get done because time ran out  
21 when they finally decided to come back. So we've  
22 got other business that's going to have to have a  
23 special session, not just redistricting.

24                   So when they start saying -- talking  
25 taxpayer money, they cost taxpayers', money for

1 special session. And they need to remember that.  
2 And people need to remember that when they start  
3 talking about who is costing who money, the  
4 taxpayers' of the State of Texas money. That cost  
5 us some money.

6                   Now, you know, according to the U.S.  
7 Constitution it is the responsibility of the State  
8 Legislators every 10 years after the census to  
9 redraw or to draw congressional lines and also  
10 state house lines, districts.

11                   Now, in 1991 or in the year 2001, we  
12 had a Democratic Senate and a Republican House.  
13 No. Yeah. We had a Republican Senate and  
14 Democratic House.

15                   Now, Governor Perry saw that, you  
16 know, even when you got a Democratic controlled  
17 legislature or the Republican controlled  
18 legislature, other party that's out of power, you  
19 know, they're going to, you know, they're going to  
20 cause problems. Just think if you have the same  
21 parties in control of the Legislature, you know,  
22 here's -- we're having this problem now. And you  
23 just turn the tables. But if you have a split  
24 legislature of the Republican Senate and the  
25 Democratic House, you think they're going to have

1 an agreement. No, he saw that. And the best thing  
2 was to put it off until we had the same, possibly  
3 the same legislature of both houses being one  
4 party.

5                   Now that the Republicans have gotten  
6 both houses of the legislature, you know, the  
7 Democrats for 40 years have basically drawn the  
8 Congressional lines. Now I think the lines need to  
9 be -- I don't believe in gerrymandering where you  
10 have fingers going in and out of places. But over  
11 the last two to three general census cycles in the  
12 State of Texas it has been voted a Republican state  
13 in the neighborhood of 56 to 60 percent.

14                   Now, in 10 years when you hear 20 --  
15 and the Legislature according to the State  
16 Constitution -- according to the U.S. Constitution  
17 did not do their duty and got put off into the  
18 Federal court. But the courts in its findings and  
19 when they drew the congressional districts, because  
20 it had to, said it was -- this was a temporary  
21 solution and it was up to the State Legislature to  
22 come back and address the matter and to complete  
23 their responsibility under the Constitution of the  
24 United States.

25                   This is exactly what is happening.

1 This is exactly what's being done. And I think  
2 it's up to the Senators and the House of  
3 Representatives, Texas Representatives and the  
4 Senators to do their job and come to work -- you  
5 know, somebody is going to be winners and somebody  
6 is going to be losers. But you need to be  
7 reasonable people and you need to talk about it and  
8 you have some differences and you --

9                   People talk about partisanship is  
10 terrible. Well, partisanship is what builds ideas.  
11 The difference between the ideas of Senator Yanek  
12 -- Senator Janek. I'm used to saying Yanek  
13 because there was some Aggies up at A&M that  
14 pronounced it Yanek.

15                   SENATOR JANEK: That's the way it's  
16 supposed to be pronounced.

17                   MR. SCOTT: Okay. Well, anyway,  
18 Senator, I know you go by Janek so -- Senator Janek  
19 and Senator Gallegos, y'all have differences. Your  
20 parties and your beliefs because you have  
21 differences in ideas and then you come and you  
22 debate those ideas and you come -- and then you  
23 work out the best solution you can.

24                   You know, it wasn't right for the 50  
25 Democrats to go into Oklahoma. You know, they need

1 to stay there and work with the Republicans.  
2 Because the Republicans have done that in the  
3 past. And I know that -- I believe y'all what the  
4 State Legislature needs to do is to do under the  
5 Constitution of the United States or even to deal  
6 with the Congressional district lines. Just be,  
7 you know, work together. You can have your  
8 differences, but then do your -- have your  
9 differences, come to a solution, come to an  
10 agreement. Be able to walk out there and shake  
11 hands knowing that you got views and you don't  
12 always agree, but come to a solution. Show some  
13 leadership. Show some responsibility. Do your  
14 job. That's all I have to say.

15                   SENATOR DUNCAN: Thank you,  
16 Mr. Scott. Senator Gallegos.

17                   SENATOR GALLEGOS: Mr. Scott, and I  
18 respect your point of view on -- you know, you said  
19 that over 50 Democrats went to Oklahoma. I think  
20 what they were doing, they were using -- in the  
21 Legislature you have rules, parliamentary rules  
22 that you can use, you can have that you can use.

23                   In the Legislature we have 11 to  
24 block any -- any bill over in the Senate. And if  
25 you have 51 over in the House, you can break their

1 forum. Basically those are the tools that can be  
2 used that was afforded them under the rules of the  
3 Texas House. Just like we have under the rules of  
4 the Texas Senate. We have 11 to block, and  
5 basically, keep any bill from coming on the Senate  
6 floor.

7                   Now, I want to remind you in history  
8 that Abraham Lincoln jumped out of the second story  
9 building to break forum. I think he showed  
10 leadership. Evidently, people thought he showed  
11 leadership because they elected him President of  
12 the United States.

13                   MR. SCOTT: Mr. Gallegos, this --  
14 you know, I'm not -- Illinois can worry about  
15 Illinois. And people have talked about -- this is  
16 Texas. This is our business. This is, you know,  
17 this is y'all's business. This is the State of  
18 Texas. We don't, you know, we don't need to go do  
19 what Illinois or other states do.

20                   Now, I've heard people today here  
21 talk about, well, Colorado's -- and people have  
22 continued, sir, to talk about, well, are we going  
23 to do it in two years? The only reason that it's  
24 being down now, this legislature, is because the  
25 court, the three-judge court said this is -- we're

1 addressing it now, but it is a temporary solution  
2 because the legislature will have to come back and  
3 deal with.

4                   Now, according to their -- according  
5 to census you redraw -- you redraw congressional  
6 lines every 10 years. And you have one -- you have  
7 one opportunity basically to do it as a  
8 legislature. If you don't do it, the court does  
9 it, then the legislature has to come back and do  
10 it, you know to remedy the situation.

11                   The court is a temporary remedy.  
12 It's not going to happen two more years down the  
13 road. And, you know, in California now, they have  
14 already had theirs and they have already actually  
15 redistricted some Republican incumbents out of  
16 their districts out there. Colorado as far as I've  
17 heard and California are the only two states, and  
18 now I've heard that Pennsylvania is redoing  
19 theirs.

20                   But according to the -- you know,  
21 according to the Constitution, we have a census  
22 every 10 years, so you're not going to be doing it  
23 every two to four or five years.

24                   Thank you for your time.

25                   SENATOR DUNCAN: Senator Van de

1 Putte.

2                   SENATOR VAN DE PUTTE: Thank you.  
3 Mr. Scott, are you under the impression that the  
4 court when they drew the congressional map said  
5 that this was only temporary and it was the duty of  
6 the Legislature? Did I hear you say that you  
7 thought that's what the court said?

8                   MR. SCOTT: The court -- and in the  
9 court's finding they said that the legislature,  
10 this was a temporary solution and the legislature  
11 needed to come back to address the matter. And  
12 this is what y'all are doing.

13                   SENATOR VAN DE PUTTE: I don't  
14 believe so. I think that it was the court --  
15 because it was their duty on the congressional  
16 side, the Legislative Redistricting Board did the  
17 House and the Senate. But we are under no legal  
18 obligation to do so by any court order by any court  
19 to do redistricting, as I understand it.

20                   Now, we can, but we're not. And I  
21 just hope that -- I thought that maybe you thought  
22 that we were under a court order to come here.

23                   MR. SCOTT: No, you're not under a  
24 court order. The court made the comment and --

25                   SENATOR DUNCAN: Let me -- I've

1 heard the testimony --

2 MR. SCOTT: I'm not the first one  
3 that said it today.

4 SENATOR DUNCAN: No. But I've heard  
5 it somewhere else and I made a note here in your  
6 testimony. And I want to look at that opinion to  
7 see what they did say. But I don't recall what it  
8 was. I heard that not just here in Houston. I  
9 think we heard that in San Angelo, Laredo or  
10 somewhere. But I think we need to look at the  
11 opinion and I appreciate that you raised it.

12 I know that we're going to need  
13 that. We're going to look at that.

14 MR. SCOTT: You had talked about  
15 Attorney General Abbott's and I think that was  
16 discussed today. That it was something that --

17 SENATOR DUNCAN: That's different.

18 MR. SCOTT: Right. Right. But I  
19 mean, you know there had been that question  
20 raised. And then Abbott had said, you know, it  
21 didn't have to be done, but he didn't say -- he  
22 didn't rule it one or the other.

23 SENATOR DUNCAN: I don't think  
24 anybody has said that the legislature has to do  
25 anything. I think that it is that there was some

1 suggestion indicative in the opinion and there was  
2 some suggestion that the legislature could. I  
3 don't know. I just want to clear it up because  
4 I've heard it more than once. And there is  
5 testimony.

6 Senator Averitt.

7 SENATOR AVERITT: Mr. Chairman, if I  
8 could. But I believe the -- it's been a while  
9 since I've read it. I think the court said that  
10 congressional redistricting was quintessentially a  
11 legislative process. And that's what we are.  
12 We're the legislative body.

13 MR. SCOTT: Right. Right. Now, you  
14 know, I mean in Attorney General Abbott's decision,  
15 I know that's been asked if he said, no, you didn't  
16 it wasn't necessary or it was necessary. And then  
17 basically he just said it didn't have to be done,  
18 but it was not something -- he said it wasn't  
19 required to be done, but at the same time, he  
20 didn't say that it was not, you know, for y'all to  
21 do either.

22 SENATOR DUNCAN: Thank you,  
23 Mr. Scott.

24 MR. SCOTT: Thank you, sir, for  
25 y'all's time and attention today.

1                   SENATOR DUNCAN: The Chair calls  
2 Silas Hurt.

3                   Mr. Hurt, you've registered your  
4 position both for and against.

5                   MR. HURT: That is correct.

6                   SENATOR DUNCAN: Ms. Smith has  
7 written testimony that she would like to offer to  
8 be attached. And she testified earlier and  
9 obviously, we'll attach that to the record.

10                  Thank you, Mr. Hurt. State your  
11 name and who you represent.

12                  MR. HURT: Silas Hurt. And I  
13 represent all of the good people who decided to  
14 stick around here. And when they applaud and when  
15 they don't applaud, I don't represent them  
16 anymore.

17                  Thank you very much. I truly  
18 appreciate y'all being here in the most political  
19 of issues and being able to put in my two cents  
20 along with everybody else. I do truly appreciate  
21 it.

22                  First of all, I wanted to say just  
23 because it is this day and it's already been  
24 brought up, July 2nd is actually the day that John  
25 Adams thought that we would all get together and

1 celebrate our independence with fireworks and  
2 celebration. That's the date when the motion was  
3 tabled behind closed doors and so nobody found out  
4 about it until the 4th when the Dunlap was  
5 printed. And then the rest of America found out  
6 about it on the 6th. New York and Boston to the  
7 speed of, you know, a four-legged horse.

8                   SENATOR DUNCAN: You read the book  
9 too.

10                   MR. HURT: Absolutely.  
11                   John Adams and -- actually, I would  
12 love to see the day when the 2nd is actually made  
13 into a working holiday when some of our best  
14 legislative excellence is brought forth and our  
15 best bills are put on the table. I think that  
16 would be a fantastic way to celebrate this day that  
17 is not well-known.

18                   There is no easy way to do this.  
19 There is no easy way. And, you know, some people  
20 win and some people lose. You know, some people  
21 feel like it will be a stacked deck in their favor  
22 or against them. And actually that's one reason I  
23 kind of lean in the direction of maybe we should do  
24 this every two years so that nobody gets stuck with  
25 the short end of the stick for too long. And it's

1 not so important whether we push the map this way  
2 or that way. It's much more important, the quality  
3 of the contestants in the race.

4                   And, you know, pushing the map this  
5 way or that way might affect outcome of which one  
6 of the two gets elected, but not necessarily who  
7 runs. And let's not forget, this is really -- I  
8 hear a lot about redistricting and the census, but  
9 it's really all about the enumeration, which is  
10 where we either gain or lose representation. This  
11 is about fighting over, you know, who tallies the  
12 most hogs.

13                   And in an era where fiscal  
14 responsibility is even more important than when,  
15 you know, we have beaucoups of money. Who -- we  
16 shouldn't be fighting over where those little lines  
17 are drawn. We're going to do it every 10 years,  
18 but the Constitution states clearly that it says at  
19 least every 10 years. At least.

20                   Now, you only have to do it every 10  
21 and that's just fine with me. But if \$1.7 million  
22 -- I look at this both ways. 1.7 million, when  
23 you divide it out, you know, that's actually, you  
24 know, kind of a poor man's campaign finance  
25 reform. Campaign finance reform does not scare a

1 30-year incumbent. Redistricting does. But -- you  
2 know, I can understand y'all not wanting to take  
3 this up every two years. I mean, nobody would.  
4 Because it's not fun. Because, you know, heads  
5 butt. And, you know, it's not a good way to make  
6 friends.

7                   So, actually, I kind of think, you  
8 know, the easiest way to do it, those states that  
9 have it easier, are the ones that have at-large  
10 representation. But, you know, I'm not willing to  
11 give up 31 seats just so that he can make  
12 everybody's job a little bit easier. Y'all's  
13 redistricting and ours voting. But what if -- I'm  
14 not a legal scholar. But what if we were to have  
15 32 at-large seats? What if we simply picked which  
16 district we wanted to vote in? What if we  
17 registered for whichever individual we wanted to  
18 support or pick somebody that we wanted to oppose,  
19 or pick somebody, you know, if we see and up and  
20 comer and we pledge their support, then we can  
21 support them. Instead of fighting over this  
22 neighborhood versus that neighborhood. This  
23 district versus that. This county versus that  
24 one. We're all in the same state.

25                   I thank you very much.

1                   SENATOR DUNCAN: I thank you. Any  
2 questions? Any questions? Thank you for your  
3 waiting and for your testimony.

4                   MR. HURT: Absolutely. Thank you.

5                   SENATOR DUNCAN: The Chair  
6 recognizes Rodney Griffin from Missouri City.

7                   MR. GRIFFIN: Well, that depends on  
8 if it's potato or potato, doesn't it,  
9 Mr. Chairman? But I prefer Missouri City.

10                  Yes. I'm Rodney Griffin. I'm also  
11 Committee Man for Congresswoman Sheila Jackson Lee  
12 who I'm proud to serve, for the State Democratic  
13 Executive Committee of the Texas Democratic Party.  
14 I'm the committee man for Senator Ellis who was  
15 here earlier that I'm proud to serve. I'm also a  
16 represent and a constituent of Tom Delay, who I  
17 would like to see gone as soon as possible. I  
18 guess I had just the best of times and the worst of  
19 times, Mr. Chairman, for how I'm situated. I'm  
20 also the committee man for Ron Wilson. I'm the  
21 committee man for Representative Coleman. What a  
22 dicotomy there as far as I'm concerned when it  
23 comes to this matter here. And the committee man  
24 for Representative Al Edwards.

25                  But at any rate, I'm here. It would

1 be presumptuous as one of my colleagues said  
2 earlier on the executive committee to say that I  
3 represent the State Democratic Committee. I do  
4 not. I do represent myself. And I do represent my  
5 family. And I know it's getting very late here. I  
6 just simply want to say, if it has to come to a  
7 vote, and I hope it doesn't in the Senate, that it  
8 will be blocked, this redistricting plan, and then  
9 everyone can go home as soon as possible. But if  
10 it does come to discussion or a vote in the Senate,  
11 I would hope that the Senate would use the good  
12 wisdom, that I think they have developed over the  
13 years when bipartisanship was a reality in the  
14 Texas Senate, to continue in that vain or to renew  
15 in that vain and not pass the redistricting plan,  
16 but pass, if you have to pass, anything or vote on  
17 anything, is to ratify the existing plan that was  
18 okayed by the courts.

19                   And at this point it would be -- I  
20 think at this point, we would be able to, the  
21 people of Texas, to cut the losses, the \$1.7  
22 million. That's a travesty in itself. But even  
23 more of a travesty would be anticipated anywhere  
24 from the 7 to \$12 million that would be paid in a  
25 court battle that more than probably, although I'm

1 not a legal scholar. But my son is from Harvard  
2 Law is and he's worked on these kinds of things  
3 would say stands a better, if you're talking about  
4 the King plan or the version of the King, Delay  
5 plan probably would be coming out of the House, it  
6 would stand a less than, I don't want to put a  
7 percentage on it, but a small chance of passing the  
8 muster what the Justice Department or with the  
9 First Circuit up in D.C. that I understand their  
10 review Section 2 and Section 5 of the Voters Rights  
11 Act of '65 and the extension, and '68.

12                   So, again, just to wrap up where I  
13 stand, I just wanted to go on the record to say  
14 that, me, myself and I, that I'm against the  
15 redistricting plan. And I do want to thank you,  
16 Mr. Chairman, and the rest of the committee who  
17 have sat through this arduous task listening to all  
18 of us.

19                   And, yes, I was born and raised here  
20 in Houston, Texas. I am a Texan. I've been  
21 through the Eyes of Texas from the first grade all  
22 the way to the 16th grade because I'm also a UT  
23 Longhorn. Thank you.

24                   SENATOR DUNCAN: Do you know the  
25 Eyes of Texas State song?

1 MR. GRIFFIN: That's correct.

2 Texas our Texas, really.

3 SENATOR DUNCAN: Texas our Texas.

4 Thank you. Unless you're from this University of

5 Texas.

6 The Chair recognizes Roberta Cohen.

7 Ms. Cohen, please state your name and who you

8 represent.

9 MS. COHEN: Sure.

10 Okay. I'm Roberta Cohen. I'm  
11 representing myself. And I'm opposed to the  
12 redistricting. I live in the 25th Congressional  
13 District. I grew up in a very politically aware  
14 family. I can tell you what the issues were in a  
15 presidential election that was held when I was six  
16 years old. I have voted in every election since  
17 I've been old enough. Sometimes I've had to pick  
18 the candidate that I disliked the least. This year  
19 I had a, or this past election it was very  
20 refreshing to be able to vote for someone. Chris  
21 Bell is very approachable, very assessable. He  
22 votes the way I believe he should. And apparently  
23 the way a number of other people in the district  
24 believe because it wasn't a squeaker of an  
25 election.

1                   So imagine how upset I was one  
2 morning when I woke up and discovered that the  
3 Governor had called a special session to redistrict  
4 and I saw the map and my congressional district was  
5 gone.

6                   In a year when we couldn't find  
7 enough money to fund CHIPS, when we couldn't find  
8 the adequate money to fund Medicaid, when we  
9 underfunded education, when some of my friends,  
10 college age friends are struggling to stay in  
11 school because we had to raise tuition, we have  
12 \$1.7 million to disenfranchise me. It's a waste of  
13 money.

14                   I work for a nonprofit medical  
15 facility. And my boss is always, always says we're  
16 here to serve patients. So spend your department's  
17 money like it's your own. If I had that \$1.7  
18 million, I wouldn't spend it on this.

19                   There are, as several people have  
20 pointed out, 20 districts which currently would  
21 favor Republicans. The reason that we don't have  
22 the number of Republicans that Mr. Delay wants in  
23 this state in Congress is because in five of those  
24 districts people voted for the Democratic candidate  
25 for Congress. I have a degree in political science

1 and I'm also a computer geek. What you get when  
2 you cross a computer geek with a political science  
3 major is somebody that actually reads all of those  
4 numbers that come out in the paper after the  
5 election. I did that. The people of this state  
6 have voted for the candidates that they want. They  
7 aren't all Republicans. Free people get a free  
8 election, exercise their free will. They did  
9 exactly what I did, they voted for the candidate  
10 that they wanted to be in Congress. I've listened  
11 here today as several people talked in favor of  
12 their congressional candidates and made it very  
13 clear to you that we don't want this to change.

14                   If, what happens if you do  
15 redistrict? And what happens if a court takes  
16 leave of its senses and let's it stand? Because I  
17 really don't think that's what's going to happen.  
18 I think we're going to spend millions over the next  
19 several years keeping cartographers and lawyers  
20 employed. But what -- let's say that does happen.  
21 And let's say that Mr. Delay is still not happy  
22 with the number of Republicans. Let's say we still  
23 exercise our free will. Do we get punished again  
24 and we get to do this in two years?

25                   I urge you to please vote for the

1 map we have. It's legal. The people have voted  
2 the way they want to vote. This is not a map that  
3 is gerrymandered. It clearly favors Republicans,  
4 but we chose not to elect them. Please don't  
5 change it. We don't need to spend a bunch of  
6 money, and waste the taxpayers money when we can't  
7 fund the things that are important to us that we  
8 need for this state so desperately on a fight, on a  
9 partisan fight that could just go on and on. Thank  
10 you.

11 SENATOR DUNCAN: Thank you. Any  
12 questions?

13 The Chair recognizes Renand John, or  
14 Mr. Renand or Renard, are you present? Let the  
15 record reflect that Mr. Renand is not present, but  
16 has registered a position in favor of  
17 redistricting.

18 The Chair recognizes Mark Korenek.

19 MR. KORENEK: Yes. My name is Mark  
20 Korenek and I live in Katy in the 31st  
21 Congressional District. I -- I am against  
22 redistricting. Part of the reason that I feel that  
23 as some other people said before that I feel that  
24 it's -- the whole, the whole idea first of all  
25 special session is a complete waste of money. And

1 I guess I was so naive as to think at one point  
2 that the gerrymandering was legal, quite frankly.

3                   And also I would like to make the  
4 comment that I have an illness called obsessive  
5 compulsive disorder, myself, which is a type of  
6 mental illness. And I find it rather ironic that  
7 the State can cut the money they would spend on  
8 illness for the image and race system when it's  
9 already one of the most modually (sic) states as  
10 far as mental illness spending goes. Yet, they can  
11 cut that and as the other things was saying things  
12 like prisons and everything, all of the problems we  
13 have and yet, they can spend \$1.7 on this.

14                   Anyway, I feel -- I mean, live in a  
15 Republican District in spite of that. I'm not  
16 saying I'm a Republican or a Democrat, but I am  
17 still not supportive of re -- I'm still not  
18 supportive of redistricting. And I don't think  
19 that anybody should be forced to have someone  
20 represent them that they don't want. And the lady,  
21 the lady who was talking earlier who I believe  
22 lived in the Montrose Area, I think she wouldn't --  
23 she wouldn't want John Culberson. I was never  
24 happy with him, for having him as a State  
25 Representative and as a Congressman.

1                   Anyway, I just -- I guess I want to  
2 say also that I think -- I think that George  
3 Washington was right when he said that he was never  
4 in favor of political parties. He thought that we  
5 should not have them and, of course, that came to  
6 be in spite -- in spite of what he felt. And, of  
7 course, if we didn't have political parties, we  
8 wouldn't be here right now. None of this would be  
9 going on and special session wouldn't be spending  
10 all of this money. And I think -- I think the  
11 young man a few minutes ago who was talking about  
12 having a state -- a state election -- a state  
13 Federal elections be more like, or at least state  
14 elections be more like city elections where you  
15 have at-large candidates is a very good idea.  
16 Something I never would have thought of. That's an  
17 excellent idea.

18                   And also, another thing I thought of  
19 is the fact that I wish they could be more like  
20 city elections. Another respect that city  
21 elections are not as influenced so much by  
22 political parties as state and federal elections  
23 are where you have all the party money being thrown  
24 around and everybody feels the need to follow the  
25 party line. Just like apparently Governor Perry

1 does. And, you know, and most of the vote of the  
2 Legislature being more or less, I guess, you know,  
3 they view him as being their leader and they're  
4 afraid to defy him no matter what. Have to follow  
5 the party line or they will get punished some way.  
6 But anyway I think -- I think who is really getting  
7 punished are the, you know, the people of the  
8 State. Especially the people -- especially the  
9 people who, who need the money the most, the needy  
10 people of the State. Who, you know -- this money  
11 should be spent in a much better use for spending  
12 this money. That's all I can say. Thank you.

13                   SENATOR DUNCAN: Members, any  
14 questions? All right.

15                   Is there anyone else in the audience  
16 who would like to testify for or against and have  
17 filled out the card.

18                   MS. WILLIAMS: Yes. I was 111.

19                   MR. DUNCAN: Okay. Well, I've got  
20 111 right now. And we'll get you another card.  
21 State your name and who you represent. There is  
22 111?

23                   MR. WILLIAMS: I'm Wright Williams,  
24 W-r-i-g-h-t. I'm a 111. Is that okay?

25                   SENATOR DUNCAN: That's okay.

1 That's just for our books.

2 MR. WILLIAMS: And I'm really  
3 representing myself and I'm speaking against.

4 As I was sitting out here thinking  
5 about what I was planning to talk to you about, I  
6 realize that probably one reason I'm here is  
7 because of my grandfather. My grandfather was a  
8 Texas legislator. He was from the old school. He  
9 served his two terms in the legislature. The  
10 second term he served under the governorship of  
11 Grandma and, I guess I should say, and Grandpa  
12 Ferguson. At that time Grandma Ferguson was the  
13 Governor and Grandpa Ferguson was in jail. But I  
14 still think that he would turn over in his grave if  
15 he knew about this redistricting plan.

16 My problem with the plan is that I  
17 believe that this is an unprecedented sort of an  
18 adventure that sets a dangerous precedent for our  
19 future. Like it or not, Republicans are basically  
20 ordering and pressing for redistricting. Not  
21 because it's constitutionally mandated, but because  
22 they don't like the results in the last election.  
23 The problem with this is as several other people  
24 have said, this puts us at risk for redistricting  
25 every two years. So what's going to happen next?

1 That's what I want to know. Are we going to  
2 redistrict in two years? Are we going to  
3 redistrict the State House and the State Senate?  
4 Will some legislator, some legislator decide that  
5 he doesn't like the districts that he or she got?  
6 And, you know, are we going to turn it over if we  
7 get another -- a Republican elected in a Democratic  
8 district or vice versa? When is this going to  
9 end?

10 My problem is that I noticed the  
11 other day that I had some answers to that and it  
12 came in an article in yesterday's New York Times.  
13 "Across the United States redistricting is a never  
14 ending battle." Politically, if you go along with  
15 this plan, Texas will move from the 21st Century  
16 back to the 19th. In the 19th Century Legislators  
17 did redistrict every two years. However, in the  
18 20th Century we realized that that was too  
19 politically divisive and unnecessary and so we  
20 stopped that. The second part of this is that now  
21 there is some pressure coming from the other side  
22 and Democrats are talking about redistricting in  
23 Oklahoma and New Mexico and there are intimations  
24 that Democrats are going to redistrict in  
25 California and Illinois.

1                   And my problem with this is I think  
2 we're going to wind up with a game in which  
3 everybody is going to lose. The seats the  
4 Republicans take away from Democrats in Texas will  
5 be taken away from the Republicans in some other  
6 state. The problem with this in my, from my  
7 perspective is that the United States House, the  
8 Nation, the State of Texas, will wind up in a more  
9 partisan situation. We'll go through a series of  
10 bruising political fights.

11                   I believe that this unprecedented  
12 effort to redistrict Texas will hurt Republicans.  
13 It will hurt Democrats. It will hurt the citizens  
14 of the Nation and it will hurt the people of  
15 Texas. It will also hurt me. I've been blessed by  
16 living in a Democratic Congressional District for  
17 the majority of my 54 years. I have a relationship  
18 with Chris Bell, who is my Congressman. I like and  
19 respect the man and I know him well.

20                   The problem with all of this is it  
21 comes down to a question that I know my grandfather  
22 would have asked. What's the Republican party in  
23 Texas going to do now? Distinguished Senators,  
24 this is a very difficult time in your lives. The  
25 right thing to do for this state and this nation is

1 to chart a course of action independent of Governor  
2 Bush of Karl Rove of Tom Delay and even the  
3 President of the United States, George Bush is to  
4 say no to this redistricting plan. To put a stop  
5 to the partisan battles that will erupt now.

6                   But it takes a lot of courage to do  
7 that. It takes men and women who have the courage  
8 of conviction, the wisdom, the common sense to  
9 stand up against these strong political forces and  
10 the strong political leaders involved. My question  
11 is: I know my granddad and what he would have  
12 done. But he was from the old school. What are we  
13 going to do in the 21st Century? Do you have  
14 courage to stand up and say no, to put out a  
15 redistricting plan that really represents all of  
16 the people of Texas and to stop this right now?  
17 Thank you for listening.

18                   SENATOR DUNCAN: Thank you.

19                   MR. WRIGHT: Would you like the  
20 article?

21                   SENATOR DUNCAN: Actually we saw  
22 that yesterday in McAllen. Other members may not  
23 have it. If you want to put it for the record. It  
24 in New York Times Article. Submit it. Give it to  
25 the clerk.

1                   Is there anyone else that would like  
2 to testify?

3                   DR. BYRON: I'm 112.

4                   SENATOR DUNCAN: Okay. You're 112.  
5 Come along here and, yes, ma'am. Your name is -- I  
6 know you've been waiting out here with your pretty  
7 daughter, right, for a long time. Your name is  
8 Ms. Byron.

9                   DR. BYRON: Well, it's Dr. Michelle  
10 Byron.

11                  SENATOR DUNCAN: Okay. Ms. Byron,  
12 state your full name and who you represent.

13                  DR. BYRON: I'm -- my full name is  
14 Dr. Michelle Byron and I'm just representing me. I  
15 didn't come to try do anything else. And you can  
16 imagine that if anybody has seen my daughter here  
17 that this must be very important to me to give up  
18 time with her. And I've been going since very  
19 early this morning, as I'm sure you all have.

20                  I really object to the redistricting  
21 plan partly because I am in the 25th Congressional  
22 District and I'm represented by Chris Bell. It's a  
23 little bit selfish of me, but our family lived  
24 through tropical storm Allison. Unfortunately, the  
25 house didn't live through it. And the 25th

1 District has some unique needs. And I really think  
2 that when a Congress person or a State Senator or a  
3 Representative gets to know his or her district,  
4 they can truly represent that area. I'm really  
5 having a problem with somebody trying to cover 200  
6 geographic miles. I think Texas is very diverse  
7 and I think it would take an exceptional person a  
8 very long time to get to represent adequately all  
9 of those areas.

10 I -- I agree that it will set a  
11 dangerous precedent. I really think that it  
12 wouldn't be helpful to the State Senate if we  
13 redistrict every two years. I think that it would  
14 be very divisive if we started redistricting every  
15 time we don't like an election or every time the  
16 district feels like it needs to change.

17 I'm going to try to be brief. And I  
18 noticed that people say that redistricting doesn't  
19 have anything to do with anything else. But  
20 unfortunately I have the unenviable task to tell  
21 seriously mentally ill people that they're not  
22 going to be able to receive certain services  
23 because of the cuts that we had to put in place  
24 here in Texas. And you have the fortunate -- I  
25 mean, I'm sure that it was very difficult for the

1 State Senate to decide on those decisions. I don't  
2 think any of this was easy. Unfortunately, I have  
3 to face people in their eyes and say, "I'm sorry.  
4 I know that you've been suicidal, but you can't  
5 talk to anybody anymore because mental health  
6 providers are not going to be able to be reimbursed  
7 under Medicaid," or we're going to have to tell  
8 CHIP children that "Behavioral health was  
9 eliminated from the budget." So to me it's a very  
10 difficult juxtaposition between spending money on  
11 redistricting and maybe court battles and all kinds  
12 of other things. And also the terribly difficult  
13 job we have to do in Texas in trying to find the  
14 money for the things that we really need.

15                   And we gave up, you know, Federal  
16 match dollars in CHIP and Medicaid to be able to  
17 balance our budget. And as much as I believe in a  
18 balanced budget, if we get any extra money, I would  
19 rather have it go back where it can, you know, be  
20 extended further than spend our money deciding that  
21 we need to redistrict. And we need to fight court  
22 battles because this may or may not be  
23 constitutional.

24                   And this is just one person's  
25 opinion, but I really think that that's the job of

1 the State Legislature, not redistricting. And so  
2 I'm against redistricting. Thank you.

3 SENATOR DUNCAN: Thank you,  
4 Dr. Byron, Members, any questions?

5 Okay. Thank you once again. Is  
6 there anyone else in the audience who would like to  
7 testify for, against or on the subject of  
8 redistricting for this Special Legislative  
9 session?

10 SENATOR HARRIS: You have a very  
11 beautiful young lady back there.

12 DR. BYRON: Thank you very much.  
13 And she would appreciate if you didn't do away with  
14 her Congressman because she likes to play with his  
15 boys.

16 SENATOR DUNCAN: Thank you, Senator  
17 Harris.

18 Is there any other witnesses here  
19 that would like to testify? So the public  
20 testimony in this hearing will be closed.

21 Members, I want to thank you for  
22 your attention and for your attendance and for -- I  
23 want to thank the audience for your patience with  
24 us and for your patience with other witnesses. I  
25 think this has been an excellent hearing and we

1 thank you.

2                   Any other witnesses that come before  
3 us? That's right. We have one other piece of  
4 housekeeping. We have numerous cards here today  
5 where people have submitted their position in the  
6 record. The Chair will entertain a motion to  
7 Senator Gallegos who moves that the witness  
8 registration cards be placed into the record and  
9 their positions to the witnesses be made known in  
10 the record. Probably several hundred, 2 or 300  
11 cards. Is there any other -- the motion is to put  
12 these in the record. Is there any objection? The  
13 Chair hears none. The cards will be placed into  
14 the record.

15                   Senator Van de Putte.

16                   SENATOR VAN DE PUTTE: I was just  
17 wondering.

18                   SENATOR DUNCAN: Wait a minute. I'm  
19 advised by the legal we need to have a vote. The  
20 motion -- you've heard the motion. The motion is  
21 to place the cards in the record indicating the  
22 position of all of the witnesses. The clerk will  
23 call roll.

24                   THE CLERK: Duncan.

25                   SENATOR DUNCAN: Aye.

1 THE CLERK: Gallegos.  
2 SENATOR GALLEGOS: Aye.  
3 THE CLERK: Averitt.  
4 SENATOR AVERITT: Aye.  
5 THE CLERK: Harris.  
6 SENATOR HARRIS: Aye.  
7 SENATOR DUNCAN: There being four  
8 aye's and no nays, the motion prevails.  
9 Okay. Senator, thank you.  
10 SENATOR VAN DE PUTTE: I just wanted  
11 to commend folks for staying so long. And also  
12 wanted to ask about how many cards there were that  
13 people came through today.  
14 SENATOR DUNCAN: I think we had at  
15 least 3 or 400 people. These are not all of the  
16 numbers exactly and my no testimony cards, but I  
17 know we had a 112 or 113 testimony cards. And,  
18 quite frankly, I think we had most of those people  
19 did actually testify today.  
20 SENATOR VAN DE PUTTE: Mr. Chairman,  
21 thank you for the way in which you've presided, the  
22 way you conducted officially allowing to everyone  
23 to have their say.  
24 SENATOR HARRIS: Mr. Chairman, to  
25 you people in the crowd that are left, I sincerely

1 thank you for the courtesy that you have extended  
2 us. I know y'all have been through a rough time  
3 and you feel like you've been mistreated. And I  
4 hope for the House -- I can't account for the House  
5 and I really want to tell you from the bottom of my  
6 heart I appreciate the fact that you were willing  
7 to participate with us and we really appreciate  
8 it. I thank you.

9                   SENATOR DUNCAN: Senator, I think  
10 that's it. There being no further questions to  
11 come before the Committee, we stand in recess  
12 subject to the call of the Chair.

13

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15                   (Public meeting adjourned at 10:01 p.m.)

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1 The State of Texas  
County of Harris

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REPORTER'S CERTIFICATION

3

4

5 I, Carol N. Castillo, CSR, Certified Shorthand  
6 Reporter in and for Harris County, State of Texas,  
7 do hereby certify that the above and foregoing  
8 contains a true and correct transcription of my  
9 shorthand notes taken in the captioned  
10 proceedings.

11 I further certify that I am neither counsel  
12 for, related to, nor employed by any of the parties  
13 or attorneys in the action in which these  
14 proceedings were taken. Further, I am not  
15 financially or otherwise interested in the outcome  
16 of the action.

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18 WITNESS MY OFFICIAL HAND this the \_\_\_ day of  
19 \_\_\_\_\_, 2003.

20

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22

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Expires 12/31/05 Deputy Official Reporter  
25 1314 Texas, St.810 Lex Court Reporting  
Houston, Texas 77002 Harris County, Texas