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SENATE JURISPRUDENCE COMMITTEE

HEARING ON REDISTRICTING

DALLAS, TEXAS

JULY 8, 2003

BE IT REMEMBERED that the above-entitled hearing came on for hearing on the 8th day of July, 2003, A.D., beginning at 3:05 p.m. to 2:28 a.m. at the University of North Texas System Center at Dallas, 8915 South Hampton Road, Room 224, Dallas, Texas 75232, and the following proceedings were reported by Rachel D. Chavez, Certified Shorthand Reporter in and for the State of Texas.

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SENATE COMMITTEE

SENATOR ROBERT DUNCAN, CHAIRMAN

SENATOR MARIO GALLEGOS, JR.

SENATOR ROYCE WEST

SENATOR KIP AVERITT

SENATOR CHRIS HARRIS

SENATOR TODD STAPLES

SENATOR BOB DEUELL

SENATOR FLORENCE SHAPIRO

SENATOR LETICIA VAN DE PUTTE

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1 P R O C E E D I N G S

2 CHAIRMAN DUNCAN: The Senate Committee on
3 jurisprudence will come to order. The clerk will call
4 the roll.

5 THE CLERK: Senator Duncan.

6 CHAIRMAN DUNCAN: Here.

7 THE CLERK: Senator Gallegos.

8 SENATOR GALLEGOS: Here.

9 THE CLERK: Senator Averitt.

10 SENATOR AVERITT: Here.

11 THE CLERK: Senator Harris.

12 SENATOR HARRIS: Here.

13 THE CLERK: Senator West.

14 SENATOR WEST: Here.

15 THE CLERK: We have five.

16 CHAIRMAN DUNCAN: We have five members
17 present, which establishes a quorum so the Committee
18 will be in order to be -- to take testimony on
19 senate -- or on the congressional redistricting.

20 First of all, let me start off by telling
21 each and every one of you how pleased we are to be here
22 to hear our testimony and we have -- this is our sixth
23 appearance across the state and we're getting pretty
24 good at conducting these meetings. And I think you'll
25 find that you'll have an attentive audience up here on

1 the panel. I think you'll find that we'll be courteous
2 to you and we hope that you can be courteous to us as
3 well.

4 We do have a few things that we need to
5 do by way of housekeeping before we get started. The
6 first thing is we have an interpreter here today, and
7 if the interpreter could approach. I think. We'll see
8 staff -- we'll cover that in just a minute. Apparently
9 the interpreter is not here yet.

10 The testimony today will be taken by all
11 of -- will be taken by a court reporter, so all of your
12 testimony will be typed up and be submitted to the
13 Committee. We will have the testimony for the Senate
14 and House if they want to look at it as well, available
15 for review. We've ordered quick transcript so that we
16 will have those transcripts when we go back to Austin.

17 For your information, we have held
18 hearings in Laredo, Texas; San Angelo, Texas; McAllen,
19 Texas; Houston, Texas; Corpus Christi. Today we're in
20 Dallas and tomorrow we'll be in Waco and that will
21 conclude our regional hearings. Then we'll return to
22 Austin to deliberate on proposals for redis- -- for
23 congressional redistricting.

24 On -- let me also cover a few matters
25 that I think you'll be interested in before we get

1 started. On behalf of the Senate Jurisprudence
2 Committee I want to thank all of you for taking the
3 time to come here today to share your views with us.

4 Governor Perry has called the Texas
5 legislature into special session to consider
6 congressional redistricting. This is not a simple or
7 casual task and it's one that we know people have
8 strong feelings about. We want to hear what your views
9 are on this important topic. These proceedings are
10 being transcribed so that we can make them a part of
11 the legislative record and can share them with the
12 persons who are not here today.

13 As we consider this issue we are
14 constrained by various legal requirements that you
15 should be aware of. First, any plan we adopt must
16 comply with the federal constitutional requirement of
17 one person, one vote. If the 32 congressional
18 districts are to be equal in size, they will need to
19 have 651,619 persons each. We will need to draw the
20 districts that will be at or very near that size.

21 Second, the State of Texas is covered by
22 Section 5 of the Federal Voting Rights Act. As a
23 result, we are obligated to be sure that any changes we
24 make do not result in retrogression in minority voting
25 stream. In other words, any plan drawn by the

1 legislature may not have the purpose or effect of
2 worsening the position of minority voters when compared
3 to the current plan, which was drawn in 2001 by a
4 federal court.

5 Third, we need to be sure that any plan
6 the legislature adopts ensures that minority voters do
7 not have less opportunity than other members of the
8 electorate to participate in the political process and
9 to elect candidates of their choice.

10 Finally, we need to conform to the
11 supreme court's repeated direction over the last ten
12 years that redistricting not result in racial
13 gerrymandering. In particular, we need to be sure that
14 race is not the predominant force in the redistricting
15 process to the subordination of traditional districting
16 principles.

17 We have several members here. I think
18 you'll find as we go through this process you'll hear
19 that the Senate does not yet have a map. No member of
20 this committee has been working on maps. We've been
21 out traveling, listening, hearing, trying to determine
22 what the voice of the people are. We have been -- we
23 have I think truly been open and you'll find that we
24 will be here and listen to your testimony. We will ask
25 questions. We will be courteous to you and we ask the

1 same thing of you to us.

2 We have members -- not only have we had a
3 full quorum off our committee at every hearing
4 throughout the entire hearing, but also we have had
5 members -- other members of the Senate who have been
6 interested in redistricting. Today, for example, we
7 have Florence Shapiro from Plano who is also one of
8 your Dallas area senators. Leticia Van de Putte from
9 San Antonio. We've had other members present
10 throughout the hearing process as we've gone across the
11 State of Texas.

12 With that, let me first open the floor up
13 to the members of the Committee and then to the other
14 members for an opening statement. Senator -- I'm
15 trying to see. Senator Harris is the -- we go by
16 seniority. Senator Harris just looks older than the
17 rest of us.

18 SENATOR HARRIS: I don't know that I like
19 this, going back by seniority, Mr. Chairman.

20 As the Chair has emphasized to all of
21 you, we are here to listen and I have been inundated
22 with the press up here wanting to know what I think of
23 the House plan, what I think of this plan or that plan.
24 I have not looked at any plans. And to my knowledge,
25 no member of this committee has been looking at plans.

1 It's my belief that it is imperative that we get
2 through the public hearing process, we hear from you,
3 the citizens of Texas, what your likes and dislikes are
4 and then in turn, and only after all the public
5 hearings are over do we start looking at quote,
6 unquote, maps. And again, I look forward to your all's
7 input and I feel it will be very important on the
8 message we take back to the rest of the senators.
9 Thank you.

10 CHAIRMAN DUNCAN: Thank you Senator
11 Harris. Vice Chairman Gallegos.

12 SENATOR GALLEGOS: Thank you. Thank you,
13 Mr. Chairman. It's an honor and a pleasure to be here
14 in Dallas.

15 Es un honor y placer para me estar aqui
16 con ustedes aqui en Dallas. Yo me llamo Mario
17 Gallegos. Yo soy el senador de Houston. Naci en un
18 barrio chiquito ayi cerca de la boca del puerto de
19 Houston que se dice Magnolia, el barrio de Magnolia.

20 Let me -- I just want to say that I'm the
21 vice chair of this committee and it's an honor and a
22 pleasure for me to be here to listen to you. I want to
23 concur with my colleague, Senator Harris, that there is
24 no map in the Texas Senate and -- I have not seen one.
25 And as far as I'm concerned, whatever has been drawn in

1 the other House doesn't exist. (Applause by the
2 audience.) And it doesn't exist because I feel that
3 this Senate body, not only these -- these senators that
4 sit on this committee, but the rest of my colleagues,
5 need to hear your testimony before we even think about
6 drawing a map if we have to go that far. And I think
7 that -- (Applause by the audience.) And I think that
8 you as -- you as Texans, whether you're Republican,
9 Democrat, independent, whatever you -- party that you
10 want to affiliate yourself with deserve that from us.
11 And I can assure you that part of the -- the record
12 that we've been doing in the cities that we've -- that
13 we've held hearings is that I -- I have cautioned my
14 colleagues about any type of retrogression, any type of
15 violations of the Voting Rights Act, any type of
16 dilution of minority voting rights. In particular what
17 I read in the paper on that -- on that so-called map
18 that was passed yesterday. Let me assure you that I
19 will vigorously oppose any type of retrogression that
20 violates any -- any part, in form or fashion, of the
21 Voting Rights Act that was passed several years ago.
22 (Applause by the audience.)

23 Y tambien yo estoy aqui para oir sus
24 ideas, quejas, cualquier cosa que quieres hablar en
25 esta tema de redistricting.

1 I want to -- I want to tell you that
2 we're here to listen, whether you have -- whether
3 you're for, against, or any recommendations that you
4 have on redistricting that we're here to hear you. And
5 I'm a little disappointed because this is a larger
6 crowd than Houston, my home town. I had a bet going
7 with the chairman that we would be the largest crowd,
8 but obviously y'all have -- y'all have stolen the show.
9 So (applause by the audience) on my behalf, welcome.

10 CHAIRMAN DUNCAN: Thank you, Senator
11 Gallegos.

12 Whenever we were considering where to go
13 for hearings we looked at where the House was going and
14 other things and I spoke with Senator West and he
15 insisted that we have a hearing in Dallas, Texas, and
16 I'm glad he did. And we're here today because of
17 Senator West and also Senator Shapiro who felt like it
18 was important for us to be here, to have a hearing in
19 Dallas, Texas. So, Senator West, thank you for that
20 and let me recognize you to welcome this great crowd.

21 SENATOR WEST: Thank you. Senator
22 Duncan, and other colleagues of the Senate, welcome to
23 the 23rd Senatorial District. (Applause by the
24 audience.)

25 You know, it's not too often that we get

1 seven senators in the 23rd Senatorial District at one
2 time. So needless to say, this a very important issue.

3 Anyone that knows me knows that I'm kind
4 of a cut-to-the-chase guy. All of those that are
5 against --

6 UNIDENTIFIED SPEAKER: We can't hear you
7 back here.

8 SENATOR WEST: Oh, that's the first. Can
9 you hear me now?

10 AUDIENCE: Yes.

11 SENATOR WEST: You know, I'm kind of a
12 cut-to-the-chase guy. Now, all of you that are against
13 redistricting, stand up. If you're against
14 redistricting. (Applause by the audience.)

15 All right. You can -- you can sit down
16 now. So, you know, let it be noted. All of those that
17 are for redistricting just raise your hands, that are
18 for redistricting. (Audience complies.)

19 Okay. That's fine. That's fine. But
20 let it be noted that over 98 percent of the people in
21 this room, we're not talking about the people outside,
22 that they are against redistricting. Let that be noted
23 by the media. (Applause by the audience.)

24 Secondly -- secondly, I've also -- I've
25 also asked the chairman this on a previous occasion and

1 I know that we're going back to Austin to deliberate,
2 and I said it earlier, Tom DeLay has been identified as
3 the poster child for redistricting, but we have not
4 heard from Tom DeLay about his position on
5 redistricting. I think it appropriate, because we've
6 had other congressional members to testify on
7 redistricting, that Tom DeLay be invited to testify
8 before this committee concerning redistricting.
9 (Applause by the audience.)

10 I know everyone wants an opportunity to
11 testify today. I encourage you to do so. Be as
12 succinct as you can so we can allow other persons to
13 testify. And lastly, you know, I'm proud -- I'm proud
14 of you because realistically I thought that this
15 particular room would hold all of the persons that
16 wanted to testify. Obviously I was wrong and I'm glad
17 I was wrong about this particular issue. Thanks for
18 being here. (Applause by the audience.)

19 CHAIRMAN DUNCAN: Thank you, Senator
20 West.

21 Senator Averitt.

22 SENATOR AVERITT: Thank you,
23 Mr. Chairman. It's an honor for me to be in the Dallas
24 area today. My district is just -- starts just a few
25 miles south of here at the county line and I'm proud to

1 be here with you today. I'm especially proud that
2 y'all are here. It's important for you to be here.
3 It's important for this committee to hear your
4 concerns. We hope that we will get some constructive
5 comments from the folks here in Dallas County so that
6 the Committee can do our work in an informed fashion.
7 It's important that we hear your opinions. And I can
8 assure you that this committee is listening. We're not
9 just sitting here hearing. We are listening. We've
10 had a great response around the state. We've got
11 several good constructive comments, and that's the type
12 of input that we're looking for. We're proud that
13 you're here and we're anxious to hear your testimony
14 and I look forward to hearing the comments that this
15 really outstanding crowd I'm sure has to offer. So
16 thank you very much for having us. (Applause by the
17 audience.)

18 CHAIRMAN DUNCAN: Thank you, Senator
19 Averitt.

20 We have two other members of the
21 Committee who couldn't be here today, Senator Lucio who
22 is recovering from an episode with a heart attack and
23 he couldn't be here with us today. Also Senator Todd
24 Staples had a previous commitment that he couldn't get
25 out of. He was put on this committee late and already

1 had an engagement that he couldn't get out of, so they
2 send regrets; otherwise, they would be here.

3 Dallas, Texas is fortunate to have one of
4 the finest delegations, Senator Gallegos, don't you
5 think, with regard to metropolitan areas? They -- they
6 rival only with the -- with the San Antonio and Houston
7 metroplexes, but we're real proud to have Florence
8 Shapiro who is a very strong advocate for the
9 metroplex area and one of the strongest leaders in the
10 Senate. Senator Shapiro.

11 SENATOR SHAPIRO: Thank you very much,
12 Mr. Chairman. (Applause by the audience.)

13 I'll try to be as loud as I can. Can you
14 hear me? Good. First, I'd like to say to the members
15 of this committee, thank you. Thank you for your
16 steadfastness, for the fact that you have done yeoman's
17 work going from community to community and listening
18 hours on end to the citizens. And so I think the
19 Committee members deserve a very large round of
20 applause. (Applause by the audience.)

21 Secondly, I would like to say that this
22 is a very important process. And I use the word
23 "process" because that's what this is. This is not the
24 first nor the last of these hearings. And it is the
25 beginning of a process. Many of my colleagues before

1 me mentioned that they have never seen a map. I've
2 seen one in the newspaper and that's it. That's the
3 only map that I have seen drawn. That is not
4 necessarily a map that we as the Senate are just going
5 to take and rubber stamp. I assure you we are very
6 independent thinkers in the Texas Senate. (Applause by
7 the audience.) I will also -- I will also tell you
8 that the House members did yeoman's work by going from
9 city to city. And this is, as I said, a process. We
10 are a bicameral form of government, two different
11 bodies that come together in the capitol. They have
12 finished their process and now we are working on ours.

13 I am very hopeful that today this process
14 will yield honesty, integrity, fairness, and
15 respectfulness. I -- I ask each of you, no matter what
16 party you're in, no matter what part of the metroplex
17 you're from, let's respect one another. It is very,
18 very important that we send that message to the
19 citizens of the metroplex, that we are respectful of
20 one another's ideas, thoughts and concerns.

21 I'd also like to say to each and every
22 one of you, the citizens that have come here today,
23 thank you. Thank you for your input. Thank you for
24 your ideas. Thank you for giving us some information
25 that will help us in this process. And from all of

1 you, thank you for being here. We are one metroplex
2 and we are united in one thing, we want to do what's
3 right for the citizens of this area, as well as the
4 rest of the State of Texas.

5 So I'd just like to say to all of you,
6 thank you for being here. Please be patient. I know
7 some of you are going to be standing for a while, but I
8 just wanted to say that I really appreciate the
9 opportunity to be here to share this day with you and
10 to tell you this is a process and we will complete the
11 process in due time. Thank you very much.

12 CHAIRMAN DUNCAN: Thank you, Senator
13 Shapiro. Thanks for being one of our hosts today. I
14 would -- Senator Leticia Van de Putte is not on the
15 Committee, but she has been, I think, to nearly every
16 hearing, other than, what? I think you've missed only
17 one.

18 SENATOR VAN DE PUTTE: That's correct.

19 CHAIRMAN DUNCAN: And she's always -- I
20 think what you see up here on this panel is a group of
21 folks. We don't always agree on the issues, but we
22 respect each other and we -- we'll certainly debate
23 very heatedly, but we try to understand each other in
24 the process.

25 Senator Van de Putte, would you please

1 make an opening statement?

2 SENATOR VAN DE PUTTE: Thank you,
3 Mr. Chairman.

4 As a senator from San Antonio, I have to
5 tell you that during the NBA finals we had a great
6 rivalry and we knew that it was going to be a Texas
7 team. I'm reminded that Senator West, Senator Shapiro
8 and the metroplex delegation said congratulations to
9 the San Antonio Chapparels many, many times over.

10 SENATOR WEST: Chapparels, the Dallas
11 Chapparels.

12 SENATOR VAN DE PUTTE: We have many, many
13 things in common. And I think that part of that is we
14 have seen through our travels through this state is
15 that you care and that this is an issue that is so
16 important that you would leave work, that you would get
17 someone else to take care of the kids, that you would
18 get someone else to take care of your grandparents. I
19 know a lot of you take care of grandparents or
20 grandparents that take care of grand kids, that you
21 have made other arrangements today to come be part of
22 this process. And as a Texan that makes me very proud.
23 The worst thing that could happen in a representative
24 democracy is if you let us, your legislators, work in a
25 vacuum. I want to say congratulations to all of the

1 people here today. This is a magnificent crowd and
2 shows us that you deeply care. You care about your
3 neighborhoods. You care about your families and you
4 care about this state. We are open, we are looking for
5 your constructive testimony, and we will stay here as
6 long as the citizens in the metroplex want to give us
7 your opinion. Thank you.

8 CHAIRMAN DUNCAN: Thank you,
9 Senator Van de Putte. Let me go back to the first part
10 of the meeting where I wanted to introduce to you our
11 interpreter.

12 Would Lyda Baro, would you please stand
13 and would you also come to the stand and explain in
14 Spanish and in English your interpreting services and
15 how people can access that here today?

16 INTERPRETER BARO: Yes. Good afternoon.
17 Would you like me to do it in English first and then
18 Spanish?

19 CHAIRMAN DUNCAN: That's fine.

20 INTERPRETER BARO: Okay. The interpreter
21 will interpret either in simultaneous mode or probably
22 consecutive, it might be a little clearer, just so that
23 we have enough time to render in the other language.
24 When the speakers come up, if they will just give me
25 some time to translate what is being said, then I'll do

1 that with them.

2 Para los que hablen en Espanol, yo voy a
3 ser su interprete hoy dia. Ustedes pueden hacer las
4 preguntas que quieran, pero por favor, den suficiente
5 tiempo para que el interprete pueda hacer la
6 interpretacion al otra idioma.

7 CHAIRMAN DUNCAN: Thank you. And please
8 feel comfortable to call on the interpreter to help you
9 if you -- if you would desire those services.

10 We also, as I explained earlier, our
11 meeting will be -- is being transcribed. Our court
12 reporter today is Rachel Chavez. Ms. Chavez, she can't
13 raise her hand because she can't type, but because we
14 have a court reporter, and I think this has worked well
15 in all of our meetings, we do take breaks to give the
16 court reporter a little bit of a break. And that
17 really becomes important as we get on into the evening
18 hours. So we will take a break every one and a half
19 hours, we'll take about a 15-minute break. And I think
20 you'll find that it's -- those are refreshing for you
21 and we find that they're refreshing for us too as well.

22 Members, as we all know, going throughout
23 the state, I think one of the things that the audience
24 has appreciated is the fact that we do set time limits
25 on our testimony. Otherwise, many of you may not be

1 heard because some people like to talk longer than
2 others. And so what we have found that works
3 throughout our other hearings is a five-minute time
4 limit. That will apply to all speakers, elected
5 officials, protocol speakers, anyone who wants to speak
6 before the Committee will be limited to five minutes.

7 I will entertain a motion at that time --
8 at this time for that limit.

9 SENATOR WEST: (Indicating.)

10 CHAIRMAN DUNCAN: Senator West moves that
11 the Senate Jurisprudence Committee redistricting
12 hearing in Dallas, Texas be -- that the testimony be
13 timed and limited to five minutes.

14 The clerk will call the roll.

15 THE CLERK: Senator Duncan.

16 CHAIRMAN DUNCAN: Aye.

17 THE CLERK: Senator Gallegos.

18 SENATOR GALLEGOS Aye.

19 THE CLERK: Senator Averitt.

20 SENATOR AVERITT: Aye.

21 THE CLERK: Senator Harris.

22 SENATOR HARRIS: Aye.

23 THE CLERK: Senator West.

24 SENATOR WEST: Aye. We've got five.

25 CHAIRMAN DUNCAN: There being five ayes

1 and no nays, the motion carries. The testimony will be
2 limited. Now -- oh, yeah. One thing is you and I will
3 all work together. I'm holding up my phone, and if you
4 have a phone, would you please hold it up, and turn it
5 off? (Applause by the audience.) Okay. We will ask
6 you to leave if your phone goes off. It just -- it
7 really does -- if you've ever been in a hearing, the
8 phones really do take away from the person who's
9 speaking, so we would appreciate those phones going
10 off.

11 The timing, we will call our elected
12 officials up, but I will say this, and we will -- we
13 will enforce our time limits. So whenever your time
14 has expired, a beeper will go off and I will hold your
15 card up and it's time to wrap up. If you don't wrap
16 up, I'll be nice at first, but I get cranky as you get
17 a little bit longer. And the whole purpose is, get up
18 here and make your point and make your best shot first
19 so that we can get that and -- and remember your best
20 shot. That's the -- that's the best advice I can give
21 you.

22 Okay. Members, are you ready for
23 testimony?

24 All right. The Chair -- all right. The
25 Chair calls Mayor Pro Tem John Loza. Mr. Loza, would

1 you please approach?

2 CHAIRMAN DUNCAN: Give a welcoming --

3 MR. JOHN LOZA: Mr. Chairman, Members of
4 the Committee, I do want to, on behalf of the City of
5 Dallas, welcome you to our city and appreciate your
6 attendance and appreciate your willingness to have a
7 hearing here in our fair city today.

8 I am not going to speak on -- as my -- in
9 my official capacity as mayor pro tem. I am going to
10 speak, however, as a citizen of this state and as a
11 representative for 85,000 people who live within the
12 City of Dallas. And I'm going to speak in that
13 capacity, and in so doing I'm going to -- I did not
14 prepare remarks for you today. I'm going to speak from
15 the heart as best I can, but I want to speak to you to
16 urge you not to change the congressional district
17 boundaries that are already in effect here in the State
18 of Texas. (Applause by the audience.)

19 I represent a predominantly working class
20 Latino district here in the City of Dallas. And the
21 Latino community in particular wants the right to elect
22 representatives of its own choosing, representatives
23 such as Representative Martin Frost. (Applause by the
24 audience.) And I can assure you, Members of the
25 Committee, that we will as a community be vigilant to

1 make sure that our rights are protected to make sure
2 that our voice is heard. But I also want to speak to
3 you, being -- as a City official I have to admit to you
4 also that the fact that this process is costing the
5 State of Texas \$1.7 million to me is extremely
6 offensive. (Applause by the audience.) At a time when
7 my city and at a time when almost every major city in
8 this state is facing a budget shortfall, the idea that
9 we're spending \$1.7 million on this redistricting issue
10 is utterly ridiculous because that money could be put
11 to so much better use. (Applause by the audience.)

12 When I think of all the police officers
13 and fire fighters and teachers and children and all
14 those others that could benefit (applause by the
15 audience) from that \$1.7 million, it makes this process
16 even more of a mockery than it is right now. And I
17 want to tell you -- I want to tell you that there's
18 just so much else that could be done, so many other
19 issues that need to be discussed. And I heard earlier
20 today something that I thought was really disturbing.
21 I heard that if this session does not result in some
22 kind of redistricting bill, that you'll be called back
23 into another session. And what that means, what that
24 certainly could mean is that even more money will be
25 spent on this needless process.

1 Senators, I appreciate the hard work that
2 you're doing. I appreciate the fact that you're here
3 today willing to listen to all of these people that are
4 willing to speak to you. And I appreciate all of your
5 efforts, but I want to tell you, I want to ask you to
6 respect the will not just of some people but all of the
7 people of the State of Texas. And in so doing, I urge
8 you to keep the boundaries as they are right now.

9 And I'll be glad to answer any questions
10 that you may have.

11 CHAIRMAN DUNCAN: Thank you,
12 Mayor Pro Tem. Members, are there any questions of
13 Mayor Pro Tem Loza?

14 All right. Thank you for your testimony.

15 MR. JOHN LOZA: Thank you.

16 CHAIRMAN DUNCAN: Chair recognizes
17 Congressman Martin Frost. (Applause by the audience.)

18 CONGRESSMAN FROST: Mr. Chairman, I have
19 a full statement that I'll submit from the record, but
20 I will try and summarize it as best I can. I'm
21 appearing before you today in my capacity as dean of
22 the Texas delegation and as congressman from the 24th
23 congressional district. This is the first time in my
24 25 years in Congress that I have testified before a
25 committee of the Texas legislature either on

1 redistricting or on any other subject. It is my
2 request that the Texas State Senate take the
3 opportunity to exercise leadership in Austin at this
4 critical moment for our state's history. By that I
5 mean, you should put an end to this divisive effort
6 to redraw our state's congressional district.

7 (Applause by the audience.)

8 Texas has a long history of a strong
9 bipartisan delegation in Washington that works together
10 on vital matters for our state. Congressman DeLay's
11 efforts to force the Texas State Legislature to redraw
12 districts in the middle of the decade threatens to
13 destroy the bipartisan sense of cooperation that has
14 benefitted our state for these many years.

15 The current congressional map drawn by a
16 three-judge court and approved by the United States
17 Supreme Court is fair to both parties. Under this map,
18 17 Democrats and 15 Republicans were elected in 2002.
19 However, the underlying districts from which they were
20 elected really favor the Republicans in 20 of these
21 districts, and the Democrats in only 12 of the
22 districts. Of the 17 Democrats elected in 2002, only
23 12 came from Democratic districts. The remaining five
24 came from districts that lean heavily Republican and
25 that the entire statewide Republican ticket carried.

1 And that the voters of those districts consciously
2 chose to split their tickets and vote for conservative
3 Democrats for Congress while voting for Republicans for
4 all other statewide office. These conservative
5 Democrats elected from the five districts are my
6 colleague Max Sandlin, who is here today and will be
7 testifying from the 1st district, Jim Turner from the
8 2nd district, Ralph Hall from the 4th district, Chet
9 Edwards the 11th district and Charlie Stenholm from the
10 17th district.

11 What Tom DeLay is asking you to do is not
12 to draw districts that Republicans can win, but to draw
13 districts that Republicans cannot lose.

14 (Applause by the audience.) And in doing so he is
15 asking you to draw districts that horribly discriminate
16 against our state's rural areas by turning current
17 competitive rural districts into ones that will be
18 dominated by urban and suburban voters and draw
19 districts that submerge minority voters into Republican
20 districts in violation of the U.S. Supreme Court's
21 recent decision.

22 It is -- it is time for the 31 members of
23 the Senate to take a stand for sanity and order. And
24 to quote a famous slogan from World War II that -- I
25 was very young during World War II, but I actually

1 remember this slogan about gas rationing. The slogan
2 was "Is this trip necessary?" (Applause by the
3 audience.)

4 Of the Democrats that win in heavily
5 Republican districts that Tom DeLay would eliminate, I
6 want to tell you about these Democrats. They are the
7 ranking member on the House agriculture committee
8 Charlie Stenholm, who would be replaced by a member
9 from Minnesota. The ranking member on the powerful
10 appropriation subcommittee on military construction,
11 Chet Edwards who would be replaced by a member from
12 California. The ranking member of the House science
13 committee Ralph Hall, who will be replaced by a member
14 from Tennessee. And the ranking member of the select
15 committee on homeland security Jim Turner, who would be
16 replaced by a member from Mississippi. Now, that's not
17 in the best interest of Texas. (Applause by the
18 audience.)

19 Mr. Chairman, I'd like to take a moment
20 to talk about my own district. Ever since its creation
21 in 1971, following the 1970 census, the 24th district
22 has contained a significant concentration of minority
23 voters. During the 1970s and the 1980s those minority
24 voters were primarily African-American. And during the
25 1990s to the current time, those voters have been both

1 African-American and Hispanic. The current 24th
2 district is 22 percent African-American and 38 percent
3 Hispanic. Minority voters in the 24th district for
4 more than two decades have been the controlling voice
5 and determine who should win the primary and who should
6 win the general election.

7 During the time I represented the 24th
8 district, there have been at least three elections
9 where I have lost the white vote, but carried the
10 minority vote by a heavy enough margin to win the
11 election. The first time -- (Applause by the
12 audience.) The first time was my initial general
13 election victory in 1978--I'll conclude very
14 quickly--when the African-American votes won the
15 election. The second time was in 1984 when I lost the
16 white vote by 5,000 votes and carried the
17 African-American vote by almost 40,000. (Applause by
18 the audience.) The final time was in 1994, the
19 Republican landslide election when I -- when I
20 virtually lost all the white majority portions of my
21 district, but carried the African-American vote in Fort
22 Worth and the Hispanic vote in Oak Cliff by a
23 significant enough margin to win with 53 percent.

24 Clearly minority voters, African-American
25 and Hispanic in the 24th district determine the

1 outcome.

2 Mr. Chairman, I have a much longer
3 statement which I am going to submit for the record. I
4 ask -- I ask -- I ask the State Senate to do the right
5 thing, to do the right thing. (Applause by the
6 audience.) And to -- and to put an end to this
7 partisan power grab by colleague Mr. DeLay.

8 CHAIRMAN DUNCAN: We appreciate your
9 testimony. I'm sure there's questions. Members, any
10 questions?

11 SENATOR GALLEGOS: (Indicating.)

12 CHAIRMAN DUNCAN: Senator Gallegos.

13 SENATOR GALLEGOS: Congressman, on the
14 seniority list that you told us you went down the -- I
15 think one was agricultural, the other one was science,
16 what were the other?

17 CONGRESSMAN FROST: Homeland security and
18 military construction, which is particularly important
19 because we're going to have another round of base
20 closings that could affect a lot of Texas bases.

21 SENATOR GALLEGOS: All right. Let me --
22 let me ask you for the benefit of the crowd and to
23 benefit me what that means in terms of when an issue --
24 what that means in terms -- in terms of issues that are
25 on the table with these senators -- with these Congress

1 persons that you -- that you mentioned on benefits
2 affecting their districts. So what -- what you're
3 telling me and to the people here in the audience is
4 that if they lose those Congress persons, they
5 basically lose a place at the front line of the table
6 where benefits that they're receiving now could --
7 could basically disappear in a matter of an election.

8 CONGRESSMAN FROST: Well, let me, if I
9 could, Senator, let me cite one very classic example.
10 Agriculture remains one of the most important parts of
11 the Texas economy. At the beginning of this Congress
12 there were two Texans on the agriculture committee,
13 Larry Combest and Charlie Stenholm. Larry Combest from
14 Lubbock was the chairman and he, for personal reasons,
15 resigned from the Congress. That left only Charlie
16 Stenholm on the agricultural committee. Charlie
17 Stenholm is the top ranking Democrat. Agricultural
18 policy is often done on a bipartisan basis and if
19 Charlie Stenholm is not there as the top ranking
20 Democrat, there will be no one to speak for Texas
21 farmers and for rural interest. No one. (Applause by
22 the audience.)

23 SENATOR GALLEGOS: That's on seniority.
24 Let me ask you a question. During the legislative
25 redistricting board when we were talking about Senate

1 and House lines there was a situation dealing with
2 Senate District 15 in Houston, Texas that basically
3 mirrors your congressional district. On transcripts
4 that we have found that are on the website is that
5 basically that Senate District 15 mirrors your 24th
6 here in Dallas. Senate District 15 is represented by
7 Senator Whitmire in Houston. And on transcripts and
8 basically testimony that was transcribed by a court
9 reporter, that -- that the attorney general then, now
10 U.S. Senator John Cornyn, had gone to Washington and
11 basically was told by the Department of Justice that he
12 would -- that the LRB, the Legislative Redistricting
13 board, would receive probably an objection if they were
14 to in any way regress Senate District 15, which mirrors
15 your congressional 24th. And basically, is that -- is
16 that your -- what you --

17 CONGRESSMAN FROST: I'm not familiar with
18 the testimony before the LRB, but certainly from what
19 I've been told by lawyers who have looked at this for
20 many years, that my current district is counting the
21 Asian population, which is 5 percent is 65 percent
22 minority and would appear to be protected by the Voting
23 Rights Act.

24 Let me add, if I may, it's my
25 understanding that the court plan that was ordered by

1 the federal judges made up of one Republican, two
2 Democrats, ordered unanimously, was basically the plan
3 that Attorney General Cornyn--he was the attorney
4 general at that time--submitted to the court. That the
5 court took the basic plan that Attorney General Cornyn
6 submitted when it drew the congressional district
7 lines. And so I assume that if he was taking that
8 position as to the Senate district that you've
9 described in Houston, he must also have been taking
10 that position as to the congressional district that I
11 represent because that's how the court drew it.

12 SENATOR GALLEGOS: As a result of what he
13 was told in Washington it came back, and now the
14 lieutenant governor, then Commissioner Dewhurst, added
15 an amendment to preserve Senate District 15 just as
16 what we hear that was tried and dismantled, your 24th
17 over in the House.

18 Dealing with the new -- the new supreme
19 court ruling on Georgia v. Ashcroft when you were
20 talking about the diluting of minorities in rural
21 areas, is it -- and I have not seen the House map. I
22 have not seen any map, to tell you the truth. I
23 have -- would that -- would the map that was passed, if
24 you saw it -- I have not seen it. We didn't -- we
25 didn't get through in Corpus till midnight last night.

1 I have not seen it. Would that -- would that violate
2 Ashcroft and Georgia case?

3 CONGRESSMAN FROST: Senator, I'm an
4 attorney, however, I don't consider myself an expert on
5 this matter. And you will have to -- you have, of
6 course, adequate counsel here who advise you. My
7 reading of that case is that those are minority
8 influenced districts and that what the State House
9 tried to do and did in their plan, was to submerge
10 those minority voters in districts that would be drawn
11 into the suburbs of Dallas and Houston. And,
12 therefore, not only destroy the rural character of many
13 of those districts, but also submerge those minority
14 voters in districts where they would have no effective
15 voice because they would be outvoted by suburban voters
16 from Dallas and Houston.

17 SENATOR GALLEGOS: And just for the
18 benefit of the crowd, the minority -- the minorities in
19 your districts, the 24th, elected you in these last
20 three elections --

21 CONGRESSMAN FROST: They've elected me in
22 13 elections, but they were the critical factor in at
23 least three of --

24 SENATOR GALLEGOS: In the last two
25 elections, okay. And I just -- for the benefit of the

1 crowd, in the last -- in the last elections, those in
2 congressional 29th, my congressional district have
3 elected also -- the majority being Hispanic, have
4 elected an Anglo Democrat also to represent them in
5 Congress. And I want -- for the benefit of the crowd,
6 I want you to tell them -- to let them know that we --
7 the Hispanic population in the congressional district
8 in 29th basically have the power to say who goes and
9 who doesn't go to Washington to represent them. And I
10 think that's -- that's what we're seeing here trying to
11 be diluted across the board.

12 CONGRESSMAN FROST: Senator, if I may, I
13 want to make it very clear to the Committee. I am not
14 here just speaking about my own district or about
15 myself. I'm really here speaking on behalf of the
16 people that I represent and also on behalf -- as dean
17 of the delegation, on behalf of all the districts
18 across the state. And a fair plan -- (applause by the
19 audience) a fair plan, I believe, by its nature,
20 preserves the influence of minorities across the state,
21 not just in my district. And I would hope that we
22 would not have retrogression where minorities across
23 the state would lose the influence that they have.

24 SENATOR GALLEGOS: And one final
25 question. The congressional districts in question that

1 you said per index were Republican and voted for a
2 Republican president and voted for Republican statewide
3 elected officials, but yet chose to decide that their
4 congressional representative be a Democrat, is that --
5 is that what you're saying that they -- even though
6 they voted for a Republican for president, voted
7 Republican statewide offices, they chose --

8 CONGRESSMAN FROST: No, no --

9 SENATOR GALLEGOS: I'm talking about the
10 majority, the index.

11 CONGRESSMAN FROST: He's talking -- he's
12 talking about the districts in East Texas and in
13 Central Texas and West Texas and that's an accurate --
14 that's accurate characterization.

15 SENATOR GALLEGOS: I'm not saying y'all.
16 I'm not saying y'all.

17 CONGRESSMAN FROST: Yeah. That's an
18 accurate characterization, yes.

19 SENATOR GALLEGOS: And even though --
20 even though they chose to vote somewhere else in those
21 higher offices, they chose to vote for a Democrat as
22 their congressional person; is that --

23 CONGRESSMAN FROST: And, Senator, if I
24 may, I think one of the reasons that they would have
25 chosen for a Democrat in Congress is that Congress

1 affects their daily lives in ways -- we vote on minimum
2 wage legislation. We vote on Medicare. We vote on
3 things that affect peoples' daily lives, whereas -- and
4 so they clearly wanted -- it's clear that the people in
5 those districts wanted a Democrat to be -- to speak for
6 them on those kind of issues.

7 SENATOR GALLEGOS: Thank you,
8 Congressman.

9 CHAIRMAN DUNCAN: Thank you, Senator
10 Gallegos. Other questions?

11 SENATOR AVERITT: Just one.

12 CHAIRMAN DUNCAN: Senator Averitt.

13 SENATOR AVERITT: Thank you, Mr.
14 Chairman. Congressman Frost, I think earlier you said
15 that your district was 65 percent minority?

16 CONGRESSMAN FROST: That's correct.

17 SENATOR AVERITT: In your opinion, for
18 your district in particular, would you say that that is
19 a minimum level in which to maintain a minority
20 opportunity?

21 CONGRESSMAN FROST: Well, Senator, again,
22 I hate to be giving legal opinion since you have your
23 own legal counsel here, but I can just tell you that
24 it's -- I don't think you can establish a minimum
25 level, quite frankly, for every single district. I can

1 tell you that that is the current level in my district
2 and it is has been an effective minority district at
3 that level. I think the -- but you have to rely on
4 your legal counsel and I'm not -- I'm not here to try
5 and tell you what the law is on specific districts.
6 I'm only trying to tell you what I think you should
7 approach from a general sense of fairness --

8 SENATOR AVERITT: I understand --

9 CONGRESSMAN FROST: -- and in trying
10 to --

11 SENATOR AVERITT: -- and respect that.

12 CONGRESSMAN FROST: -- recognize the
13 interest of the people of this state. And, Senator, I
14 know that the district that you represent would be very
15 much fractured under the House plan. And I know that
16 the part of the state that Senator Duncan represents
17 would also be very fractured under that plan. And so I
18 would hope that we would all come together and just
19 decide that this is -- that what we have now is
20 basically fair. (Applause by the audience.)

21 CHAIRMAN DUNCAN: Okay. Members, any
22 other questions?

23 All right. Thank you, Congressman.

24 CONGRESSMAN FROST: Thank you.

25 CHAIRMAN DUNCAN: I think that's it.

1 CONGRESSMAN FROST: Okay. Well, thank
2 you very much for your courtesy.

3 CHAIRMAN DUNCAN: Thank you for yours.
4 (Applause by the audience.)

5 Chair recognizes Congressman Max Sandlin.
6 Yes, go on ahead, Congressman.

7 CONGRESSMAN SANDLIN: Thank you,
8 Mr. Chairman, and thank you to all the folks from Texas
9 who came to this hearing today. We appreciate your
10 support and appreciate your interest in this important
11 issue before us today.

12 In beginning, Mr. Chairman, I'd like to
13 present to you for the record and I won't read, in the
14 interest of time, all of them, but various resolutions
15 from cities and counties throughout my district
16 opposing redistricting. I also have from Bowie County,
17 Texas alone 537 names on a petition opposing
18 Redistricting. I'd also like you to take note of the
19 500 people that appeared in Nacogdoches week before
20 last, or really Saturday week. All were opposed to
21 redistricting except four or five that testified in
22 favor. And also, we had 160 plus letters that we put
23 in the record in Nacogdoches in opposition.

24 SENATOR HARRIS: Mr. Chairman.

25 CHAIRMAN DUNCAN: Senator Harris.

1 SENATOR HARRIS: I did not hear the -- to
2 keep the record straight, I did not here the witness
3 state his name for --

4 CHAIRMAN DUNCAN: Congressman, I should
5 have reminded you earlier. If you'd state just for the
6 record, state your name and your congressional
7 district.

8 CONGRESSMAN SANDLIN: Yes, sir. Max
9 Sandlin, 1st Congressional District, Northeast Texas.
10 Thank you.

11 Thank you again and -- (Applause by the
12 audience.)

13 CHAIRMAN DUNCAN: That doesn't mean you
14 get to start over, but --

15 CONGRESSMAN SANDLIN: Must be my folks.
16 Thank you. Thank you.

17 But welcome to North Texas. And I
18 understand you have several hearings scheduled across
19 the state and we have none of those in East Texas. So
20 initially let me say, we would welcome you to come to
21 East Texas and I'll be glad to have you sit up here in
22 East Texas to take testimony, but since you did not
23 come, I would ask that the record of testimony in the
24 hearings in other parts of the state be made a part of
25 the record of the Senate hearing here today.

1 Particularly the hearing we had a week ago Saturday in
2 Nacogdoches and I'd ask that that be incorporated at
3 this point so that the Senate can consider that
4 testimony.

5 Finally, I would like to ask the
6 Committee to take note of Rule 14 of the rules of the
7 Texas State House and Rule 1118 of the Texas Senate and
8 also the U.S. Supreme Court case of Georgia v.
9 Ashcroft, et al., decided June 26th, 2003 and I ask
10 that those rules and this case be incorporated at this
11 point into the record as part of my comments as fully
12 as if they were copied verbatim.

13 Mr. Chairman, Texas and the Texas Senate,
14 and particularly East Texans where I come from have a
15 reputation of fierce independence for rising above the
16 political phrase to do what's right for our state and
17 what's right for our nation. We're here today to ask
18 you to exercise that independence and to join with us
19 to reject the partisan dictates of Tom DeLay and his
20 partisans in Washington D.C. (Applause by the
21 audience.) And to protect -- protect our
22 communities -- protect our communities in Texas.

23 On behalf of my constituents I'd like to
24 mention several areas of concern, including the process
25 of redistricting, our current map and representation,

1 proposed maps, minority interest, minority influence
2 districts, legislative positions of power for minority
3 voters' representatives of choice and other matters.

4 First on process I was very interested,
5 Mr. Chairman, in listening to the governor's
6 proclamation. I'm sure that you join me in wishing
7 that the governor had a better understanding of the law
8 because (applause by the audience) -- because as you
9 know,

10 Mr. Chairman, the law requires reapportionment and
11 there must be a redistricting to identify the location
12 of the seeds, but the law absolutely does not require
13 the legislature to do it. It does not. The
14 requirement of the law is to accomplish the task of
15 redistricting. Not to identify who must do it. That's
16 not the law. That's not the purpose. And for the
17 governor to say otherwise shows a gross ignorance of
18 the law. (Applause by the audience.)

19 Even the Republican attorney general said
20 that at this point redistricting is not prohibited,
21 that's true, but it's certainly not required. It's
22 done.

23 Now, in the case of Texas, that task has
24 already been accomplished. In 2001 the legislature did
25 not redistrict, so the duty fell to the court. Again,

1 it was a duty to accomplish the task of redistricting
2 to get the job done. And the job has been done by the
3 court by the entry of a final order. (Applause by the
4 audience.)

5 Now, at the time, the governor seemed to
6 have a different position. At that time Governor Perry
7 recognized and acknowledge that the court, the court
8 and not the legislature, should take up redistricting.
9 Let's look at a few things he said. Quote--this is the
10 governor--It needs to go to the court and the courts
11 work on this so the people of the State of Texas can
12 know where the lines are going to be, period, end
13 quote. That's what he said as reported by the AP on
14 6/21/01. Listen to what the Fort Worth Star Telegram
15 said. Quote, Critics blame Texas Governor Rick Perry
16 for dumping congressional redistricting in the federal
17 courts by refusing to call a special legislature
18 session. Perry said, quote, it would be a waste of tax
19 payers' money, end quote. (Applause by the audience.)
20 Let's let --

21 CHAIRMAN DUNCAN: Congressman, your -- I
22 know there will be questions for you. Your time has
23 expired. If you want to wrap it up and --

24 CONGRESSMAN SANDLIN: Mr. Chairman, of
25 course I was not notified of the time, and since

1 you're --

2 CHAIRMAN DUNCAN: Well, you can have
3 another minute to wrap it up, if you'd like.

4 CONGRESSMAN SANDLIN: Well, I have about
5 ten minutes.

6 CHAIRMAN DUNCAN: Well, that would be an
7 excess of the time limits.

8 CONGRESSMAN SANDLIN: Well, let me say --
9 let me say this. You haven't had hearings in our part
10 of the state. My constituents come from all over. The
11 House had sham hearings all across the district. It
12 was just -- (Applause by the audience.) We've had no
13 opportunity to be heard and I think we need an
14 opportunity -- this is an important thing. This is
15 something that affects the lives of my constituents,
16 and for you to sit up there and say that we get five
17 minutes or ten minutes just outrageous.

18 CHAIRMAN DUNCAN: Well, Congressman, I
19 will tell you, this is the Texas Senate and we have 170
20 people of your constituents and --

21 CONGRESSMAN SANDLIN: I tell you what --

22 CHAIRMAN DUNCAN: -- others that would
23 like to testify.

24 CONGRESSMAN SANDLIN: We -- we have 170
25 people and all these people will wait all day long.

1 You're denying the vote of minorities, you're denying
2 the votes of rural people and we'll stay here till the
3 cows come home to present our position. This is
4 absolutely outrageous for you to cut me off like that.

5 CHAIRMAN DUNCAN: Thank you, Congressman.
6 You know the rules. We voted on this unanimously.

7 CONGRESSMAN SANDLIN: Well, you don't
8 follow the rules in anything else. You don't follow
9 the constitution. You don't follow Georgia v. Duncan.
10 You don't follow any other rules. You tell minorities
11 they don't have a right to vote. You cut my
12 congressional district, a rural district into --

13 SENATOR HARRIS: Congressman --
14 Congressman -- sir, you are not helping anybody.

15 CONGRESSMAN SANDLIN: I'm not asking you
16 for your comments.

17 SENATOR HARRIS: You are not helping
18 anybody, sir.

19 CONGRESSMAN SANDLIN: Thank you. Thank
20 you. If you have a question you can frame it as a
21 question.

22 CHAIRMAN DUNCAN: We have -- in other
23 areas where we've had your colleagues from Congress
24 testify, out of respect we have certainly allowed you
25 to talk and we have allowed you to answer questions and

1 we have been fairly lenient on the time. When I ask
2 you to wrap up, I usually give you as much time as you
3 need to wrap up. I've never been quite talked to like
4 that by any other member of the congressional
5 delegation, but I would be happy for you to conclude
6 your remarks and then we'll ask questions.

7 CONGRESSMAN SANDLIN: Okay.

8 CHAIRMAN DUNCAN: And then we'll hear
9 from your constituents, which I think you want us to
10 hear.

11 CONGRESSMAN SANDLIN: Yes, sir, I do.
12 And I'll wrap up.

13 CHAIRMAN DUNCAN: Thank you.

14 CONGRESSMAN SANDLIN: I'll wrap up --
15 I'll wrap up quickly. Let me make -- let me make just
16 a few comments. And I do have ten minutes or so left,
17 but let me say this, first off -- I'm not going to do
18 that. I'm not going to do that. But let me say this,
19 I don't think the process is in compliance with the
20 constitution or Georgia v. Ashcroft. It denies
21 minorities positions of leadership for their minority
22 preferenced candidates.

23 SENATOR WEST: Mr. Chairman.

24 CHAIRMAN DUNCAN: Senator West.

25 SENATOR WEST: You say that you --

1 Congressman, you don't believe that it's in compliance
2 with Georgia v. Ashcroft as relates to your district.
3 Why is that?

4 CONGRESSMAN SANDLIN: A couple of
5 reasons. One is that it buries my minority population
6 within a district that is high 60 percent Republican.
7 It makes their vote totally ineffective. The
8 minorities are not able to effect -- not only it won't
9 be dispositive, but they cannot effect the outcome of
10 the election. Also they're prevented from having --
11 from putting together coalitions with others because of
12 the great influx of moving the white voters around.
13 The minority vote means absolutely nothing because
14 they're -- they're swallowed up in a sea of the right
15 wing.

16 The second point -- the second point is
17 this: The law says, and Georgia v. Ashcroft says that
18 you have to consider the leadership positions of
19 leaders that are prefer -- are the preferred candidates
20 of minorities. In Texas the Republican Democrat -- I
21 mean, the Republican Texans in the House have a 12.5
22 percent Hispanic rating. They have a 24 percent rating
23 with the NAACP. The Democrats in both cases have over
24 80 percent. I personally have 82 percent NAACP, 83
25 percent with the Hispanic issues. And that's -- those

1 folks are the ones that then are saying, "These are our
2 preferred candidates." Well, when you -- when you bury
3 minority populations in a sea of white where they have
4 no voice, they also have no voice in putting their
5 folks in leadership positions. (Applause by the
6 audience.)

7 SENATOR WEST: What -- what percent
8 minority is your district, African-American and
9 Hispanic?

10 CONGRESSMAN SANDLIN: I have about --
11 under the current -- under the current map, which is in
12 effect right now that the court drew, I have about a
13 third, close to a third, not quite, I guess 30 percent
14 or so are minorities, mostly African-American.

15 SENATOR WEST: Okay. Thank you.

16 CONGRESSMAN SANDLIN: Yes, sir.

17 CHAIRMAN DUNCAN: Members, any other
18 questions of Congressman Sandlin?

19 SENATOR GALLEGOS: Let me ask --

20 CHAIRMAN DUNCAN: Senator Gallegos.

21 SENATOR GALLEGOS: Congressman, let me --
22 first of all, and here's -- and for the people in the
23 audience, a lot of us feel the same way you do. Please
24 do not confuse us with the House. That's all I ask.
25 That's all I ask. I mean, we have a quorum here and

1 I'm telling you that -- that the chairman has been open
2 to everybody regardless of party affiliation and we
3 would've liked to have gone everywhere, but don't
4 confuse us with the House, even though we do have some
5 good friends in the House. What happened in the House,
6 happened in the House. This is the Senate and we're
7 here to listen and -- and we respect you if you would
8 respect us. Please -- please do so.

9 CHAIRMAN DUNCAN: Thank you.

10 CONGRESSMAN SANDLIN: I might comment.
11 We appreciate you listening. We do appreciate you
12 being here. Some of the folks in East Texas that
13 probably are a little excited about it are because when
14 we went to Nacogdoches one of the members was two and a
15 half hours late and then came and said that he was
16 there to listen. He made faces at most of the
17 witnesses and then he promptly left and clearly didn't
18 listen. So I think some of them are a little bit
19 excited about whether or not --

20 SENATOR GALLEGOS: Have a good reason to.

21 SENATOR WEST: We'll be here until the
22 last person testifies. If that's 2:00 or 3:00 o'clock
23 in the morning we'll be here.

24 CONGRESSMAN SANDLIN: I we appreciate it.
25 Mr. -- Mr. Chairman, I didn't want to offend you at

1 all. I appreciate you coming here and listening and
2 being part of a more thoughtful body. It's just we
3 have -- we've have very little opportunity to present
4 our case and it's --

5 CHAIRMAN DUNCAN: We have found that in
6 order to make sure that we do hear everyone and make
7 these successful is we keep order, everybody abides by
8 the same rules, and I appreciate you doing that too.

9 CONGRESSMAN SANDLIN: Thank you.

10 CHAIRMAN DUNCAN: Thank you.

11 CONGRESSMAN SANDLIN: Let me -- and in
12 closing, and thanks for each of you coming. And I see,
13 David Gwinn here and I got to see him this morning. He
14 was one of my professors at Baylor Law School that
15 taught me constitutional law. And David had this thing
16 he always said, and I don't know if you still say it or
17 not. He said -- he would sit there, and he always
18 snaps his fingers like this (indicating) and he'd say,
19 "Proper recitation of the law without proper
20 application will get you zero, zero," is what he always
21 told us. And so I'd like to say in closing that I hope
22 the Senate -- I remember that, David, and what you
23 said. And I hope the Senate remembers that too in that
24 knowing the law without proper application is going to
25 get them. (Applause by the audience.)

1 CHAIRMAN DUNCAN: Chair recognizes
2 Represent- -- State Representative Roberto Alonzo.
3 Roberto. Please state your name and the district that
4 you represent, if you would, please.

5 MR. ROBERTO ALONZO: Thank you,
6 Mr. Chairman. My name is Roberto Alonzo. I'm a state
7 representative from District 104.

8 Members of the Senate, Mr. Chairman, I
9 come before you having testified in the House
10 redistricting hearings and having participated
11 yesterday on the floor. First of all, again, we
12 reiterate the fact that we do not want redistricting.
13 As you have seen across the state through your
14 testimony, through the House testimony, over 80 percent
15 of the people have said they don't want redistricting.
16 But, you know, I heard comments that the House wanted
17 to give an opportunity to minorities to participate,
18 and what I did was create that opportunity. I put
19 together a district, after having visited with
20 different congressmen, State Representative Jesse
21 Jones, (indiscernible), school board member Joe May a
22 district in District 24 that would go from
23 approximately 38 percent Hispanic population to 54.7.
24 And voting age population to 50 percent. And this is
25 working with leadership in North Texas. And created a

1 district not only that was just based on Hispanic, but
2 similar in beliefs as it relates to representing
3 working people, union people, people that go to public
4 schools, urban areas. In one proposal in the House
5 they tried to connect Oak Cliff, which is where we're
6 at here in the south a little bit to the north going
7 north to Carrollton, which would have been connecting
8 suburb and -- with urban. And the last -- one of the
9 last maps -- yesterday again connected Fort Worth and
10 Dallas, but I tried to make it more compact, more
11 communities of interest. And having done, again -- and
12 I say that not only in proposing the map, because as
13 you know, Mr. Chairman, I used to be a state rep from
14 '93, '97 and I lost. And I decided to run again
15 because I'm very interested in public service and one
16 of the reasons I won is because I went door to door.
17 Something very unique and very new, very important, and
18 I'll never forget that. But what I learned in going
19 door to door, I would hear the voters in the district
20 that they wanted somebody that would represent the
21 working people. And looking at that district, having
22 won, having listened, and working at this district
23 we're trying to develop, that's what -- I proposed it.
24 And, you know, on the floor, having heard that this was
25 available, we were voted down 80 to 60; 80 to 60. So I

1 don't think there was that big of an interest to really
2 listen to a lot of people, at least 80 percent that say
3 no. Eighty -- at least the people in my district and
4 our area and the same area, and that's why you've heard
5 from Congressman Martin Frost, that he gets elected
6 because he makes sure to represent the working interest
7 and the people in that area. (Applause by the
8 audience.)

9 So I too come before you. I've signed a
10 document saying that I'm against redistricting. I'm
11 saying to you also that in North Texas we have a
12 growing population. One of the reasons that I
13 presented this map is to bring attention to North
14 Texas. There's over 1.3 percent Hispanic. In our
15 studies in developing the map, it showed that out of
16 districts that were a population of 50 percent or more,
17 Hispanics were voting 71 percent Democrat. And those
18 that had a 50 percent or more voter registration were
19 voting about 75 percent Democrat.

20 So again, I appreciate the opportunity.
21 I come before you as many that are here today asking
22 that you say no to redistricting. And just in
23 closing -- in closing I would ask that people that are,
24 as Senator West has said, those that are against
25 redistricting say "nay."

1 AUDIENCE: Nay.

2 MR. ROBERTO ALONZO: And those that are
3 for redistricting say "aye."

4 AUDIENCE: Aye.

5 MR. ROBERTO ALONZO: Thank you,
6 Mr. Chairman.

7 CHAIRMAN DUNCAN: Representative Alonzo.
8 Any questions? Thank you for your testimony today.

9 MR. ROBERTO ALONZO: Thank you,
10 Mr. Chairman.

11 CHAIRMAN DUNCAN: Chairman recognizes
12 former representative Harryette Ehrhardt. Harryette.
13 Please approach and state your name and who you
14 represent.

15 MS. HARRYETTE EHRHARDT: My name is
16 Harryette Ehrhardt, and I join my colleagues in
17 welcoming you to the Dallas/Fort Worth area. It's good
18 to see friends again. Thank you for coming.

19 I want to tell a personal story to you.
20 I'd like to talk to you about despite the Voting Rights
21 Act, despite the federal guidelines, all of those
22 notwithstanding, what happened in the redistricting
23 committee to the district that I was honored to
24 represent for eight years? They changed the lines of
25 district 107 for which I worked by lining me out by

1 three houses. In doing that -- in doing that,
2 neighborhoods were ignored, communities of interest
3 were ignored. And most important, the
4 representative -- representation of an intercity
5 majority/minority district was devastated.

6 As in Congressman Frost's district,
7 minorities have elected me to serve for the years that
8 it was my privilege to do so. The devastation of the
9 redrawing was to the minorities. They were placed in
10 five different legislative districts. Four of them
11 were majority Republican white districts, which
12 rendered their vote useless. And the rest were packed
13 into a already minority district. The constituency of
14 a historically minority represented district was
15 rendered impotent.

16 I ask you not to do such a thing once
17 again. I ask you not to let the representation of
18 minority members be rendered useless by the drawing of
19 a map that divides the strength of the minority
20 population.

21 Thank you for coming. (Applause by the
22 audience.)

23 CHAIRMAN DUNCAN: Thank you, Harryette.
24 Good to see you. Any questions for Representative
25 Harryette Ehrhardt?

1 Thank you for your testimony today.

2 MS. HARRYETTE EHRHARDT: Thank you for
3 being here.

4 UNIDENTIFIED SPEAKER: Love you
5 Harryette. (Applause by the audience.)

6 CHAIRMAN DUNCAN: Chair recognizes former
7 representative Garfield Thompson. (Applause by the
8 audience.)

9 MR. GARFIELD THOMPSON: Mr. Chairman and
10 Members, I appreciate you calling me. I left a sick
11 wife at home, just got of the hospital yesterday and
12 I'm going to have to go back and see about her and I
13 appreciate you allowing me to testify.

14 I come before you today as a former state
15 representative representing the --

16 Gallo, come esta, amigo?

17 SENATOR GALLEGOS: Bien.

18 MR. GARFIELD THOMPSON: Si. Mamacita.

19 SENATOR VAN DE PUTTE: Papacito.

20 MR. GARFIELD THOMPSON: I served with
21 these people when I was in the House. I used to sing
22 songs for them on the bus trips in Spanish, people,
23 believe it or not.

24 I have a prepared statement here, but I
25 don't want to use that. I just want to say to you,

1 let's get to the bottom line. What is really happening
2 with the Congress of the United States, we have
3 Congressman Tom DeLay who is the majority leader. We
4 have the White House. We have the majority of the
5 supreme court. We've got the Senate and the Congress
6 in the United States House, but Congressman DeLay
7 doesn't have the Texas delegation. That's his purpose.
8 They want the whole ball of wax. That's the bottom
9 line. He doesn't have the Texas delegation. If he
10 gets the Texas delegation, they'll have the whole ball
11 of wax and this is not what we want. We have
12 Congressman Frost who is the senior of the Texas
13 delegation, and he has a prominent position in the
14 House. And if he can remove Congressman Frost, DeLay,
15 Doggett, Stenholm, they'll have the whole ball of wax,
16 folks.

17 When I was in the Texas House of
18 Representatives, I had the opportunity to help draw the
19 lines in 1991. Spent many hours with the people who --
20 redrawing the lines. As a matter of fact, Congressman
21 Frost and I, I can say I'm responsible for Congressman
22 Frost being in Tarrant County today. He's a witness.
23 I have him sitting here. He and Pete Geren came to my
24 house and he asked Geren, who is the representative 12,
25 if he could come in Tarrant County. We agreed. And

1 then later on Geren said that we stabbed him in the
2 back, which was a -- well, I won't say, but it
3 was -- it was a damn lie.

4 So Congressman Frost has been -- why did
5 I accept that and agree to him coming to Tarrant
6 County? Because I'm the political action chair for the
7 NAACP. I am the political action chair for the AFL
8 Randolf Institute. I've served with the AFL as the
9 district representative and the human resources
10 development institute. I represent people. I served
11 20 months in the Persian Gulf, in World War II. I've
12 been a commander of my American Legion Post. I'm a
13 veteran. I'm a veteran of the Senate and I represented
14 the 95th District of Fort Worth, Texas for ten years
15 and I wasn't defeated, I retired, people. And I'm here
16 in support of not drawing these lines because the lines
17 are supposed to be redrawn every ten years. They
18 weren't able to do it in the regular meeting of the
19 redistricting board, the lawyers did it, and it's
20 legal, approved by the supreme court. And so I'm
21 asking you as members of the House -- of the Senate,
22 forget what the House has done. Do what needs to be
23 done. Thank very much.

24 CHAIRMAN DUNCAN: Thank you,
25 Representative Thompson. It's good to see you.

1 Members, any questions? Thank you.

2 Chair recognizes state representative Lon
3 Burnham. (Applause by the audience.)

4 MR. LON BURNHAM: Senators, thank you for
5 the opportunity to address your committee. I didn't
6 have the same opportunity when the House was having
7 hearings. I was able to sit in on one of the hearings
8 here in Dallas, but I didn't actually get to testify
9 and I'll talk to you in a minute about that.

10 I want to acknowledge my mother who's in
11 the room today. She's the one that started bringing me
12 to civic meetings before I knew how important they were
13 or really cared. Alma Burnham. (Applause by the
14 audience.) And like the Energizer Bunny, she just
15 keeps going to those community meetings. She's
16 involved in a dozen community groups and she's here
17 today to let her sentiments be known as well.

18 Thank you to Congressman Frost. He asked
19 the rhetorical question that should be asked over and
20 over again and should lead every editorial. Is this
21 trip necessary? And these people know the answer.
22 It's not. (Applause by the audience.) It's not
23 necessary. It wasn't necessary two years ago. There
24 were at least 51 of us that felt strongly enough that
25 it wasn't necessary that we made a trip to Ardmore to

1 make our point. (Applause by the audience.) I've been
2 on more fun trips, let me tell you, but it was a
3 necessary trip.

4 UNIDENTIFIED SPEAKER: Yes, it was.

5 MR. LON BURNHAM: What I want to talk to
6 you about is two -- well, three simple points. The
7 first one is real direct and real basic and
8 unfortunately a lot of times it doesn't seem to matter
9 to the Texas legislature. What we're talking about
10 doing is unconstitutional and it will be challenged in
11 the court, and rather than \$1.7 million, it's going to
12 end up costing us 6 or \$7 million.

13 UNIDENTIFIED SPEAKER: That's right.

14 MR. LON BURNHAM: A lot of people can go
15 into that point at length, but I think you all know
16 what we're talking about.

17 I want to make a second point, because I
18 did sit in on the hearings all day long Saturday week
19 ago here in Dallas. I asked every advocate that came
20 to testify for redistricting to -- for some clarifying
21 information. The only reason that they ever gave as
22 far as being on this trip was the outcome, the actual
23 votes cast in election year 2002. Well, you know,
24 what? That was a down election year. I mean, in
25 actual numbers and turn-out. You know what else is

1 even more important? It's not who votes that counts in
2 the redistricting process. People choose not to vote
3 in the thousands in everyone of the districts that we
4 all represent. Sometimes they choose not to vote
5 because they have other priorities. Sometimes they
6 choose not to vote for -- I'm not going to go into all
7 those reasons, but the fact of the matter is we all
8 know a majority of the registered voters don't vote for
9 one reason or another and it may be because we create
10 so much cynicism about the system with a process like
11 this that we're going through right now.

12 (Applause by the audience.)

13 Not one of those people could answer the
14 question, why are they insisting on redistricting based
15 on who bothered to vote in election year 2002, rather
16 than the really important question, the one that this
17 country is supposed to be based on and founded on, all
18 people are supposed to be treated equal under the law
19 whether they are black or white or Hispanic or under
20 age 18 or uneligible to register to vote for any number
21 of reasons. All people are supposed to be counted.
22 Two-thirds to three-fourths of my constituents would
23 not be represented in the context of only counting
24 those who bothered to vote, because two-thirds or
25 three-fourths of my constituents for one reason or

1 another can't vote, but they should count in the
2 redistricting process. (Applause by the audience.)

3 So given that it's unconstitutional and
4 given that it's the people that are supposed to count,
5 not the people that counted. I want to say just say
6 one minute on my district, my district is a Hispanic
7 impact district. Over 60 percent of the people I
8 represent have a Hispanic surname and over 10 percent
9 of the people I represent are African-American. And
10 they elect me for one reason or another. They are in a
11 contiguous district. I am the only member of the Texas
12 legislature that only represents Fort Worth. There is
13 a community of interest. And when a community of
14 interest group named that, came to me and talked to me
15 about what precincts we should add to my district, I
16 responded to that official committee, and you'll be
17 hearing from them shortly. We are packed in Fort Worth
18 and Tarrant County such that we only have two
19 Democratic House members as opposed to the vote
20 represents 43 to 45 percent of the vote.

21 So if we were sincerely interested in
22 protecting people's right to vote, we would open up the
23 redistricting process for the Texas House of
24 Representatives and get more representation for Tarrant
25 County.

1 And no offense, Senator Harris, but my
2 constituents are not represented in the State Senate
3 because 40 plus percent of them vote Democratic, but we
4 are divided in our senatorial districts such that we
5 don't have a Democratic senator.

6 We have been -- we have been packed and
7 cracked in the legislative process. And the bill that
8 was passed out of the Texas House of Representatives
9 last night cracks the Hispanic community into four
10 different congressional districts. My intercity
11 district is cracked into three different congressional
12 districts. That's not fair. That's not right. And
13 it's illegal.

14 UNIDENTIFIED SPEAKER: Not right.

15 UNIDENTIFIED SPEAKER: Not right.

16 MR. LON BURNHAM: And I appreciate your
17 time, Senator.

18 CHAIRMAN DUNCAN: Thank you, Lon. Let's
19 see if there's any questions. No questions for
20 representative Burnham. (Applause by the audience.)

21 We've been going now for about an hour
22 and a half and as I said earlier, we would take our
23 first break or a break every hour and a half to allow
24 the court reporter a little breather. And we'll return
25 in 15 minutes. The -- on deck we'll have Hector

1 Flores, Dionne Bagby -- Bagsby and Max Bain.

2 Members, if you could be here promptly we
3 will reconvene at 4:45. Chair stands -- or the
4 Committee stands in recess until 4:45.

5 (Recess for 21 minutes.)

6 CHAIRMAN DUNCAN: The Committee will come
7 back to order. The Chair will first -- I know Senator
8 West wanted to be here when Mr. Flores testified, so
9 I'll hold off and first call Dionne Bagsby.
10 Commissioner Bagsby, would you please approach? State
11 your name and who you represent.

12 COMMISSIONER BAGSBY: I'm Dionne Bagsby,
13 Tarrant County Commissioner, Precinct 1.

14 (Applause by the audience.)

15 I'm here today to voice my strong
16 opposition and particularly the opposition of the
17 African-American community to this process, to this
18 issue, to this shenanigans. (Applause by the
19 audience.) This whole issue of redistricting is
20 unfair. And I was so glad to hear you all say that you
21 have not drawn maps nor have you looked at maps, but
22 many maps have been drawn and they all have one thing
23 in common. Outrageously they all disseminate the
24 voting strength of the African-American community in
25 Fort Worth. The third largest concentration of

1 African-American voters in Texas. Currently the
2 African-American community in Fort Worth predominantly
3 located in south -- in the southeast portion of the
4 city has considerable impact on the congressional
5 elections.

6 Garfield Thompson may have helped draw
7 the district that Martin Frost represents. I helped
8 get him elected to that district. (Applause by the
9 audience.) And I never use the word "I" because we all
10 stand on other's shoulders. This community is united.
11 The current 24th District is a minority opportunity
12 district. Election analysis shows an unrefuted
13 expert testi- -- expert witness testimony before the
14 House redistricting committee demonstrates that
15 African-American voters in the District 24 in coalition
16 with Hispanic voters effectively controlled the outcome
17 of primary and general elections.

18 I would like to point out to this
19 committee how the six different maps that have been
20 introduced considered by the House disenfranchise
21 African-Americans in Fort Worth. It is clear that it's
22 is not just one map, so it is not just an honest
23 mistake or oversight. It is a flat out intentional and
24 concerted effort to take away our voice. (Applause by
25 the audience.)

1 COMMISSIONER BAGSBY: I could point out
2 to you the specifics in each of these maps, but I
3 won't. Perhaps you Senators can now from the
4 expressions of this crowd better understand why we are
5 skeptical and distrustful, as in why sometimes we even
6 grow angry because it is clear to many, to all of us
7 that no matter how often you change the maps, nor how
8 often you shuffle around the counties and cities all
9 over Texas, one thing remains constant, the
10 African-American population is disenfranchised.
11 (Applause by the audience.)

12 We've gone too far, travelled too long,
13 shed too much sweat, seen too much blood flow to go
14 back now. (Applause by the audience.)

15 This redistricting process will set our
16 community, the African-American community, back at
17 least 30 years, probably more. Just as we have begun
18 to have political power and use it effectively, someone
19 is trying to take it away. It is wrong as anything you
20 or I have ever seen. Yet we have hope. We have hope
21 because you the members of the Senate hold the power to
22 stop the misguided effort immediately. And I urge you
23 to use your power to protect the people from Texas from
24 this raw power grab. I urge you to vote against
25 bringing up redistricting. It's the right thing to do

1 for the right reasons. Thank you all.

2 CHAIRMAN DUNCAN: Thank you, Commissioner
3 Bagsby. Any questions? Thank you for your presence
4 here today. Questions anybody? Thank you for being
5 here today.

6 The Chair recognizes Hector Flores.
7 Mr. Flores, would you please approach? State your name
8 and who you represent.

9 MR. HECTOR FLORES: Good afternoon,
10 Senators, Committee, distinguished members. Buenas
11 tardes. My name is Hector Flores and I live right
12 around the corner from here incidently at 1030 Tracy in
13 Duncanville. My senator is here with your committee.
14 Thank you for being here, Senator, for bringing this
15 hearing here because I wanted to voice strong
16 opposition likewise.

17 We don't think that what is happening
18 today in Texas can be tolerated. LULAC, the League of
19 United Latin American Citizens, it is the largest and
20 the oldest Hispanic group in Texas, and you very well
21 know it by now. I think we've been at every hearing.
22 I think we're going to continue to be at every hearing
23 and we will be in Austin also eventually and we'll
24 probably be in court eventually. (Applause by the
25 audience.)

1 We want to work with the legislature to
2 complete the work that it must do. And the work that
3 it must do is more important than playing political
4 games. We think there's education issues and health
5 issues that have yet to be completed for the Texans,
6 many of the Texans whose needs are being unmet. Texans
7 and Latinos and African-Americans and others and the
8 elderly and the young.

9 Much of the state's business in these
10 areas still need to be addressed, ladies and gentlemen.
11 And this redistricting battle is causing great division
12 and could threaten the great progress made by Texas in
13 the last 20 years. I happen to be a fifth generation
14 Mexican-American Tejano and I'm proud of that, but I'm
15 not proud of being here today.

16 Since the Voting Rights Act was passed
17 Latinos and other minority groups have been -- have
18 made great progress in being incorporated into the
19 political mainstream of our great state and our great
20 nation. But almost every redistricting plan for Texas
21 has been drawn by a federal court. These redistricting
22 battles will -- are surely inflaming passions and
23 emotions from both dominant parties and from people
24 from all walks of life. And they will create strong
25 long lasting animosities that does not serve the best

1 interest of Texas.

2 With the soaring population of Hispanics
3 in the nation that not total -- now total 38.8 million
4 in the U.S. and approximately 6.8 million in Texas,
5 LULAC feels that our tax payers' money can be spent on
6 more pressing issues as I mentioned to you earlier --
7 earlier.

8 In North Texas alone we have 1.3 million
9 Hispanics. We don't have a Hispanic representative.
10 We don't have a Hispanic opportunity district. We're
11 very pleased with the representation we currently have.
12 If things be as they were, we wouldn't be upset if they
13 stayed like they were because our interests are being
14 met. But the governor has called this special session
15 and has placed redistricting on the table. And we're
16 mobilizing our troops as was mentioned to you to
17 represent our constituency, to raise awareness. We
18 plan to participate, as I am doing today, and we're
19 putting you on call, ladies and gentlemen, we're
20 putting you on notice today that our membership is
21 united and we're resolved and ready to vigorously fight
22 to maintain the gains that we've made. And we will be
23 vigilant for any back room deals that may be hatched
24 under the table that can adversely affect our
25 diminished (applause by the audience) our voting power

1 and representation, both in Austin and in the halls of
2 Congress.

3 To the Committee, I respectfully say, we
4 say redistrict after the 2010 census. Take care of the
5 people's business first. And we hold you to that. Our
6 rights must be respected. You must do the right thing
7 and we expect you to do the right thing for Texans, for
8 Hispanics, and for all minorities and for all people of
9 Texas. Thank you. (Applause by the audience.)

10 CHAIRMAN DUNCAN: Thank you, Mr. Flores.
11 Senator West.

12 SENATOR WEST: Mr. Flores, Hector, now I
13 don't know whether the members actually know what
14 position you hold with LULAC. Did you mention that at
15 the outset?

16 MR. HECTOR FLORES: I am the national
17 president of LULAC, sir, or ladies and gentlemen.

18 SENATOR WEST: Okay. So you are the
19 national president of LULAC.

20 MR. HECTOR FLORES: That's correct.

21 SENATOR WEST: Now, obviously you have a
22 political action committee and you've currently --
23 you've looked at the current -- you've looked at the
24 current congressional lines; is that correct?

25 MR. HECTOR FLORES: We have.

1 SENATOR WEST: And are you satisfied with
2 the current congressional lines as mandated by the
3 courts?

4 MR. HECTOR FLORES: We feel that it was
5 the most positive thing that was done. We felt like
6 this would be in place until the year 2010. Apparently
7 that's not the discussions and apparently we felt like
8 we could -- they deserve more study. We feel like
9 we're going like a fast locomotive, that we can't stop
10 it, that there's -- a decision's been made. We think
11 there needs to be more time. And obviously, the people
12 that are undercounted are normally minorities. We know
13 that we're never counted anyway to begin with or our
14 input.

15 UNIDENTIFIED SPEAKER: Right on.

16 MR. HECTOR FLORES: We're glad that
17 you're having this hearing in North Texas and we're
18 glad that some of our brothers and sisters are here
19 that represent us in North Texas. We're proud of that,
20 but we're not satisfied that we should be changing
21 anything at the time being.

22 SENATOR WEST: And you're speaking for
23 LULAC as its national president; is that correct?

24 MR. HECTOR FLORES: That's correct.

25 SENATOR WEST: Thank you.

1 CHAIRMAN DUNCAN: Thank you, Senator
2 West. (Applause by the audience.)

3 Thank you, Mr. Flores, for being here
4 with us today.

5 MR. HECTOR FLORES: Well, I wish it was
6 during better times so we could show you the town.

7 CHAIRMAN DUNCAN: Well, we'll come back.

8 I have been advised by the fire marshall,
9 and these are our bosses, that this room is
10 overcrowded. And so they're going to require those of
11 you who are standing to go to the overflow room. And
12 that is -- well, we have to comply with the law and I
13 think -- otherwise, the law will comply with us.

14 THE CLERK: 211.

15 CHAIRMAN DUNCAN: It's Room 211. And if
16 you could, please --

17 UNIDENTIFIED SPEAKER: Tom DeLay doesn't
18 comply.

19 CHAIRMAN DUNCAN: Those who are standing,
20 if you could, please, help us out and move to the -- to
21 the -- Senator West.

22 SENATOR WEST: Please help us so we can
23 move forward with the hearing.

24 UNIDENTIFIED SPEAKER: Take it outside
25 then.

1 SENATOR WEST: Okay. Why don't you
2 please take that outside so we can continue with the
3 hearing. I need your help here. We need your help.

4 UNIDENTIFIED SPEAKER: You represent us.
5 Take it outside.

6 SENATOR WEST: Okay. Those of -- those
7 of -- those of you that understand the fire marshall's
8 orders, please help us out. Everyone will get an
9 opportunity to testify.

10 Can we continue, Mr. Chairman?

11 CHAIRMAN DUNCAN: We can continue. All
12 right. The Chair recognizes Max Bain, the county
13 commissioner, Cass County Commissioner.

14 COMMISSIONER BAIN: Thank you,
15 Mr. Chairman, Members of the Committee. My name is Max
16 Bain. I represent Precinct 4, Cass County. My
17 precinct lines on the east border Louisiana and
18 Arkansas. So you see we're a long way from home here
19 today.

20 According to the way this map that we've
21 looked at is, though, it would be very possible that
22 our congressman could be within just a few miles from
23 here if this map should stand up that we've been
24 looking at. And I think it's something like 165 or 170
25 miles from where we are today to my home.

1 I would like to refer to something today.
2 My two daughters chose teaching as a career. They both
3 teach at Atlanta Primary School, which has -- the
4 Atlanta system was recognized last year as the top
5 Triple A school in the State of Texas, and we're very
6 proud. That's also the school that our Congressman Max
7 Sandlin's mother retired from. I'm proud that the
8 girls chose that as a career. I've tried to encourage
9 them in all things in life and I've certainly tried to
10 encourage them to participate in politics. Last
11 November their participation led them to split their
12 ticket and they voted for a Republican governor.
13 That's only been seven, eight, nine months ago, but I
14 can assure you right now when they voted for a
15 Republican governor, they thought today that if we were
16 having a special session it would have to do with
17 education or for (applause by the audience) something
18 for the betterment of the State of Texas. They're
19 underpaid, but they enjoy their work. They're trying
20 to make better citizens of these kids. One of them
21 even qualifies, my daughter, her children even qualify
22 for CHIPS. What I've read about CHIPS is that she's
23 probably going to lose some of that. So that will
24 probably let me help some when her children are sick.

25 I just -- I'm very disappointed that our

1 state government is taking the time that it is on
2 redistricting when it could be working so hard in
3 accomplishing so much for the people of this great
4 state. (Applause by the audience.) I am against
5 redistricting. And thank you for this opportunity to
6 speak today.

7 CHAIRMAN DUNCAN: Thank you, Commissioner
8 Bain.

9 Members, are there any questions for
10 Commissioner Bain? Appreciate your coming all the way
11 over here to testify.

12 The Chair recognizes Charles McMichael,
13 Judge Michael. And, Judge, before -- let me announce
14 the next person. Jay -- James Carlow, Bowie County
15 judge. That way everybody can kind of line up and get
16 ready to go.

17 JUDGE MCMICHAEL: Good morning, everyone.
18 I appreciate the privilege to be -- appear before you.
19 I'm Charles McMichael, Cass County judge. And Cass
20 County is in the 1st congressional district represented
21 by Mr. Max -- Max Sandlin. And we refer to him as
22 "Max." It's -- he pretty well knows everyone around.

23 We're made up of communities that have --
24 are like in population. There's no overwhelming
25 populated senators and economically we're pretty even

1 all the way around and every one has a vote. And I'd
2 like to see it stay that way. I strongly oppose
3 redistricting. It's -- I can think of several things
4 that the state could spend money on instead of that. A
5 lot of things that come down from the state to the
6 county and we've had to rework our budget because some
7 of the state programs have been cut out. And they tell
8 us they're out of money, but then they have the money
9 to spend 1.7 on a -- on a special session and I don't
10 understand it. (Applause by the audience.)

11 One gentleman made a statement awhile ago
12 that during the war they had the statement that "Is
13 this trip necessary?" Cass County is made up of a lot
14 of working class people and they have a saying, excuse
15 my grammar, but "If it ain't broke, don't fix it."
16 (Applause by the audience.) And, again, I thank you
17 for being able to appear here today.

18 CHAIRMAN DUNCAN: Thank you, Judge.
19 Does Cass -- how large is Cass County?

20 JUDGE MCMICHAEL: About 30,000 people,
21 18,000 registered voters, 1,000 square miles.

22 CHAIRMAN DUNCAN: And what is the
23 primary -- is it agriculture or --

24 JUDGE MCMICHAEL: This -- if I might go
25 on a little further, this -- this is discriminative of

1 not only minorities, it discriminates against rural
2 Texas. (Applause by the audience.)

3 CHAIRMAN DUNCAN: The Chair recognizes
4 James Carlow, Judge James Carlow.

5 Let the report -- while he's approaching,
6 Judge McMichael has left a resolution for the record
7 with -- from Cass County. I guess it's a county
8 resolution?

9 JUDGE MCMICHAEL: Yes.

10 CHAIRMAN DUNCAN: Okay. Judge Carlow,
11 state your name and who you represent.

12 JUDGE CARLOW: Mr. Chairman,
13 distinguished members of this Committee, I'm James
14 Carlow, county judge of Bowie County, Texas.

15 It's a privilege today to come here to
16 speak to you regarding redistricting and how I perceive
17 it will affect my county. Bowie County is also a rural
18 county. We join Cass County to the north. It's rural
19 in nature and our people think of our county as rural.
20 Our needs and our concerns are different than faster
21 growing areas of our state. Our growth is generally
22 not urban dwellers moving out.

23 While the 1st congressional district has
24 not had a Congressman from Bowie County since Wright
25 Patman, we have had three congressmen who were from

1 rural East Texas and have similar interests and similar
2 values as ours. Although we haven't had a Bowie County
3 native, we're the largest populated county in our
4 congressional district now as it's drawn today.
5 Candidates and incumbents know that Bowie County voters
6 are very important on election day. If we're combined
7 with the Dallas area suburbs we will have very little
8 influence on who is elected and how they will represent
9 our citizens. Under this plan, and I know you haven't
10 seen a plan, but I think most of us here have seen a
11 plan from the House. And under that plan, neither a
12 Republican or a Democrat can be elected from Bowie
13 County. We're very concerned that very few people with
14 very different agendas will be controlling our
15 district. I'm very concerned that the Texas Senate
16 would even consider redistricting since it was done
17 after the last census.

18 We have -- you asked about Cass County
19 and who employs the people there. Our largest employer
20 is Red River Army Depot. It's located right in the
21 center of our county and it employs over 2000 people.
22 And, folks, we went through a battle in 1995 and barely
23 saved Red River Army from being closed. And we're
24 facing that same battle, only worse in 2005. And we
25 have a team of elected officials who know our problems,

1 who know the strengths of Red River Army Depot and who
2 are willing to fight for us. And they include
3 Congressman Sandlin and Senator Kay Bailey Hutchison,
4 among others. So it's bipartisan. And we want to keep
5 that bipartisan effort in effect.

6 I just -- I know where you're -- I know
7 the problem that you have. I know that you're being
8 pulled by the wishes of the people and you're also
9 being pulled by the wishes of the leadership. And I'd
10 like to ask you, please don't let people with a selfish
11 agenda intimidate you and make you vote for a new
12 redistricting plan. Please leave us alone until the
13 next census. Thank you. (Applause by the audience.)

14 CHAIRMAN DUNCAN: Thank you, Judge.

15 JUDGE CARLOW: Any questions?

16 CHAIRMAN DUNCAN: Been through one of
17 those base closings and know what it's like. It's not
18 any fun. I know --

19 JUDGE CARLOW: It's a big challenge.

20 CHAIRMAN DUNCAN: I think Senator Van de
21 Putte and her committee did a great -- great work this
22 session. I think -- and this time we're going to be
23 prepared as a state and I hope that everything works
24 out well for that. Thank you.

25 JUDGE CARLOW: It's going to take the

1 strength of the state to save us. Anything else?

2 CHAIRMAN DUNCAN: Thank you.

3 JUDGE CARLOW: Thank you.

4 CHAIRMAN DUNCAN: Chair recognizes
5 Mayor Charles England, mayor of the City of Grand
6 Prairie. Mayor England.

7 And after Mayor England we'll have Mark
8 Burroughs, the mayor pro tem for Denton. Okay. The
9 mayor has left, but let the record reflect that he has
10 registered a position against redistricting.

11 Chair recognizes Mark Burroughs, mayor
12 pro tem of the City of Denton.

13 MR. MARK BURROUGHS: Hi, folks.

14 Mr. Chairman, Senators, Committee Members, thank you
15 very much for having this open hearing. I have great
16 faith in the Texas Senate. I'm Mark Burroughs, mayor
17 pro tem City of Denton, Texas. It's been my proud
18 stance to be serving in the capacity of a council
19 member at large for six years now and for great pay as
20 y'all might know.

21 SENATOR WEST: I bet you you make more
22 than me.

23 MR. MARK BURROUGHS: Not by much. I'm
24 also proud to be from District 26, which for the first
25 time in decades is a contiguous district. Our entire

1 county is in District 26. It -- before this, the City
2 of Denton was divided into three congressional
3 districts. We had no representation. Good faith
4 people, good people right down the line, but we carried
5 no weight. And we have been thrilled with what has
6 been accomplished in such a short time with Dr. Michael
7 Burgess, who is our congressman recently elected out of
8 our district.

9 It would be a horror to go back and slide
10 back in that circumstance. I happen to also serve on
11 the regional transportation council and Dallas Regional
12 Mobility Coalition. I'm one of those guys who couldn't
13 say no. I'm a great believer in regionalism and in
14 working for the best interest of the entire state and
15 in this country. And this -- I'm from the City of
16 Denton. If some of the plans that have been seen --
17 Denton is a ripe, unfortunately, county because it's
18 heavily Republican. It's ripe for being carved up and
19 being allocated to other parts of the state.

20 Several proposed plans have put us with
21 far northeast Texas. We might be electing the people
22 that represent the folks who just spoke and that's --
23 that's a shame and that's a sham. And the reason for
24 that is because our -- Denton County's primary
25 interests right now are transportation, mobility, and

1 environmental quality because we're facing a real
2 nightmare with the EPA in North Texas. These are urban
3 interests. Collin County and Denton County are two of
4 the fastest counties -- growing counties in the
5 country, let alone the state. And we don't need to
6 have a diluted interest in representing that fast
7 growth mode. And the plan -- any plan that affects the
8 contiguous representation, dissipates that
9 representation, is going to take away from the great
10 initiatives that have been worked on. Over the last --
11 particularly the last year, Dr. Michael Burgess has
12 been appointed to the transportation committee and has
13 just an amazing accomplishment for a freshman and is
14 working diligently to try to bring mobility to the
15 entire metroplex and of course the State of Texas,
16 which in my opinion, we've been vastly underserved in
17 the last decade or more. And so that is changing, but
18 diluting that representation to bring in a district
19 that has a substantial amount of rural interest that
20 have nothing directly to do with the metroplex and
21 throwing in the eastern half of Denton County, which is
22 what one of the plans suggests, would be just taking
23 the rights away from those folks in the eastern half of
24 Denton or from the rural folks that now are
25 concentrated voting, which -- our county is expected to

1 double in size in the next 15 years.

2 SENATOR WEST: Mr. Chairman.

3 CHAIRMAN DUNCAN: Senator West.

4 SENATOR WEST: Mr. Burroughs.

5 MR. MARK BURROUGHS: So you're saying
6 that that would not be a community of interest?

7 MR. MARK BURROUGHS: That is correct. It
8 splits what we now have, which is a community of
9 interest for District 26.

10 SENATOR WEST: So you're saying then if
11 Denton is paired with -- split up and paired with a
12 rural sector around a state, then that is not a
13 community of interest because of the divergence of
14 interest that you've just articulated.

15 MR. MARK BURROUGHS: It's diametrically
16 opposed to the fairness that the entire process is
17 supposed to protect. Populations change over the years
18 and that's the purpose of the census and the
19 redistricting. The essential purpose of that is to
20 create fair representation. And that -- the definition
21 of that has been, judicially, communities of interest.
22 And as I've been defining, we have a very defined
23 community of interest in Denton County and District 26
24 and we beg you not to delete that or destroy that or
25 mess with it. There's no purpose that is in the best

1 interest of the citizenry of Denton County, Texas.

2 SENATOR WEST: Thank you. (Applause by
3 the audience.)

4 CHAIRMAN DUNCAN: Thank you,
5 Mr. Burroughs. Appreciate your presence here today.

6 The Chair recognizes Grady W. Smithee,
7 Jr., mayor pro tem for the City of Duncanville.

8 Let the record reflect that we have --
9 that we have a written testimony and we just -- I like
10 to announce that when we do that. Mr. Burroughs has
11 submitted written testimony, I think, for Euline Brock,
12 mayor of the City of Denton. Thank you.

13 MR. GRADY SMITHEE: Mr. Chairman and
14 distinguished Members of the Panel, I'm mayor pro tem
15 of the City of Duncanville, but I'm not speaking for
16 the City of Duncanville today because the City of
17 Duncanville is probably as diverse in terms of its
18 interest as everybody that's at this meeting. Maybe a
19 little more diverse.

20 I represent on the regional
21 transportation council along with Martin, the four
22 cities that used to be frankly in a contiguous
23 community of interest state representative district,
24 but somehow -- something happened after 1991. We
25 decided that rural folks -- I mean, that suburban folks

1 and intercity folks evidently had the same interest
2 because what we ended up doing was putting finger
3 districts out of the city down into -- into the
4 suburbs. We're a majority -- we're a majority/minority
5 group of cities. In fact, I'm -- I represent in my
6 district, I'm a majority/minority district. Senator
7 West is my senator. I'm proud of him. You know,
8 Congressman Frost is my -- is my congressman. I'm
9 proud of him too.

10 Now, I'm not here to harangue you today.
11 Y'all are going to get harangued enough before this
12 thing is all over with, you know. I'm just here to try
13 to reason with you a little bit, you know, and ask you
14 to please seriously consider not doing this. If you're
15 going to do it, if you're going to have to do it just
16 for the congressional district, then for God's sake,
17 let's go back and do it for your districts and let's go
18 back and do it for the other districts too. And let's
19 recognize what communities of interest are.

20 Senator West represents our community of
21 interest, but if you take a look at our House
22 districts, they do not represent our community of
23 interest. You know, our area is probably now, correct
24 me if I'm wrong, Royce, probably around, you know, 55
25 to 60 percent minority. My district is 34 percent

1 anglo, 42 percent black, and the rest a mixture of
2 Hispanics and Asians predominantly, a few
3 American-Indians. You know, I -- this is -- I'm in my
4 16th year of representing this district. When I
5 started representing it, it looks very different than
6 it does now, but over time they've had enough
7 confidence in me to keep me there and I appreciate
8 that. Now, one might say that's because voter turn-out
9 n local elections is so doggone low. You know, if we
10 get 10 or 12 percent we think we've really done
11 something good, you know, because we've got that many
12 people interested in local government. But I would --
13 I would ask you to do one thing for me, and that is in
14 a recent issue of Governing Magazine had a very good
15 article about what's happening all across the south
16 basically, and that's this, that basically Republicans
17 have been packing districts, if you will, minority
18 districts. So what you -- and to the elimination of
19 white Democrats. I started to get up here and tell you
20 that I represented an endangered species, a
21 conservative white male Democrat. Not too many of us
22 left around. My own parties tried to kill me several
23 times and I -- and I suspect that I -- you know, I get
24 shots from both sides, but be that as it may, and let's
25 be really honest about this. I'm also representing the

1 only nonprotected class under any of the Voting Rights
2 Act. You know, white -- you know, white males don't
3 have any -- we're not protected from anything. You
4 have to go back to the 14th Amendment and hope that it
5 applied to us to, you know, to get any kind of
6 protection, but, you know, I'm happy with my minority
7 representation. Don't get me wrong. I like -- I like
8 working with Senator West. And I'm also happy with my
9 majority, you know, representation in terms of
10 Congressman Frost. And I ask you please, seriously
11 consider not doing anything until this new census
12 comes, but if you have to do something, then go back
13 and do it all. Don't just do part of it.

14 CHAIRMAN DUNCAN: Thank you, Mr. Smith.
15 Members, any questions. (Applause by the audience.)
16 Thanks for being here today.

17 MR. GRADY SMITHEE: Somebody got my
18 chair.

19 CHAIRMAN DUNCAN: Chair recognizes
20 Melinda Miller, former mayor of the City of Forest
21 Hill. And then on deck we'll have Steve Salazar.

22 Thank you, Ms. Miller.

23 MS. MELINDA MILLER: Good evening,
24 Committee. I'm Melinda Miller, former mayor of the
25 City of Forest Hill. I won't get into the stats

1 because I believe that you've heard them all from the
2 other elected officials, but what I will come to you
3 with is the personal notes.

4 Yesterday I sat in traffic at the top of
5 a hill trying to get to a funeral of Dr. Greg Spencer.
6 (Applause by the audience.) It was anticipated that
7 5,000 people would show up, but 10,000 came. And as I
8 was sitting there, and I thought, "The community loves
9 this man." Well, take a look around. That's what's
10 happening now. The community from all different angles
11 are here because they love their district. They love
12 their representation. (Applause by the audience.)
13 They know that they are going to be affected by a
14 change. They're going to lose their representative.
15 It's a possibility they're going to lose their voice
16 and this concerns them.

17 Now, we all are astute to understand that
18 some changes are necessary, but is this? Is this one
19 necessary?

20 UNIDENTIFIED SPEAKER: No.

21 UNIDENTIFIED SPEAKER: No, no, no.

22 MS. MELINDA MILLER: My second question,
23 why is it always the minority when it comes to being
24 stacked, packed, cracked? Why is it always us? Why
25 are we always the target? And the target now seems to

1 be the republicans.

2 You know, what goes around, comes around.
3 What goes up, comes down. Yes, I live in a minority
4 opportunity district, and that's just it, a district of
5 opportunity for minorities, for people that looks like
6 me and some that don't, but that doesn't make any
7 difference. It is a district of opportunity. Why is
8 it so threatened? I don't know. An injustice to one
9 is an injustice to all.

10 Now, someone said that they saw their law
11 professor here and they wanted to give him accolade for
12 something that they remembered that he said, well, I
13 can't remember anything my law professor told me that
14 impressed me, but I can remember a billboard sign that
15 impressed me. And it was one about drugs and it said,
16 "Don't -- don't buy it. Don't try it. And deny it."

17 So in conclusion concerning
18 redistricting, I'm asking you, deny it, defy it, and
19 don't stand by it. Thank you. (Applause by the
20 audience.)

21 CHAIRMAN DUNCAN: Thank you.

22 Chair recognizes Steve Salazar, Dallas
23 City Council. Please approach, state your name and who
24 you represent. On deck will be councilwoman Gladys
25 Hardeman.

1 COUNCILMAN SALAZAR: My name is Steve
2 Salazar. I'm Dallas City Council. I'm here
3 representing the Mexican-American Democrats of Texas as
4 their state chair. I also want to thank my Senator
5 Royce West for having a meeting here in Dallas. I'd
6 also like to -- appreciate the work that many of you
7 senators have done for the City of Dallas for many,
8 many years.

9 And you know, that brings me to the point
10 that I decided to come here and testify. Many things
11 that get done actually get done because people work
12 together to get them done. A lot of times if it's a
13 law that needs to be passed that is going to make -- do
14 a public good, it doesn't matter whether you're
15 Republican or Democrat. You do it because it's the
16 right thing to do. The things that -- that interfere
17 are when you start saying things and deciding things
18 for other people, such as redistricting.

19 Redistricting will not solve the problems
20 we have with our schools. If that were true, we would
21 have done it a long time ago, but it doesn't. It's not
22 going to solve the drop-out rate that we have not only
23 in Dallas, but in Houston, San Antonio, Corpus. And
24 that I would even say in a lot of these suburbs that
25 are now being affected by a lot of the concentrations

1 of population that are -- that are occurring right now.
2 It's not going to solve health care. Thousands of
3 children were cut from health care because of this last
4 budget. This redistricting is not proposing to do any
5 changes to help those children get back on health care.
6 This redistricting is not going to help get more
7 children an early education that they need. It doesn't
8 do anything to solve the budget crisis that we've
9 experienced not only at the local level, but at the
10 state and the federal level.

11 This redistricting is not going to do
12 anything to help teachers. I don't hear anybody -- I
13 don't hear from either the GOP or the Democrats saying
14 that anybody who runs has to be teacher so that way
15 teachers can make those decisions to help the -- to
16 help the schools in the future. What it comes down to
17 is, are you going to listen to the testimony of the
18 people who come here today? (Applause by the
19 audience.)

20 Will that -- will that be a major factor
21 in your decision, or will it come down to the party
22 politics? Like I said at the beginning, if it's the
23 right thing to do, everyone will work together to do
24 it. If it's not the right thing to do, then you will
25 have a divided body and then no one wins. And when you

1 lose, what it means is that we have lost a part of not
2 only the democracy, but actually the representation
3 that everyone here is sent to do. Because whether
4 you're elected as a Democrat or a Republican in your
5 senatorial district or as a house -- house district,
6 you don't ask when they call for services what party do
7 you vote for and did you vote in the last election.
8 You say, "How may I help you?" And what the people
9 I've been hearing from all the Committee meetings, all
10 the -- all the hearings have been saying, help us, not
11 to redistrict, but help us to balance the budget. Help
12 us to solve the problem on education. Help us to solve
13 the problems in the economy. Help us to get jobs for
14 our people so that way when we -- when we -- we can do
15 that, we'll have kids that graduate and go to college
16 and have better futures, not career politicians to
17 create better futures for themselves. Thank you.

18 CHAIRMAN DUNCAN: Thank you, Councilman.

19 I have been advised that the fire marshal
20 is permitting us now to put chairs outside in the
21 hallway by the overflow room and we're turning up the
22 sound, so bare with us. And as we move through I think
23 there will be -- more room will occur for you. Just be
24 patient and be courteous to all of our speakers.

25 Thank you, Councilman Hardeman. Would

1 you please state your name and who you represent?

2 COUNCILWOMAN HARDEMAN: Mr. Chairman, my
3 name is Gladys Hardeman. I'm a city councilwoman for
4 the City of Forest Hill. And we are -- we are
5 currently -- Forest Hill is currently in the 24th
6 District. That's Martin Frost's district. He is my
7 representative.

8 I'm here to urge you not to redistrict.
9 As a matter of fact, I hope that you choose wisely and
10 fair, of course, but keep the map just as it is. It
11 has served us well. We don't need a new map. I
12 have -- I have to tell you, I've been reading about the
13 maps, and I -- and they are not fair, but the map that
14 we have now is fair. It's serving us all. We have no
15 problems with the map and, please, do not redistrict.
16 Thank you.

17 CHAIRMAN DUNCAN: Thank you,
18 Councilwoman. Any questions? Thank you.

19 Chair recognizes Bobby -- city councilman
20 Bobby Brown. And following Councilman Brown will be
21 former councilman Ealy Boyd.

22 Thank you. State your name and who you
23 represent.

24 COUNCILMAN BROWN: Bobby Brown. I'm
25 Bobby Brown. I am a councilman of the City of Haslet,

1 and I'm not speaking for the City of Haslet, though. I
2 am a veteran. I was a councilman for ten years. I am
3 also a member of the Communication Workers of America.
4 I am -- I represent over 60,000 retirees in the State
5 of Texas. I happen to live in Haslet. It is in the
6 north -- northern part of Tarrant County. My
7 congressman is Kay Granger. My state senator is Jane
8 Nelson. And my representative is Vicki Truitt. I'm a
9 Democrat, they are Republican. We work together. They
10 know where I stand and they -- and I know where they
11 stand when it comes time for politics. We have a big
12 problem amongst ourselves, and one of them is jobs,
13 jobs, jobs. I'm asking you senators, are y'all
14 worrying about jobs? Have you got any kids out there
15 or family or anything that's losing their jobs? We've
16 got a congressman here in the -- here in this area.
17 Martin Frost, he's not in my area. I work for him. I
18 tried my best to get him reelected. And why do I do
19 this right here, because when I have a problem on the
20 roads or a company is moving into the metroplex, I go
21 to him as well as the other. Kay Granger and Frost,
22 they work well together. We've got Carswell Air Base
23 out here that stayed. We had General Dynamics or
24 whatever they're calling it now. We have Bell
25 Helicopter, that's still in this area. We've got

1 American Airlines that may be moving. A maintenance
2 hanger out -- and that's in the north part of Fort
3 Worth and that's right there where Haslet is. If you
4 don't know where Haslet is, it's right -- Alliance
5 Airport is part of -- is in our city limits. It's a
6 small city and we'd like for all of you to come out
7 that way.

8 Out of the representatives that I have,
9 we know -- the retirees, we know who our elected
10 officials are and we are working with them, whether
11 they're Democrats or they're Republicans. We have so
12 many problems for the elderly. That's "old geezers" to
13 you people who don't know who we are.

14 CHAIRMAN DUNCAN: We're getting there.

15 COUNCILMAN BROWN: We built Texas to be
16 fair in all ways and we passed things on to you and
17 we're asking you to leave everything exactly like it
18 is. We'll worry about this whenever our ten-year time
19 coming up again. Leave redistricting exactly like it
20 is. Don't change it because us elderly people, I've
21 got people out here that's really and truly don't know
22 their name, but they know who their congressman are.
23 They know who their representatives are. They've got
24 their number. I'm sorry. (Applause by the audience.)
25 Representing -- that's just in the State of Texas. I

1 represent five states of the retirees. And on the
2 national level also, but you get a call at 3:00 o'clock
3 in the morning -- I was a telephone man. Used to be
4 3:00 o'clock in the morning it was to go to work. Now
5 you get a 3:00 o'clock in the morning, it's some
6 elderly person is in the hospital. They're not
7 calling, it's their daughter or some of their kinfolk
8 saying, "What do we do?" And if it get to the point, I
9 can call one of my congressman or representative and
10 give them the number, and they can call them and get
11 things done.

12 So please, if you ever thought anything
13 of your elderly or the State of Texas that we're
14 passing onto you, leave things alone for this time.
15 And then ten years from now when the end of that ten
16 years, let's get out there and fight like hell, but
17 till then let's make love, okay? (Applause by the
18 audience.)

19 CHAIRMAN DUNCAN: Thank you, Councilman
20 Brown.

21 The Chair recognizes Ealy Boyd, city
22 council -- former city councilman for the -- for Forest
23 Hill. Mr. Boyd. Is Mr. Boyd in the audience?

24 UNIDENTIFIED SPEAKER: He might be in the
25 other room.

1 CHAIRMAN DUNCAN: Let's hold the card
2 back in case he's in the other room.

3 The Chair will call Chester Lockett,
4 Commissioner Lockett or Constable Lockett. And on deck
5 will be Sergio DeLeon.

6 CONSTABLE LUCKETT: Thank you,
7 Mr. Chairman, Senators. I have a prepared statement.
8 Mr. Chairman and Members, my name is Chester Lockett
9 and I am the constable in Precinct No. 8, which is in
10 Fort Worth, that's southeast Fort Worth. On behalf of
11 myself and the predominantly African-American
12 constituents I represent, I appear before you today to
13 urge you to vote no on redistricting.

14 I should be clear from the start. I'm
15 neither a redistricting expert nor a lawyer, but like
16 many of those here today, I know when I'm being done
17 wrong and when my community is being done wrong. This
18 whole process (applause by the audience) -- this whole
19 process has been flawed from the start. You as
20 senators now have the opportunity to put to -- put an
21 end to it. Think of -- think of it this way, you're
22 driving down a dead end road going 90 miles per hour.
23 You need to stop the car and park it for good before
24 you hurt yourself and people like me.

25 The current map should be left alone.

1 Under the current map we have two minority opportunity
2 districts in North Texas. We have the 30th and we have
3 the 24th, which is represented by Martin Frost,
4 Congressman Martin Frost. You must not destroy
5 anything that destroyed the political influence that we
6 now have in this protected district. We in southeast
7 Fort Worth have fought too hard for too long and too
8 many years to finally realize the political strength we
9 now enjoy in this district. To dismantle us so that
10 you can please Tom DeLay, a man I have never heard of
11 before and hope to never hear from again, (applause by
12 the audience) is an absolute -- is an absolute outrage.
13 This whole process has been so confusing as maps after
14 map that attacks minority communities has been produced
15 by the Texas House members. I find it hard to believe
16 that here we are in 2003 and these members keep drawing
17 lines that disenfranchises thousands of minority voters
18 throughout the state.

19 The Voting Right Act was signed into law
20 by a famous Texan, Lyndon Johnson, in 1963, and now you
21 are considering helping another Texan, Tom DeLay,
22 destroy it, totally dismantle it.

23 I beg you, don't do it. Don't give his
24 power grab from Washington at our expense. Protect our
25 voting rights. Vote no to redistricting and tell Tom

1 DeLay to build his power base somewhere else.

2 UNIDENTIFIED SPEAKER: Yes.

3 CONSTABLE LUCKETT: We need -- we need
4 you to do the right thing. Park this car before it
5 crashes. Thank you.

6 CHAIRMAN DUNCAN: Thank you, Constable.
7 Members, any questions? The Chair hears none. Thank
8 you for your testimony.

9 CONSTABLE LUCKETT: Yes, sir.

10 CHAIRMAN DUNCAN: Chair calls Sergio
11 Deleon, constable for Precinct 5 of Fort Worth. On
12 deck will be Willie Ray.

13 CONSTABLE DELEON: Thank you. I'm
14 delighted to be here. I tell you, it's a tough act to
15 follow my colleague Constable Lockett, who certainly
16 did a good job up here stating his opinion. And --

17 CHAIRMAN DUNCAN: Constable, you'll need
18 to state your name --

19 CONSTABLE DELEON: Sergio Deleon,
20 constable Precinct 5, Tarrant County. And I stand here
21 today in my full pledged capacity as constable
22 representing 136,000 residents, not those -- that --
23 just those who voted in the last election. And I would
24 say I'm delighted to be here today, but I'm not. I'm
25 glad that all of you are here hearing our thoughts, but

1 I think the consensus is unanimous. This is a waste of
2 time. A waste of energy and a waste of money.

3 (Applause by the audience.) And if we're going to
4 exert any energy, any money, and any of our
5 professional ideas and capacity, it ought to be about
6 education. It ought to be about jobs. It ought to be
7 about health care.

8 Now -- and I'm delighted -- Senator
9 Gallegos is here who is a reserve deputy council with
10 Council Gary Freeman in Houston. I just wanted to add
11 that.

12 But let me go ahead and start with my
13 prepared remarks. I just wanted to say from the
14 outset, but -- the emotion is very live here today.
15 But many journalists and commentators have been
16 describing this latest redistricting round as a power
17 grab. They say Tom DeLay and his crowd are trying to
18 use their political power in Texas to get more
19 Republicans seats in Congress so Mr. DeLay could have
20 obviously a bigger majority.

21 I agree with these statement, but they're
22 missing the point and they're missing part of the
23 story. Yes, we all agree that Tom DeLay is a power
24 hungry politician. We all know that, but what you
25 really need to focus your attention on is where he's

1 grabbing his new power. To get the new congressional
2 seats he wants, Tom DeLay has to disenfranchise many
3 people and communities in Texas that today have the
4 power to elect the congressman of their choice.
5 (Applause by the audience.) More congressional seats
6 for Tom DeLay means less power to participate in the
7 Democratic process for millions of Texans. And map
8 after map, he and his House Republican followers have
9 proposed. It is clear that Tom DeLay's power grab is
10 targeting minority voters. (Applause by the audience.)
11 Just look what he's done to the Dallas/Fort Worth area.
12 One of his maps that we've seen packs more
13 African-American and Hispanic voters into the 30th
14 district, a district that is already a
15 majority/minority district represented by Congresswoman
16 Johnson. Why would Tom DeLay want to pack as many
17 minority voters as possible into an already minority
18 controlled district? To reduce influence of minority
19 voters, especially Hispanic voters by submerging more
20 Hispanic communities into an already safe minority
21 district. Tom DeLay is trying to make the rest of the
22 Dallas/Fort Worth districts more anglo and more
23 Republican. (Applause by the audience.) He's trying
24 to take away our right to participate in elections
25 where our votes can decide the outcome.

1 Another strategy Tom DeLay is using to
2 weaken minority vote and strength in our area is to
3 crack up our communities into little pieces, a tool
4 used by the Republicans time and time again. Divide
5 and conquer. Some of his maps break up our communities
6 and distribute them out of -- out to the safe
7 Republican districts in the suburbs. And some of his
8 maps, minority voters get dealt out to safe Republican
9 districts in Denton County, and we heard their opinion
10 on that. In the most recent map, the one passed by
11 House Judicial Committee on Saturday fractures the
12 Hispanic community of Tarrant County into three
13 districts, 24th, 12th, and 26th, cracking the Hispanic
14 in such ways deprives those that I represent the
15 opportunity to have meaningful impact on a
16 congressional race. More to the point, as we've heard
17 time and time again through these proceedings, it's
18 just plain wrong.

19 I don't think it's any mystery that --
20 why Tom DeLay would like these minority cracking plans,
21 Mr. Chairman. By dividing our communities and
22 submerging them into safe Anglo Republican districts
23 Mr. DeLay is taking away our voice, our right to make a
24 real difference in election. Why would a Republican
25 Congressman in a safe suburban Republican district

1 listen to our concerns? Why would a Republican
2 congressman in a suburban district vote in the best
3 interest of our communities? Tom DeLay doesn't like --
4 doesn't like the Hispanic communities in Dallas/Fort
5 Worth today already have the power to have their voice
6 be heard in Washington. They use that power to vote in
7 coalition with African-American voters to elect the
8 Congressman from the 24th District, Mr. Frost. Let me
9 just go ahead and -- is my time out?

10 CHAIRMAN DUNCAN: Okay.

11 CONSTABLE DELEON: Okay. Let me just
12 summarize. Mr. Chairman, I've watched your demeanor,
13 you seem like a very honorable man who's going to
14 listen to our concerns. Go back to Governor Perry, to
15 your colleagues in the Senate and let them know that
16 this is wrong, that we should really focus on more
17 important issues affecting Texans. Thank you.

18 (Senator Deuell joins proceedings.)

19 CHAIRMAN DUNCAN: Thank you, Constable
20 Deleon. Members, any questions for Constable Deleon?

21 Thank you for your presence here today.

22 CONSTABLE DELEON: Thank you.

23 CHAIRMAN DUNCAN: I have a couple of
24 announcements to make. First, I would like to say that
25 the Dallas area sends some of the best talent in the

1 Texas -- in Texas to the Texas Senate, and joining us
2 today is your Senator Bob Deuell from the Dallas area.
3 Bob, welcome aboard.

4 I also have more good news for you, is
5 that we have a second overflow room that will be
6 located in Room 160C and there is an audio set up in
7 that room. And what we'll do is we'll call these cards
8 out and give everybody plenty of time to make their way
9 to make their way out down if you hear your name
10 called. The next witness will be Willie Ray, the
11 Texarkana councilman -- or city councilman for
12 Texarkana. On deck will be Juan Jasso, justice of the
13 peace, Precinct 5 for Dallas.

14 Mr. Ray -- or Ms. Ray, I'm sorry.

15 COUNCILWOMAN RAY: That's okay. I get
16 called that all the time, but I am a female.

17 CHAIRMAN DUNCAN: I apologize to you.

18 COUNCILWOMAN RAY: And my name is Willie
19 Ray and I am council member of Texarkana, Texas, and I
20 am from District 1. And my -- I'm here to strongly,
21 strongly oppose redistricting. We want you and we ask
22 you and we beg you, please leave the map as it is.
23 (Applause by the audience.) It serves us well.

24 We have Congressman Max Sandlin who works
25 well for the people. He works very well. He's in the

1 community helping the seniors, helping the veterans,
2 saving Red River Depot, and most people that are in
3 that area, like Congressman Max Sandlin, works well for
4 us. And that's what we want. We want a representative
5 that know us and understands our problems and is there
6 for us when we need him. I've never before -- I've
7 always seen my congressman very, very calm, but when
8 you mess with us, he becomes outraged. And we
9 appreciate him so much because we know he cares for us
10 and he's always there protecting us. And Senator
11 Bailey -- Kay Bailey Hutchison, she's also there. We
12 work together well. So just please, if anything, don't
13 change the map. It serves us well and our constituents
14 will be very, very confused. As a minority --

15 SENATOR WEST: Mr. Chairman.

16 CHAIRMAN DUNCAN: Senator West.

17 SENATOR WEST: Excuse me. Madam
18 Councilperson Ray.

19 COUNCILWOMAN RAY: Yes.

20 SENATOR WEST: Let me ask a couple of
21 questions. How long have you served on the council
22 there in Texarkana?

23 COUNCILWOMAN RAY: Going on my fourth
24 term; six years.

25 SENATOR WEST: You are a community

1 leader.

2 COUNCILWOMAN RAY: Yes, I am.

3 SENATOR WEST: And well recognized as
4 such?

5 COUNCILWOMAN RAY: Yes.

6 SENATOR WEST: What size African-American
7 population is there in Texarkana? Sizeable?

8 COUNCILWOMAN RAY: Pretty sizeable, yes.

9 SENATOR WEST: Okay. Would it be a fair
10 statement to say that as a community leader in that
11 congressional district, that the African-American
12 population in that congressional district has the
13 ability to influence who the congressional person --
14 representative is in that district?

15 COUNCILWOMAN RAY: Very well so.

16 SENATOR WEST: And you want to maintain
17 that ability do that; is that correct?

18 COUNCILWOMAN RAY: Yes, we do.

19 SENATOR WEST: Okay. All right.

20 COUNCILWOMAN RAY: And we have a very
21 important part in playing that. And of course, like I
22 say, we love our elected officials and I worked very
23 hard for Max and we were the reason that he's there and
24 we want to keep him there and I just like him.

25 SENATOR WEST: Okay.

1 COUNCILWOMAN RAY: So just please leave
2 the map like it is until it's time to change again.
3 Thank you so much.

4 CHAIRMAN DUNCAN: Thank you,
5 Councilwoman. (Applause by the audience.) Other
6 questions?

7 Chair recognizes Juan Jasso, justice of
8 the peace, Precinct 5, Place 2, Dallas, Texas. On deck
9 will be Jose May. Jasso.

10 JUDGE JASSO: Good afternoon, welcome to
11 Dallas. My name is Juan Jasso. I'm a justice of the
12 peace, Dallas County, Precinct 5, Place 2 in Oak Cliff.

13 Briefly, I'm here to speak, register my
14 opposition to the current redistricting. I believe
15 that it sets the wrong precedent and will lead towards
16 more chaotic elections. The argument I hear from some
17 folks is that voting patterns mean redistricting at
18 this time. If so, what's going to happen in say two or
19 four years? Say that the tide turns, Democrats get
20 elected over Republican, will that open the door again
21 to this process where we'll have to be coming back
22 every so few years to do it again instead of waiting
23 when it should be done after each census. (Applause by
24 the audience.)

25 Martin Frost is my congressman and I

1 trust he will be my congressman for many years. I
2 voted for him every election and will continue to do so
3 until he decides not to run or reelection. And from
4 what I've been reading, it appears that Martin will
5 continue to get elected or reelected as my senator
6 Royce West who represents a very large segment of the
7 Hispanic community here in Dallas also, has and will
8 continue to do so. I hope they return that favor when
9 it's my turn. Thank you.

10 CHAIRMAN DUNCAN: Thank you, Mr. Jasso.
11 Any questions?

12 Chair recognizes Jose May, school board
13 member.

14 UNIDENTIFIED SPEAKER: He was out in the
15 hall and couldn't get in.

16 CHAIRMAN DUNCAN: We will -- okay. We'll
17 hold his card back.

18 SENATOR WEST: Here he comes.

19 CHAIRMAN DUNCAN: Here he comes. And
20 then after that -- Mr. May, if you'll approach, state
21 your name and who you represent, and then after that
22 Judy Richards.

23 MR. JOSE MAY: I was outside. I think --
24 was it Joe May that you called?

25 CHAIRMAN DUNCAN: Yes.

1 MR. JOSE MAY: Okay. Mr. Chairman,
2 Members of the Senate Jurisprudence Committee, thank
3 you very much for following me this opportunity to
4 speak before you. My name is Joe May and I reside at
5 2206 Garrett. I want to take this opportunity to speak
6 about the inequities of the present congressional lines
7 in North Texas and the inequities that are being
8 proposed in the congressional district. Today
9 Hispanics are 30 percent of Dallas County residents.
10 Today in Dallas, Texas alone within the boundaries of
11 the city of Dallas, 43.5 percent of all Hispanics over
12 the age of 25 and older have less than a ninth grade
13 education. 66 percent -- oh, thank you, sir.
14 Appreciate it. Very kind. 66.6 percent have less than
15 a high school diploma. 49.4 percent of all residents
16 residing in poverty in Dallas County are of Hispanic
17 origin. 69.8 percent of all households living in
18 overcrowded conditions in Dallas, Texas or of Hispanic
19 origin. 70 percent of all children who return to
20 households where English is not spoken are American
21 born. 56.2 percent of all Hispanics in the City of
22 Dallas over the age of five speak Spanish and cannot
23 speak English very well.

24 This statistic shows that the Hispanic
25 community is a community of interest. It is also a

1 community that is cohesive as is indicative in the
2 research that would indicate that their voting patterns
3 are very similar in Hispanic neighborhoods. Eighty
4 percent of all Hispanics who vote in the primary vote
5 in the Democratic primary.

6 Today, I'm asking you to consider drawing
7 a Hispanic district in either Dallas County or in
8 Dallas/Tarrant County. One, such a district is very
9 possible and such a district would not normally be in
10 conflict with the intent of both the Democratic and the
11 Republican interest that's in this Committee. As I
12 understand, the Republican interest wants to draw more
13 minority districts. As I understand, the Democratic
14 interest wants to protect the two Democratic districts
15 in Dallas County. It is possible to draw a Hispanic
16 district that is over 60 percent Hispanic adjacent to
17 the African-American district. It would not be a
18 threat to any incumbent, because as you all know, it is
19 now a requirement of the Voting Rights Act or any other
20 requirement that an individual has to live in a
21 district to run for that district.

22 I have taken the opportunity of bringing
23 some maps that I drew two years ago when I was working
24 on trying to create such a district in Austin, and I
25 want to point out and give each one of you a copy of

1 what I did two years ago. Keep it in mind that these
2 maps were drawn two years ago clearly with the intent
3 of drawing a Hispanic district in Dallas, in Dallas
4 County, or in North Texas. I understand there's what,
5 two, four, six, eight, ten. I'm also giving you a map
6 in which would indicate where our percentages of
7 Hispanic populations are located. And you will be able
8 to see by this map that it is possible to draw a
9 district that is -- that is compact and has community
10 of interest that would be still a Democrat district,
11 and at the same time allow Hispanics the opportunity to
12 elect candidates of their choice in North Texas.

13 Thank you. And let me give you these
14 map.

15 CHAIRMAN DUNCAN: Submit this for the
16 record, I assume?

17 MR. JOSE MAY: Yes.

18 CHAIRMAN DUNCAN: Okay. Mr. May submits
19 a map, for the record.

20 MR. JOSE MAY: There's two maps in there.

21 CHAIRMAN DUNCAN: Actually two maps, --

22 MR. JOSE MAY: Yes, sir.

23 CHAIRMAN DUNCAN: -- but they're all
24 attached as one document?

25 MR. JOSE MAY: Yeah. Well, they're all

1 clipped together, but -- there's two maps and there's
2 also an indication of the Hispanic growth, where -- the
3 Hispanic growth in Tarrant County and Dallas County
4 recited by percentages.

5 CHAIRMAN DUNCAN: Let me make sure I
6 understand what you've shown us. The first page is
7 census block groups and then the second page is
8 District 103 proposed congressional districts GARC 1 --
9 or 01018C.

10 MR. JOSE MAY: Okay. That's -- okay. I
11 drew those maps back in 19- -- back in the year 2001.
12 There were drawn out of a Apple computer by then
13 Representative Domingo Garcia. The 104 and 103 is
14 basically just numerical numbers that I put in there to
15 identify what I was drawing.

16 CHAIRMAN DUNCAN: Okay.

17 MR. JOSE MAY: And it does give you the
18 percentage registered, the population. You will note
19 that one of those districts is 64.4 percent Hispanic,
20 the other one is 61 percent. The one -- you know, that
21 64.4 goes from Dallas County to Tarrant County and it
22 would take in Dallas -- the Hispanic neighborhoods of
23 Dallas alone where the Hispanic neighborhoods are Fort
24 Worth. The second map would be entirely drawn within
25 the boundaries of Dallas County and it would be at

1 61 -- a little over 61 percent Hispanic and it would
2 all be drawn within -- within Dallas County.

3 CHAIRMAN DUNCAN: Are these -- these are
4 alternatives, or would you -- I guess these are
5 alternative maps; is that correct?

6 MR. JOSE MAY: Yes. This would have to
7 be an alternative map. It would be something for your
8 consideration, sir.

9 CHAIRMAN DUNCAN: Okay. And then 1035C
10 is -- that is a separate map. I see.

11 MR. JOSE MAY: It's a separate map in
12 that it is drawn just entirely on Dallas County and it
13 is -- it is drawn with the idea that if you wanted to
14 keep just a district in Dallas County, it is very
15 possible. One of the problems that we have in the
16 Hispanic community here in Dallas County is that a lot
17 of the Hispanic neighborhoods are in congressional
18 districts that are basically Republican, and every time
19 that the elections go on, they cannot elect candidates
20 of their choice.

21 CHAIRMAN DUNCAN: Members any questions
22 of Mr. May? Thank you for submitting this. Are you on
23 the Dallas School Board?

24 MR. JOSE MAY: Dallas School Board, yes,
25 sir.

1 CHAIRMAN DUNCAN: Y'all taking care of
2 Dr. Moses for us?

3 MR. JOSE MAY: We're trying to. He's a
4 good man.

5 CHAIRMAN DUNCAN: He got -- he had some
6 good training out there in Lubbock. Thank you,
7 Mr. May.

8 MR. JOSE MAY: Thank you. Y'all have a
9 good day.

10 CHAIRMAN DUNCAN: Okay. The Chair --
11 what I'm going to do is -- I think that concludes all
12 of the testimony from our elected officials. And we're
13 going to move to the audience and we'll call these
14 cards in order that they were turned in. And so
15 because we have people in different rooms I'm going to
16 call three names at a time. So if you hear your name
17 called, come on down toward the front and we'll
18 accommodate you.

19 For the record and so everyone we'll
20 know, we are on an hour and a half -- we go an hour and
21 a half at a time, and I think that our next break will
22 be in about 20 minutes at 6:15. So we're going to try
23 to get as many of you in before 6:15 as we can.

24 The first witness that we'll call will be
25 Ms. -- or Ms. Barbara Rubin. The second witness on

1 deck will be Darrel Castillo. And after that will be
2 Harold Hammett.

3 Ms. Rubin, state your name please and --

4 MS. BARBARA RUBIN: My name is Barbara
5 Rubin. I'm precinct chair in south -- 1065 southwest
6 Fort Worth. My state representative is Anna Mallory.

7 As a result of a State Senate
8 redistricting that truncated our city, we have
9 essentially no representative in the State Senate
10 that's not more responsive to areas other than Fort
11 Worth. I have Kim Brimer for state senator who's
12 beholden as much for the City of Arlington as he is
13 Fort Worth. And Chris, you and Jane Nelson have the
14 majority of your constituencies from outside Fort
15 Worth. And they all have to dance with the one that
16 brung them.

17 As a result of the 2001 State Senate
18 redistricting, the much beloved capable and nonpartisan
19 Mike Moncrief had no district in which to run.
20 (Applause by the audience.) I've only got five
21 minutes.

22 Both Fort Worth in the state senate we're
23 losers. This is the major reason I came to testify.
24 Everyone of the plans that we've been faced with are
25 designated to further truncate and gerrymander the City

1 of Fort Worth in the U.S. Congress. Kay Granger,
2 rather than Fort Worth majority district all of a
3 sudden represents Granbury, Hillsboro, Weatherford.
4 Kent Grusendorft who worked so hard to have Arlington
5 together in one district may be sorry. He would get
6 Joe Barton who has supposedly represented much of --
7 much of southwest Fort Worth for 20 years and
8 consistently voted lock step with his party against the
9 interest of our city, including voting to close
10 Carswell Air Force Base. Now he'll be representing
11 Mesquite and Athens, as well as Ennis, Arlington, and
12 East Fort Worth. This is the perfect example of what
13 happens in an urban minority district.

14 However, when I went on line to view the
15 proposed redistricting map that the House passed this
16 morning, I found that just as badly as the voters of
17 Fort Worth are invalidated, Austin, Dallas, Houston,
18 and San Antonio fared just as badly. Fort Worth,
19 Austin, and San Antonio are each in four congressional
20 districts most of which do not have a majority of city
21 voters. One of the Austin districts includes parts of
22 San Antonio. San Antonio's four districts include
23 District 21 from Austin, the 23rd which goes to Big
24 Bend and the El Paso suburbs, and the 28th which snakes
25 down to the Mexican border.

1 Houston, was split into six urban
2 minority districts including the 14th, which extends
3 down to the Gulf of Mexico and west as far as Aransas
4 Pass, and the ninth which goes all the way to the
5 Louisiana border.

6 And Dallas is really lucky. You get
7 seven districts. District 2 does not include the
8 Dallas suburbs, which might have a community of
9 interest with Dallas voters, but it cuts through Denton
10 and has the majority from Sherman, Denison, Paris, and
11 the entire Oklahoma border. And the fortunate Dallas
12 voters that live in District 5 get to share their
13 representative with Texarkana, Marshall, Mt. Pleasant,
14 and Cass and Bowie County who are very upset about
15 that.

16 These -- however, Arlington is in one
17 district. Plano is in one district. Hurst, Euless,
18 Bedford is in one district. These burbs have always
19 depended on their core cities' tax base and the plunder
20 of the cities would continue in the U.S. Congress. And
21 if you haven't seen the map -- (indicating) (Applause
22 by the audience.)

23 In light of the Supreme Court's ruling
24 June 25th on the Georgia redistricting case, this whole
25 \$1.7 million special session will probably be an

1 exercise in futility. The legislature may be able to
2 castrate the cities, but the courts will most likely
3 throw out such a blatant injustice to urban voters
4 rendering a null zero for the DeLay/Perry 1.7 million
5 boondoggle. (Applause by the audience.)

6 There are many of us who remember the
7 good old days when Jim Wright made sure Fort Worth was
8 taken care of in our U.S. Congress and he served our
9 community well. I hope you can be enough of a
10 practical statesman to see that it's critical to
11 maintain communities of interest for the cities and for
12 the rural areas and avoid the racial packing that
13 occurred in Georgia. You can rescue 1.7 million or you
14 can leave it mired in the courts until 2011. (Applause
15 by the audience.)

16 CHAIRMAN DUNCAN: Thank you, Ms. Rubin.

17 Chair calls Darrell Castillo. On deck
18 will be Harold Hammett and after Mr. Hammett will be
19 Dr. Jeff Cunningham.

20 UNIDENTIFIED SPEAKER: Do you have any
21 comment? I'd like to respond to that.

22 MR. DARRELL CASTILLO: Mr. Chairman,
23 honored Members of the Senate Committee, my name is
24 Darrell Castillo. I am professor of political science
25 at Richland College.

1 Yo soy Chicano. Naci en el barrio aqui
2 en West Dallas, Los Altos.

3 I come today as an educator in higher
4 education to present an alternative. I am a Republican
5 conservative, served five years on the Reagan White
6 House staff on the National Security Council. And as
7 an educator as such I posit questions that -- in the
8 classroom for my students that are not posited before.
9 And so questions left out there sometimes answer other
10 questions and could lead to more questions and possibly
11 more answers.

12 I am noted for my incorrigible candor in
13 the classroom. I am the only Hispanic teaching
14 full-time political science in the entire Dallas County
15 community college district. And in that setting which
16 promotes diversity various ideas can be heard with a
17 great deal of respect.

18 First I'd like to comment on Congressman
19 Frost and Congress Sandlin's disingenuous presentations
20 concerning --

21 (Boo by the audience.)

22 CHAIRMAN DUNCAN: The audience will be
23 respectful of each of the persons whether you agree or
24 not. I think that's the way we make this work. That's
25 our process. That's our great country.

1 Professor, go ahead.

2 MR. DARRELL CASTILLO: I'm sure the rules
3 committee would have had a great deal of trouble with
4 their overtime before this assembled audience.
5 However, I do want to point out, as an educator, and
6 what I tell my students is that this is a Republic not
7 a Democracy. In a Republic we have elected
8 representatives that have the will of the people. The
9 will of the people is expressed at the ballot box. The
10 ballot box, results have shown that the Republican
11 party and the conservative agenda is the will of the
12 people. As representatives of the people then -- as
13 representatives of the people then, it is the duty of
14 these representative to express the will of the people.

15 There are two types of equality, and
16 they've been bantered about here. One of them is
17 equality of opportunity and the other one is equality
18 of outcome. And those two are distinctly conservative
19 and liberal ideas. I am somewhat disappointed,
20 however, in the rumors that my party has not increased
21 Hispanic representation, particularly in the growing
22 Mexican-American population in the State of Texas.
23 What I'm hearing is that the districts are still set at
24 seven representative in Washington. That's -- that
25 doesn't fly in the face of a growing Hispanic,

1 particularly Mexican-American community, in the State
2 of Texas.

3 However, listening to Mr. Mays and his
4 ideas and Representative Alonzo, who is a very good
5 personal friend of mine and we have worked together in
6 higher education as far as it concerns
7 Mexican-Americans, I see the following: Where is the
8 danger -- and I agree with Mr. Mays and I agree with
9 Representative Alonzo in their take that there is
10 absolutely no danger in the creation of high impact
11 minority communities. Granted this would be a liberal
12 equality of outcome, but it's necessary at this point
13 to increase diversity in Washington D.C.

14 What I see, and this is of course a very
15 far out statement, and I'll coach it in these terms, I
16 think Representative Ehrhardt was also disingenuous.
17 She made a statement and -- she made a statement to the
18 effect that white Democrats are in danger of not being
19 elected. To my mind, what this equation boils down to
20 is a battle of white liberals versus white
21 conservatives. White liberals are very much afraid of
22 losing their power and their seats in Congress through
23 the creation of minority/majority districts. Too often
24 I see in the minority community, minority --

25 UNIDENTIFIED SPEAKER: Filibuster.

1 MR. DARRELL CASTILLO: -- too often I see
2 in the minority community so-called minority leaders
3 battling over the scraps and the slice of the pie
4 rather than arguing about how much of the pie the
5 minority community is owed. That -- that's a bit of a
6 problem. What I saw -- and this is the question I'd
7 like to posit to those members here. I don't see a
8 problem with the creation of two minority high impact
9 districts in North Texas. I don't see that at all,
10 particularly if they are Mexican-American districts.
11 And I posit this question to the members: What
12 about -- what about a Congressman Royce West? What
13 about a Congressman Roberto Alonzo? That works for me.

14 CHAIRMAN DUNCAN: Thank you, Professor.
15 Appreciate your coming.

16 Senator West, questions?

17 SENATOR WEST: A couple of questions.
18 And I'm very intrigued and I understand your -- your
19 thought processes as relates to exactly what you said.
20 Do you believe that we should be able to have
21 minorities in districts where they have an impact on
22 the district, minority impact districts? Do you
23 believe we should be able to have those type of
24 districts.

25 MR. DARRELL CASTILLO: Senator, with all

1 due respect, I do not believe that minority should be
2 diluted. I don't believe as a block in a community of
3 interest that their votes should be diluted. And quite
4 contrary, I believe that minorities as communities of
5 common interest can be put together to ensure the
6 election of a particular ethnic group. For instance,
7 an African --

8 SENATOR WEST: And some point -- at what
9 point do you think that it would constitute packing
10 though? I mean, at some point -- do you need 85, 90
11 percent minorities in a district in order to ensure the
12 election of a minority or some number less than that?

13 MR. DARRELL CASTILLO: Sir, with all due
14 respect, and because of my what is known as my
15 incorrigible candor, that's intellectual masturbation.
16 That would (boo by the audience) -- that would
17 entail -- that would entail --

18 SENATOR WEST: Okay. So the answer to
19 my --

20 MR. DARRELL CASTILLO: Sir, with all due
21 respect --

22 SENATOR WEST: So the answer to my
23 question --

24 CHAIRMAN DUNCAN: If we could have a
25 little order, please.

1 SENATOR WEST: Please. Please.

2 CHAIRMAN DUNCAN: Order, please.

3 SENATOR WEST: Let me again ask the
4 question this way, and I'm not engaging in an
5 intellectual masturbation, but let me ask the question
6 this way. Is there a number -- is there a number less
7 than say 75 or 80 percent that you believe that you can
8 put in minority a district where you are able to have a
9 majority/minority district.

10 MR. DARRELL CASTILLO: A simple majority
11 district would probably comprise anywhere from 51
12 percent to 60 percent minority.

13 SENATOR WEST: So you believe that
14 those -- in that particular range, minorities would be
15 able to have a minority impact district?

16 MR. DARRELL CASTILLO: Theoretically.

17 SENATOR WEST: Okay. Now, so you
18 don't --

19 SENATOR HARRIS: He said 51 percent what?

20 SENATOR WEST: 51 to 65 percent.

21 SENATOR HARRIS: Okay. Thank you.

22 SENATOR WEST: Okay. So then, any number
23 above 65 percent, would it be a fair statement to say
24 that any number above 65 percent would be a number that
25 would not be necessary in order to allow your theory to

1 come to fruition?

2 MR. DARRELL CASTILLO: Sir, with all due
3 respect --

4 SENATOR WEST: Is that a "yes" or "no"
5 answer?

6 MR. DARRELL CASTILLO: I don't believe in
7 sophistry outside of the classroom.

8 SENATOR WEST: Oh, okay. Well --

9 MR. DARRELL CASTILLO: I know we're in
10 the real world here, so --

11 SENATOR WEST: Hold on for one second.
12 Hold on for one second. (Boo by the audience.) And I
13 mean -- you know, I guess you and I could go back and
14 forth --

15 MR. DARRELL CASTILLO: Yes, sir, we could
16 all day long.

17 SENATOR WEST: -- in intellectual
18 discourse, but you know, really what I was trying to do
19 is to get some information out of you in terms of your
20 perspective. And I'm going to defend your right to
21 have your perspective on this issue, but again, from an
22 intellectual point of view, in realty, the question I'm
23 asking you is, is that shouldn't we not have minorities
24 in districts also where they can have an impact on
25 electing someone of their choice other than someone of

1 the same ethnic group?

2 MR. DARRELL CASTILLO: Yes, sir, that's
3 quite --

4 SENATOR WEST: As a conservative, would
5 you not agree that building coalitions based not on
6 color, but based on interest is where we should be
7 going?

8 MR. DARRELL CASTILLO: Yes, sir, I agree,
9 but -- but --

10 SENATOR WEST: Well, let me follow up.
11 Hold on. Hold on for a second. Let me follow up.

12 MR. DARRELL CASTILLO: If you'll -- if
13 you'll allow me to answer your other question.

14 SENATOR WEST: And then by having
15 minorities in districts where minorities may very well
16 constitute 35, 40 percent, would that not -- would that
17 allow -- would that not allow coalitions to be
18 developed based on interest and not based on the color
19 of one's skin?

20 MR. DARRELL CASTILLO: If your -- if your
21 objective is not to promote ethnic diversity, if --
22 again, I stress, if your objective is not to promote
23 ethnic diversity --

24 SENATOR WEST: How does that not -- how
25 does that not promote ethnic diversity --

1 MR. DARRELL CASTILLO: Because by --

2 SENATOR WEST: -- where you have a
3 minority district -- let me --

4 CHAIRMAN DUNCAN: Wait. Wait.

5 MR. DARRELL CASTILLO: -- creating a high
6 impact minority district that can almost ensure the
7 election of a Hispanic as Joe Mays and as
8 Representative Alonzo have argued, you will increase
9 ethnic diversity in the United States Congress.

10 SENATOR WEST: No, I understand what
11 you're saying there, but those are majority/minority
12 districts. I'm talking about districts where you have
13 less than a majority of minorities, but those
14 minorities ends up coalescing or coal- -- establishing
15 a coalition with Anglos to elect someone of their
16 choice. Do you believe that that should happen?

17 MR. DARRELL CASTILLO: Sir, let -- let me
18 posit this, with all due respect. It is in your hands
19 as an elected official to make sure that that equality
20 of opportunity or equality of outcome becomes a reality
21 as an elected official.

22 SENATOR WEST: Okay. Thank you,
23 Mr. Chairman. I'm not going to get an answer to that
24 question.

25 CHAIRMAN DUNCAN: Thank you, Professor.

1 Chair calls Harold Hammett. And members
2 of the audience, you know, this is -- we have gone
3 around the state and the audience is spirited and we
4 actually enjoy good intellectual and spirited debate
5 and we understand that passions are involved, but we
6 can't hear sometimes whenever the crowd gets loud. The
7 court reporter can't get the testimony down, which is
8 important for the legal record. And so I think it's
9 critical that you cooperate with us so that we can
10 work -- make a good record here today, because I think
11 the record -- I think we all want a good record here.

12 Also members and witnesses, only one
13 person can speak at a time because she only has two
14 hands and she doesn't have four, so we can't talk over
15 each other. So with that, we have Mr. Hammett. Would
16 you state your name and who you represent.

17 MR. HAROLD HAMMETT: Yes, Mr. Chairman.
18 Thank you. My name is Harold Hammett. I'm a lawyer
19 living and practicing in Fort Worth. I, for 15 years
20 up until a few years ago was general counsel for the
21 Texas Democrat party. In spite of that you need to
22 hear what I have to say.

23 The basic form- -- by the way, I hope the
24 professor stays around because he needs to hear it even
25 worse. The basic formula that's being presented to us

1 is -- unfortunately this whole process jumped up in the
2 New York Times this morning, summarized like this about
3 Texas. "Democrats now hold a 17 to 15 advantage, but
4 Republicans urged on from Congress by Representative
5 Tom DeLay say existing congressional boundaries do not
6 allow for the election of representatives who reflect
7 state's increasingly Republican voting patterns."
8 We've heard that all along, and the best and the most
9 polite way that I can describe that is that it is a
10 highly fictionalized portrayal of the actual facts,
11 which I want to show you right now.

12 And, Mr. Chairman, I had prepared
13 remarks. I have several copies that I handed to the
14 staff when I signed in. I would request that they be
15 made a part of the record. The chart that I'm now
16 referring to, and I don't think you can see it so much
17 from there, I'll just describe it here now. I'm afraid
18 with the people standing over there that I might put
19 somebody's eye out with this lazer. What this is,
20 shows -- from the Texas Legislature counsel returns,
21 just a quick way to show how strongly Republican the
22 six congressional districts are that Mr. DeLay wants to
23 mess with. They are Districts 1, 2, 4, 9, 11, and 17.
24 A quick way to determine with absolute objectivity and
25 accuracy the fact that these are Republican districts

1 is to compare just briefly two races, that for
2 governor. And then I call your attention to the
3 supreme court, place 2, a race between a district judge
4 from Houston and a district judge from Palestine,
5 neither well -- neither controversial, low profile
6 district, but an ideal test to determine the strength
7 of a state party vote.

8 SENATOR WEST: Mr. Chairman.

9 CHAIRMAN DUNCAN: Senator West.

10 SENATOR WEST: Could we have -- is there
11 anyway that we can put that on the easel and bring it
12 out?

13 MR. HAROLD HAMMETT: Okay. I'd be happy
14 to.

15 SENATOR WEST: That's fine right there.

16 MR. HAROLD HAMMETT: Thank you, Senator
17 West. The -- notice there in the column in left hand,
18 just to summarize that, of course all of these -- all
19 these -- the statewide Republican office -- offices
20 statewide were carried by Republicans, we know, but
21 looking at -- for governor, in those congressional
22 districts the Republican margin of victory was 254,770.
23 And what could best be placed by important, but
24 nondescript supreme court race statewide test for a
25 party, party representation and party strength, the

1 Republican margin was 168,674. But look, Members of
2 the Committee, what happens when we get over to the
3 congressional races. There's something over there that
4 is the worse nightmare of a politician like Tom DeLay.
5 He can't trust his own people because 120,873
6 Republicans split their ticket and voted for the
7 Democratic congressional candidates. And the average
8 margin, the average margin of victory for the
9 Democratic candidates was over 20,000. In comparison
10 to the average margin in the governor's race, 42,000,
11 and 28,000 in the supreme court race.

12 Now, Mr. Chairman, you personally, I hope
13 that you will not feel that I am using the name of --
14 I'm calling to memory a man that we both respect and
15 hold in high respect in a disrespectful way, but I hope
16 you will consider the fact that it doesn't take someone
17 with the astuteness of a Jim Milan to know that those
18 are now six Republican congressional districts and what
19 Tom DeLay and the rest of you need to be aware of when
20 you start talking about the need to mess with what
21 we've got now, is not only do the figures as they
22 actually exist belie your major premise, but I'm using
23 a word here, about to, in a -- that's a loaded term,
24 and I'm not using it in a loaded way, but in a
25 carefully defined way, not to mean lack of patriotism

1 or lack of loyalty, but this whole Tom DeLay Republican
2 redistricting scheme and the professor and their
3 assertion of it are profoundly unAmerican.
4 (Applause by the audience.) And it's unAmerican --
5 it's unAmerican, Mr. Chairman, and Members of the
6 Committee, because the attempt to manipulate existing
7 majority Republican congressional districts is placing
8 a vote for a party as more important than a vote for a
9 person. Its a crude -- (Applause by the audience.)
10 It's a crude abusive, almost aberration of the mixed
11 district proportional representation system used in
12 Europe, in many houses of parliament, national and
13 regional, and used exclusively in Israel where you have
14 party lists that are determined how someone ranks.

15 Yes, Mr. Chairman.

16 CHAIRMAN DUNCAN: Your time is expired,
17 but go ahead --

18 MR. HAROLD HAMMETT: Oh, I'm sorry. I
19 didn't see the card.

20 CHAIRMAN DUNCAN: Go ahead. You had --
21 we interrupted you, so I just wanted to let you know,
22 we -- you know, a couple of more minutes and we'll open
23 it up for questions. There may be some questions.

24 MR. HAROLD HAMMETT: I will finish
25 within -- I will finish within, Mr. Chairman. Thank

1 you.

2 CHAIRMAN DUNCAN: Thank you.

3 MR. HAROLD HAMMETT: Where party lists
4 are set up by the party hierarchy and they go on the
5 ballot and they're ranked, and then people have the
6 choice to vote for many offices only for the party and
7 who gets -- actually the person, the individual, the
8 human being that actually gets to serve in parliament
9 is determined by his or her rank on that party list.
10 That is not the American way. I suggest to you that
11 for reasons of their own, thousands, thousands of
12 Republican voters have exercised their basic American
13 right to vote for the person and not for the party and
14 to split their ticket. And this right should be
15 preserved. Not just racial minorities, but independent
16 thinking Republicans ought to be just as upset about
17 this process. (Applause by the audience.)

18 So the Tom DeLay and your colleagues in
19 the House answer thus far has been is to not recognize
20 this basic American right that to vote -- the right to
21 vote for a person is just as important as the right to
22 vote for a party, if you wish to exercise it, wants to
23 manipulate district lines, create more districts. And
24 that's the fair answer according to Mr. DeLay. I
25 suggest to you that that's not the correct answer. The

1 Republican leadership doesn't need to find new party
2 line voters. It needs to find more comparatively
3 capable congressional candidates. Thank you,
4 Mr. Chairman.

5 CHAIRMAN DUNCAN: Thank you, Mr. Hammett.
6 Appreciate it very much. Members, any questions for
7 Mr. Hammett? All right.

8 (Senator Staples joins proceedings.)

9 MR. HAROLD HAMMETT: Thank, Mr. Chairman,
10 Members of the Committee. Thank you.

11 CHAIRMAN DUNCAN: Thank you. Let the
12 Chair reflect that we've also had Tom Staples of
13 Palestine, who is a member of the Committee, join us.
14 Senator Staples.

15 SENATOR STAPLES: Thank you.

16 CHAIRMAN DUNCAN: I have -- it's -- we've
17 been going now a little over an hour and a half, and
18 it's time for our break. After the break -- we failed
19 to recognize Dick Reed who is a former member, and he
20 will be our first witness. After that we'll have
21 Dr. Jeff Cunningham. And after that we'll have Walter
22 E. Travis.

23 It is 6:20. We will convene again at
24 6:35. The Committee will stand in recess until 6:35.

25 (Recess for 31 minutes.)

1 CHAIRMAN DUNCAN: The Committee will come
2 back to order. And our first witness will be Opal Lee.
3 Ms. Lee, would you please approach, state your name and
4 who you represent? But before you speak let me
5 announce the on deck. We have Dick Reed, Dr. Jeff
6 Cunningham, and Walter E. Travis. We also -- I wanted
7 to remind you of our interpreting services that we have
8 here today. We've had interpreters at each meeting and
9 sometimes they're used more than others, but we want to
10 make sure that if you need that service, we have --
11 Ms. Lyda Baro is here to do that for you and she's up
12 here.

13 Ms. Baro, would you stand up so everyone
14 can see you. And would you please come and say that in
15 Spanish?

16 I'm sorry. Ms. Lee, if you'd give us
17 just one second.

18 INTERPRETER BARO: Si hay alguna persona
19 que quisiera hacer un testimonio o dar su opinion en
20 Espanol y quisiera los servicios de interprete, para
21 eso estoy aqui para servirles. Gracias.

22 CHAIRMAN DUNCAN: Thank you. Ms. Lee,
23 would you state your name and who you represent.

24 MS. OPAL LEE: My name is Opal Lee. I'm
25 from Fort Worth, Texas and I'm representing Opal Lee.

1 I do belong to a lot of organizations, but I didn't
2 tell them I was coming here to represent them. And for
3 just a few minutes, I don't think I need five, I want
4 you to forget that you're looking at a little old lady
5 in tennis shoes and I want you to try to remember
6 Barbara Jordan, and if Barbara was here, what she would
7 say to this group about this redistricting effort. And
8 I think what she would tell you is to leave things
9 alone. (Applause by the audience.) She would say in
10 her elegant way, that if it ain't broke, don't fix it.
11 She
12 would -- she would say to you that it is ridiculous the
13 amount of money we are spending, \$1.7 million. And
14 she'd ask you to find another \$1.7 million to help the
15 families and the children and the teachers and all the
16 other things that should come before this redistricting
17 hearing. I think she would say to you that the
18 constitution gives us a right to redistrict every ten
19 years. And to mess with that like we say, "Don't mess
20 with Texas," to mess with that is really going against
21 the grain.

22 I think Barbara Jordan would say to all
23 of us, "Think, think, and think some more." Let's not
24 get tied up in partisan stuff. Is that the word?
25 Let's get on with the business of the state, and

1 there's so much to be done and we don't seem to have a
2 lot of time to do it in. I appreciate it.

3 CHAIRMAN DUNCAN: Thank you, Ms. Lee.
4 Members, do you have any questions for Opal Lee?

5 Thank you, Ms. Lee. You sound a little
6 bit like Barbara Jordan. Let the record reflect that
7 Ms. Lee has left a document, "Junetenth Freedom
8 Festival Celebration," for the record.

9 MS. OPAL LEE: Yes. And it's the fact
10 that there are articles in there that would tell us
11 that we are going back instead of forward. Please take
12 time to read it.

13 CHAIRMAN DUNCAN: Thank you, Ms. Lee.
14 Appreciate it.

15 Chair calls Dick Reed, former
16 representative Dick Reed.

17 MR. DICK REED: I am a former member --
18 I'm sorry. Chairman Duncan, and Members of the
19 Jurisprudence Committee, I am a former member from
20 Dallas and at that time you -- you wouldn't think about
21 it but it was an at large district. All 15 members ran
22 countywide. So I served in the late '60s at the time
23 of great activism as far as filing cases about
24 redistricting, about minority representation and all of
25 these issues. And in the -- my math is not probably as

1 good as it used to be. In the 35 years since, there
2 have some trend lines continued, they have changed and
3 they will change again because the nature of
4 reapportionment has nothing to do with maintaining any
5 absolute criteria. It varies according to the
6 situation. And interestingly enough with most of the
7 focus on minority representation, the panacea of a
8 Democracy is no focus on the make-up, the racial ethnic
9 make-up when you put the pen to the mound. That's the
10 panacea. But in order to get there we have to overcome
11 some things that we've not yet overcome, and that has
12 to do with discouragement of minority voters casting
13 their ballots and an abundance of everything -- every
14 other kind of role practices. This isn't to say that
15 it's your party, Chairman Duncan, because it goes on in
16 both parties. It's not a party thing.

17 But when you boil all of this away, all
18 of what's been said, the ultimate task is going to have
19 nothing to do with what any of these people either
20 think or want. It's going to be resolved on
21 constitutional criteria, period. Now, I -- I am
22 acquainted with the history of all of these courts,
23 that they do not always have unanimous decisions. And
24 the two decisions regarding affirmative action, I
25 think, demonstrate that. But the trend line is a way

1 from managed ways of protecting rights toward
2 empowerment of the individual citizens to defend their
3 own rights. That's always been the aim. Interestingly
4 enough, when the 15 members were elected at large in
5 Dallas, you had to go before two or three men to get
6 their blessings before it was worth your \$300 to file.
7 And the first one I -- as a Democrat, by the way, you
8 guessed this already I guess, but the first one I
9 visited with when I got through, he said, "Mr. Reed, I
10 appreciate you coming by, and you've not won my
11 support, but based upon what I've heard of you, I feel
12 a whole lot less determined to keep you from being
13 elected. And if I might say so, you sound more like
14 Barry Goldwater than Lyndon Johnson. And it has to do
15 with this -- this rural Texas notion about
16 individualism.

17 But what it's going to boil down to is
18 what constitutional issues are involved if this passes
19 and goes to the governor and gets signed? Because as
20 sure as you see the sun rise in the east it's going to
21 be contested. It's going to be contested based upon
22 assertions of constitutional problems. Now, I maintain
23 a real good relationship with most of the Republican
24 county judges and so forth because I was such a
25 maverick, but the interesting thing is that the

1 constitutional issues that say this has not a prayer of
2 a chance are going to prevail. You can't search for a
3 three-judge panel that will uphold what the legislature
4 is at least considering passing, conservative, liberal,
5 moderate or what.

6 Now, the other point, and this is just a
7 one-liner, I served my last session in 1970 through
8 '73, during the -- the legislature involving all of the
9 stock fraud scandals, the insurance scandals, and so
10 forth. Once in a personal privilege -- privileged
11 speech that I made, I asserted, "Okay, folks, you say
12 you're conservatives. You say you're Republicans. You
13 say you're this, that, and the other, and you're
14 hanging with this guy. Well, ultimately, you are
15 setting your own density because he is going to hang
16 and in rapid succession a big part of y'all are going
17 to be hung also." (Applause by the audience.)

18 I believe there was something -- I
19 believe there was something like 30 members that were
20 indicted and either plea bargained or went to prison.
21 The admonish, I have to say is what you wouldn't
22 ordinarily hear, "Look after your own interest." Six
23 months from now, if you allow this, those of you who
24 are up next time have much to fear. Thank you.

25 CHAIRMAN DUNCAN: Thank you, Mr. Reed.

1 (Applause by the audience.) Senator West.

2 SENATOR WEST: This is just -- is your
3 son an attorney? Is your son an attorney?

4 MR. DICK REED: Oh, yes. Royce, I have
5 these ear things, but they're not nearly as good as
6 yours are.

7 SENATOR WEST: Okay.

8 MR. DICK REED: Rick Reed.

9 SENATOR WEST: Yeah, okay.

10 MR. DICK REED: He's a radical
11 improvement over his father. He's taller, better
12 looking, and all of that stuff.

13 SENATOR WEST: He's a former -- former
14 assistant district attorney.

15 MR. DICK REED: And you have cause to be
16 concerned about him.

17 SENATOR WEST: Okay. All right.

18 MR. DICK REED: Because he works for
19 Ronnie Earl.

20 CHAIRMAN DUNCAN: Thanks once again,
21 Representative Reed.

22 Chair calls Jeff -- Dr. Jeff Cunningham.
23 Dr. Cunningham, please approach, state your name, and
24 who you represent. On deck we'll have Walter Travis
25 and then--we won't use all the baseball terms--Gay

1 Michelle will be after that.

2 DR. CUNNINGHAM: All right. My name is
3 Jeff Cunningham. I'm from Sulphur Springs, Texas.
4 I'm, for the sake of disclosure, I am a Republican and
5 I'm a conservative and I do support redistricting.
6 However, I want to say before we get started into where
7 I stand on this, I've heard a lot of testimony, people
8 insulting a few of the different reps and each other
9 and I'm --

10 UNIDENTIFIED SPEAKER: Don't start.

11 DR. CUNNINGHAM: I'm already started.
12 And I don't find anybody's testimony here today I've
13 heard disingenuous. I found that people are passionate
14 about what they believe and it's been enlightening for
15 me to. Even though I'm in favor of this, I can imagine
16 what it's like sitting in that chair.

17 What I've heard from this is that we all
18 believe that the other guy is wrong and we're all
19 right. And what I've heard is that if, you know,
20 people on this side say, well, I've got a white
21 representative and he can represent minorities, but
22 over here I've got a white representative and he can't
23 represent minorities. So there sounds to be a
24 political issue in that point. But for those people
25 that have followed politics like I have in the last few

1 years, if you go down and see Senator Harris work, for
2 instance, talk to the people at the University of Texas
3 and they'll tell you that he does represent his
4 constituents quite well, and I'm not one of them. And
5 I'll tell you, Senator Duncan, the Chair here also is
6 known for its independence. These people are
7 independent thinkers and I'm hopeful they'll listen to
8 what all we have to say here and be fair to us.

9 My concern with redistricting is this. I
10 happen to be in favor of it because I don't believe
11 that it was done -- and I read the attorney general's
12 opinion, and it seemed to encourage it and I happen to
13 believe we should do our job. I believe in the will of
14 the people. And Senator Duncan got in a lot of heat
15 this time on the elected judges versus appointed
16 judges. I don't care whether the judges are elected or
17 appointed. I don't give a dam. I want to see the will
18 of the people done by the representatives, and that's
19 why we elected you. That's why you're here. That's
20 why you're sitting in these chairs. And we need to get
21 a decision from you. If you draw the same map and hand
22 it back and say that's the will of the people, then
23 that's just what you did, but that's what I want to see
24 done. I want to see our representatives do their jobs.

25 One thing I will say is the map that came

1 out of the House of Representatives yesterday is
2 unacceptable to me personally. The -- you'll have to
3 remember that in '91, the map -- and Senator Duncan
4 will be familiar with this, and most of you will too.
5 Denton County was in the same congressional district as
6 Amarillo. And I don't see the communities of interest
7 are preserved like that at all. And when you influx
8 say 300,000 voters into northeast Texas as was done
9 with the House version of the map yesterday, I'm
10 concerned that the large majority will overrule the
11 minority. And one thing I'll point out is, senators
12 here that are lawyers, read the federalist papers in
13 detail. They're a sure fire cure for insomnia, but if
14 you can make it through it you'll understand we are a
15 Republic. And the precedent was set for the big guy
16 picking on the little guy by the -- what we call the
17 college of the electorate. The reason that's there is
18 to prevent large states from overruling smaller states.
19 I believe that same principle should apply in
20 legislative redistricting, to protect the interest of
21 the smaller rural areas of Texas while we're
22 redistricting. Yes, there's plenty of room for adding
23 minority districts, minority representation, and I
24 think we probably should consider that, but if we do
25 the right thing, the numbers will fall exactly where

1 they're supposed to be. And that's all I'm asking, is
2 that we do the right thing. Thank you very much.

3 CHAIRMAN DUNCAN: Thank you,
4 Dr. Cunningham. (Applause by the audience.)

5 Chair recognizes Walter E. Travis.

6 MS. GAY MICHELLE: I thought you said Gay
7 Michelle. I thought you said Gay Michelle was next.

8 CHAIRMAN DUNCAN: Well, I probably --
9 you're -- you're next. I'm sorry. We have Walter
10 Travis, then Gay Michelle, and then Mike Miller.

11 Walter Travis or Mr. Travis, are you
12 present? Mr. Travis is not present, but would like to
13 reflect a position against redistricting.

14 Okay. Ms. Michelle. You had a
15 premonition there, I guess.

16 MS. GAY MICHELLE: I am a psychic.

17 CHAIRMAN DUNCAN: Before you begin let me
18 announce the other person, though. Behind you is,
19 again, Mike Miller and behind him is Gordon Peterson
20 II. State your name.

21 MS. GAY MICHELLE: My name is Gay
22 Michelle. I am precinct chair, Precinct 2324 in
23 Mesquite, Dallas County. I am here just representing
24 myself.

25 I am also a professor of political

1 science, but I promise not to use the word masturbation
2 or sophistry. (Applause by the audience.) Thank you.

3 I'm against redistricting for all of the
4 reasons that my fellow Texans have given at these
5 hearings over the last several weeks, but there are
6 three things that concern me the most. And first of
7 all, it is the \$7 million that will be spent when this
8 goes through the court battle that you know it will.

9 And I am a -- I am a licensed mental
10 health professional and an adjunct college professor,
11 and these are two professions that I have first-hand
12 knowledge of the budget cuts in Austin. And I ask you
13 that when you think about spending that kind of money
14 for an unnecessary politically motivated redistricting
15 effort when our state faces a serious budget shortfall,
16 that you also think about the thousands of children
17 that are without health insurance now, the thousands of
18 AIDS patients that can't afford their medication that
19 keep them alive, the public school teachers that aren't
20 going to get a salary increase, the municipalities that
21 are not and will not be prepared for a terroristic
22 attack because they don't have enough first responders.
23 I also ask that you think about the college students
24 that are trying to get their education at our state
25 universities and colleges.

1 I taught a class this morning at Dallas
2 County Community College District, El Centro College,
3 which is an intercity college, and this class was twice
4 the size it usually is, and yet there's still hundreds
5 and hundreds of our students that are turned away
6 because the classes are full and they cannot afford to
7 hire any new teachers and offer new classes.

8 So I ask that if you think about spending
9 this \$7 million, that you also think about those Texans
10 going without health care and their medicine. Cities
11 going without adequate fire and police protection. And
12 if you can still, still approve spending that kind of
13 money, I have to ask you, how do you sleep at night?
14 (Applause by the audience.)

15 My second concern is very related to the
16 first, and that is if you approve this, you will be
17 setting a very dangerous and expensive precedent. It's
18 true the Texas Constitution does not forbid that you
19 redistrict. However, the Texas Constitution does
20 state, Article 3, Section 28, if you need to look that
21 up, that the legislature shall at its first regular
22 session after the publication of the United States
23 decimal census apportion the State into senatorial and
24 representative districts agreeable to the provisions of
25 Sections 25 and 26 of this article. There's a period

1 at the end of that sentence. It does not say
2 redistricting shall occur after the census or every
3 time the party and the majority changes. But if you do
4 push this through, you might as well amend the
5 constitution to say just that, because once the
6 precedent is set, I doubt that it will be changed.

7 So when the Democrats regain the
8 majority, and we will (applause by the audience) you
9 can --

10 UNIDENTIFIED SPEAKER: Go girl.

11 MS. GAY MICHELLE: You can bet there will
12 be another map drawn. So you might as well include the
13 money in all of our future budgets because you're about
14 to start a very expensive precedent and a tradition.

15 And my last concern has to do with the
16 voters. As a precinct and election judge, I know how
17 confusing it is to the voters when we do the census and
18 draw new maps every ten years, I could just imagine
19 what the polling place is going to be like if we start
20 drawing these lines every two years. And I would think
21 as elected officials you would be wanting to increase
22 the voter turn-out, not decrease it.

23 In conclusion I'd like to say that from
24 what I have seen at these hearings that I have
25 attended, the reports I have read in the newspapers

1 from across the State of Texas, what I've seen on TV
2 and what I've seen on the live feed from the House
3 floor on the Internet, I know, it's obvious to me, that
4 Texans do not want this. I know that Tom DeLay does.
5 So I have to ask y'all just one question: Who do you
6 work for? The citizens of Texas or the House majority
7 leader? Thank you.

8 CHAIRMAN DUNCAN: Thank you,
9 Ms. Michelle. I appreciate it very much. Are there any
10 questions for Ms. Michelle? The Chair hears none.

11 Chair calls Mike Miller. Mr. Miller,
12 please state your name and who you represent. After
13 you will be Gordon Peterson II, and after him will be
14 Thomas L. Lolley.

15 MR. MIKE MILLER: Thank you,
16 Mr. Chairman. My name is Mike Miller and I'm a lawyer
17 from Marshall, Texas, but I'm not here in my capacity
18 as a lawyer, but in my capacity as a citizen and I
19 don't really represent anyone except my family.

20 I want to visit with the Committee
21 briefly about why I believe that redistricting is not
22 needed at all. The current plan should be kept. But I
23 don't want to spend most of my time on that because I
24 think we've heard those arguments. I want to talk
25 about a few other things after that. But it is

1 historically unprecedented for the legislative bodies
2 to redraw districts in other than a census year. We've
3 had a few corrections involving a few districts, but
4 this is historically unprecedented and it increases
5 voter alienation and voter confusion. Right now people
6 know who their representatives are, and as the last
7 witness told you, working as a precinct chair, it's
8 important that people know who their representatives
9 are because they know them personally.

10 The final -- the second reason I want to
11 talk about on why this is not needed is the one that
12 you've heard over and over again, but it has to be
13 repeated. And that is, this is needlessly expensive.
14 And we're not just talking about \$1.7 million, that's a
15 myth. What we're talking about is \$1.7 million and
16 then a trial in federal court and then an appeal beyond
17 that. We're talking about 8 or \$10 million. And if
18 this state had plenty of excess funds, that would be
19 okay, but we have the CHIPS programs, which needs
20 adequate funding, we need more school books for our
21 kids (applause by the audience).

22 Teacher salaries, you heard Commissioner
23 Bain from Cass County stand up here and talk about his
24 daughter who is a school teacher, and he told you that
25 her child is on CHIPS. Now stop and think about that,

1 you have a public school teacher who is not paid enough
2 money that they have to go on public assistance to have
3 their kids have adequate health care. And we're going
4 to spend untold sums on partisan redistricting.
5 Wouldn't that be better to give health care to
6 Ms. Bane's family, to the Cass County schools?

7 Suppose this process takes \$10 million,
8 and I think that's a very conservative figure, because
9 all the interest groups will have lawyers, the State
10 will have lawyers, the political parties will have
11 lawyers. That could immunize a half million school
12 children. It could buy a million new school books.
13 You could put 25,000 children on CHIPS. You could
14 improve mental health and all these other issues.

15 UNIDENTIFIED SPEAKER: Oh, yes. Yes.

16 MR. MIKE MILLER: And I want to speak
17 very briefly in defense of the federal court, the
18 developed plan 1151. I practice in front of two of
19 those judges and know the Republican chief judge of
20 that panel, Judge Higgenbotham. It was procedurally
21 arrived at in the manner required by federal law and
22 the supreme court, it was done after a two-week trial
23 where everyone had an opportunity to cross examine
24 witnesses and it's a good plan. But above and beyond
25 that, it is the only plan that you can look anyone in

1 the eye and say, I know this plan is constitutional and
2 I can tell you without fear of contradiction it will
3 not lead to needless, expensive, and wasteful
4 litigation. It has been a preapproved plan. It is
5 legal, and that can be said of no other plan under
6 consideration now or in the future.

7 I want to talk, though, because I fear
8 that my pleas that the current districts be left alone
9 may be ignored about some issues unique to my part of
10 the state in East Texas, and I'm glad Senator Staples
11 was able to join us. The plan that was passed by the
12 House -- and I talk about this plan not because I
13 believe this body will accept it as it is, but because
14 it's typical of the other plans that we have seen. I
15 come from Harrison County. Right now we have four
16 rural East Texas congressman, Congressman Sandlin,
17 Congressman Lampson, Congressman Hall, and Congressman
18 Turner. Under the plan that was passed by the House
19 and under most plans that I have seen on the red
20 viewer, on the website, we end up with one, maybe,
21 rural East Texas congressman. But people in Hopkins
22 county where the gentleman just spoke where my father
23 is from, the dairy farmers in Hopkins County get paired
24 with a third of a million people from Dallas and Denton
25 County. People in Bowie, Camp, and Cass and Morris and

1 Upshur counties, the counties just north of me get
2 paired with 337,000 voters from the Dallas area.
3 Anderson County gets locked in with people down in Bell
4 County. And I have a lot of other examples that I can
5 give you from that of where rural East Texas
6 communities where things like timber rights, those
7 sorts of things are important are now locked with
8 people for whom transportation funding is the biggest
9 issue.

10 I want to briefly address the Ashcroft v.
11 Georgia case. It just came out and we in East Texas
12 where Max Sandlin is my congressman are in what the
13 supreme court call the minority influenced districts.
14 We do not have enough minority population in our
15 counties to be able to elect minority representatives,
16 but we do -- they do have influence in the process.
17 And if you'll look at these margins of error -- and
18 Senator West, you had asked about some population
19 numbers for those counties, I have those if you'd like
20 those numbers. We can -- we see that the minorities
21 are the ones who are able to elect these Democratic
22 congressmen.

23 I had a few other issues on the image of
24 the Senate, but I'm not going to get to those, so let
25 me conclude, if I could, Mr. Chairman, to ask this

1 committee to put the people before their parties, to
2 put children (applause by the audience) -- put the
3 children of our families ahead of the child of partisan
4 politics, put education in front of electioneering, and
5 put geriatric health care in front of gerrymandering.
6 (Applause by the audience.)

7 CHAIRMAN DUNCAN: Thank you, Mr. Miller.
8 There's a question. Senator Gallegos.

9 MR. MIKE MILLER: Yes, Senator .

10 SENATOR GALLEGOS: Mr. Miller -- and
11 you're from Marshall?

12 MR. MIKE MILLER: Yes, sir, I am. We're
13 on the extreme eastern border near Louisiana.

14 SENATOR GALLEGOS: And I've heard a bunch
15 of folks testify already from -- testify already from
16 East Texas, in and around your area. You're an
17 attorney, you're an educated person. And what I'm --

18 MR. MIKE MILLER: At least one of those.

19 SENATOR GALLEGOS: We went to Laredo and
20 Laredo asked them not to be -- they are -- they are --
21 they asked not to be split.

22 MR. MIKE MILLER: Yes.

23 SENATOR GALLEGOS: And they want to be
24 the Bowie of their congressional district. We went to
25 McAllen, they said the same thing. And we were in

1 Corpus yesterday, and basically they're saying the same
2 thing. I guess what I'm hearing from the majority of
3 the East Texans that are here, that came to this
4 hearing, is that you don't want to be -- you want to be
5 the anchor. You don't want Dallas to be the anchor; is
6 that correct?

7 MR. MIKE MILLER: Well, sir, yes, sir, in
8 some sense it is, but let me point out that we have
9 counties that are of the size that there's no really
10 such thing as an anchor. Right now Bowie County is the
11 largest county in Max Sandlin's district with only
12 80,000 people. Harrison County, my county has about
13 60. So we have counties of close to equal size. So
14 there's really no big one anchor.

15 SENATOR GALLEGOS: What I'm saying is you
16 don't want to travel to Dallas to be able to talk to
17 your congressman? You've got a congressman out there
18 right now. Is that what you're saying?

19 MR. MIKE MILLER: Got four of them, yes,
20 sir. And northeast Texas has one and southwest Texas,
21 so forth and so on. And it's not just the issue of
22 travel, it's the issue, as the supreme court requires
23 in the redistricting litigation, of a community of
24 interest, the folks in Cass County. I try cases in
25 Cass County. The folks in Bowie County, I go up there

1 for federal court sometimes. Those counties are very
2 much like my county, but when you start combining us
3 with Denton County and Dallas County, when you start
4 doing the same thing to the folks in Southeast Texas
5 with Montgomery County and Harris County, those folks
6 are good folks, don't get us wrong, but their interests
7 are not our interests. Timber, agriculture, oil and
8 gas, water supply, those are issues that are unique.
9 And I fear that the plead not to redistrict may fall on
10 deaf ears, but if it does occur, we need to make sure
11 that we are put with people who share our interests
12 rather than good folks in other parts of the state who
13 are nice folks but just don't have the same things
14 close to their heart that we have to ours.

15 SENATOR GALLEGOS: Thank you.

16 CHAIRMAN DUNCAN: Senator Staples.

17 SENATOR STAPLES: Two quick things
18 because I know we have so many people here tonight.
19 Yeah, I agree with you, I don't like the proposed new
20 district from Anderson to Bell. That's a pretty good
21 stretch. The current congressional District 5, what is
22 your opinion of the current congressional 5?

23 MR. MIKE MILLER: I -- excuse me. Whose
24 district is that, sir? I don't know them by number.

25 SENATOR STAPLES: That -- Jeb Hensarling

1 district and includes nine rural counties in with
2 Dallas today under the current map.

3 MR. MIKE MILLER: I don't know enough to
4 really speak on that on first-hand knowledge, but
5 obviously the more compact and contiguous the counties
6 are without mixing urban and rural, that's excellent.
7 Now, whether we could have enough population to get
8 five East Texas district, I rather doubt that. So
9 there are going to have to be a case here or there
10 where that may be required to, to do that. It would be
11 nice if we could do all rural and all urban. I just
12 don't know if that's such a district or not.

13 SENATOR STAPLES: What about the
14 current -- in CD1 that splits Nacogdoches County, are
15 you in favor of leaving Nacogdoches County split?

16 MR. MIKE MILLER: Over all I think the
17 mischief that would be caused by fixing that one small
18 problem would be greater than the mischief that will be
19 open by the redistricting process, but if you look at
20 the federal court opinion in 2001, the opinion by Judge
21 Higgenbotham and the two district judges, they pointed
22 out in that opinion that the law required them to try
23 to avoid splits, and particularly double splits, and
24 that the redistricting plan that the court adopted was
25 the best in the history of Texas for avoiding splits.

1 So again, it may be under the one man,
2 one vote standards, a necessary evil from time to time
3 to split us, may have happened in Nacogdoches. I don't
4 know the facts on that, but again, I think the better
5 thing to do is to leave the plan that minimizes splits,
6 which is the current plan, rather than open up all of
7 this. And quite frankly, from my brief review of the
8 plan passed -- passed last night, Plan 1268, there are
9 far more splits in it than the current plan.

10 SENATOR STAPLES: Yeah. Thank you.

11 MR. MIKE MILLER: Thank you,

12 Mr. Chairman.

13 CHAIRMAN DUNCAN: Mr. Miller, thank you
14 for your testimony. Thank you for driving over here
15 from Marshall. We appreciate it.

16 The Chair recognizes Gordon E. Peterson
17 II. And on deck will be Thomas L. Lolley, and
18 following Mr. Lolley will be Jim D. Bush.

19 Mr. Peterson, state your name and who you
20 represent, please.

21 MR. GORDON PETERSON: Howdy, gentlemen,
22 ladies of the Committee. My name is Gordon Peterson.
23 I'm representing myself, although I'm also a precinct
24 chair. I'm also an election judge. I am also a
25 moderator of the Dallas Democrats Yahoo Group

1 Discussion List.

2 One of the things I'd like to start out
3 by pointing out is that we're all really very lucky
4 that we are here to discuss these issues today.
5 Clearly the voters are very interested in this issue.
6 We are here today and able to -- able to express our
7 opinions and to present ourselves through the
8 courageous efforts of the heroes of Ardmore who went up
9 to Ardmore (applause by the audience). These
10 gentlemen, instead of -- instead of, as has been
11 alleged by a few people, instead of them advocating
12 their responsibility as elected officials, they in fact
13 were doing exactly what they were sent to Austin to do,
14 and that is to represent the voters that sent them
15 there, to protect the interests of those voters in the
16 only way left open to them. Okay. So they were not
17 evading their job. They were doing their job more
18 truly, more accurately than anybody else at this time.

19 Now, one of the things I'll point out is
20 that, you know, like a lot of us here, I've not been
21 active in politics for a really very long time. For a
22 long time I really never understood what the term
23 gerrymandering meant, but it's become very clear to me
24 recently what it does actually mean. And this is the
25 most clear-cut example of it. It's a textbook example

1 of this gerrymandering.

2 Now, remember, if these heroes had not
3 gone to Ardmore, the original plan that was proposed by
4 the -- by the Texas legislature would have simply been
5 steamrolled through. Instead of their --

6 CHAIRMAN DUNCAN: The Texas House.

7 MR. GORDON PETERSON: The Texas House.

8 I'm sorry.

9 Instead of -- instead of their -- instead
10 of their plan -- instead of there being any kind of
11 debate or discussion where they said, "Come back and do
12 your job and let's debate this," there was no debate.
13 This was going to become passed by the Texas House over
14 the objection, over the conscious objection of
15 everybody that was involved. And much like what we are
16 seeing here, I suspect that the people that are here,
17 although we're all listening and pretending that we're
18 doing -- we're going through these motions, what we saw
19 after the House hearings here in Dallas was that after
20 a session that started at 9:00 o'clock in the morning
21 and didn't terminate until about 1:35 in the morning
22 the next day, the people at the end of it that were
23 representing people here were actually still -- none of
24 their opinions had changed.

25 Now, I'll point out that the -- there is

1 this outrageous sham, this outrageous fraud that's
2 going on here where the people who are supporting
3 redistricting are pretending that the redistricting is
4 designed to better represent the communities of
5 interest and better represent the will of the voters of
6 Texas. Now, these people, a lot of them are
7 Republicans, a lot of them I'm sure are very sincere,
8 but there is a very good explanation for how it is that
9 this can occur and how they can be -- how they can be
10 misled into believing that.

11 I work as a computer consultant, ladies
12 and gentlemen, and in the computer business there's a
13 story that's told. This dates back about 125 or 150
14 years about a fellow named Charles Babbage. Charles
15 Babbage invented one of the first mechanical computer
16 systems. And this thing was a mess of gears and levers
17 and pulleys and rods and things and he presented this
18 as a marvel of the age. And the members of parliament
19 came to look at this, and no less than two members of
20 the British parliament asked Dr. Babbage, they said,
21 "Pray, Dr. Babbage, this different engine of yours, if
22 you put the wrong numbers into it, will it still
23 produce the correct answers?" Well, clearly after
24 Dr. Babbage walked away shaking his head, he commented
25 that it was hard to imagine the nature of confusion of

1 ideas that could even provoke a question like that.

2 There are a lot of people who vote
3 Republican simply because they are kept in a state of
4 ignorance by a very biased press, which we are now
5 seeing -- (applause by the audience.) We are now -- we
6 have seen in the last -- within the last month we've
7 seen the quid pro quo payback for that bias in terms of
8 the Federal Communications Commission removing the
9 limitations on monopoly media ownership, which is
10 something that will guarantee that the people who
11 are -- who are supporting some of the illegitimate
12 things that we've seen come out of Washington and out
13 of the recent presidential election will continue to
14 influence the public -- continue to lie to the public.

15 In fact, the only community of
16 interest -- the only community of interest that is
17 truly being represented by this redistricting plan is
18 the Republican parties' political interest. That's the
19 only community of interest that seems to matter.

20 The last time -- if this plan is put into
21 effect, the last time the interest of large percentages
22 of Texas people will be represented is at election day
23 when they go to the voting booth and where their
24 position is heard and that's the last representation
25 they're going to have.

1 So in general, this is something we've
2 got to understand that people have to be told the
3 truth. One of the reasons we have the Dallas Democrats
4 Yahoo Group is so that people can be told the truth
5 about what's going on in our country, they can bypass
6 some of the limitations of the traditional broadcast
7 and print media. It's really important that people
8 become aware and they become politically active and I
9 urge you, as so many -- as so many of these other
10 people you have here today, please do the right thing.
11 You have -- you've attended these other meetings. I
12 presume that the turnout at these other meetings have
13 reflected what we've seen here. The overwhelming
14 turnout at these meetings have been of people who are
15 against redistricting.

16 Who are you going to follow? Are you
17 going to follow the people who you're supposed to be
18 representing? Are you going to follow the political
19 party who is supposed to represent the people? Thank
20 you. If there's any questions I'll be glad to answer
21 them.

22 CHAIRMAN DUNCAN: Thank you,
23 Mr. Peterson. Members, are there any questions for
24 Mr. Peterson?

25 Thank you. Appreciate your testimony.

1 Chair recognizes Thomas L. Lolley. And
2 on deck will be Jim D. Bush.

3 Mr. Lolley, would you approach, state
4 your name and who you represent? And the next witness
5 after Mr. Bush will be Sue P. Williams. Thank you.

6 MR. THOMAS LOLLEY: Good evening,
7 Mr. Chairman, esteemed Members of the Committee,
8 honored guests and fellow patriots. My name is Thomas
9 L. Lolley. I'm a 44-year-old school teacher in the
10 Dallas Independent School District. I reside at 4309
11 Kettering Avenue in Garland, Texas. I've been a
12 resident of Dallas County for 20 years. I am not now
13 and have never been a member of any political party. I
14 come before you today as a private citizen, not as a
15 political partisan. I don't care which party has how
16 many seats in the Congress. I do care about prudent
17 and efficient government.

18 My concerns about the current
19 redistricting effort are illegal. Our state
20 constitution spells out very clearly how the
21 reapportionment process is to take place. I won't read
22 the quote again that the young lady gave you earlier
23 from Article 3, Section 28 about the redistricting
24 taking place after each decennial census.

25 I have another concern about the

1 rationale for this redistricting being based on party
2 affiliation. In Article 3, Section 26 of our Texas
3 Constitution, apportionment of Members of House of
4 Representative, if I may read that to you, "The Members
5 of the House of Representatives shall be apportioned
6 among the several counties according to the number of
7 population in each," end quote. There is no mention in
8 our constitution of basing redistricting upon party
9 affiliation. (Applause by the audience.)

10 Now, ladies and gentlemen, I am not a
11 lawyer. I have no legal training, but the Texas
12 Constitution is a very clearly written document. It's
13 a -- it's an excellent example of the Democratic
14 process and its language is pretty clear. I think it's
15 inevitable that there will be a severe ongoing
16 expensive legal challenge to this if this is done.
17 There is no doubt at all.

18 And the last point I'd like to make, if
19 this redistricting does survive the inevitable legal
20 challenge, you are opening up a huge can of worms here.
21 We're going to go through this mess every two years in
22 good budget times, in bad budget times, when the
23 Republicans are in power and when the Democrats are in
24 power. And we're going to do it over and over. It's
25 going to cost us a lot of money. We're going to lose

1 our sense of bipartisanship. I have to tell you that I
2 do not support the current administration, but I had a
3 tremendous amount of respect for him as the governor of
4 this state because he worked very hard to work with
5 everybody. He always presented the front that he
6 respected everyone no matter what their political
7 affiliation. He wanted to work with everybody.

8 And gentlemen and ladies, I do not mean
9 to be disrespectful, but I am an independent -- I am
10 what they call a swing voter, and they're going to have
11 to make up a new term for people like me in 2004.
12 They're going to call us boomerang voters. Thank you
13 very much. (Applause by the audience.)

14 CHAIRMAN DUNCAN: Thank you, Mr. Lolley.
15 Any questions for Mr. Lolley?

16 The Chair recognizes Jim D. Bush.
17 Mr. Bush, would you please approach, state your name
18 and who you represent? Next up will be Sue P. Williams
19 and following that will be John Lahue.

20 MR. JIM BUSH: My name is Jim Bush and
21 I'm a resident of Waxahachie and just representing
22 myself.

23 First of all, I'd like to say that I
24 think the House hearings were a farce. And I hope that
25 these hearings are not a farce because I do not wish to

1 participate in a farce. It's very clear that Governor
2 Rick Perry and his Republican cohorts acting at the
3 behest of Congressman Tom DeLay have no real interest
4 in what we the people think or desire. This totally
5 partisan gerrymandered redistricting scheme serves one
6 master only and that master is greed.

7 While the State of Texas is billions of
8 dollars in the hole and critical services are starved
9 for money, Governor Perry has insisted on wasting
10 nearly \$2 million of much needed state funds to try and
11 cram Tom DeLay's greedy power grab down our throats.

12 As a writer to the Dallas Morning News
13 recently asked, "Why isn't this money being spent on
14 educating our children or helping senior citizens get
15 health care?" Why indeed. The same Republicans who
16 decided we don't have the money to fund children's
17 health care and education are ready and willing to
18 spend millions of taxpayer dollars to give DeLay his
19 greedy way.

20 Republicans are already the dominant
21 party in Texas, so maybe they should explain why such a
22 percentage of residents are unable to find worthwhile
23 employment. Why are homeowner costs skyrocketing? Why
24 are insurance rates running rampant? Why are first
25 response teams in need of vital equipment? Why are

1 congested roads in such drastic need of repair? Why is
2 our air unfit to breathe? Maybe if Tom DeLay, Rick
3 Perry, and their Republican comrades weren't so busy
4 grabbing power in order to better serve their corporate
5 sponsors they would have more time and money to serve
6 the people. (Applause by the audience.)

7 I could go on how to describe -- I could
8 go on to describe how the redistricting scheme splits
9 communities and denies fair representation to rural
10 areas and small towns. I could point out how minority
11 communities would be disenfranchised. I could remind
12 you that the U.S. Supreme Court has already ruled that
13 the current plan is constitutional. I could say that
14 prior to this year no legislature in the country has
15 redrawn congressional lines in the middle of a decade
16 unless ordered by the court, but you already know all
17 of this. And surely deep inside you must know that
18 this redistricting scheme is not about serving the
19 people of Texas. It is not about fairness. It is
20 about one thing only, and that is greed.

21 As an afterthought, I'd like to say that
22 I think one positive thing is coming from these
23 hearings. I think you have managed to do the almost
24 impossible, and that is to energize the progressive
25 base of this state and for that I thank you. (Applause)

1 by the audience.)

2 CHAIRMAN DUNCAN: Thank you, Mr. Bush.

3 The Chair calls Sue P. Williams.

4 Ms. Williams. And after Ms. Williams will be -- excuse

5 me -- the Chair calls Sue P. Williams. And on deck

6 will be John Lahue and Randy Ray Bailey.

7 Sue Williams, are you in the audience?

8 Ms. Williams is apparently not present. Let the record

9 reflect that Ms. Williams has registered a position

10 against redistricting.

11 The Chair calls John Lahue. Mr. Lahue,

12 are you in the audience?

13 UNIDENTIFIED SPEAKER: In the other room.

14 CHAIRMAN DUNCAN: Well, the suggestion is

15 that these persons may be in the other room, but we're

16 calling people three at a time so that they've had

17 plenty of notice. If they show up later we can call

18 them.

19 Okay. I'm advised that the other rooms

20 have -- are now vacant, but if you know where these

21 people are and if they've called -- if we call their

22 name and they're out of the room, well then tell them

23 to come in and we'll get back to them.

24 John Lahue. Is Mr. Lahue present?

25 Mr. Lahue is not present, but represents that --

1 registers a position against redistricting.

2 The Chair recognizes Randy Ray Bailey.

3 Is Mr. Bailey in the audience? Let the record reflect
4 that Mr. Bailey is not present, but has registered a
5 position against redistricting.

6 The Chair recognizes Fernando Argumanez,
7 Jr. Is Mr. Argumanez in the audience? Let the record
8 reflect that Mr. Argumanez is not present, but
9 registers a position against redistricting.

10 The Chair calls Scott Williams. Is
11 Mr. Williams in the audience? Let the record reflect
12 that Mr. Williams isn't present, but registers a
13 position against redistricting.

14 The Chair recognizes Jeff Beck. Mr. Beck
15 approaches. Behind Mr. Beck will be Marvin J. West.
16 And then behind Mr. West will be Constance Jahn,
17 J-a-h-n, Jahn. We'll -- I don't know if I got that
18 right or not. We'll find out.

19 Mr. Beck, state your name and who you
20 represent.

21 MR. JEFF BECK: My name is Jeff Beck and
22 I hope to represent sensible people in the audience.

23 If I may say so, I have a few quick
24 points. First I'd like to say that I am a teacher in
25 the Fort Worth Independent School District. This will

1 be my third year coming up. And of course, most of my
2 students have to row into my classroom because my
3 ceiling tiles collapse whenever it rains because the
4 roof is apparently made out of paper mache, but that
5 notwithstanding, I think it's a really great expense
6 that we're going through right now in order to do this.
7 Note the sarcasm.

8 All right. I have a couple of quick
9 points. First, I would like to say that there's a
10 precedent you're setting here. My mother was recently
11 on a flight with a Republican, New Mexico state
12 senator, and she said that people are watching what is
13 going on in Texas and all 49 other states to determine
14 what they will do in the future. And I do not want to
15 see a system where from Alaska to Florida to Maine we
16 have redistricting going on constantly instead of after
17 the traditional decennial census every single time the
18 State House changes hands, which is going to happen
19 frequently.

20 We do not want to have to go through this
21 every two years. There's a reason that we have set it
22 up this way and it is not for the political power grab
23 of certain people to alter. That is absolutely
24 unconscionable. (Applause by the audience.)

25 Next, I've heard that this is -- Tom

1 DeLay's rationale for this is that 54, 56 percent of
2 people voted for a Republican representative in 2002
3 and that the percentage of districts should be the
4 same. That's ridiculous. There are six congressional
5 districts in Oklahoma all occupied by Republicans, and
6 I don't think 100 percent of the state votes
7 Republican. I'm sure there's at least two or -- well,
8 there's probably about 20 percent Democrats at least in
9 that state, and yet they have no representative even
10 though they have six seats. So this percentage
11 argument is absolutely ridiculous. It doesn't hold up.
12 If you believed in that percentage argument, you'd have
13 to believe that our electoral college system is
14 ridiculous because obviously we'd be talking about
15 President Gore's trip to Africa, not President Bush's
16 trip to Africa. (Applause by the audience.)

17 Thirdly -- thirdly, there is a pattern
18 here which is very, very scary and that is when the
19 GOP, the grand old party doesn't like the way things
20 have turned out, it wants to change the rules. If you
21 look in California and what they're trying to do to
22 Governor Gray Davis there with the recall. If you look
23 at the way they try and change the filibuster rule in
24 the Senate because it doesn't agree -- it doesn't -- it
25 doesn't jibe with what they want and they want to

1 change the rules. And if you look at redistrict in
2 Texas what you will see is a pattern. And obviously,
3 they're giddy because they're in power now. They are
4 giddy because they've got control of the Supreme Court.
5 They have got control of the White House. They have
6 got control of the Congress, many of the State Houses
7 and governor's mansions, and they are giddy with power.
8 And as we all know, they obviously have the mentality
9 that might makes right because they want to disregard
10 precedent and disregard the way things have done just
11 so that they can accomplish Tom DeLay's political power
12 grab for short-term gain. And this might make right
13 mentality -- (Applause by the audience.) This might
14 makes right mentality, we have a word for that in the
15 annals of modern history, and although there's plenty
16 of racism that has occurred in this current plan that
17 Tom DeLay has put forth, racism is not the word I would
18 use. Whenever people believe that might makes right,
19 there is another word I use, and that word is fascism.
20 (Applause by the audience.) And whenever I see this
21 occur, I'm not going to stand for it. My fellow Texans
22 aren't going to stand for it. And the American people
23 should not stand for it.

24 Do not blacken your names by being
25 associated with it in history, please, I beg you.

1 Thank you. (Applause by the audience.)

2 CHAIRMAN DUNCAN: Thank you, Mr. Beck.

3 Any questions for Mr. Beck?

4 Chair calls Marvin Wiss. Mr. Wiss.

5 After Mr. Wiss will be Constance Jahn.

6 MR. MARVIN WISS: I'm Marvin Wiss. I

7 live in Garland and I speak only for Marvin Wiss.

8 This is a lengthy debate we're having
9 here today, but not nearly as long as the record holder
10 in the United States. Fifty-five men gathered on May
11 25th, debated until September 17th in 1787, and what
12 they developed was called the United States
13 Constitution. John Madis- -- yeah, John Madison was
14 later called and known as the father of the
15 constitution. George Washington presided. Ben
16 Franklin was there at his old advanced age for every
17 session, but Madison became the father of the
18 Constitution because Madison introduced most of the
19 provisions in the Constitution. When it came to
20 Section 2 of Article 1 of the Constitution, as with all
21 resolutions presented, it was referred to Governor
22 Morris of Pennsylvania for the drafting of the language
23 of that particular provision. He drafted the entire
24 Constitution. When it came to that section, he came up
25 with what is now the language that we're discussing,

1 redistricting. It called for the annual allocation of
2 congressional representatives based on pop- -- on
3 population following each ten-year census. And it says
4 that there will be one allocation following the
5 enumeration of population.

6 Now, it does not refer to Texas or Texas'
7 situation or into inter -- inner state redistricting.
8 However, it is believed that Madison asked Governor
9 Morris, "Why do we limit it to just that?" And it's
10 believed the answer was, "We didn't. We didn't
11 eliminate that. It's implicit." It says that the
12 Congress will be made up of people by apportionment
13 once every ten years. So not only do we have it in the
14 Texas Constitution, we have it in the American
15 Constitution that that should take place.

16 Now, you gentlemen and ladies, Senators,
17 abrogated your responsibility in 2001. You said, "No,
18 we're not going to do our duty." And you said, "Let
19 the courts do it." So the courts did it. One time in
20 ten years. There is no justification of it.

21 Incidentally, about that gathering in
22 Philadelphia, when they -- it was all over, Benjamin
23 Franklin was asked by a friend, "What have you
24 wrought?" Franklin responded, "A Constitution, if you
25 can keep it." Don't trod on the Constitution. Thank

1 you.

2 CHAIRMAN DUNCAN: Thank you, Mr. Wiss.
3 Appreciate your testimony. Are there any questions of
4 Mr. Wiss? Chair hears none.

5 The Chair calls Constance Jahn or Jahn,
6 J-a-h-n. Jahn. Okay. I'm learning. In the last
7 seven cities I've learned how to pronounce a lot of
8 names. Sometimes I get it right, sometimes I don't.

9 MS. CONSTANCE JAHN: My ex Anglicized it
10 to Jahn, but anyway.

11 CHAIRMAN DUNCAN: Okay.

12 MS. CONSTANCE JAHN: I just feel like
13 we're being disenfranchised. I feel like in Florida we
14 were disenfranchised. The court made our decision for
15 us. We voted one way and our division was made for us
16 against what the popular vote was and now they're
17 trying to do it to us here. Rather than have the
18 voters elect somebody, they're going to -- they're
19 going to assign districts so they can actually control
20 the voting.

21 CHAIRMAN DUNCAN: Believe it or not, I
22 need to get you to say your name first.

23 MS. CONSTANCE JAHN: Oh. Constance Jahn.

24 CHAIRMAN DUNCAN: Okay. I didn't get it
25 for the record. I'm sorry. Go ahead and --

1 MS. CONSTANCE JAHN: That's about all
2 I've got to say. (Applause by the audience.)

3 CHAIRMAN DUNCAN: Well, I appreciate your
4 testimony. Is there anything else that anyone would
5 like to ask of Ms. Jahn?

6 Thank you, Ms. Jahn. Appreciate it.
7 Chair recognizes David E. Wilkins. Mr. Wilkins, are
8 you in the audience? Thank you.

9 As Mr. Wilkins approaches, we'll have
10 Bonnie Wink. And after that, Eddie Reyes.

11 MR. DAVID WILKINS: Thank you,
12 Mr. Chairman.

13 CHAIRMAN DUNCAN: Thank you.

14 MR. DAVID WILKINS: My name is David E.
15 Wilkins and I reside in Dallas County and I'm
16 representing the Dallas County Young Democrats. And --
17 and I stand here opposed to redistricting.

18 I -- I'm sure you've heard this all day
19 today, but I'll reiterate the points. Redistricting
20 has only ever occurred in this state since the era of
21 redistricting opened. To replace an illegal map --
22 when we talk about redistricting occurring because
23 there's a court order, what a court order means is that
24 it's replacing an illegal map. This map is not
25 illegal. So, okay, if the legislature wants to replace

1 it, I'm sure the people of the State of Texas are going
2 to ask you, what's your compelling interest? What's
3 the interest of the people of the State of Texas in
4 replacing this map? I imagine the courts are going to
5 ask the same thing. The only justification that I've
6 heard is that because 56 percent of the voters and the
7 aggregate of the vote of one particular election one
8 time voted Republican, that creates a compelling
9 interest for -- the districts should be redrawn so that
10 64 percent of the districts are Republican. Well,
11 how -- I don't understand how that's a compelling
12 interest for the voters of the State of Texas. If the
13 argument is that Texas voters are conservative, and I
14 would agree that probably most of them are
15 conservative, they're already represented by
16 conservatives. Not only are the current districts in
17 place giving you 20 Republican districts, but five of
18 those Republican districts are represented by
19 conservative Democrats. That's who you're targeting,
20 is conservative Democrats. Those Democrats, if you get
21 them out and replace them with Republicans, by and
22 large it's not going to change the vote totals in
23 Congress. It's just going to change the totals of the
24 dele- -- of the caucuses.

25 So the only -- the only person this is

1 benefitting is Tom DeLay. It's not benefitting the
2 people of Texas. What benefit is there in replacing --
3 how -- what material change is there for the people of
4 Texas in replacing Ralph Hall with a Republican?
5 You're not going to get anybody who's more conservative
6 than Ralph Hall. You've got someone -- you've got
7 someone who voted for the impeachment of President
8 Clinton already, and he's a Democrat, that only
9 benefits the Republican argument. You've got someone
10 who -- you've got -- you're targeting five people, most
11 of whom voted for President Bush's tax cut. Some of
12 them voted for President Reagan's tax cut.

13 So the only benefit -- the only benefit
14 to anybody is to Tom DeLay, to increase his -- his
15 number in his caucus. So I don't understand how
16 that -- I don't understand how your -- your -- I don't
17 understand what the compelling interest for the people
18 of Texas is. The people of Texas are already sending
19 people to Congress that represent them. They're
20 sending people to Congress that are already
21 representing the will of the majority of the people of
22 Texas. You're spending -- at a conservative estimate,
23 you're spending \$10 million to replace five Democrats
24 who are sitting in five Republican districts already.
25 Why -- why -- instead of spending the taxpayers' money,

1 why don't you go out, get the Republican party to raise
2 \$10 million, that's not very difficult, you can send
3 George Bush to one fund raiser, divvy up the money,
4 spend \$2 million per campaign, five -- find five real
5 candidates, it shouldn't be too hard, but I guess it
6 must be, and then run them and win those districts.
7 They're already Republican districts.

8 So I just don't understand what the
9 compelling interest is. I don't know understand why
10 we're going to waste the taxpayers' money in doing
11 this.

12 On a -- on a partisan note, I want to say
13 that I want to thank the Republican House for doing my
14 job for me. Y'all have energized the base in Dallas
15 County, for the Dallas County Young Democrats more than
16 I could've ever hoped to have done. Thank you,
17 Senators, for your time.

18 CHAIRMAN DUNCAN: Thank you, Mr. Wilkins.
19 Any questions for Mr. Wilkins?

20 Chair recognizes Bonnie Wink. Bonnie
21 Wink.

22 UNIDENTIFIED SPEAKER: She left.

23 CHAIRMAN DUNCAN: Ms. Wink is not present
24 in the audience. Let the record reflect that Ms. Wink
25 has indicated and registered a position against

1 redistricting.

2 The Chair recognizes Eddie Reyes.

3 Mr. Reyes, are you in the audience? Let the Chair --
4 or let the record reflect that Mr. Reyes is not
5 present, but wishes to register a position against
6 redistricting.

7 The Chair recognizes Michael C. Rawlins.

8 Is Mr. Rawlins present in the audience?

9 Mr. Rawlins, would you please approach, state your name
10 and who you represent?

11 While he approaches, our next witness
12 will be Billy J. Walker and following that Lee
13 Saldivar.

14 Mr. Rawlins, thank you. State your name
15 please.

16 MR. MIKE RAWLINS: Thank you. My name is
17 Mike Rawlins. I'm a resident of Richardson, Texas and
18 of Collin County. I do have some prepared remarks
19 which I can leave with the clerk, if that is of any
20 help.

21 CHAIRMAN DUNCAN: Rock concert.

22 MR. MIKE RAWLINS: I do have a few things
23 to say other than my prepared remarks, though. I'd
24 like to just set this a little bit in context by
25 remembering the words of some of our founding fathers.

1 Thomas Jefferson said in 1809 that the care of human
2 life and happiness, and not their destruction, is the
3 first and the only legitimate object of good
4 government.

5 Mr. Chairman, and honorable senators, I
6 would ask that you keep that in mind as a yardstick
7 when you consider what you should do about
8 redistricting now.

9 By now I'm sure you've heard all of the
10 several arguments both for and against redistricting,
11 although by my count, only say one and a half are
12 actually for it. And I suspect that you actually
13 basically come down to agree with either of those
14 positions, not on the conclusions that have been
15 presented, but instead on two opposing premises. And
16 those premises are -- I mean, with all respect to the
17 open-mindedness of the Senate, what we've seen from the
18 House, is that these premises come down to either that
19 the Republicans should have more seats or that the
20 lines are just fine as they are and should be left
21 alone.

22 I'd like to rise above some of these
23 partisan concerns and ask you to consider some
24 arguments on a more nonpartisan basis, that anybody who
25 really cares about good cost-effective and a

1 representative government should find that whole true
2 with that. First, a redistricting effort like this, an
3 interim effort in between censuses that is not mandated
4 by court order is going to likely have the effect of
5 disenfranchising moderate voters of which I am one.
6 And I feel disenfranchised in the district that I live
7 in, which is a predominantly conservative Republican
8 district. And, no, I've not done the research on this.
9 I'm sure that you all, from your own experience and
10 from common sense and from whatever research you can
11 pull together to do, will show you that most voters
12 actually fall somewhere in that broad middle. They're
13 conservative on some issues. They're liberal on
14 others. They're right in the middle on others, which
15 except for a few partisan extremists on both sides,
16 most people really kind of fall in the middle.

17 Partisan redistricting efforts, of which
18 we have to admit that this effort clearly is, tend to
19 pack voters all together in districts that are
20 denominated by one party or another. And I know from
21 your experience, we can see this in the U.S. Senate, in
22 the House, such districts, such composition in these
23 bodies tends to produce more partisanship, more extreme
24 positions and really cuts out the voice of the
25 moderates.

1 James Madison, also one of our great
2 founding fathers, as you know, said that the public
3 good is disregarded in the conflicts of rival parties.
4 In an era where we are faced with a closely divided
5 electorate, what we are seeing now is an effort driven
6 by certain people to increase the partisanship. That,
7 Senators, is unconscionable and cannot be called
8 anything other than undemocratic.

9 Secondly, the overall effect of such a
10 redistricting will have, I am sure, that will be an
11 impediment to a good cost-effective government, is to
12 throw us into, as some have mentioned, a continual
13 cycle of redistricting. And please do not be fooled or
14 fool yourselves, that this is only going to happen
15 here. Texas is not the first state. We've already
16 seen a partisan effort happen in the recent session in
17 Colorado. It's going to happen in other states.

18 I ask you to stop it here. You have
19 national visibility. The eyes of Texas and the country
20 are upon you. I implore you to do the right thing and
21 stop it now. Thank you.

22 CHAIRMAN DUNCAN: Thank you,
23 Mr. Rawlins. Are there any questions for
24 Mr. Rawlins? Chair hears none. Thank you for your
25 presence here today.

1 Chair recognizes Billy Walker.
2 Mr. Walker, please state your name. And before you do
3 that, though, on deck will be Lee Saldivar. And behind
4 Mr. Saldivar will be Eddie Peavyhouse.

5 Go ahead, Mr. Walker. Thank you.

6 MR. BILLY WALKER: Thank you,
7 Mr. Chairman. My name is Billy Walker and I live in
8 Irving, Texas. The only person I represent here is me
9 today and I'm not happy to be here and I'm not happy to
10 see y'all here. (Applause by the audience.) You
11 people I do feel sorry for to a degree. We should have
12 Tom DeLay and Rick Perry and George W. Bush sitting up
13 there at that table. They've sent you out here to take
14 their heat. They've sent you out here to sell a
15 program that they're afraid to come and sell.
16 (Applause by the audience.)

17 Do you hear me, Mr. Chairman?
18 Ms. Shapiro? Do you hear me, Mr. Averitt? All of
19 those members of this Senate and this Committee, I'm in
20 opposition to this proposal that's being perpetrated
21 upon me. As one of your constituents, one of your
22 constituents, I oppose this proposal. I will not argue
23 the merits of this proposal. It's disguised and does
24 not have the dignity of a legitimate proposal.
25 (Applause by the audience.)

1 I stand in opposition to a corrupt
2 politician from Washington who in fear of his own
3 political security has perpetrated this fraud upon us.
4 He came in the dead of the night to my state, solicited
5 the collaboration of my representatives and he thrust
6 this redistricting proposal in our laps and I do not
7 appreciate it. There's many in this state, my Texas,
8 that's of the same mind set. (Applause by the
9 audience.)

10 I rise -- I rise in opposition to a
11 government who would divide our people into categories,
12 Republicans and Democrats. I remain in opposition to
13 those who'll further divide us into groups represented
14 by white, black, brown, and yellow. They call us "you
15 people." I stand in opposition to corrupt politicians
16 of any persuasion who regard constituents with contempt
17 with remarks like rude and obnoxious people. I oppose
18 you. Your betrayal of your constituents and colleagues
19 are beneath contempt and your days in office are
20 numbered. (Applause by the audience.)

21 Are you listening, Mr. Bush? Are you
22 listening, Mr. DeLay? Mr. Perry, do you hear me?

23 And any corrupt politician or corrupt
24 official, your days are numbered. (Applause by the
25 audience.) You cannot buy my State House nor my White

1 House. My government is not for sale. Your money is
2 being wasted and better spent in your communities that
3 are in need. Your corrupt policies have drained our
4 budget. Yes, you boast about the millions of dollars
5 you've raised with \$2,000 hot dogs. (Applause by the
6 audience.) Your money is tainted and will do no good
7 as long as one brother or sister is in need in our
8 nation.

9 I've heard the words of my black brothers
10 and sisters, my brown brothers and sisters. I join
11 with them in this struggle against this corrupt power
12 mad administration and what it represents to my state
13 and my nation. I'm madder than hell. (Applause by the
14 audience.)

15 You return to Austin, take this message
16 to that corrupt administration in my State House, you
17 tell them for me, I'm Bill Walker, a constituent. I'm
18 your worst nightmare. (Applause by the audience.)
19 Your days of illegitimate occupation of my capitol is
20 no longer tolerable with me and I will expose you,
21 whichever party you're affiliated with. Your days of
22 corrupt betrayal are numbered. You cannot hide from
23 me. I'm a voter. (Applause by the audience.) Your
24 cowardly effort to divide my state and my nation by
25 this contemptible redistricting plot must be defeated

1 and I do not thank you for your attention. (Applause by
2 the audience.)

3 CHAIRMAN DUNCAN: Are there any
4 questions? Thank you.

5 Chair recognizes Lee Saldivar.

6 MR. LICO REYES: My name is Lico Reyes
7 and I was asked to come up --

8 CHAIRMAN DUNCAN: Mr. Saldivar, hang on
9 just one second. Behind you will be Mr. Eddie
10 Peavyhouse. And then Mr. Peavyhouse will be --
11 sorry -- Kelly Hinton. Oh, this is Mr. -- okay.

12 MR. LICO REYES: Lico Reyes.

13 CHAIRMAN DUNCAN: Oh, Mr. Reyes. Oh,
14 you're back. Okay.

15 MR. LICO REYES: I was right outside.

16 CHAIRMAN DUNCAN: Okay. Well, would you
17 state your name for the record, please?

18 MR. LICO REYES: Yes. First of all,
19 thank you so much, distinguished committee of the
20 jurisprudence, committee of the Senate of the State of
21 Texas, and my honorable boss, Royce West, because I --
22 although I am not here representing him, I am on the
23 criminal justice -- Criminal Justice Advisory Committee
24 for Mr. Royce West, my college buddy from UTA.

25 And I didn't get that part for being his

1 buddy. It's because I witnessed in the profiling bill
2 last year, that's the last time I stood before this
3 honored body, and I want you to know that the profiling
4 bill passed on my witnessing. And I hope that this
5 redistricting is defeated on my witnessing today.

6 (Applause by the audience.)

7 I understood that at 7:00 p.m., Monday,
8 they were going to start the redistricting process and
9 I understand they were going to lollipop promises to us
10 of seven Latino voting districts, you know, 7-7. I
11 call these the seven DeLay deadly sins because they're
12 both fictitious because Hispanics naturally and
13 normally vote Democratic because the Democrats usually
14 stand for my civil rights.

15 UNIDENTIFIED SPEAKER: Excuse me. I take
16 exception. I'm Hispanic --

17 MR. LICO REYES: I said "usually." I'm
18 sorry.

19 I am the civil lights man of the year for
20 2001 national for LULAC. (Applause by the audience.) I
21 am here representing LULAC International Council. Now,
22 I don't stand here before you as a Republican, of
23 course. And I do not stand here as a Democrat. I
24 stand here as a civil rights advocate, a protector and
25 defender of the many minority peoples assembled in this

1 room. Some of the LULAC leaders that we have are also
2 Republicans and they are also against this obvious,
3 devious and divisive, abrasive power grab by Tom DeLay
4 the terrible.

5 I want you to know that my rights are
6 safeguarded by those who right now represent my color
7 of character. I don't want to be represented by any
8 Hispanic, any Mexican, or any black. I don't want to
9 be represented by an oreo or a cookie. You know what
10 kind of cookie I'm talking about, a coconut cookie.

11 Leave the map approved by the U.S.
12 Department of Justice. It complies with the 2000
13 census and upholds the noted and prominent rise of
14 Hispanics in this state and nation, this land that used
15 to belong to us, to the Aztecs, to the Incas, to all
16 the Indians. The current map helps minorities
17 coalition elect minorities of their choice with our own
18 values in our own primaries. It gives us minority
19 opportunity Districts 24 and 30, districts in which
20 Tony Sanchez and Ron Kirk handily won.

21 This whole redistricting fiasco is a
22 planned attack on those who now valiantly protect our
23 civil rights. Some of the same parties' leaders, my
24 friend Lieutenant Governor Bill Ratliff, as well as the
25 current lieutenant governor have boldly decried this

1 harsh, vile and desperate, voracious power grab. It's
2 a horrible effort and if this is successful, minority
3 districts will be packed sardine-like into safe
4 minority dishes.

5 I want my amigo Martin Frost to represent
6 me. I want to vote for him. (Applause by the
7 audience.)

8 It will cost Texas, as you've heard
9 zillions of times, \$7 million to revisit redistricting.
10 In 2003 the children of our state were denied millions
11 of dollars because the T.E.A. fraudulently --
12 fraudulently reported percentage rates and numbers of
13 the drop-out. Those numbers do not coalesce with the
14 federal mandate. It's the educational genocide of our
15 children that I want to protect, and that's where the
16 \$7 million should go. They are our state's greatest
17 resource. And I quote Carolyn Keeton Rylander,
18 Republican of Texas, the comptroller, who said this to
19 me in a letter that she wrote to me personally.
20 "Experts and politics and human behavior are saying
21 that these actions of Tom DeLay are prompting anxiety,
22 anger, and violence amongst us and creating a racial
23 social and economic divide, the like of which Americans
24 have yet to see." I am a victim of that vile
25 phenomenon, because during the days of the Killer D's

1 exodus in the famous -- the famous holiday in Oklahoma,
2 I personally was assaulted by one of the blue-coated
3 House Sergeant of Arms assistance. This happened just
4 before I addressed the masses at the steps of the
5 capitol. I reported this to the assistant Sergeant at
6 Arms to yours and as well as the House, and he said,
7 "My gosh, I'm surprised. This is a very quiet and
8 peaceful gentleman." Which brings me to the very
9 point, that if individuals who are gentle and kind are
10 moved to passionate frame of mind and lead to an
11 assault of a civil rights LULAC activist wearing a polo
12 shirt with the inscription, "Dallas FBI Citizens
13 Academy," then what will it do to some irate person who
14 doesn't like Hispanics or blacks or other minorities.
15 And ladies and gentlemen, what would have happened if
16 I, a Mexican, had assaulted that white man? Yeah, you
17 know what would have happen. Remember the code
18 words -- the code words "state rights," that meant
19 black slaves back in the south. Nowadays, downsize and
20 privatize, that means lay off and fire employees. The
21 term compassionate conservative, well --

22 CHAIRMAN DUNCAN: Mr. Reyes, your time
23 has expired. You might have a question or two, if you
24 would wrap it up, please.

25 MR. LICO REYES: I will wrap it up very

1 closely.

2 Ladies and gentlemen, when the tornado
3 hit my town of Arlington, Texas, right across the
4 highway from me, where was George Bush the
5 compassionate? I say that we need to stop this
6 because, you know what, and you can do it, you've got
7 it in your hands. This is the U.S.A., not the "you
8 ese." This is justice for all. Not just us.

9 Please pray over this, ladies and
10 gentlemen. I am standing here and I tell you, my last
11 words, like the Trojans of old, that horse won't hunt.
12 And this is not a pony show that we will ride. And I
13 say to DeLay, as a Spartan civil rights activist, a
14 Mejicano, ladies and gentlemen, no se puede. DeLay,
15 you cannot. Martin Luther, John F. Kennedy, Cesar
16 Chavez, say, "No, you cannot change our map. It's
17 right."

18 CHAIRMAN DUNCAN: Thank you, Mr. Reyes.
19 Any questions? Thank you. Mr. Reyes has submitted
20 written testimony as well.

21 MR. LICO REYES: Any questions? Thank
22 you.

23 CHAIRMAN DUNCAN: Oh, would you --
24 Mr. Reyes, just for the record, would you state the
25 name so she can get -- state your full name for the

1 record.

2 MR. LICO REYES: My name is Jesus Jose
3 Federico Reyes Blanco Hernandez. But when I was
4 naturalized in Alexandria, Louisiana, when I studying
5 to be a Jesuit pries, the judge changed my name to
6 Frederick B. Reyes to make it easier for me to coalesce
7 in America. And ever since then my name is Lico Reyes,
8 L-i-c-o R-e-y-e-s. God bless you.

9 CHAIRMAN DUNCAN: What do you want us to
10 call you in the record?

11 MR. LICO REYES: Just call me -- just
12 call me Lico, somebody who wants to go to heaven and do
13 the right thing like y'all should. (Applause by the
14 audience.)

15 CHAIRMAN DUNCAN: All right. Thank you.
16 We'll -- the reason we had a little
17 confusion on that is that I think we had the wrong card
18 for you, Mr. Reyes, but thank you for your testimony.

19 I will say that it is an hour and a half
20 into our session and it's time for a break again.
21 Remember we have a court reporter that's working really
22 hard over here and some of you guys talk kind of fast,
23 so it's -- she's burning the thing up.

24 We will -- the Senate will stand in
25 recess. Before we do I have three or four cards and

1 we'll -- also, let me kind of -- let me -- if I could
2 have your attention. There's a lot of people that want
3 to go out of order, and I don't blame you, I would too,
4 but the problem is it's not fair. And we've got to --
5 we've got to keep order in the cards. So I would
6 request that you not ask the clerks to put you out of
7 order. That puts them in a bad position.

8 The Senate Committee will stand in recess
9 until 8:30 break.

10 (Recess for 22 minutes.)

11 CHAIRMAN DUNCAN: Our next witness is Lee
12 Saldivar. Is Mr. Saldivar in the audience? Let the
13 record reflect that Mr. Saldivar is not present, but he
14 is registering a position against redistricting.

15 UNIDENTIFIED SPEAKER: You already called
16 him.

17 CHAIRMAN DUNCAN: Oh, he spoke? No, I --
18 that was Mr. Reyes. It's number 23. Number 24 is
19 Mr. Eddie Peavyhouse. Wait a minute. I didn't finish
20 Mr. Saldivar. Mr. Saldivar is opposed to
21 redistricting, but is not present.

22 The Chair calls Eddie Peavyhouse. Is
23 Mr. Peavyhouse in the audience. Mr. Peavyhouse is not
24 present. Mr. Peavyhouse has registered a position
25 opposed to redistricting.

1 The Chair recognizes Kelly Hinton. Is
2 Ms. Hinton in the audience? She's approaching. Thank
3 you, Ms. Hinton. Please state your name and who you
4 represent.

5 Behind Ms. Hinton will be Michelle
6 Valentino.

7 KELLY HINTON: My name is Kelly Hinton
8 and I'm representing the future of Texas, children.

9 Mr. Chairman, Members of the Committee,
10 I'm almost 13 years old. I'm a student in Austin
11 I.S.D. in Austin, Texas, Northeast Texas, Lamar County.

12 I and the members of my generation are
13 the future leaders of Texas in the United States. I
14 stand before you to ask that you not let partisan
15 politics derail my future as well as the future of our
16 great State of Texas. My school and home are located
17 in a rural area. Our needs are different from the
18 urban areas of Dallas and other large cities. We need
19 government representatives that can and will represent
20 our area's needs. To quote author Theodore H. White,
21 "To go against the dominant thinking of your friend, of
22 most of the people you see everyday, is perhaps the
23 most difficult act of heroism you can perform," end
24 quote.

25 I ask you to be my hero. Don't mess with

1 Texas. Thank you for your time.

2 CHAIRMAN DUNCAN: Thank you. I think
3 those of us that have young ones at home your age are
4 proud of you for being here today and testifying about
5 your beliefs.

6 The Chair calls Michelle Valentino.
7 Michelle Valentino. Thank you, Ms. Valentino. State
8 your name and who you represent.

9 MS. MICHELLE VALENTINO: My name is
10 Michelle Valentino and I am the Democratic precinct
11 chair, Precinct 1111. And Ms. Shapiro is my senator.
12 And I'm here to represent the views of not only the
13 Democrats in my precinct, but a consensus that I did on
14 my own after the last meeting of Republican views and
15 also independent views as well. Because I really
16 wanted to, myself personally, have a really good
17 well-rounded grasp of this issue. So I plan to share
18 those views with you today.

19 Oh, I forgot one thing. There is another
20 group that I'm representing today, and that's the
21 ladies in my beauty parlor. So let's -- let's be
22 polite and put ladies first. And actually, I -- I
23 spoke with them before I came today. And there was a
24 group over in the corner as I was getting my hair done
25 and I had all my stuff to come here and they were

1 talking in the corner and I heard them say very loud,
2 "Why are they doing this?" So Michelle accommodated
3 them. I had all my information with them, and I said,
4 "Well, I can give it to you straight from the horse's
5 mouth."

6 This comes from representative --
7 Representative Bill King, who said, quote, "My
8 objective is to send four or five Republicans, in
9 addition to what we already have, to Washington to help
10 President Bush with his agenda." So that, my friends,
11 my fellow bosses out there, is really what this is
12 about. It's about winning. It's about, really, a very
13 broad strategy that goes beyond Texas. It's already
14 been done in Denver. And so that's what it's about.
15 So I say to Representative King, and I'm sure he's a
16 nice guy in that he loves his president, but what my
17 question for him is, "Ask not what you can do for
18 George Bush, and ask yourself what you can do for the
19 people of Texas." (Applause by the audience.)

20 You know, we had another George W. in our
21 history and he's my hero. And I was doing some
22 research the other day and I came across something that
23 George Washington said in his farewell address that I
24 really think is very appropriate to where our country
25 is today because we are really very, very deeply

1 divided as a nation almost on any issue. It doesn't
2 matter what it is, to the point where we actually can
3 demonize each other because we disagree. And that is
4 not -- never going to serve the highest good of
5 ourselves or our nation. And so let me just share with
6 you what George W. said in his farewell address. It --
7 he felt so strongly about it that he gave it as a
8 warning to all of us. And this is what he said, and it
9 was about party spirit.

10 "I have already intimated to you the
11 danger of parties in the state with particular
12 reference to the founding of them on geographical
13 discriminations. Let me now take a more comprehensive
14 view and warn you in the most solemn manner against the
15 baneful affects of the spirit of party generally. This
16 spirit unfortunately is inseparable from our nature,
17 having its root in the strongest passions of the human
18 mind. It extends under different shapes in all
19 governments more or less stifled, controlled, or
20 repressed, but in those of the popular form," which is
21 what we are in the United States, "it is seen in it's
22 greatest rankness, and is truly their worst enemy. The
23 alternative -- alternate domination of one faction over
24 the other, Democrat, Republican. Sharpened by the
25 spirit of revenge, natural to party dissension, which

1 in different ages and countries has perpetrated the
2 most horrid enormities, is itself a frightful
3 despotism, but this leads at length to a more formal
4 and permanent despotism. The disorders and miseries
5 which result gradually incline the minds of men to seek
6 security and repose in the absolute power of an
7 individual. And sooner or later the chief of some
8 prevailing faction more able or more fortunate than his
9 competitors turns this despotism to the purposes of his
10 own elevation on the ruins of public liberty." So --

11 CHAIRMAN DUNCAN: Ms. Valentino, your
12 time has expired. Do you want to --

13 MS. MICHELLE VALENTINO: Well, let me
14 just say that the opinion, I never got to the opinion
15 of my constituents, and that is they are against the
16 redistricting and they are against it because of -- can
17 I read just one quote on the basis?

18 CHAIRMAN DUNCAN: You can do it very
19 quickly, please.

20 MS. MICHELLE VALENTINO: This was a --
21 this Professor John Alford, who was the expert witness
22 for Governor Perry who said, "The fact that Republican
23 congressional candidates have been only able to win 15
24 congressional races is the product of the campaigns the
25 Republican candidates have run, the performance of

1 Democratic office holders, and it is not based on any
2 political unfairness of the map."

3 Keep the map. (Applause by the
4 audience.)

5 CHAIRMAN DUNCAN: Ms. Valentino -- are
6 there any questions for Ms. Valentino? Thanks for your
7 presence here today.

8 The Chair calls David A. Nabors. Is
9 Mr. Nabors -- as you approach, Mr. Nabors, we also have
10 behind you Max Shumake. And behind Mr. Shumake we have
11 Elmer--I have to put my glasses on--Haregren, Jr. after
12 that.

13 Mr. Nabors, state your name and who you
14 represent.

15 MR. DAVID NABORS: My name is David
16 Nabors. I live in Paris, Texas in Northeast Texas.
17 I'm in Congressional District No. 1. Max Sandlin is my
18 congressman. I realize that Max has a few words, but
19 at least he's our frog and he comes out of our pond and
20 we want to keep him. (Applause by the audience.)

21 I would like to bring to your attention
22 the fact that we have rural districts in Texas and we
23 have urban districts in Texas. Our Northeast Texas is
24 considered a rural district. Even if you tried to pair
25 us with Southeast Texas as a rural district down there,

1 our needs are entirely different. They are a different
2 geographical area. Same way with Northwest Texas and
3 Southwest Texas. Even though they're all for rural
4 areas, they're completely different geographical areas.
5 And we would like to see the map stay as it is. And we
6 don't -- I don't particularly care whether we have a
7 Republican or Democrat as our representative, as long
8 as he's one of us. And when you try to pair us with
9 another rural district, remember that we're entirely
10 geographically different from everybody else in the
11 state. We have nothing against Dallas or any other
12 urban city. We need Dallas or the Dallas area. I'm
13 talking about Fort Worth and everybody in one lump. We
14 need them to buy our raw farm products. We in turn buy
15 finished products back from Dallas and the Dallas area.
16 So we need each other, but we need our own
17 representatives. Thank you very much.

18 CHAIRMAN DUNCAN: Thank you,
19 Mr. Nabors. Any questions for Mr. Nabors? The Chair
20 hears none.

21 Chair calls Max Shumake. Mr. Shumake.
22 Behind Mr. Shumake, again, is Elmer Haregren and then
23 our next card will be --

24 MR. MAX SHUMAKE: Good evening.

25 CHAIRMAN DUNCAN: Hang on just a second.

1 Anna Stevenson. Go ahead, Mr. Shumake. State your
2 name and who you represent.

3 MR. MAX SHUMAKE: I'm Max Shumake from
4 Route 1, Box 277-A, De Kalb, Texas. I live about 40
5 miles West of Texarkana, for the rest of you that don't
6 know where that's at. I was born and raised right down
7 on the Sulphur River, very close, out of Dolby Springs.
8 It was a thriving community at one time. It's more or
9 less kind of gone away. Needless to say, though, my
10 children and grandchildren make eight generations of
11 Texans that have lived right there in Bowie County.
12 Most of our property is in Red River County, we kind of
13 share too. We -- we're very proud to be Texans, as
14 nearly all Texans are. I don't know where we get that
15 from, but I love being in District 1. District 1 has
16 been in my family since before Texas was a state. My
17 family has been there since 1839. All the people in
18 that area are kind people. They help one another.
19 They're neighbors. You don't -- you don't see racial
20 problems. You don't see crime. You don't see theft.
21 I was raised in a home that didn't even have locks on
22 the doors and no one took the keys out of their
23 vehicles. And if somebody did come get your vehicle,
24 they brought it back to you when they got through using
25 it. There wasn't nothing wrong with it. Well, I love

1 living in that environment. Max Sandlin is my
2 congressman, and we love Max Sandlin, absolutely.
3 (Applause by the audience.)

4 For those of you -- I don't know the
5 history of most of you senators there. I've had some
6 good words about Senator Duncan. I've heard of
7 Senator--I'm not going to butcher your name--Shapiro a
8 little bit. The rest of you, I don't know. I hope
9 that's not the case this time next year because all of
10 us are Texans and I need to get to know all of my
11 senators and representatives, but Max Sandlin has been
12 special to us. Those of you that recognize things,
13 look on my collar and you see that I'm wearing a DAV
14 flag. I'm a veteran.

15 The hugest majority of the veterans in
16 the State of Texas live in Max Sandlin's area. He has
17 helped veterans all over the state and all over the
18 nation. He's got medical facilities put into Texas
19 where -- in the rural areas where we didn't have any.
20 He also was raised out in the farm and the timber area.
21 He understands what we need or what we're talking about
22 when we call him. And I'm sure that we could grow to
23 be friends. I could with any of you like we feel like
24 we are with Max Sandlin. Don't mind picking up the
25 phone, if we can't get him, get ahold of any of his

1 aides or his helpers, and we get nearly immediate -- we
2 get a response. It's not like we're calling some
3 invisible force that you never can get anything from.

4 We had a little run-in, and I know y'all
5 know some of my other representatives, state
6 representatives, Mark Homer down in Red River County
7 and Barry Telford, who we fight quite regularly. Barry
8 is a distant cousin of mine and we put this little
9 organization together a few months ago and Barry wasn't
10 quite supporting me, or the other handful of us. By
11 the way, the handful grew from a little handful to a
12 big handful to nearly 6,000 of us. And Max Sandlin
13 then talked to some of our state representatives and
14 they came around and gave us some help on a little old
15 lake they was wanting to build up there to sell water
16 to Dallas out of that was going to take about 300,000
17 acres of our farm and timberland. And, you know, we
18 didn't get lot of response.

19 In the meantime, what I'm trying to tell
20 you is Barry Telford is a Democrat. He's turned out to
21 be a good Democrat in certain ways. However, I went
22 out and recruited up a Republican to run against Barry
23 Telford, and he was a good man, solid as a rock. The
24 only problem with Dan Heefteller (phonetic) as the
25 Republican party did not support him. He won 42

1 percent against Barry Telford, and 18-year man.

2 If you want the Republican party to
3 thrive in our country areas, have you ever thought
4 about going out and supporting them? I called the
5 Republican party of the State of Texas to try getting
6 him some help. They wouldn't help him a bit, nor would
7 the county.

8 Like I said, since then, things have come
9 around. Barry has helped us a lot. Senator Ratliff is
10 not here. He's my senator. He's -- he's -- we can
11 depend on what Senator Ratliff tells us. We may not
12 like what he tells us sometimes, but we can depend on
13 him.

14 How about us getting all our Texans back
15 together and get back to work. Let's -- let's quit
16 this squibbling and squabbling Texans has known to be
17 like a big family and to fall together and work and get
18 the job done. Stop this in its tracks. You can do it
19 and you know you guys can do it and we know that.

20 Appreciate it. Thank you.

21 CHAIRMAN DUNCAN: Thank you,
22 Mr. Shumake. Are there any questions for
23 Mr. Shumake? Appreciate your testimony.

24 Chair calls Elmer Haregren -- or
25 Hairgrove. And after Mr. Hairgrove will be Anna

1 Stevenson and Nancy Machen.

2 MR. ELMER HAIRGROVE: My name is Elmer
3 Hairgrove, Jr. I live in Pleasant Grove, part of
4 Dallas, and I wished our neighborhood was like his
5 neighborhood, because when you hear -- when you walk
6 after dark -- when I remember John Bryant, we walked
7 into this neighbor- -- our neighborhood, I introduced
8 him to all of them, but nowadays you run through our
9 neighborhood. And if you hear anybody coming up on
10 you, you can guarantee it's not going to be a city
11 policeman to help you out. So -- and I appreciate
12 letting me sit here and say that I am against the new
13 proposal of the deal. And I read in the bible one time
14 were it says a word fairly spoken is like apples to
15 gold and pitchers of silver, and not very many of them
16 have been spoken tonight, has it? And I thank you.

17 CHAIRMAN DUNCAN: Thank you,
18 Mr. Hairgrove. Appreciate your testimony.

19 Chair calls Anna Stevenson. Is
20 Ms. Stevenson present? Let the record reflect that
21 Ms. Stevens is not present, but she does register a
22 position against redistricting.

23 The Chair recognizes Nancy Machen.
24 Ms. Machen, thank you. And behind Ms. Machen will be
25 David Smith. And behind Mr. Smith, Mario Perez.

1 Ms. Machen, state your name and who
2 you're representing.

3 MS. NANCY MACHEN: Hi, I'm Nancy Machen,
4 and I'm Senate District 8 committee woman, Florence
5 Shapiro, Senate District, for the Democratic party.
6 And contrary to popular belief, there are Democrats in
7 Collin County and we're growing by leaps and bounds I
8 might add. (Applause by the audience.) Anyway, I won't
9 take up a whole bunch of your time. You can take some
10 of my minutes and apply them to Max Sandlin who got
11 chastised earlier.

12 Thank you for being here to actually
13 listen to us, citizens of Texas, and I take you at your
14 word, I trust that you will listen to us. It is clear
15 by their action yesterday that the Texas House did not.

16 I am opposed to redistricting for all of
17 the reasons so eloquently expressed by all of the
18 previous speakers. However, I would like to
19 reemphasize the following reasons: This is a bad
20 precedent to set. Redistricting is supposed to occur
21 every ten years following the census. It is supposed
22 to be based upon changes in population, not voter
23 turnout. Reredistricting now at the behest of
24 Washington partisans is a bad precedent. Do you really
25 want to start this?

1 And the second reason is: Do you really
2 want to be spending anywhere from I've heard figures 2
3 million plus to, after all the court challenges, 10
4 million, but even \$1 is too much, in my opinion, on
5 this -- on Tom DeLay's frivolous--favorite Republican
6 there--political power exercise? In view of all of the
7 pressing fiscal problems facing the State of Texas, I
8 think not. And I hope that you agree. Our time, our
9 tax dollars and energy would be better spent on
10 improving schools, finances, and teacher salaries,
11 health care for our most vulnerable citizens, and
12 restoring some sanity to the state budget. Thank you.

13 And in closing, Americans pick their
14 congressman. Congress -- voters pick their
15 congressmen. Congressmen don't pick the voters.

16 UNIDENTIFIED SPEAKER: Thank you.

17 CHAIRMAN DUNCAN: Thank you, Ms. Machen.
18 Appreciate your testimony. We'll put your written
19 testimony into the record.

20 Chair calls David Smith. Mr. Smith,
21 state your name and who you represent.

22 MR. DAVID SMITH: I'm David Smith from
23 Plano in Collin County. And, Mr. Chairman, Members,
24 Senators, just representing myself, do appreciate your
25 being here, although I do believe you're here about

1 eight years early. (Applause by the audience.)

2 I couple of concerns to share with you.
3 They are specific to my county. First, like others
4 that have spoken here, I believe that urban areas
5 should be represented by members of Congress from urban
6 areas. And rural areas should be represented by
7 members of Congress from rural areas. (Applause by the
8 audience.) And you can see that now in Collin County.
9 Our urban areas are generally in the 3rd District,
10 which is currently represented by Sam Johnson. Our
11 rural areas are generally in the 4th District, which is
12 currently represented by Ralph Hall.

13 The last decade, our urban area grew
14 northward and the last time they adjusted the lines, a
15 couple of years ago, the line between the districts
16 moved north, and that was fine. But the problem with
17 the maps that have been proposed is that they put all
18 the rural area of our county together in a district
19 with the urban area, and some of the proposed maps go
20 beyond that and reach out and, you know, pluck out
21 other counties from Northeast Texas to put in with the
22 3rd District. I ask you, as many have before, not to
23 through dissimilar communities together into -- into
24 districts.

25 The second concern comes from my

1 experience in the last general election. In Collin
2 County it was a mad house that day in November. We had
3 literally thousands of voters showing up at the wrong
4 polling place. There was mass confusion. The county
5 election department phone lines were completely
6 overloaded. The website was overloaded. You know,
7 people, you know, couldn't figure out where to vote.
8 And the reason for that was all the district lines had
9 just changed and that forced changes in precinct lines.
10 And there's a, you know, a mostly manual -- well,
11 really totally manual process in reassigning groups of
12 voters to new precincts. We ended up with entire
13 apartment complexes that were put in the wrong
14 precinct. We got through all that as best we could,
15 corrections were made and we all said, "Well, thank
16 God, it's only once every ten years that we have to go
17 through this." Well, you know, here we go again two
18 years later.

19 And this brings me to the second point of
20 concern specific to Collin County. We also have a
21 portion of the 26th District that extends west -- or
22 eastward into our county. And I presume that's to, you
23 know, keep the one man, one vote, you know, thing
24 going. And the problem with the map that I saw in the
25 newspaper, you all may not have looked at yet, is the

1 26th District still extends into Collin County, but the
2 line is different. And, you know, here we go with the
3 confusion again if we have to redraw a bunch of
4 precinct lines again.

5 So if for no other reason, I ask you not
6 to redistrict so we do not have to submit our voters to
7 more confusion and further dampen voter turnout. And I
8 thank you for your consideration. (Applause by the
9 audience.)

10 CHAIRMAN DUNCAN: Thank you, Mr. Smith.
11 Any questions for Mr. Smith? Thank you for your
12 appearance here today.

13 The Chair recognizes Mario Perez. Mario
14 Perez. Is Mario Perez in the audience? Let the record
15 reflect that Mario Perez is not present, but would like
16 to register a position against redistricting.

17 The Chair recognizes Judy Bryant.
18 Ms. Bryant, would you approach, state your name and who
19 you represent? While she's approaching, the Chair will
20 next recognize Angela Charland. And after that
21 Maria -- Maria Gomez. And then after that former
22 Congressman Bob Gammage.

23 State your name, please, and who you
24 represent.

25 MS. JUDY BRYANT: Senator Duncan, and

1 Members of the Committee, I'm Judy Bryant. I'm a
2 29-year Texas teacher and I'm the political action vice
3 president of Alliance of Dallas Educators, which
4 represents 8,000 teachers and support personnel in the
5 Dallas Independent School District. Obviously our
6 concern has -- that I've heard over and over again from
7 my fellow school employees is about the cost of this
8 special session and all the ramifications of a court
9 battle which might come afterwards. In a session that
10 was just concluded when all of my education colleagues
11 and I felt like a lot of times the theme was assault on
12 educators and education, we really don't understand why
13 our state, which is supposedly in a financial crisis,
14 has the money for doing all of this at this time. And
15 we as educators had our health insurance assistance,
16 which -- of a thousand dollars a year cut in half.
17 Most of you know Harryette Ehrhardt who was in here
18 earlier, worked tirelessly, as did all of you in the
19 last session in 2001 to approve that, for which we
20 greatly appreciated that. And then that was cut in
21 half.

22 We also have had a lot of cuts to other
23 areas. I teach pregnant and parenting students at
24 DISD's health special high school and a lot of them
25 benefit from the CHIP program. And there's a lot of

1 cuts that are being made to that program. So we feel
2 in general, and I'm speaking from hearing from a lot of
3 educators that the money that's being spent on this
4 redistricting process should have been -- or should be
5 spent on benefitting children, teachers, the elderly,
6 all the other Texans who really should not have had
7 those things cut with the themes of no new taxes. The
8 cost of this session could have also been applied to
9 the important issue of school finance, which you still
10 have to deal with at a later date. I think probably
11 those of you in the legislature are going to call this
12 next year the year of the never ending session. It
13 seems like one after another.

14 There's another issue, however, that's
15 really near and dear to the heart of many Texas school
16 employees dealing with redistricting. Because we teach
17 in a state where most local school districts do not
18 participate in the Social Security program, and I'm one
19 of those, I will be penalized in a few years when I
20 reach retirement age and should be able to draw the
21 full Social Security benefits, which I've earned by
22 working in the private sector, working second jobs as
23 almost all school employees have to do, where I've paid
24 into the system, and so has my employer. My Social
25 Security statement that I just got last Saturday told

1 me that at age 66 I would be able to draw \$589 a month
2 for Social Security based on my current earnings and
3 the money that I had paid into the Social Security
4 system. But because of the law called the windfall
5 elimination provision, I would -- that would be cut in
6 half. I'm talking about that's based on now. I plan
7 to work for a good many more of those years. So I
8 stand to lose at least 3 or \$400 a month in this
9 windfall elimination provision for money that I've paid
10 into the Social Security system.

11 And this brings me to my point about how
12 redistricting affects this. We've had 17 out of 17
13 Democrats in the Texas delegation support us on this
14 issue and vote consistently to help us get rid of
15 unfair Social Security provisions that hurt teachers,
16 while only 5 out of 15 Republicans in the Texas
17 delegation consistently support us. So it's clear that
18 Texas teachers and school employees stand to lose if
19 there's a wholesale replacement of Democrats with the
20 Republicans. The math is pretty simple. There's a
21 hundred percent likelihood that a Democratic incumbent
22 will support us on this most urgent and important issue
23 and only a 33 percent likelihood that a Republican will
24 support us based on the current voting records of both
25 Democrats and Republicans in the U.S. House from Texas.

1 I might also add, in spite of countless
2 calls, phone calls, everything else, our two Texas
3 senators have yet to sign on to supporting this Social
4 Security Fairness Act. Despite for -- support for
5 Social Security fairness, the biggest obstacle that we
6 face in even getting this particular issue to come to
7 the forefront is Representative Tom DeLay. And a
8 redistricting bill that entrenches him in power will
9 even make it more of an obstacle for Texas teachers to
10 get their Social Security.

11 Texas teachers are made up of
12 Republicans, Democrats, and independents. And most of
13 us vote for the person, but they are -- and we're
14 anything but straight ticket voters. However, if
15 there's one issue that gets us hot and mad and ready to
16 oppose anyone who votes wrong on that issue, regardless
17 of party, is this Social Security fairness issue.

18 So don't mess with Texas teachers and
19 school employees. And I ask you to leave the current
20 map and members of the Texas delegation alone. Thank
21 you.

22 CHAIRMAN DUNCAN: Thank you, Ms. Bryant.
23 Members, are there any questions? Thank you for your
24 presence.

25 Chair recognizes Angela Charland.

1 Ms. Charland, please approach. Behind you will be
2 Maria Gomez and former Congressman Bob Gammage.

3 MS. ANGELA CHARLAND: My name is Angela
4 Charland. I'm from Arlington. And by the way,
5 Arlington, depending on which source you listened to is
6 in the top five suburbs in the nation populationwise.
7 So it's more like a big city, but anyway, I'll try to
8 talk fast because I know everybody is tired and we've
9 got lots of people.

10 Mr. Chairman and Members of the
11 Committee, thank you for holding these hearings and for
12 all of your hard work. And I especially want you for
13 trying to keep the tone respectful. It's not always
14 easy and you guys have really tried.

15 We can disagree with each other without
16 resorting to personal attacks, insults, and
17 distortions. Thank you for trying to keep those things
18 out of this committee.

19 I'd like to speak just very briefly on --
20 there's been a lot said tonight about race and, you
21 know, the whole discussion about race actually is
22 upsetting in general. It's disturbing. I think
23 extolling the racial virtues of the current map insults
24 the concept of racial diversity. And certainly many
25 people are going to think this view, my view, is naive

1 as far as race goes, but I do not see skin color when I
2 look at someone. We've raised our children to believe
3 that God created us all and he loves us all and
4 commands us to love each other, period. So all the
5 talk about race, I don't think of people in terms of
6 race. People are people.

7 I come here today as a representative of
8 the large silent majority of conservative voters who
9 support this redistricting effort. And obviously I'm
10 in a minority in this room. And quite honestly, I'm a
11 little angry with the rest of our silent majority
12 partners because they are silent and they're not here
13 and it happens quite often. But I do want to tell you
14 what some of you already know, that conservative voters
15 in Texas have been disenfranchised, the most overused
16 word in the English language right now, for many years
17 in various areas due to -- due in large part to maps
18 gerrymandered directly or indirectly by someone. The
19 clear and stated aim of this redistricting effort is
20 simply to provide means for voters to be heard. The
21 end result being that the congressional delegation from
22 Texas will represent the will of the majority of the
23 voters in Texas. Isn't that the definition of
24 democracy?

25 UNIDENTIFIED SPEAKER: No.

1 MS. ANGELA CHARLAND: As to the
2 question -- as to the question --

3 UNIDENTIFIED SPEAKER: (Indiscernible.)

4 MS. ANGELA CHARLAND: You know, I don't
5 hear anybody -- anybody speaking in sup- -- in
6 opposition to this redistricting effort being
7 disrespected like that.

8 As to the question in this -- as to the
9 question that's been asked several time, is this trip
10 necessary, as we've heard, Democrats in general don't
11 think it's necessary and people have said its serves us
12 well. Of course they think that. Republicans would
13 think that if they were in the current position that
14 the Democrats are. It's just -- it's common sense,
15 but -- and if the Democrats had the opportunity to do
16 what the Republicans are doing now, if they felt it
17 necessary, they would do the same thing.

18 UNIDENTIFIED SPEAKER: Liar. How --
19 (indiscernible.)

20 CHAIRMAN DUNCAN: Wait a minute. Wait a
21 minute. Wait a minute. Members of the audience, this
22 witness has every bit as much right to be here and to
23 testify uninterrupted about her beliefs as you have to
24 testify about yours. And I will not tolerate any more
25 rudeness of any members of the audience to any witness

1 that's up here on this stand. You.

2 May proceed, Ms. Charland.

3 MS. ANGELA CHARLAND: Thank you,
4 Mr. Chairman.

5 CHAIRMAN DUNCAN: You have another
6 minute.

7 MS. ANGELA CHARLAND: Thank you.

8 CHAIRMAN DUNCAN: You'll have an
9 additional minute to your five. Go ahead.

10 MS. ANGELA CHARLAND: I'm sorry. I don't
11 appreciate being called a liar. I'm not a liar. I
12 don't lie. And there --

13 UNIDENTIFIED SPEAKER: (Indiscernible.)

14 MS. ANGELA CHARLAND: Who is saying that?

15 CHAIRMAN DUNCAN: Hold on a minute. Hold
16 on a minute.

17 UNIDENTIFIED SPEAKER: I am.

18 UNIDENTIFIED SPEAKER: Get out.

19 CHAIRMAN DUNCAN: Sit down.

20 SENATOR WEST: Sit down. Sit down. Sit
21 down. And let -- I would ask that you allow her the
22 same courtesy that's been extended to everyone else
23 here, even though she may have a different viewpoint
24 than yours. And we've been knowing each other a long
25 time, so I ask you to extend that courtesy to her. I

1 appreciate it.

2 MS. ANGELA CHARLAND: I have sat here in
3 this meeting and spoken with three different people who
4 sat next to me who had different viewpoints than I did.
5 We discussed things. We talked about things. No one
6 called anyone a liar. No one called anyone an
7 unAmerican. No one called anyone power monger. None
8 of those things were said. We can disagree with each
9 other and not be abusive to each other. I have two
10 sisters who are Democrats.

11 Okay. I'm sorry. I'm trying to finish
12 my remarks. The fact remains that Texas as a state
13 voted for President George W. Bush in the last
14 election. A majority of Texas -- Texans are
15 conservative and our congressional delegation should
16 reflect that.

17 And regarding voter confusion over
18 precinct changes, I know that happens. And I was going
19 to make a joke here, but it just doesn't seem
20 applicable anymore. Something about this not being
21 Florida, but anyway. And as far as the unnecessary
22 spending, there's an easy answer for the litigation
23 that's going to follow; we just don't go to court.
24 Nobody sues and, you know, that's saves everybody, I
25 don't know, \$7 million. I like that. Okay.

1 And, oh, yeah. And, yes, I know that
2 someone referred earlier to the press being liberal and
3 having -- I mean, I'm sorry, being biased. And, yeah,
4 I think they are biased, but of course, I think they're
5 liberally biased, except for Fox News, but you all knew
6 that, so anyway.

7 And I do agree with Michelle Valentino
8 earlier when she said that it's not necessary to
9 demonize people. It's not necessary. It's not
10 necessary for any of us to do that. I'd like to know
11 what we teach our children by behavior such as what's
12 happened since I've been up here. My children would
13 not be allowed to behave that way. I wouldn't put up
14 with it, their teachers wouldn't put up with it. It's
15 disrespectful, it's rude, it's -- it's not common
16 courtesy.

17 UNIDENTIFIED SPEAKER: (Indiscernible.)

18 MS. ANGELA CHARLAND: And neither is
19 that. Anyway, in conclusion, Senators, I urge you and
20 the members of the entire body not to be deceived into
21 thinking that the loudest group is the largest. I
22 assure you as many of you are already aware, there is a
23 large silent majority. We are out here and will
24 absolutely make ourselves heard at the ballot box.

25 And a word to members of the Senate who

1 are supporting the redistricting, be of good courage,
2 you are not alone. There are many people out here who
3 support you. Stand up for Texas and send Texans to
4 Congress who speak for a majority of Texas citizens.

5 And also, to the gentleman earlier that
6 said something about the tornado in Arlington. I'm not
7 sure -- if he's talking about the big one that happened
8 in Arlington that really tore things up and he asked
9 where George Bush was, he was actually in Austin
10 because it was in March of 2000, and Bill Clinton was
11 in office, but anyway... Thank you very much.

12 CHAIRMAN DUNCAN: Thank you for your
13 testimony, Ms. Charland.

14 Chair calls Maria Gomez. Thanks,
15 Ms. Gomez. Would you please approach, state your name,
16 and who you represent? Behind Ms. Gomez will be former
17 Congressman Bob Gammage.

18 MS. MARIA GOMEZ: Hi, my name is Maria
19 Gomez. I live in Oak Cliff in the Oak Cliff area. My
20 address is 3030 West Jefferson Boulevard, Dallas, Texas
21 75211. And I'm here tonight as a concerned citizen,
22 business owner, community activist, precinct chair for
23 4424. That is in the Oak Cliff area.

24 And here we go again, testifying again.
25 I remember testifying on April 14th, 2000. I'm here

1 tonight to testify as a citizen, but also as a precinct
2 chair, which is 85 percent Hispanic minority, 10
3 percent Anglo, and 5 percent African-American. Most of
4 the voters are low income working people, which
5 sometimes cannot vote because they need to work to feed
6 their families, but I will tell you this, they are
7 taxpayers too. Legal or illegal people, they pay taxes
8 (applause by the audience), which these taxes are part
9 of to keep this country on their feet.

10 I'm here to make a statement that I'm
11 against redistricting for several reasons. One is that
12 it's inconsti- -- unconstitutional. The census was
13 done to make up the map as they are now, which reflects
14 a community of interest, not a political party
15 interest. We are well-represented in our community,
16 which reflects the diversity. We have a congressman
17 Anglo, an African-American senator, a state
18 representative that is Hispanic. We are not in a
19 foreign country like Venezuela that has a dictator, and
20 other Latin American countries, which I'm native from
21 Mexico, which that country holds the presidency for 70
22 years.

23 We have are in the United States. U.S.
24 means us, the people. Taxpayers, you are wasting our
25 tax money on political interests. 1.7 million plus all

1 that was spent to conduct the census. I will tell you
2 this, United States is in the eye of international
3 media, how can you preach to the world democracy when
4 you are denying democracy in your own back yard?
5 (Applause by the audience.)

6 I'd like to welcome you to Dallas now.
7 And let me tell you, Dallas is for democracy. Thank
8 you for your time.

9 CHAIRMAN DUNCAN: Thank you, Ms. Gomez.
10 Any questions for Ms. Gomez? Appreciate your
11 testimony.

12 Chair recognizes Bob Gammage.

13 MR. BOB GAMMAGE: Thank you,
14 Mr. Chairman, Members. Good seeing some of you again.
15 Senator Gallegos, you're still representing our old
16 neighborhood.

17 SENATOR GALLEGOS: Yes, I am.

18 MR. BOB GAMMAGE: My first public office
19 was the Texas House of Representative representing
20 South Harris County. And my next one was in the State
21 Senate representing South Harris County and Fort Bend
22 County. That's when Tom DeLay became one of my
23 constituents. Four years later I was elected to
24 Congress representing South Harris County, Brazoria
25 County, Fort Bend County, and part of Waller County,

1 and he was still my constituent. And he got -- later
2 got elected to the Texas House. I think he even
3 supported me back in those days, though I doubt the way
4 things are falling out in Washington these days that he
5 would again.

6 Be that as it may, I'm not here to speak
7 really on a partisan basis because the last election I
8 had was statewide in Texas. And some people might say
9 that it was sort of nonpartisan because I was on the
10 ballot for the Texas Supreme Court and there were three
11 candidates -- three spots open. The chief justice was
12 running for reelection. One of the -- there was a
13 vacancy on the court. In two -- there were vacancies
14 in two spots. And Tom Phillips was reelected to the --
15 as chief justice of the Supreme Court. John Cornyn was
16 elected as a justice of the Supreme Court, and I was
17 elected a justice of the Supreme Court. Funny thing,
18 we were all three elected by just about the same
19 margin, which sort of belies Mr. DeLay's philosophy
20 that these districts that have Republican majorities or
21 possible Republican majorities in them would not vote
22 for a Democrat if they knew what they were doing. That
23 was a statewide election. There was an obvious
24 Republican majority, and yet they elected two
25 Republicans and a Democrat. The State Supreme Court by

1 approximately the same margins in the same election.

2 People choose who they want. They're not
3 all Democrats. They're not all Republicans. Most of
4 them are mugwumps depending on the election and the
5 issues and the candidates and fall one way or the
6 other. And a lot of them are independents who really
7 eschew membership in either party or identification on
8 either party and they make the choices.

9 I heard someone say the other day that
10 under our system it's the people who elect their
11 representatives. It's not those who are elected who
12 choose who's going to vote in their election. And
13 that's nothing more or less than an attempt to do that
14 in this case. You had a bipartisan judicial panel that
15 drew the current districts. They were reviewed by the
16 Supreme Court and they were upheld because they met the
17 standards, not only under the Constitution, but also
18 under the Voting Rights Act, which still applies to
19 Texas. It still applied to Georgia and the opinion the
20 United States Supreme Court with -- came down with two
21 weeks ago. Said that you still can't do the things
22 that some folks want to do. You can't pack them. You
23 can't stack them. You can't splinter them and you
24 can't crack them. (Applause by the audience.)

25 I'm not going to take a lot of your time.

1 This is an expensive process you're going through right
2 here, \$1.7 million just to be here tonight. Plus if
3 this thing does pass, it will go to court. You're
4 talking about another 4 1/2 or so million dollars
5 trying to uphold it. So you've got somewhere between
6 6, \$7 million at stake here.

7 The budget, University of Texas at
8 Arlington, the community I now live in, got cut by \$6
9 million. If you want to save some money and just ship
10 it to Arlington, we'd be happy to have it over there.
11 (Applause by the audience.)

12 It's an unprecedented process that you
13 guys are going through right now, and ladies and
14 gentlemen, Senators, totally unprecedented. It's an
15 expensive process and it's also a very unnecessary
16 process. The same court that handed down Georgia
17 against Ashcroft a couple of weeks ago is the same
18 court that graded the paper on the congressional
19 districts we now have in place and said they were due,
20 said they were good, said they were fair.

21 I see my time has expired. If you'll --
22 can I revise and extend my remarks for one more minute,
23 Mr. Chairman? I'd appreciate it, and I'll get out of
24 your hair.

25 CHAIRMAN DUNCAN: Been kind of holding it

1 to everybody, warts and all, but if you'd go ahead and
2 conclude, Judge and Congressman.

3 MR. BOB GAMMAGE: There's a simple and
4 safe solution in this particular case, and that is not
5 to set a precedent that might come back to haunt some
6 people when the pendulum swings. You simply can avoid
7 taking up this redistricting bill. That's the nice
8 thing about the Senate. It takes the super majority to
9 even consider legislation. You can save the money, you
10 can spent it on more worthy matters: education, public
11 schools, colleges, universities, the CHIPS program for
12 these kids who don't have insurance anymore, and many
13 others programs.

14 I will just admonish you to keep one
15 thing in mind as you approach this issue. When I was
16 there, and I assume they still have the same expression
17 in the halls of the Texas Legislature, when something
18 wasn't -- didn't need attention, we used to say, "If it
19 ain't broke, don't fix it." And that's what you can do
20 in this case. Thank you very, very much.

21 CHAIRMAN DUNCAN: Thank you. Members,
22 any questions? Thanks for your testimony.

23 Chair calls Allan Lichtman. Allan
24 Lichtman. As Mr. Lichtman approaches, behind him will
25 be Ruby Woolridge and J.R. Peacock.

1 If you'd state your name and who you
2 represent.

3 MR. ALLAN LICHTMAN: I'm Allan J.
4 Lichtman. I'm professors of history and formerly chair
5 of the Department at American University. I am here
6 representing the Texas Congressional Democrats against
7 redistricting. I have been admitted as an expert
8 witness on Voting Rights and redistricting by federal
9 and state courts in more than 60 different cases. And
10 I'm here to apply my expertise both to the issues of
11 partisan fairness and voting rights. I've submitted
12 written testimony and will hit the highlights orally.

13 First, if the goal of redistricting is to
14 have a legally valid plan that is fair to Republicans,
15 that goal has already been achieved in the current
16 plan. Indeed it can be demonstrated with clear
17 quantitative precision that the current plan in terms
18 of how it draws the district lines is not only fair to
19 Republicans, it is more than fair to Republicans.
20 Actually, providing Republicans an advantage.

21 If you would look at Chart 2 on page 9 of
22 my report, you would see that using the 2002 statewide
23 average vote as a basic common tool for analyzing each
24 district fairly and impartially, that under the current
25 redistricting plans, Republicans have a majority of the

1 mean 2002 statewide vote in 20 out of 32 districts for
2 approximately 63 percent. Indeed, in a majority of
3 districts, in 17 districts, Republicans have a super
4 majority of 60 percent or more. In 19 districts,
5 nearly 60 percent, Republicans have a 55 percent or
6 greater majority.

7 Indeed, even if Democrats were to improve
8 somehow their statewide voting in Texas and achieve a
9 50 percent parity with Republicans, 59 percent of the
10 districts, 59 1/2, or 19 districts, would still have a
11 Republican majority as compared to only 41 percent
12 having a Democratic majority for an 18 percentage point
13 bias in favor of Republicans. And that's demonstrated
14 on Chart 3 on page 10.

15 If you would look further to Chart 4 on
16 page 11, you would see that in terms of the
17 distribution of Republicans and Democrats into
18 districts, that the current congressional plan is
19 virtually identical to the current Senate plan under
20 which you all were elected and which produced nearly a
21 two-thirds Republican majority in the State Senate.

22 In other words, if Republicans have not
23 achieved what they would like to achieve in Congress,
24 it's not because of the plan, it's simply because they
25 have not been as successful in running campaigns as you

1 all have been. (Applause by the audience.)

2 If you turn to the next page of my report
3 on page 12, Table 1, you would see that a number of
4 Democrats, about half a dozen, are winning in
5 Republican districts, including districts that by the
6 basic standards of political science are so heavily
7 Republican, nearly 70 percent, that they would consider
8 to be packed in favor of Republicans and wasting
9 Republican votes. That's what's going on in Texas.
10 Not a plan that's unfair to Republicans, but Democrats
11 winning in Republican districts.

12 The plan that passed the House
13 redistricting, that passed the House 1268C, would take
14 much farther the already existing Republican bias in
15 the current plan. If you look at Chart 5 on page 13,
16 this plan would lock in 20 districts. Nearly
17 two-thirds of the districts in the State of Texas with
18 super majorities of more than 60 percent Republican.
19 What that meant was, even if Democrats would improve by
20 10 points and achieve the 55 to 56 percent vote that
21 Republicans have today, Republicans would still control
22 20 of 32 districts, despite being a minority under plan
23 1268, which overall, given the combination of how the
24 lines are drawn and the pairing of 9 Democrats, would
25 produce a congressional delegation of 21 Republicans

1 and only 11 Democrats.

2 Next with respect to the issues of voting
3 rights, I want to highlight two things.

4 CHAIRMAN DUNCAN: Your time has expired.
5 We'll extend it by one minute, but you need to kind of
6 wrap up.

7 MR. ALLAN LICHTMAN: That'll be fine. If
8 you look at Congressional District 24 under the current
9 plan, that is an effective minority opportunity
10 district under the Voting Rights Act. If you look at
11 Tables 3 and 4 on page 15 and 16, you will see that
12 there was polarized voting in those districts, that the
13 Democratic primary is controlled by African-Americans,
14 that the African-American candidate for Senate in a
15 multi racial election got 66 percent in the primary, 75
16 percent in the runoff, and 60 percent in the general
17 election. Any interference with this district clearly
18 would result in a violation of Section 2 of the Voting
19 Rights Act, as well as retrogression under Section 5 of
20 the Voting Rights Act. (Applause by the audience.)

21 Finally, there are numerous other
22 districts, including Districts 9, which is nearly 40
23 percent minority, 1, 2, 11, and 17, that under the
24 meaning of the brand new Supreme Court decision,
25 Georgia v. Ashcroft, minority influenced districts in

1 which they have been the swing vote in electing
2 candidates of their choice, were you to interfere with
3 these districts and submerge them in Republican
4 majorities, you would run grave risks of likewise
5 violating the Voting Rights Act. You have a legal
6 plan, you have a plan that's more than fair to
7 Republicans. Don't risk violating some of the basic
8 strictures of federal law. (Applause by the audience.)

9 SENATOR WEST: Mr. Chairman.

10 CHAIRMAN DUNCAN: Thank you,
11 Mr. Lichtman. Senator West.

12 SENATOR WEST: Mr. Lichtman, you had
13 indicated -- what were the minority influenced
14 districts that you've indicated on --

15 MR. ALLAN LICHTMAN: There are a
16 number -- there are five district that are 20 percent
17 or more minority in which cohesive minority voting in
18 general elections with white crossover has succeeded in
19 electing Democrats; one, 2, 9, 11, and 17. And 9 is
20 about 40 percent minority. The reason I highlighted 20
21 percent is that was the number percentage cited by
22 Justice O'Connor in her majority decision in Georgia v.
23 Ashcroft for influenced districts.

24 SENATOR WEST: Let's -- let's -- for a
25 few moments, let's talk about that.

1 MR. ALLAN LICHTMAN: Yes.

2 SENATOR WEST: Now, you have -- you have
3 been designated as an expert in over 60 cases; is that
4 what you said?

5 MR. ALLAN LICHTMAN: Yes, Senator.

6 SENATOR WEST: Federal and state court?

7 MR. ALLAN LICHTMAN: Yes, Senator.

8 SENATOR WEST: Does Georgia v. Ashcroft
9 kind of change the landscape of Voting Rights Act
10 cases?

11 MR. ALLAN LICHTMAN: Yes. And the reason
12 it does so is it highlights several things. Number 1,
13 Georgia v. Ashcroft highlights the importance of
14 influenced districts in evaluating minority
15 opportunities to participate fully in the political
16 process and to elect candidates of their choice.

17 SENATOR WEST: Now, let me -- let's talk
18 about that for one second.

19 MR. ALLAN LICHTMAN: Sure, Senator.

20 SENATOR WEST: My reading -- and I'm not
21 a constitutional lawyer. I'm a lawyer. My reading of
22 the case is that the majority basically said that
23 they're looking at a day when race will no longer
24 matter as relates to the Voting Rights Act and that
25 they are attempting to establish districts where you

1 force coalition building between minorities and other
2 ethnic groups. And these minority influenced districts
3 would require such a coalition in order for someone to
4 get elected, for one ethnic group would not be able to
5 elect a candidate of their choice without cooperation
6 with other ethnic groups.

7 Is -- do you find that implicit within
8 that Georgia ruling?

9 MR. ALLAN LICHTMAN: I think it's not
10 only implicit, I think it is explicit. If I may quote
11 from Justice O'Connor. She says, "A court must, must
12 examine whether a new plan adds or subtracts influenced
13 districts where minority voters may not be able to
14 elect a candidate of their choice, but can play a
15 substantial, if not decisive role in the electoral
16 process." So this is precisely what she's talking
17 about. And she says you must look at such coalitional
18 type districts.

19 SENATOR WEST: Well, now, is the state
20 obligated to look at the creation of influenced
21 districts, or can they make the choice of looking at
22 the creation of influenced districts or super
23 majority/minority districts?

24 MR. ALLAN LICHTMAN: I think it's quite
25 clear from the case law leading up to Georgia v.

1 Ashcroft --

2 SENATOR WEST: Well, I understand --

3 MR. ALLAN LICHTMAN: -- and Georgia v.
4 Ashcroft, the state must look at both.

5 SENATOR WEST: Well, what language in
6 Georgia v. Ashcroft do you -- can you point to with
7 particularity that requires the State to look at both?
8 Because I was reading that and I was trying to figure
9 out whether the State is compelled to look at the
10 creation of influenced districts over that of the super
11 majority districts.

12 MR. ALLAN LICHTMAN: Well, it's the
13 language I just read. "A court must examine whether a
14 new plan adds or subtracts influenced districts." We
15 know from Thornbird v. Jingles and its following cases
16 that you must look at districts like District 24 --

17 SENATOR WEST: Well, I understand you
18 must examine it. However, are you obligated under
19 Georgia v. Ashcroft, if you can create the influenced
20 districts, is the State obligated to create those
21 districts?

22 MR. ALLAN LICHTMAN: That is not clear,
23 but I think it is clear that if a State dismantles
24 influenced districts in creating a new plan, that the
25 State runs a very substantial risk under Georgia v.

1 Ashcroft of violating the Voting Rights Act. Whether
2 they must create new influenced districts, that I think
3 is a question that is less settled by this particular
4 case.

5 SENATOR WEST: Okay. And lastly, do you
6 think that the court's litmus test for percentage of
7 minorities in an influenced district, the minimum is at
8 least 20 percent?

9 MR. ALLAN LICHTMAN: Again, I wouldn't
10 draw a hard and fast line because the courts compel us
11 to do a searching practical analysis of each district.
12 I used 20 percent as a rule of thumb because she cites
13 districts that are 20 percent or more minority in
14 Georgia as potential influenced districts.

15 SENATOR WEST: Mr. Chairman, one other
16 question, because I know there may very well be other
17 questions. Georgia --

18 CHAIRMAN DUNCAN: Who's got your cell
19 phone? Please cut it off.

20 SENATOR WEST: Georgia had a different
21 situation in Texas. You had basically one ethnic
22 minority in Georgia. You have districts in Texas with
23 two ethnic minorities. How would you apply the Georgia
24 test to influenced districts where you may have 25
25 percent Hispanics and 15 or so percent African-American

1 or vise versa? How would it apply in that situation?

2 MR. ALLAN LICHTMAN: That's a very good
3 question. If you look at my Table 3 of block voting
4 and also if you look at the testimony by all the
5 experts in the litigation in federal court after the
6 2000 census, it is quite clear that in Texas, black
7 voters and Hispanic voters are cohesive to a very high
8 extent over 80 percent, even in some cases over 90
9 percent in support of Democratic candidates. So even
10 when you have two different groups coming together,
11 like Hispanics and African-Americans in Texas, those
12 groups in general elections by voting cohesively
13 together in districts like 9 and 1 and 2 and 7 and 11
14 can in fact swing the general election in favor of the
15 candidates of their choice, which are the same
16 candidates.

17 SENATOR WEST: Ell --

18 CHAIRMAN DUNCAN: Senator, before you
19 follow up, I have to announce this because some people
20 may miss their ride. I've been asked to announce that
21 the last bus to Fort Worth is leaving now. So if
22 you're on that bus, you'd better get out there. Don't
23 all go at once, but... All right.

24 SENATOR WEST: The last question.

25 MR. ALLAN LICHTMAN: Yes, Senator.

1 SENATOR WEST: When we began to do an
2 analysis of the quote, unquote, influenced districts,
3 what -- let me give you this hypothetical. Say that we
4 decide that we have a district that's 35 percent ethnic
5 minority and that ethnic minority is comprised of,
6 obviously, African-Americans and Hispanics.

7 MR. ALLAN LICHTMAN: Right.

8 SENATOR WEST: Under the Voting Rights
9 Act and also the Georgia case, how much flexibility do
10 we have in leaving the ethnic minority population say
11 at 35 percent, but changing the allocations of ethnic
12 minorities within that district?

13 MR. ALLAN LICHTMAN: You have a district
14 much like that in Texas, District 9, which is in voting
15 age 37 percent minority and it combines
16 African-Americans and Hispanic. If you were to change
17 the mix of African-Americans and Hispanics, you would
18 have to see whether or not that would affect their
19 ability to elect the candidate of their choice in the
20 general election. For example, if the turnout of
21 Hispanics is much lower than the turnout of
22 African-Americans, and you keep roughly the same
23 minority percentage, but it becomes more Hispanic and
24 less African-American, that could weaken or even
25 destroy the influenced district by undermining the

1 ability of Hispanics and African-Americans to unite
2 together in coalition to elect candidates of their
3 choice.

4 So, again, you've got to do a search and
5 practical inquiry. In fact, as District 9 is redrawn,
6 under Plan 1268, it does in fact reduce the combined
7 minority population and shatter their ability to elect
8 candidates of choice by submerging that reduced
9 minority population in a district that now becomes
10 overwhelmingly well over 60 percent Republican.

11 SENATOR WEST: Okay. Thank you,
12 Mr. Chairman.

13 MR. ALLAN LICHTMAN: Thank you, Senator.

14 CHAIRMAN DUNCAN: And Mr. Lichtman -- I
15 assume that Mr. Lichtman will be back before us
16 probably in Austin, I would imagine. I don't know if
17 you have a tendency to think so, but we do have about
18 180 people left to go and it's 10:00 o'clock and I
19 think if we want to talk to Mr. Lichtman, we'll
20 probably have an opportunity to do that. These people
21 have been waiting all day long, so we need to get to
22 them.

23 Any other questions? I really would
24 appreciate if we could get to our witnesses, but go
25 ahead. Senator Averitt, you had a question. Go ahead.

1 Senator Van de Putte. But please remember we have a
2 hundred and something witnesses left.

3 SENATOR VAN DE PUTTE: I sure do, and
4 I've refrained from asking any questions at this
5 hearing, but I wanted to ask a quick question since we
6 do seem to have someone with quite a bit of experience.

7 In the process, because much has been
8 said about the process, and the difference between the
9 House process and the Senate process, in a court case
10 or in a -- as we go through this, is there a difference
11 between the House process and the Senate process? Or
12 since now the call has been open to redistricting, is
13 it all lumped together? Or does it make a difference
14 the different process?

15 MR. ALLAN LICHTMAN: I can answer that
16 question not only as an expert in voting rights cases,
17 but someone who's been an advisor to numerous state and
18 local governments. And I understand the great
19 tradition of independence of this distinguished body,
20 but when it comes to formulating a redistricting plan,
21 the House and Senate are joined at the hip like siamese
22 twins. You cannot separate what the Senate does from
23 what the House does since it is obviously a final bill
24 that must be approved by both the Senate and the House.
25 And in evaluating that legislation, both what the

1 Senate does and what the House does will be fully
2 evaluated by the United States Department of Justice,
3 which has some pretty specific guidelines about public
4 input, and obviously by the courts if a Plan A comes
5 out of the two bodies, and B there is litigation.

6 CHAIRMAN DUNCAN: Okay.

7 SENATOR GALLEGOS: One more quick
8 question.

9 CHAIRMAN DUNCAN: One more quick
10 question, Senator Gallegos.

11 SENATOR GALLEGOS: Let me --

12 CHAIRMAN DUNCAN: And then Senator
13 Averitt has the opportunity to ask all his questions.

14 SENATOR GALLEGOS: Let me ask you real
15 quick. One of the arguments that we're hearing from
16 top, from the very top all the way down is that the
17 Republican party deserves more congressional districts
18 because they are the majority party in the State.
19 That's the argument that we're hearing. What -- is
20 that true?

21 MR. ALLAN LICHTMAN: Absolutely not.
22 Redistricting is not an affirmative action program. No
23 party -- (Applause by the audience.) No party is
24 guaranteed a proportion of seats in proportion of
25 votes. They're guaranteed hopefully an opportunity to

1 compete for those seats, but as we see here,
2 Republicans actually have a majority in more seats than
3 56 percent of their vote. Indeed, if in fact the
4 percentage of seats should exactly influence the
5 percentage of votes, we'd have to go and redo the
6 redistricting process in Florida and in Pennsylvania,
7 which are 50/50 states, but as a result of plans drawn
8 by unified Republican governments have essentially
9 produced two to one Republican versus Democratic
10 majorities in Congress.

11 CHAIRMAN DUNCAN: All right. Anymore
12 questions? Thank you, Mr. Lichtman.

13 MR. ALLAN LICHTMAN: Thank you,
14 Mr. Chairman. I appreciate your indulgence. (Applause
15 by the audience.)

16 CHAIRMAN DUNCAN: All right. The Chair
17 calls Ruby Woolridge. Ms. Woolridge, do you want to
18 approach? And before you begin, let me -- behind you
19 will be J.R. Peacock and Daniel Cope and --

20 UNIDENTIFIED SPEAKER: What number are
21 you on?

22 CHAIRMAN DUNCAN: We're only on number
23 35. So, Ms. Woolridge, if you would, state your name,
24 who you represent, please.

25 MS. RUBY WOOLRIDGE: I'm Ruby Woolridge.

1 I'm a senior associate pastor at Grace United Methodist
2 Church in Arlington, Texas. I'm in Senatorial District
3 10 and I'm also a member of other subgroups, but I'm
4 here on behalf of my church, but I'm also an educator
5 for more than three decades. And I'm a member of DAV
6 support group. I have a son who is a Gulf War veteran
7 and he's also suffering with the Gulf War Syndrome.
8 And I'm here as one -- as a voice crying in the
9 wilderness because I'm not here to talk about numbers.
10 I've been under Republican leadership in my district
11 for more than 20 years. And I've still got my rights
12 and I'm still taking care of business, but I'm here
13 because I think it's time for us to do the right thing.
14 And I'm coming to appeal to the higher nature of this
15 leadership that is sitting before me.

16 As we started this whole process at 3:00
17 o'clock today it was beautiful the way that Chairman
18 Duncan led it and the way he was supported by other
19 member of this great contingency that you set the stage
20 for a higher calling. And so I want to quote as -- I
21 want to take liberty as an ordained United Methodist
22 minister, so forgive me for quoting scripture if that's
23 offensive to anyone, but it's who I am, okay? In Micah
24 6.8, it says, "What are we required to do, but to do
25 justice, to love mercy, and to walk humbly with God."

1 And if we're doing that, I wonder why we're here,
2 because if we're doing that, justice was already done
3 back in 2001. But I come to you again because I sat
4 through the last hearing that was held on June 28th at
5 U.T. Southwestern and I watched all those people go up
6 and testify, and the majority of these persons that
7 were testifying spoke against the resolution, but I
8 woke up this morning to find out that that had been
9 voted in the opposite of the voters' request who spoke
10 on that Saturday. And it put me in the mind -- and my
11 pastor asked me, my senior pastor, Dr. Sylvester Key,
12 asked me to do this and so did the leadership. They
13 said, "Remind the senatorial leaders that you're going
14 to speak to tonight that there was a man called Pharaoh
15 and that man wouldn't let the people go." And he said,
16 "Remember that history repeats itself. There's nothing
17 new under the sun." And since that is true, we're
18 going to appeal to your higher nature as brothers and
19 sisters on this planet called earth and this state
20 called Texas, to do justice, to love mercy, to walk
21 humbly before God and to do the right thing. Thank
22 you.

23 CHAIRMAN DUNCAN: Thank you,
24 Ms. Woolridge. Are there any questions for
25 Ms. Woolridge? Thank you for your testimony.

1 Chair calls J.R. Peacock. Is Mr. Peacock
2 present? Let the record reflect that Mr. Peacock is
3 not present but registers a position against
4 redistricting.

5 The Chair calls Daniel Cope. Mr. Cope,
6 would you approach, please? After Mr. Cope we'll have
7 Al Saldivar. And after Mr. Saldivar we'll have
8 Mr. Shupert.

9 Go ahead, Daniel. Thank you.

10 MR. DANIEL COPE: Yeah. I just wanted to
11 say my name is Daniel Cope and I don't represent anyone
12 other than myself.

13 Mr. Chairman, and Senators, I don't want
14 to rehash everything that everyone else has already
15 said today, except to say that I agree with most of it.

16 I've got two major points. The first of
17 which is, if you set this precedent redistricting mid
18 decade without any sort of court order, it will open up
19 Pandora's Box. There's plenty of states where
20 Democrats control the legislature and the governor's
21 mansion and I mean, I certainly wouldn't support it,
22 but they could go off and do exactly what you're doing
23 in order to basically cancel out this, which will only
24 lead to chaos. I mean, I'm sure California -- budget,
25 I'm sure they could redistrict tomorrow if they wanted

1 to. The governor doesn't have much to lose, so -- so
2 this game could play out across all the states where
3 one party controls both the legislature and the
4 governor, which will lead to total chaos and really who
5 knows who will come out ahead in that. But it will
6 cost millions of dollars. Voters won't know who their
7 Congressmen are anymore because it will change every
8 two years or every time someone manages to control an
9 entire legislature.

10 Another thing is that one of the major
11 problems that Republicans claim is wrong with the
12 current plan is that it's court drawn. The legislature
13 didn't draw it. And this, they say, is a problem.

14 First of all, you know, I mean, it was
15 the legislature itself who advocated their
16 responsibility and then the governor who didn't call
17 them back into session.

18 And second, courts have every authority
19 to draw a map in compliance with the law. And second,
20 if you were to pass this map, it's almost certain to go
21 to court. Almost certain to be changed by the court
22 because, as has been mentioned already today, there are
23 numerous areas where Voting Rights Act and
24 constitutional challenges could come up, in which case
25 it will become another court drawn -- court drawn map

1 and, you know, if this is why we're here, then you end
2 up with a court drawn map to replace a court drawn map
3 and you don't have a legislative map anymore.

4 Finally, I wanted to endorse a proposal
5 by one of your colleagues. His nameplate is here, but
6 I haven't seen him, Senator Jeff Wentworth. He's had
7 for a number of years before the Senate and the
8 Legislature a plan to create a bi/nonpartisan
9 redistricting commission for Texas. And I won't get
10 into the details, but basically I think that this is a
11 great idea. It's already in place in Iowa and either
12 New Mexico or Arizona, I don't really remember which,
13 but basically this is the source of all of the
14 competitive house seats, which I think really benefits
15 Americans and would benefit Texans if it were put in
16 place. So I want to thank you for your attention
17 and -- any questions?

18 CHAIRMAN DUNCAN: Thank you, Mr. Cope.
19 Are there any questions for Daniel Cope? Thank you for
20 your being here today. (Applause by the audience.)

21 Chair recognizes Al Saldivar.
22 Mr. Saldivar. Is Mr. Saldivar present in the audience?
23 Let the record reflect that he is not present, but
24 would like to register a position against
25 redistricting.

1 The Chair calls Gloria Shepherd. Is
2 Ms. Shepherd in the audience? Let the record reflect
3 that she's not present, but she does wish to register a
4 position against redistricting.

5 Chair recognizes Patricia Bell.
6 Ms. Bell, are you present? Let the record reflect that
7 Ms. Bell is not present, but she would like to register
8 a position in opposition to redistricting.

9 Chair recognizes John Alford. And it
10 would be my suggestion, Mr. Alford -- why don't we do
11 this. Let's take a -- do you plan on -- well -- the
12 court reporter has been going and I know -- are you
13 okay?

14 THE REPORTER: I'm fine.

15 CHAIRMAN DUNCAN: Okay. We'll go ahead
16 and do Mr. Alford and then we'll take a break.

17 Mr. Alford, state your name and who you
18 represent.

19 MR. JOHN ALFORD: John Alford. And I'm
20 here on behalf of Democrats in the Texas delegation.
21 And I just want to say a few things about the House
22 process that has just completed. Not specifically
23 about any of the many House maps we saw, but what I
24 think the House process tells us about the process you
25 face. That process began, as you all know, with high

1 hopes for what could be done to improve the current
2 map. The current map apparently fairly easily could be
3 redrawn to increase minority representation in Texas,
4 to draw better districts for Texas, less gerrymandered,
5 more compact, more respectful of existing communities
6 of interest. And in the process, by undoing an
7 unnatural Democratic gerrymander, to naturally produce
8 a fair distribution of seats for the Republican party.

9 The House labored through multiple maps,
10 through many hearings, through a great deal of
11 high-powered map drawing expertise. And by the end of
12 that process much of the promise for improving the
13 existing map had fallen by the wayside. Their despite
14 repeated attempts, there were no new minority districts
15 to be found. Despite the effort to improve the
16 physical appearance of the map, none of the maps,
17 including the adopted map, improved on the physical
18 appearance. They are maps that are less clean than the
19 existing map. And what we're left with in the new
20 rhetoric about the map is that there really is nothing
21 in the map, except that by a set of artificial pairings
22 the map will guarantee that certain districts perform
23 in ways they haven't yet performed, despite their
24 Republican numbers. And the very individuals who
25 touted those many benefits to Texas are now left

1 touting just that one thing. And they're doing that
2 for a map that is apparently, from even a surface
3 examination, a less attractive map for Texas in the
4 sense of traditional redistricting criteria.

5 And I say that not as criticism of the
6 House. I know the House process has had much -- has
7 drawn much criticism, but I think many of the people
8 working in the House had redistricting experience and
9 they certainly had some very powerful redistricting
10 help. I say that to indicate the challenge that the
11 House took on. They took on a map which they had been
12 told and I believe many of them believed was an easy
13 map to improve. And they found that that process was
14 arduous. And it reflects, I think again, not their
15 lack of skill, but the fact that they were just
16 mistaken about the existing map.

17 If the -- and I've said this before, if
18 the existing map were a Democratic gerrymander in any
19 sense of that term, then it would be easy to undo that.
20 Any map that you drew the respective communities better
21 that was less irregular in its district outlines would
22 naturally capture the underlying Republican strength.
23 When you undo a gerrymander, you draw nicer districts
24 and you get a truer or a fairer representation of the
25 State. The problem with improving on the existing map

1 is simply -- and again, I hate to keep repeating this,
2 but I keep hearing people who should know better say
3 the opposite, the existing map simply is not a
4 Democratic gerrymander. If it were improving it in the
5 sense -- even in the limited sense of getting more
6 Republican representation would be very straight
7 forward. Even in that sense it's not straightforward.
8 It can improve on Republican representation through
9 pairing only by, in fact, replacing the existing map
10 with a gerrymander.

11 So what you're going to have to do, if
12 you have a non-gerrymandered map to get this resolved,
13 is you're going to have to create a gerrymandered map.
14 Okay. And that's not the fault of the House. That's
15 the fault of the existing map. Okay.

16 The -- this myth of the Democratic
17 gerrymander comes from political science. Many of
18 political scientists who did comment on the 1991 map
19 arguing that it was a clever gerrymandering. If you
20 look back at those comments, you'll see what they were
21 talking about. They were talking about the ability of
22 the '91 map to create minority districts in Harris
23 County and Dallas County primarily, while maintaining
24 Democratic non-minority districts that surrounded them.
25 They did that by a severe gerrymander in Harris and --

1 particularly in Harris and Dallas County. Look back at
2 the '91 map for Dallas County, Harris County and you
3 will see the gerrymander that everybody is talking
4 about. Then look at the court map that replaced the
5 '91 map for the 1996 elections. Almost all of that
6 gerrymander is gone. Then look at the map that the
7 court drew and that is now the existing map for Texas.
8 There is nothing left of the gerrymander that was
9 declared illegal by the court. There was never a
10 Democratic gerrymander in rural East Texas. There is
11 not one now and there never was one in the '91 map.

12 So when you go out into areas of the map
13 that weren't gerrymandered and try to artificially
14 effect the result, you can do that only through a
15 gerrymander.

16 And so again, just on the basis of that
17 House experience, I think the most positive spin you
18 can put on the House experience is that they simply
19 took on a redistricting task -- task that was far more
20 difficult than they had anticipated. And the result is
21 not surprising, given the -- given the task. The
22 reality is that they were trying to improve on what is
23 a substantially fair unbiased map for Texas.

24 CHAIRMAN DUNCAN: Thank you, Mr. Alford.
25 Senator Gallegos.

1 SENATOR GALLEGOS: Let me ask you,
2 Mr. Alford, on -- on exactly what you just said on
3 gerrymandering -- and let me -- let me -- and let's go
4 back to '91 because that's my -- that was my first year
5 in the House. And what -- what was drawn was -- and
6 let's go to Harris County. What was drawn is a
7 congressional district where a Hispanic could win and
8 obviously -- obviously I liked it, and -- but we went
9 to court. We went to court. Even though I liked it
10 and my community liked it, we went to court on it. And
11 what the court -- and I testified in federal court for
12 the map, even though it was gerrymandering, front of
13 the legislature. The judge at that time said that
14 there was -- that we had completely ruled out
15 communities of interest. We had not put voting
16 precincts in tact. We split a bunch of precincts.
17 We -- there was -- okay. Communities of interest,
18 splitting voting precincts, in some cases counties.
19 The standard operating procedure under the Voting
20 Rights Act that we basically violated back in '91. And
21 then the courts -- what you just testified to, the
22 courts put that back together again and compact -- on
23 the -- and I'm talking strictly the 29th Congressional
24 District in Harris County, that the courts put it back
25 together compact -- contiguous, compact, not splitting

1 voting precincts, communities of interest, the whole
2 ball of wax, and yet I have not seen the map that was
3 voted on yesterday, but we go back to '91, but the
4 federal courts told us, and it was a Republican judge
5 that ruled, that we did wrong is basically what I'm
6 hearing from -- from the people that are testifying
7 today, is what was passed out of the House either last
8 night or this morning.

9 And basically 10 years -- well, '91, more
10 than 10 years go. So what -- I guess what I'm asking
11 you is if you've seen the map, and what I've -- what
12 I've heard from testimony here, does that violate what
13 we did back in '91 that the judge said we did, and he
14 struck -- he struck the district. He struck the 29th
15 District, that I liked and my constituents liked, but
16 he struck it because he said we violated the rules on
17 redistricting. That now comes a map that I have not
18 seen that basically has done what we did back in '91.
19 Does -- and gerrymandering, as far as counties, didn't
20 keep counties whole, communities of interest as we've
21 heard here going from Texarkana all the way to Dallas
22 and have -- like I said, I haven't seen the map. But
23 in your -- in your opinion, what we did we violated in
24 '91 is -- like I said, I have not seen the map. Does
25 that violate -- the map that was passed yesterday by

1 the House violate what we did in '91 in the 29th
2 Congressional District?

3 MR. JOHN ALFORD: I'm not a lawyer and so
4 I'm hesitant to say with assurance. The circumstances
5 and the nature of the district are substantially
6 different between the two periods. I think you're
7 absolutely right about the history of that. And one of
8 the things I think you'd recognize about the 29th was
9 when the court redrew the 29th from the way the
10 legislature drew it to the court's drawing and then to
11 the most recent court drawing of the 29th, while they
12 undid the racial gerrymandering in the 29th, it did not
13 make the 29th ineffective. That is the -- the whole
14 story of the Democratic gerrymandering of 1991 was that
15 it was an attempt not just to create minority districts
16 that were effective, but in the process to also protect
17 Democratic districts that surrounded them from being
18 diminished by that. And so the enormous irregularity
19 of those '91 districts was not necessary to create
20 minority representation. So the court was able to
21 actually back substantially from that and the minority
22 districts have worked. It hasn't always been true for
23 the Democratic districts that were an attempt -- that
24 '91 was an attempt to protect, but that gerrymandering
25 is gone. It is not in the existing map.

1 SENATOR GALLEGOS: Right.

2 MR. JOHN ALFORD: And certainly we're
3 moving back in the area of gerrymandering. I think --
4 the issue of whether it's legal or not, I don't know.
5 I don't -- we've all become sort of a book club for
6 reading Georgia v. Ashcroft.

7 And I want to add one more assignment to
8 your reading. I'm sure you've all finished the
9 majority opinion now. Read the descent. Read the
10 descent. You learn more in Supreme Court decisions by
11 reading the descents than you do in reading the
12 decisions. And it's particularly if you don't happen
13 to agree with the judges who wrote the governing
14 opinion. It's not only informative, but it's more
15 pleasant to read the descent. If you read the descent
16 it'll tell you the key thing you need to understand,
17 because the question people keep asking about is, well,
18 what exactly does Georgia v. Ashcroft mean for
19 redistricting in Texas? And if you read the descent,
20 what they say is the problem with the majority opinion
21 is that nobody in any state in the United States will
22 be able to figure out what the hell George v. Ashcroft
23 means for minority districts. That's exactly what they
24 say in the descent, that this is not a standard for
25 Section 5. This will mean that there will be no

1 standard for Section 5. That nobody will be able to
2 figure out what it means. They're exactly right. If
3 you think you can't figure it out, you're right.

4 SENATOR GALLEGOS: I guess what I'm
5 saying is what the judge gave us is a set of rules that
6 we violated back in '91. That's what basically they
7 said. Now, the same set of rules to this day still --
8 still are there. And like I said, I have not seen the
9 map, but what I'm hearing -- what I'm hearing is
10 that -- is that this map violates those same set of
11 rules that the judge told us that we violated back in
12 '91 in creation of the 29th.

13 MR. JOHN ALFORD: I think it's very
14 important to remember that Texas has always violated
15 some of those sets of rules. I don't believe in our
16 lifetimes -- in our lifetimes I don't believe Texas has
17 ever begun the decade with a legal congressional plan.

18 SENATOR GALLEGOS: But two wrongs don't
19 make a right.

20 MR. JOHN ALFORD: Well, that's -- but
21 Texas -- for the first time Texas begins a decade with
22 a legal -- certifiably legal plan. (Applause by the
23 audience.) It's -- it's a considerable accomplishment.
24 And remember that when this -- when this legal plan was
25 challenged in the Supreme Court, among the parties who

1 argued in the Supreme Court that they ought not to
2 overturn this plan were the governor of the State of
3 Texas, Governor Perry, through his representative
4 General Cornyn.

5 CHAIRMAN DUNCAN: Thank you, Mr. Alford.
6 Members, it's past the time for a break. We will now
7 take a short break. We'll be -- return at. Thank you,
8 Mr. Alford. We'll return at 10:25 promptly. Chair --
9 or the Committee will remain in recess until 10:25 p.m.

10 (Recess for 20 minutes.)

11 CHAIRMAN DUNCAN: All right. The
12 Committee will resume with witnesses. The next witness
13 up will be Robert Van II. Mr. Van, if you'll approach,
14 please. And if the audience will come to order we will
15 start the testimony.

16 UNIDENTIFIED SPEAKER: Can you tell us
17 what number he is?

18 CHAIRMAN DUNCAN: He is number 41. Thank
19 you.

20 UNIDENTIFIED SPEAKER: Can you read us
21 next -- somebody's name?

22 CHAIRMAN DUNCAN: I will do that. After
23 Mr. Van we'll have Richard Waland or Wayland, Jr.,
24 Tommy Smelser, and Boone Taylor.

25 Is Mr. Van in the audience? Let the

1 record reflect that Mr. Van is not present but would
2 like to register a position against like -- clerk.
3 Would like to register a position against
4 redistricting.

5 The Chair recognizes Richard Wayland.
6 Mr. Wayland, would you please approach? Mr. Wayland,
7 are you present in the audience? Mr. Wayland is not
8 present. Let the record reflect that he registers a
9 position in favor of redistricting.

10 The Chair recognizes Tommy Smelser.
11 Mr. Smelser. Mr. Smelser is present. If we could have
12 order, please, so that he could give his testimony.

13 MR. TOMMY SMELSER: Thank you,
14 Mr. Chairman, ladies and gentlemen of the Committee, my
15 name is Tommy Smelser and I leave in Grand Prairie,
16 Texas in the Tarrant County portion.

17 I've been here since this was called to
18 order and it's been very interesting. I'm not going to
19 repeat -- I think they have covered every one of the
20 points that I thought I was going to impress you with
21 at least 20 times. So let's don't whip on a dead horse
22 anymore.

23 But quite honestly, I think maybe this
24 has provoked more questions in my mind than I came over
25 here with, but hopefully this will be a learning

1 process for not just the Committee, but people like me
2 that are concerned in our governmental process. I
3 can't keep from wondering -- usually when something of
4 this magnitude occurs, there was some kind of a
5 causative or a precipitating event. And from
6 everything that I've heard here this evening and
7 tonight and tried to digest, I can't say, "Oh, that's
8 why we're all here." You know, what -- what brought
9 this up? And of all times to do it, it hasn't been ten
10 pots of coffee ago that you folks were down there
11 arguing and deadlocked in Austin saying that we're
12 millions of dollars short and we can't approve the
13 budget. Apparently a couple of pretty forceful
14 telephone calls later, all of a sudden the money was
15 there. But if our budget is even in doubt, why in this
16 world do we do something like this that's going to be
17 extremely expensive at best and probably a lot worse
18 than that. I think the 1.7, if that's the correct
19 percentage, is probably optimistic because being
20 humans, we always tend to look on the bright side and
21 we have cost overruns on way too many of the programs
22 that we get involved in.

23 And I'm not trying to -- I didn't come up
24 here to say one critical word about anybody. I am very
25 glad to say, even though I am just immersed in politics

1 right now, and I don't make any bones about it, I'm
2 proud for the record to say that I'm a card carrying
3 Democrat. I intend to stay that way. I also will
4 state for the record that I am adamantly absolutely
5 permanently and incurably against this proposal to
6 change our mapping. I don't know why we need to do it.
7 If we do need to do it, then why do we need to do it
8 right now? We have a shortfall. Our school districts
9 are in a world of hurt financially. Our county level
10 operations are in financial ruin. Our State level
11 government, our federal government is laboring with the
12 biggest shortfall in the history of our nation. I may
13 be wrong, and if I am I hope somebody will correct me
14 out in the hall or something, I don't see that this is
15 imperative one bit. I honestly don't, folks. And I'm
16 saying that as a Texan and I'm saying it as an
17 American. We Democrats don't call each other Air Force
18 Rangers and pioneers or whatever all of those heroic
19 terms are. You'll probably remember that we made it a
20 point to go on record here recently saying we call each
21 other Americans. And going one step farther than that,
22 I'm proud that we call each other Texans.

23 Now, since I have bared my soul about
24 being a Democrat and not -- unabashedly. I'm not
25 ashamed of it. I'm proud of it. I happen to think

1 that at least at this point in history of our country,
2 that the Democrats have the best thing to offer. I
3 can't keep from wondering why, to the best of my
4 knowledge, our opponents, but our fellow citizens have
5 made a firm commitment they're going to raise \$200
6 million just for election reasons if it harelips the
7 governor.

8 Now, the Democrats, and two of them are
9 here tonight by the way, Senator Royce West and our
10 very able congressman that was a witness here tonight.
11 We're not trying to raise \$200 million. I'd start
12 wondering, as I wonder about the Republican platform,
13 why did they need to raise \$200 million? Why not run
14 on your record? (Applause by the audience.)

15 If I can -- just give me just a few
16 seconds to close up. I know it's getting late and I
17 don't want to drag this out, but I just beseech you
18 with every drop of blood in my body, please, this is
19 not mandatory. We've already been told I think beyond
20 any shadow of a doubt, we're not in noncompliance with
21 anything from the Supreme Court or any election laws or
22 anything else. We don't have the money to be going out
23 here spending millions of dollars. And if I have ever
24 been to a meeting remotely like the nature of this
25 meeting here tonight, I have never seen such one-sided

1 results on what is the -- the majority will of the
2 people that attended this. Now, I can't tell what's
3 going on out there that the people don't care to come,
4 but this should give you folks a message so that you
5 can go back and continue to capably represent us. It
6 ain't a cliff hanger. It is a runaway on what we want
7 as the taxpayers and the citizens of Texas. Thank you
8 very much.

9 CHAIRMAN DUNCAN: Thank you, Mr. Smelser.
10 Any questions? Thank you.

11 Chair calls Boone Taylor. After
12 Mr. Taylor we'll have Bill Betzen. Mr. Taylor, please
13 approach, state your name and who you represent.

14 MR. BOONE TAYLOR: My name is Boone
15 Taylor. I'm from Fort Worth, Texas. When I speak I
16 speak only for myself, but when I sing, I sing on
17 behalf of the 12,000 members of the Texas State
18 Employees State Union. And before I sing, I want to
19 discuss the new map passed by the House yesterday just
20 briefly.

21 The Fort Worth paper said the map would
22 include part of Waco in Ms. Kay Granger's North Texas
23 district, which includes mostly Fort Worth. Now, I've
24 heard for many years, including this evening, Texans
25 refer to North Texas and East Texas and South Texas and

1 Central Texas and so forth. And we all seem to know
2 what these parts of Texas are. And we all seem to know
3 that Fort Worth and Dallas, for example, are clearly in
4 North Texas, while Waco is clearly part of the Central
5 Texas. Now, I don't get Waco TV stations at my house.
6 I don't think Waco residents get very many Fort Worth
7 stations at their houses.

8 Similarly, there's various state agencies
9 under both Republican and Democratic administrations in
10 the last 20 or 30 years who have divided up the State
11 into regions for various administrative purposes. And
12 Waco has never been part of any North Texas region or
13 vice versa. Common sense would say that you can argue
14 about whether say, for example, Hillsboro belongs to
15 the North Texas region or the Central Texas region.
16 But it's obvious to me that Waco and Fort Worth belong
17 in different areas and shouldn't have to share a
18 Congress person.

19 Now, let me, if I may -- if I could get
20 someone to pass these out, a sing along. And I knew
21 y'all wouldn't know the words, so I went ahead and
22 typed them up for you. This is called The Ballad of
23 the Killer D's. Twenty-four -- twenty-four years ago I
24 wrote The Ballad of the Killer Bees, and I'm glad to
25 have lived long enough to find it necessary to write

1 the Ballot of the Killer D's. Here we go.

2 (Singing.)

3 "Let me tell you a tale about our
4 Legislature On that glorious, victorious day when the
5 Democrats showed us their courageous nature while they
6 stifled ole Tom DeLay.

7 "Even though the GOP had won the last
8 election, it was not enough to suit old Tom. So he
9 went down to Austin while the House was in session to
10 drop his big gerrymander bomb.

11 "Oh, will they ever return? No they'll
12 never return and their fate may be unlearned. They may
13 elude forever all the cops in Texas. Killer D's may
14 never return."

15 Now y'all slow down. I'm not old man.

16 "It was 9:00 o'clock on a rainy Monday,
17 the middle of the month of May when the Speaker sent
18 the cops into Oklahomey on behalf of Hammer Tom DeLay.

19 "All he wanted was to get some
20 conservatives elected, but he couldn't locate any
21 Killer D's. So the quorum broke, his power grab
22 rejected by a determined minority.

23 "Now you citizens of Texas, don't you
24 think it's worth derision that Tommy always seems to
25 get his way? Let's leave well enough alone with the

1 Supreme Court's decision, so Killer D's will come back
2 to stay."

3 "Oh, they might never return, oh, they'll
4 never return. And their fate might be unlearned. They
5 may elude forever all the cops in Texas. Killer D's
6 may never return." (End singing.) (Applause by the
7 audience.)

8 SENATOR GALLEGOS: Mr. Taylor, you've got
9 one minute left.

10 MR. BOONE TAYLOR: Thank you. I just
11 wanted to express, you know, we can still have partisan
12 positions as I've just expressed and still have fun
13 with it, folks, you know. We don't have to get all
14 serious about this good stuff. Thank you, folks.
15 Thank you.

16 SENATOR GALLEGOS: Thank you. Any
17 questions of Mr. Taylor? Thank you, Mr. Taylor. I can
18 tell why -- I know now why the Chairman left me with --

19 CHAIRMAN DUNCAN: Senator, I -- Senator,
20 I leave just one minute and we have a hoedown. I don't
21 know --

22 MR. BOONE TAYLOR: I can do another one
23 if you want.

24 UNIDENTIFIED SPEAKER: Encore.

25 CHAIRMAN DUNCAN: I heard you got great

1 reviews. Thank you for your -- thank you for your
2 contribution.

3 UNIDENTIFIED SPEAKER: Don't dance with
4 DeLay, dance with --

5 CHAIRMAN DUNCAN: We're all musicians up
6 here ourselves.

7 The Chair calls Boone Taylor.

8 UNIDENTIFIED SPEAKER: That was him.

9 MR. BOONE TAYLOR: That was me, sir.

10 CHAIRMAN DUNCAN: Oh, Mr. Taylor, okay.
11 Thank you.

12 UNIDENTIFIED SPEAKER: Encore.

13 CHAIRMAN DUNCAN: Encore.

14 Chair calls Bill Betzen. Mr. Betzen.

15 Let the record reflect that Mr. Betzen is not in the
16 audience but would like to register against
17 redistricting.

18 Chair recognizes Carolyn Roberts.

19 Ms. Roberts, please approach. State your name and who
20 you represent. Behind Ms. Roberts will be Karl Curry
21 and Jacquelyn Sanders.

22 MS. CAROLYN ROBERTS: Good evening,
23 Mr. Chairman and Senators. I'm Carolyn Roberts and I'm
24 here to represent -- here from Fort Worth, Texas to
25 represent my four young adult children and my two

1 grandchildren. And I'm here to speak against the
2 redistricting effort.

3 First of all, I need to tell this Senate
4 Jurisprudence Committee that this hearing is a total
5 waste of taxpayers' time and money. Also, the
6 approximately \$1.7 million that it will cost to hold
7 the current special legislative session to deal with
8 this congressional redistricting issue would have been
9 much better spent on health issues, insurance, excuse
10 me, for our children and teachers, school textbooks,
11 home health care for seniors, and prenatal care for low
12 income Texans.

13 Texas cannot afford to spend this kind of
14 money frivolously. Additionally, the estimated \$7
15 million that it will take to defend redistricting in
16 court and the other expenses associated with this issue
17 is another major waste of taxpayers' dollars. Are we
18 not in the midst of a budget crises during which some
19 much needed services have already been cut?

20 Republicans use a very weak excuse in
21 attempting to justify the need for conducting another
22 redistricting eight years before one is due. They
23 claim that federal judges drew the current map, not the
24 State Legislature. Well, it is not the first time that
25 federal judges have had to make decisions for states

1 and I'm sure it won't be the last.

2 Actually, had Governor Rick Perry spent
3 our tax dollars more wisely and called a special
4 session in 2001 to handle the redistricting at the
5 appropriate time, the federal judges would not have had
6 to step in and do the job that our elected officials
7 did not do.

8 Now, Texas already has a constitutionally
9 sound redistricting plan valid until the next census
10 and certified by the United States Supreme Court last
11 year. So you see, we really don't need to be here
12 today. The job is already done. But now that you have
13 forced us to come to this redistricting hearing to
14 share our opinions on redistricting, I will do that.

15 First of all, we do not need to be
16 wasting this time trying to fix what is not broken.
17 Texas has already been redistricted and we don't need
18 to go through a reredistricting. Why? Simply because
19 the puppeteer Tom DeLay sees how easy it is to control
20 and manipulate Republican -- the Republican control,
21 Texas legislature. And let's be real honest and frank
22 regarding why we are here today. Simply put, it is Tom
23 DeLay.

24 Texas Republican State Senators, I ask
25 that you stand up and act like you have some backbone.

1 Because DeLay financially supported many of your
2 campaigns for office is not reason enough to allow him
3 to manipulate you and control you to accomplish his
4 personal agenda. Let Tom DeLay run the United States
5 House of Representatives and let those who we elected
6 to the State Legislature handle the business of the
7 State of Texas. (Applause by the audience.)

8 If Mr. DeLay is not satisfied with his
9 position as Republican majority leader of the House of
10 Representatives, let him resign and run for the Texas
11 Legislature. (Applause by the audience.) But we
12 certainly cannot allow him to run all of the Houses.
13 Let's be brutally honest here. The real issues are
14 greed, control, and abuse of power. Republicans hold
15 every statewide elected office and they also control
16 the State Legislature, both Houses, but they are not
17 satisfied with that. They have now bought into Tom
18 DeLay's greed and are allowing themselves to be used to
19 accomplish his selfish desire to have more power in the
20 United States House of Representatives by changing the
21 makeup of a Texas delegation, which Democrats currently
22 control by 17 to 15. And apparently he is willing to
23 satisfy his insatiable appetite for power through
24 whatever means necessary, even the legal means.

25 We all know that the Republican party is

1 a wealthy party and obviously they are willing to use
2 that money to buy what they want, and that includes
3 influencing Republicans elected to the Texas
4 Legislature to redraw our congressional districts.
5 Well, we are not going to stand idly by and allow it to
6 happen.

7 Mr. Chairman, I understand that my time
8 has expired, but I can conclude in a moment if you'll
9 allow me that.

10 CHAIRMAN DUNCAN: Sure.

11 MS. CAROLYN ROBERTS: Thank you.

12 One of the Democratic controlled
13 districts in South Fort Worth that would be affected is
14 a minority opportunity district. And consequently,
15 according to the Voting Rights Act, must be protected.
16 These new redistricting efforts are obviously an
17 attempt to weaken and deny minority voting rights.
18 Clearly it is also an attempt to get rid of some of our
19 long time effective Democratic leadership in Congress,
20 such as Congressman Martin Frost.

21 In moving to a close, I also need to tell
22 you that this whole process of forcing us to deal with
23 redistricting again after the courts have already done
24 the job you wouldn't do at the appropriate time is
25 similar to a disturbing trend occurring throughout the

1 United States. Specifically, African-Americans such as
2 myself and other minorities are witnessing a rollback
3 in civil rights, affirmative action. And now you want
4 to tamper with our protections under the Voting Rights
5 Act through this attempt to alter congressional
6 districts.

7 The United States Constitution mandates
8 that redistricting be done every ten years based on the
9 census. It does not mandate that we redistrict every
10 time there is a new majority party in power. Any
11 changes based on majority population -- majority party,
12 excuse me, population, etcetera, must simply wait until
13 after the next census.

14 Finally, let me publically applaud the
15 Democrats in the Texas State Legislature for attempting
16 to stop this insanity by taking a bold step --
17 (applause by the audience) by taking the bold step of
18 fleeing to Oklahoma.

19 I encourage you to continue to be bold
20 and by whatever means necessary, do not allow power
21 hungry Tom DeLay and those he controls in our State
22 Legislature to undue the redistricting that the federal
23 courts have already done and that the United States
24 Supreme Court has certified.

25 CHAIRMAN DUNCAN: Thank you, Ms. Roberts.

1 MS. CAROLYN ROBERTS: You Senators hold
2 the power to make the right decision on this whole
3 redistricting issue. I implore you to utilize your
4 authority to see that this redistricting effort is not
5 successful. Thank you.

6 CHAIRMAN DUNCAN: Thank you for your
7 testimony. Any questions? Chair hears none.

8 Carl Curry. Mr. Curry. Is Mr. Curry in
9 the audience? . Let the record reflect that Mr. Curry
10 is not present, but would register a position against
11 redistricting.

12 Chair calls Jacquelyn Sanders. Is
13 Jacquelyn Sanders in the audience? Let the record
14 reflect that Ms. Sanders is not present, but would like
15 to register a position against redistricting.

16 Chair recognizes Bobby Corn --
17 Corneliuson. Mr. Corneliuson --

18 UNIDENTIFIED SPEAKER: Her.

19 UNIDENTIFIED SPEAKER: She.

20 CHAIRMAN DUNCAN: Or Bobby, is she here?
21 Let the record reflect that Ms. Corneliuson is not
22 here, but would like to register a position against
23 redistricting.

24 Chair recognizes Kenneth Haskovek. Thank
25 you, Mr. Haskovek. And help me with your name.

1 MR. KENNETH HASKOVEK: It's Haskovek,
2 Kenneth Haskovek. I'm from Ennis, Texas. I'll try to
3 make my comments very brief.

4 If you believe in representative
5 democracy, that elected officials -- rule only with the
6 consent of the government, then you know that fairly
7 drawn congressional districts are one of the essential
8 pillars on which our nation depends. Without fairly
9 drawn districts, a person's vote is diluted and too
10 often rendered meaningless. Legislative bodies are
11 best equipped to annex sound legislation when they
12 truly represent the differences within our society
13 because ideology and special interests are exposed and
14 give way to common sense, reason, and a broader general
15 interest.

16 Gerrymandering to sustain political power
17 at the expense of the public interest is
18 unconscionable. Our ancestors dumped tea in Boston
19 Harbor and proclaimed no taxation without
20 representation. Today would not be unreasonable to
21 proclaim no taxation without fair representation.

22 Fair -- excuse me. Fair redistricting
23 has been delayed far too long in the State of Texas.
24 And as the U.S. Supreme Court has stated, justice
25 delayed is justice denied. After four decades of

1 political gerrymandering during which minorities and
2 Republicans have been cracked and packed for the
3 benefit of Democratic congressman, I urge you to make
4 genuine efforts to establish congressional districts
5 that by reasonable standards are fair. No matter how
6 diligent your efforts, you will not be able to
7 formulate a perfect plan. However, your success in
8 adopting a reasonably fair plan will help diminish
9 cynicism and mistrust of government, while ensuring
10 that the U.S. House of Representatives does indeed live
11 up to its name and truly become the people's house.
12 For those of you that are instrumental in that success,
13 you can go home knowing that you served your state and
14 your country with honor and distinction, by simply
15 doing what is right.

16 Thank you for your consideration and for
17 your service to the people of Texas.

18 CHAIRMAN DUNCAN: Thank you,
19 Mr. Haskovek. Any questions? Appreciate your presence
20 and testimony today.

21 Chair recognizes Gloria Flowers. Gloria
22 Flowers. Is Ms. Flowers present? Ms. Flowers does not
23 appear to be present, but would like to register a
24 position against redistricting.

25 Chair recognizes Bruce Spaulding.

1 Mr. Spaulding, please approach. After Mr. Spaulding
2 we'll have Nick Plummer.

3 Mr. Spaulding, state your name and who
4 you represent.

5 MR. BRUCE SPAULDING: My name is Bruce
6 Spaulding and basically I represent myself, I suppose.
7 I believe if you look in mental hospitals around this
8 state you'll find a lot of people that were in a hurry
9 and I think that's what's going on here. You know, I
10 think -- I think this guy DeLay came down from
11 Washington in such a big hurry and he didn't even -- he
12 neglected his job in Washington to come down here and
13 have midnight meetings and to do all of this stuff
14 behind closed doors in an secret in an attempt to grab
15 more -- more power for himself and his party to -- to
16 promote the president's agenda. And I think that's --
17 I think we ought to slow down. You know, what we
18 are -- what we're doing just to echo what -- what's
19 been said here is unconstitutional according to the
20 Texas Constitution and to the U.S. Constitution, which
21 states that that is to be -- the districts are to be
22 drawn by the population in those districts, according
23 to the census every ten years.

24 Now, I can't figure out what we are in
25 such a big hurry for. All good things come to them

1 that wait. Why -- why are we -- why are we in a hurry?
2 Why are we in such a big rush? I mean, this guy was in
3 such a big rush that he missed 14 votes in the House of
4 Representatives just to promote his own self interest
5 and just because he had this delusion of power.

6 Let me close by saying this. You know
7 what happens when a person has the delusions? He's
8 schizophrenic. Thank you. Any questions?

9 CHAIRMAN DUNCAN: Thank you,
10 Mr. Spaulding. Members, any questions for Mr.
11 Spaulding? Thank you. (Applause by the audience.)

12 I have an important announcement to make.
13 If you are the owner of a Buick with the license plates
14 T91 LPR, your lights are on and so you may want to --
15 unless you have --

16 The Chair calls Nick Plummer.
17 Mr. Plummer, state your name and who you represent,
18 please.

19 MR. NICK PLUMMER: My name is Nick
20 Plummer and I'm 58 years old and I live in Fort Worth
21 and I'm extremely concerned as an American voter. I'd
22 like to thank you all for your time for today. I know
23 we're all very tired. I know that I am exceptionally
24 tired, so I'm going to make it as quickly as possible.
25 And you had said earlier about the room being crowded

1 into over spill, but I can tell you that if you keep
2 continuing to support DeLay, it's going to be in the
3 streets, all over the fields, and everywhere else in
4 the State of Texas. So we've got to be careful.

5 (Applause by the audience.)

6 It's really very absurd while we're
7 sitting here talking about this, and our men and women
8 are over in Iraq fighting, how many may die today while
9 we're here arguing this petty ridiculous motion that
10 Tom DeLay has. I will say that I'm an independent
11 voter. I don't vote Democrat and I don't vote
12 Republican. No one owns me and I pick my people.

13 I want to say that my mother and father
14 always raised me, and although they've been deceased
15 for several years, I was always taught to care for the
16 needy, the poor, the sick, the disabled, and respect
17 people for whatever color they might be or religion
18 providing they're not violent. This was instilled in
19 me all my life. My mother and father were not
20 Democrat, nor were they Republican. It's always been
21 my belief to be and abide by these rules. I'm only an
22 average American just getting by myself. However, it
23 gives me great pleasure to know, as an American voter,
24 that some of my tax money go for these programs that so
25 desperately needed to take care of the poor, the sick,

1 the needy, and the hungry, and the children. That I
2 enjoy paying my tax to, and I don't like it being
3 diverted anywhere else.

4 I do not see George W. Bush and most of
5 his administration truly concerned for this same group
6 of people. I seriously and honestly say that. The
7 president has tax cuts to the wealthiest people and
8 many other programs that have already been cut will
9 affect millions of Americans in a negative way as it
10 has now done to so many poor and even in the middle
11 class. And it's coming, and it's coming big time. Our
12 President Bush needs just a few more seats in Senate
13 Congress to further his agenda for his purpose. And
14 that Tom DeLay's job -- Tom DeLay's job is fulfilling
15 his desire by hook or by crook.

16 It's an unfair redistricting process
17 going on here to achieve an unacceptable goal. It's
18 plain for me to see President George W. Bush and some
19 of the folks, including Tom DeLay, have some very big
20 plans in the future for America, and believe me when I
21 say most Americans are not included in this program.
22 Republicans here, I say to you all now, the Republican
23 party basically is a good party, a strong party, and
24 each of you here I have deep respect to you, but you
25 must take your party back and stop this nonsense. As a

1 young Republican, you don't have a chance to recover
2 what damage might be done by this Tom DeLay's program.
3 And I say that in all honesty.

4 Allow me to quote a proverb from the
5 bible, if I may, "If a man shuts his ears to the cry of
6 the poor, he too will cry out and not be answered." We
7 must never forget this. If George Bush is such a
8 christian and these folks -- we put our children first.
9 The CHIP program, if we deny our children, and the
10 poor, it will come back on us tenfold. There's
11 absolutely no doubt. Don't call me a religious
12 fanatic. I'm not a religious fanatic.

13 In closing, I would also say, in all due
14 respect to Tom DeLay, I would really like to know -- he
15 used to be exterminator before he came to Congress and
16 Senate, and I know that in those days they didn't wear
17 respirators. And in all due respect, it can cause
18 brain damage and liver damage and other damages. And
19 I'm not attacking him personally, but I don't
20 understand where he's coming from. He's hurting the
21 Republican party. And I hope the Republican party sits
22 him down and has a nice talk with him.

23 And again, thank you all for your time
24 and I appreciate it. And I know we're all very tired.

25 CHAIRMAN DUNCAN: Thank you, Mr. Plummer,

1 for your time. (Applause by the audience.)

2 Any questions? Thank you.

3 Chair calls Rosemarie Beall. Is
4 Ms. Beall in the audience? Let the record reflect that
5 Ms. Beall is not present, but would like to register a
6 position in opposition to reredistricting.

7 Chair recognizes Wilma Hopkins. Is
8 Ms. Hopkins in the audience? Let the record reflect
9 that she is not in the audience, but would like to
10 register a position against.

11 Helen Teeter or Teal, I'm sorry. Helen
12 Teal. Is Ms. Teal in the audience? Let the record
13 reflect that Ms. Teal is not here, but would like to
14 testify against redistricting.

15 The Chair recognizes Robert Franklin. Is
16 Mr. Franklin here? Thank you, Mr. Franklin. Would you
17 approach, state your name and who you represent?

18 Following Mr. Franklin will be Billy
19 Lindsay, David Louollen and Terrence -- we'll figure
20 that one out in a minute.

21 Mr. Franklin.

22 MR. ROBERT FRANKLIN: I want to thank the
23 Committee for the opportunity to speak. I particularly
24 want to direct my comments to Senator Shapiro, as well
25 as the rest of the panel here, but you are my senator

1 and your vote, as well as the rest of these votes, will
2 be very critical in this matter, so I urge you to
3 carefully consider the consequences of this vote.

4 I have carefully studied the arguments
5 presented in opposition to the redistricting plan. It
6 is unnecessary. It is illegal. It is unprecedented.
7 It is racist. We've all heard that this evening. I
8 have carefully read the newspaper accounts and listened
9 to testimony before other subcommittees studying this
10 issue for the purpose of finding a single reasonable
11 argument in support of this plan.

12 I have come to the conclusion that there
13 is no legitimate argument to support this plan. The
14 only argument presented is that since the majority of
15 voters in Texas voted Republican in the last election,
16 the congressional lines need to be redrawn so the
17 majority of our representatives are Republican. Since
18 everyone knows the congressional districts are based
19 upon population and not voting patterns, the only
20 argument in support of this plan is fundamentally
21 flawed.

22 This is a purely partisan attempt to grab
23 power. The Constitution of the United States, the
24 United States Supreme Court, and the Voting Rights Act
25 all prohibit precisely what the Texas Legislature is

1 contemplating. Redistricting for purely partisan
2 reasons is legally and morally wrong.

3 Further, the local, national, and
4 international backlash that will result will only serve
5 to harm the Texas economy, Texas socially and
6 politically. I urge each member of the Texas
7 Legislature to carefully consider the long-term effects
8 of the plan. Not only for ourselves, but on our
9 children. They will no longer be considered living in
10 a progressive state, the state that I moved to from
11 California just two years ago.

12 As the Jurisprudence Committee, it is
13 your duty to act in the best legal of the State of
14 Texas and its citizens. This proposal serves neither
15 of those interests, but rather the partisan political
16 interests in Washington. Therefore, it is your duty to
17 condemn this bill before your colleagues in the
18 Legislature.

19 And one final note to Senator Shapiro.
20 Before I came over here this evening I spoke to my
21 mother about what I was doing here, 82-year-old Jewish
22 woman. Took me quite a while to explain what this was
23 all about. I'm not sure she understood it, but she
24 one -- a one-word answer after I explained the whole
25 thing. I think you'd appreciate this she said

1 bubamonsas (phonetic). And if the court reporter
2 needs some sort of translation on that, let me know.
3 Thank you. Thank you very much.

4 CHAIRMAN DUNCAN: Thank you,
5 Mr. Franklin. Any questions for Mr. Franklin?

6 Billie Lindsay. Is Ms. Lindsay in the
7 audience? Let the record reflect that she's not
8 present, but she would like to register a position
9 against redistricting.

10 The Chair recognizes David Louollen.
11 David Louollen. Is Mr. Louollen in the audience? Let
12 the record reflect that he is not present, but would
13 like to register a position against redistricting.

14 Chair recognizes Terrence Bajule,
15 B-a-j-u-l-e. Is Mr. Bajule in the audience? Let the
16 record reflect that he is not, but he would like to
17 register a position against redistricting.

18 Chair recognizes Jake Whatley. Is
19 Mr. Whatley in the audience? Mr. Whatley, would you
20 approach, state your name and who you represent?

21 MR. JAKE WHATLEY: My name is Jake
22 Whatley. I am from Dallas, Texas. Senator West is my
23 senator and I'm very lucky to have him for that.

24 I'm opposed to redistricting. I'll try
25 to keep it short. One thing I do want to go over,

1 though, that's hasn't been noted. We talked about
2 where the money is not going while it's going here. We
3 haven't talked about the State agencies that have had
4 to halt the adoptions because right now they don't have
5 the funding. And that is something that we need to
6 think about. They need less than \$3 million. Right
7 now they don't have the funding.

8 I appreciate everybody that's been here.
9 I had a lot of little pithy rude jokes, to be honest,
10 but Senator Shapiro set the tone and I appreciated
11 that, as did the Chair. Thank you.

12 I do think, though, that we need to ask
13 ourselves what purpose this serves. We are very vocal
14 here. Some people would say there's a silent majority
15 that wants this. I don't know that that's true, but is
16 it really worth it? We're wasting money. We're --
17 we've got Texas splitting apart, which was Republican
18 Lieutenant Governor David Dewhurst' point about we
19 didn't need to bring this up back in March when he said
20 it. So I would just say that. I'd also add that my
21 aunt said to pass on to Senator Staples that in
22 Chandler, Texas they're not -- they're not for this.
23 She said he can go to Brookshire's to the produce
24 department at any time, the ladies there will, as
25 they're picking through their fruit and their

1 vegetables will say, "We don't support it." And go
2 ahead and end there. (Applause by the audience.)

3 CHAIRMAN DUNCAN: Thank you, Mr. Whatley.
4 Any questions?

5 Chair recognizes Peggy Carlin.

6 Ms. Carlin, please approach, state your name and who
7 you represent.

8 MS. PEGGY CARLIN: Good evening. I'm
9 Peggy Carlin and I represent my own tired self.

10 What we've heard today is a great
11 majority of those who have testified and those who have
12 left without testifying that we are overwhelmingly
13 opposed to this redistricting. What has failed to be
14 mentioned here is that, at least I haven't heard, how
15 many newspapers across this country -- or across our
16 state are also opposed. I read somewhere, and I don't
17 know where, that approximately 70 major newspapers in
18 Texas have come out against this. I'd just like to
19 read a couple -- or several headlines from various
20 papers and I'll identify them. I also have the
21 editorials that go with them for the record.

22 Out of the Abilene Reporter News, "San
23 Angelo hearing crucial for Abilene. Redistricting
24 shuts out public interest. State doesn't need two
25 special sessions. Flight of the Killer D's helpful to

1 Abilene. Redistricting not helpful to Abilene.

2 The Austin American Statesman. One-party
3 rule, bad for Texas. GOP takes a second shot at
4 redistricting. GOP gets session to push redistricting.
5 Special session on redistricting would waste 1.9
6 million. Only time will tell if the spirit of
7 cooperation can exist in the House. Let Texas voters
8 decide party makeup of U.S. House members. Craddick
9 forgot about bipartisanship when DeLay came to town.
10 Lack of leadership. No reason other than petty
11 vindictiveness for redistricting. Push for
12 redistricting wrong and offensive. It should be
13 defeated. Redistricting again? Texas has enough
14 trouble.

15 Corpus Christi Caller Times. Let's get
16 this over and move on. I second that. Redistricting
17 could hurt Texas and D.C. Perry ops for a payback and
18 special session called. Using the DPS to shadow
19 Capelo's wife was crude and heavy handed. Texas is in
20 for a spell of partisan gridlock. Craddick's
21 mishandling of the House has led to revolt. Texan
22 Republicans should spurn DeLay's call to revisit
23 redistricting.

24 The Dallas Morning News. Legislatures --
25 Legislator out of line. Social Security -- Social

1 Security query was an insult. Out of bounds, seeking
2 legislator at a hospital was a bad idea. A learning
3 experience. Texas GOP overplays hand in Legislature.
4 Let this issue die, I agree. Beyond Ardmore, Texas
5 needs a bipartisanship panel. Stop the shams. Tommy
6 Mandarin DeLay's redistricting plan reveals disdain.
7 Redistricting overreaching, don't push it, terrible
8 idea.

9 Fort Worth Star Telegram. GOP power grab
10 messes with Texas. Now he tells us. What Tom DeLay
11 missed, security breach. SB99, spike it. Killer D's.
12 Playing with map pencils. You've got to be kidding.
13 Let it be.

14 The Houston Chronicle. Beware the
15 scorched earth, it was a redistricting battle. Quid
16 pro quo. Special tension, redistricting session bound
17 to bring partisan tit for tat. Wrong priority.
18 Special session on redistricting, wasteful and
19 divisive. Flight of the D's. Strategic retreat to
20 Fort DeLay is good for all Texas. Fight -- flight in
21 Texas House is Washington driven. Oh, Tom, just admit
22 what you're up to. Ruled out.

23 The Killeen Daily Herald. Redistricting
24 looms yet again.

25 Longview News Journal. Games are being

1 played.

2 Lufkin Daily News. The bug man cometh.

3 The McAllen Review -- the McAllen Monitor
4 Review. Don't redraw the map.

5 The San Angelo Standard Times.

6 Redistricting to produce citizen casualties.

7 The San Antonio News Express. Discording
8 week, belongs in the past. Texas House flies have
9 reason to vote. Don't redraw Texas congressional
10 districts, ignore push to redraw Texas congressional
11 districts.

12 The Temple Daily Herald. Redistricting
13 is a bad idea of this legislative system -- session,
14 excuse me.

15 The Waco Tribune Herald. Chaos is
16 hypnotic spell. Will Waco be a target? House
17 exterminator. Bringing down the House. Not about
18 diversity, Tom. The caper is the crime. And finally,
19 from the Waco Tribune Herald, come sugarland flu.

20 Gentlemen, ladies, I ask you to please
21 let this testimony here today inoculate you from
22 sugarland flu. (Applause by the audience.)

23 CHAIRMAN DUNCAN: Ms. Carlin.

24 MS. PEGGY CARLIN: And I have these
25 editorials to go along with this that I'd like to put

1 in the record, please.

2 CHAIRMAN DUNCAN: Okay. Thank you very
3 much. We'll see that they're in the record. Members,
4 any questions of Ms. Carlin?

5 Chair recognizes Theresa Daniel.
6 Ms. Daniel, are you in the audience? Let the record
7 reflect that Ms. Daniel is not present, but would
8 register against -- has registered against
9 redistricting.

10 Chair recognizes Pamela Donnelly. Let
11 the record reflect that Ms. Donnelly is not present,
12 but would register against redistricting.

13 Chair recognizes Nancy Wilson. Is
14 Ms. Wilson in the audience? Let the reflect that Ms.
15 Wilson is not present, but would register a position
16 against redistricting.

17 Chair recognizes Joel Downs. Is
18 Mr. Downs in the audience? Let the record reflect that
19 Mr. Downs is not present, but would register a position
20 for redistricting.

21 Chair recognizes Paula Bohm. Is Ms. Bohm
22 in the audience? Let the record reflect that Ms. Bohm
23 is not present, but has registered a position against
24 redistricting.

25 Chair recognizes Jim Nickerson.

1 Is Mr. Nickerson in the audience? Thank you,
2 Mr. Nickerson. Would you approach, state your name and
3 who you represent?

4 MR. JIM NICKERSON: Hi, my name is Jim
5 Nickerson and I'm representing myself.

6 Mr. Chairman, I'm a conservative
7 Democrat. I guess that means that I know that neither
8 side does all right all the time and all -- the other
9 side does all wrong, the other side. And that I know
10 that not many issues are just black and white, that
11 there's -- most issues are gray. And I know that --
12 and to reach those hard issues it takes people working
13 together, and I've seen all of y'all on the Senate
14 floor and how, although y'all disagree on things, but
15 you come together to work out issues. And it's -- and
16 I know how tough it is and I know you -- when you about
17 got something worked out and somebody comes in and it
18 wrecks the whole thing, and then you go back and you
19 work harder and you keep, you know, until you come up
20 with a solution. But the thinking in -- behind this
21 map is -- to me is kind of a winner take all. It's
22 like the leadership of the House in Washington, you
23 know, when the -- when the majority leader uses words
24 like the other members are irrelevant, and that he is
25 government, you know, that -- that's not that working

1 together. And, you know, in -- this issue that y'all
2 are working on, you know, there's -- these are big
3 stakes of how the country is going to move forward.
4 You know, we've got a \$400 billion deficit, you know.
5 We've got the baby boomers that are hitting. We've got
6 health care costs are going up. I mean, these are --
7 these are highly complex issues that takes everybody
8 working together to find a solution. And I know y'all
9 are tired of hearing about Tom DeLay. And I am sure
10 tire of hearing about Tom DeLay, but when the thinking,
11 the mentality is with blinders that I'm right and
12 everybody else is wrong, that doesn't help anybody.
13 And that same thinking is -- is the -- you know, when
14 Senator Wentworth and Senator Ratliff were attacked by
15 the Free Pack, you know, last year before the primaries
16 that -- you know, some horrible -- you know, Brian
17 McCall here up there in Plano was the same thing. You
18 know, that's not right. These are fine people. You
19 know, Senator Ratliff is, you know -- you know, he's,
20 to me, although I don't agree with him and everything,
21 I think he's one of the finest men I know in or out of
22 government.

23 You know, and the mentality to attack
24 those people because they're not Republican enough or
25 they don't agree exactly as I do, that's just wrong and

1 y'all don't need to be a part of that.

2 Senator Duncan, I've seen you. I've
3 heard Senator Ratliff talk about how fine a man you are
4 and I know full well that you're not a Tom DeLay
5 Republican. And when you -- when y'all go to work on
6 this issue, and I know Mr. Staples is the same way. My
7 buddy Tom Ramsey brags on you all the time. You know,
8 think about that. Think of what -- what the end result
9 is and where our country's moving and think that people
10 working together instead of having blinders on is the
11 way to go.

12 Just a couple of other quick things. On
13 these numbers over here that the gentleman had, and I
14 forgot what his name was, you see the -- in the first
15 congressional district -- I'm in Max Sandlin's district
16 by the way. The reason Max Sandlin -- or let's say the
17 reason that Governor Perry wins up in my part of the
18 world is because the NRA backs him and the farm bureau
19 backs him and the Chamber of Commerces back him. And
20 the reason Max Sandlin wins is because the NRA backs
21 him and the farm bureau backs him. That is one ugly
22 sign you've got there. And because, you know, Max
23 Sandlin is the guy there. I mean, he's a hunter and
24 he's a fisher and he coaches the little league teams
25 and he knows everybody.

1 This -- and I understand the numbers
2 game, well, you know, so many people voted Republican
3 and blah blah, but let me -- one other thing. The last
4 four elections Max Sandlin has had, one year was
5 against an actor. I can't remember his name. And it's
6 a damn good thing he was a better actor than he was a
7 politician. Nice man, I liked him, but he had no
8 business being in Washington. The other three years
9 was from Camp County. The guys that ran were from Camp
10 County. Good friends of mine. I'm in Kiwanis with
11 both of them. Okay. I trust them with my life, but
12 they're extreme to the right, very conservative people.
13 So if you've got the moderate voters that are going to
14 vote, who are you going to vote for? A conservative
15 Democrat that's backed by the NRA and the farm bureau
16 and that or are you going to vote for a guy that said,
17 "Well, we ought to take a vote on school prayer because
18 the majority wins"? That's what he said. I didn't --

19 One other real quick. I promise I'll be
20 quick. The -- and I would bet the farm that the House
21 map is not going to go through the Senate, you know.
22 You know, and when the Republican guy here earlier that
23 said that -- you know, that said all the liberal white
24 guys. You know, Charlie Stenholm is really a liberal,
25 you know. But the idea of Texarkana going all the way

1 to almost Baylor Hospital in downtown Dallas, it's
2 ridiculous. I mean, y'all know it and I know it and
3 everything, but, you know, we've got the water thing.
4 There's a big deal on water, wanting to build a lake in
5 East Texas for Dallas. I mean, it was a major battle
6 and our congressman helped us stop that, you know. I
7 think the yards in Dallas ought to be pretty, but I
8 don't want them to take my land to build a lake where a
9 guy in Dallas can water his damn lawn. And especially
10 when Dallas has got the highest water usage per capita
11 of anybody in the country. Okay.

12 We've got timber mills in East Texas, you
13 know, where we make pulp. There are bushes in Dallas.
14 There are no trees in Dallas. That is a bush.
15 Hospitals, you've got Baylor Hospital here. We've got,
16 you know, little small community hospitals there. The
17 Medicare, Medicaid, the way that -- the way that's
18 structure in the different areas. You know, it's not
19 a -- it's not community of interest, it's a direct
20 conflict of interest. So when y'all do what you're
21 going to do on that, remember that. It's just -- you
22 know, little common sense. And remember that y'all are
23 Texas people first and don't -- you know, what somebody
24 says in Washington is not what you've got to do. You
25 know, y'all are good men and women, so do what's right.

1 CHAIRMAN DUNCAN: Thank you,
2 Mr. Nickerson. Are there any questions for
3 Mr. Nickerson? Thank you for your testimony.

4 Chair recognizes Jane Burberage. Number
5 72. Ms. Burberage is not present in the audience, but
6 would register a position in favor of redistricting.

7 Chair recognizes Joe Burkleo -- Burkleo.
8 Mr. Burkleo.

9 MR. JOE BURKLEO: Mr. Chairman, Members
10 of the Senate Committee. I appreciate the opportunity
11 to be here. You know, I'm reminded, as I told the
12 chairman, 33 years ago I was elected a precinct chair
13 at a very young age, the same year I ran for city
14 council at large and received more votes than many of
15 the people in the single member districts. I have
16 spent my entire life serving on many city boards and
17 commissions, on various DART boards. I'm currently
18 vice chair of the CAC. And I was thinking back to when
19 we had the grand opening out in Plano and Ms. Shapiro
20 was there and I don't think when Ms. Shapiro was
21 championing the rights of abused children or children
22 that had been abducted that she said, "I only want it
23 to be Republican children." It was bipartisan. She
24 cared about an issue and she fought very hard for it.
25 Just like mass transit, she believed in mass transit.

1 It wasn't a Republican or Democratic issue, it was what
2 was good for the region. And if I remember correctly,
3 Mr. DeLay worked very, very hard in Houston to defeat
4 mass transit down there in a city that if you ever
5 drive through that city at rush hour, God only knows
6 why anyone would need mass transit down there. I think
7 maybe the gentleman earlier had a point earlier about
8 some of the pesticides going to Mr. DeLay's brain.
9 That is absolutely ridiculous, but the thing that
10 really bothers me is that we are wasting all this money
11 to do something like this whenever -- as I pointed out
12 to the chairman, this state currently is 50 percent
13 minority. It is going to be, by the year 2012 or 2013,
14 maybe even sooner, 50 percent Mexican-American. By Tom
15 DeLay's logic, do we then switch the Texas language to
16 Spanish using his logic, the majority rules? I think
17 not. Do we -- because this -- in this country, 50
18 percent of all the new births today are people of
19 Hispanic heritage. That means within the next
20 generation, this country is going to more than double
21 the Hispanic population. Do we -- do we just turn our
22 backs on these people, the Hispanic community, the
23 African-American community, the Asian communities,
24 they're growing faster than the Anglo community, just
25 because for whatever reason they didn't get out there

1 and vote? They're still paying taxes. They're still
2 working. They deserve a right and they deserve a
3 voice. And as was pointed out by the experts earlier,
4 the Republican already have the majority in the House,
5 in the State Senate, in the House of Representatives.
6 You have every statewide race. How greedy can you be?

7 In the race in Florida, the reporters
8 that went back and recounted all those ballots,
9 determined that if every single had been counted
10 correctly, that we would have a different president
11 today. It really concerns me that we go over there and
12 overthrow a country and get rid of a cruel dictator,
13 who we all agree was a cruel dictator for \$1 trillion
14 worth of oil, while we let millions of people die in
15 Africa of AIDS and starve to death all over the world
16 and we don't care about it.

17 Just the other day, Mr. Chairman, on Date
18 Line, there was -- when George Bush, Jr. took office
19 there was one million officially unemployed people in
20 America. Today there are two million people. On Date
21 Line it showed an African-American man, a degreed man
22 who had lost his job, lost his home and his car, his
23 wife on their first child, five days after that child
24 was born it died of malnutrition. We can't take care
25 of our own in this country. George Bush calls himself

1 a compassionate, conservative christian. I don't call
2 it Christianity when you're turning your backs on the
3 children of the State of Texas. You're cutting CHIPS
4 programs, you're cutting all sorts of other programs.
5 People are hurting in this state, in this country and
6 you have the nerve or the gall to consider something
7 that is just a power grab on the part of Tom DeLay to
8 try to come in here and he knows that the demographics
9 of this state are changing just like you told me your
10 own district is becoming more and more Hispanic. One
11 of the things that I really respect about State Senator
12 Shapiro is she has always seemed to be fair. Just like
13 my own state senator, Royce West.

14 I never will forget a meeting that he was
15 at one night. He was always nice enough to come to
16 meetings in the community. That's why all of us,
17 regardless of whether white, black, or brown in his
18 district really have a great deal of respect for him.
19 And somebody tried to play the race card in that
20 audience, and Senator West spoke up and he said, "I'm
21 not going to have it. I represent all the people of
22 the district and we're not going to play by color.
23 We're going to do what's right." And that is the
24 reason that -- just because we're white males, we're
25 not all racist bigoted Republicans. And you think

1 about who supports the Republican party. The Aryan
2 Nation, the Klu Klux Klan. David Duke was not a
3 Democrat. Senator Thurman was not a Democrat. He was
4 a Klu Klux Klansman. Jesse Helms was a Republican, not
5 a Democrat. And when you go in there to vote, you
6 think about if you want to be labeled with people like
7 David Duke, Jesse Helms and Strawn Thurmon, the Klu
8 Klux Klan, the Aryan Nation, and all the other people
9 that are the conservative right wing of the Republican
10 Party that are nothing but racist, bigoted people. And
11 I can assure you they may call themselves Klu Klux Klan
12 Christians, but they're not going to heaven. (Applause
13 by the audience.)

14 CHAIRMAN DUNCAN: Thank you, Mr. Burkleo.

15 Chair calls Marjorie Ford. Is Ms. Ford
16 in the audience? Let the record reflect that Ms. Ford
17 is not present.

18 Bob Stuart. Is Mr. Stuart -- oh,
19 Ms. Ford, I forgot to register her position. She has a
20 position for.

21 Bob Stuart, is he in the audience? Let
22 the record reflect that Mr. Stuart is not in the
23 audience, but would register a position for.

24 Ann Hubener -- Hubener.

25 MS. ANN HUBENER: That's okay.

1 CHAIRMAN DUNCAN: Close enough?

2 MS. ANN HUBENER: Pretty close.

3 CHAIRMAN DUNCAN: You knew who I was
4 talking about.

5 MS. ANN HUBENER: Yes, sir.

6 CHAIRMAN DUNCAN: Would you --

7 MS. ANN HUBENER: There's not too many of
8 us, but three of us are here today.

9 CHAIRMAN DUNCAN: Would you pronounce
10 your name and let us know --

11 MS. ANN HUBENER: My name is Ann Hubener.
12 I'm not representing anyone. I happen to be a realtor.
13 I'm a mom of two Red Raiders. I'm a homeowner. I'm a
14 clean air advocate.

15 CHAIRMAN DUNCAN: Scored a point. Scored
16 two points.

17 MS. ANN HUBENER: I'm a member of a
18 chamber board. I'm on the church board, etcetera, and
19 I go to the beauty parlor.

20 I'm telling all of this to you because I
21 could easily be one of those nightmare constituents of
22 any of you guys. Excuse me.

23 UNIDENTIFIED SPEAKER: Maybe you are.

24 MS. ANN HUBENER: I am a nightmare
25 constituent. As an aside, as a realtor I've

1 represented buyers and sellers in every district
2 represented here, except for yours. Sorry about that.

3 So I want to just tell you, I'm just one
4 of the folks. I would like to trust you and think you
5 are wise, respectful of me and all of the Texans and
6 that's what you asked us at the beginning of this
7 hearing, but the last legislative session that just
8 adjourned proved to me I needed to be more vigilant.
9 You stripped my rights. You placed me in danger and
10 you allowed discriminatory practices in this state to
11 continue. So when we get to talking about
12 redistricting, it is hard for me to swallow my temper
13 and that we, you and I, are spending our time and my
14 money on this little trip.

15 You voted to keep ordinary citizens out
16 of the courts. Courts are all packed. Just packed,
17 packed, packed. As I look at the makeup of this
18 committee, I know the votes are here to pass a new map
19 of some kind of some sort out. Now, you are actually
20 voting to keep the whole State of Texas in court for
21 years to come. How could you guys do this? Now this
22 sounds insane. But you tort reform people ought to be
23 very unhappy about that.

24 Last weekend I went to a high school
25 class reunion and there was a cross section of folks

1 from all over the state. I'll tell you, they think I'm
2 really left wing and liberal and all this stuff. I
3 will tell you they're all white Anglo Saxon
4 Protestants. So I took a little survey. They all knew
5 about redistricting. They do vote. Some had even
6 called their House members. Only one person in our
7 whole little crowd of about 400 was in favor of
8 redistricting, and that was for a personal reason.

9 So just when you're thinking about this,
10 it's not just me as a lefty or so and so as a moderate.
11 It's -- people don't like confusion. And this is very
12 confusing in their lives as they're trying to keep
13 their jobs, raise the kids, pay their bills, keep the
14 cars running, whatever it is. And if you would just
15 think of what each one of us or you could do for your
16 district if you had an extra million dollars to spend,
17 dream about it, pray on it. You could do it if you
18 would prioritize your spending. Spend the money on the
19 folks, not on the lawyers.

20 I appreciate it. Thanks for coming to
21 De Soto.

22 CHAIRMAN DUNCAN: Thank you, Ms. Hubener.

23 MS. ANN HUBENER: We like this facility.
24 We do appreciate that you gave us some money to build a
25 facility. Thanks, Senator West. Thanks, Florence

1 Shapiro. Thanks all of you guys.

2 CHAIRMAN DUNCAN: Thank you. Appreciate
3 it very much.

4 Chair recognizes Gwenda Kidd. Ms. Kidd.
5 Is Ms. Kidd in the audience? Let the record reflect
6 that Ms. Kidd is not present, but would register a
7 position against redistricting.

8 Chair recognizes David Kidd. Mr. Kidd,
9 are you in the audience? Let the record reflect that
10 Mr. Kidd is not in the audience, but would register a
11 position against redistricting.

12 Chair recognizes Dorothy Dean. Ms. Dean,
13 are you in the audience? Let the record reflect that
14 Ms. Dean is not present, but would register a position
15 against redistricting.

16 Chair recognizes Katy Hubener. If you
17 would please state your name and who you represent.
18 Hubener.

19 MS. KATY HUBENER: Yes. Thank you very
20 much. I'm Katy -- Katy Hubener and I don't represent an
21 organization tonight, but normally when you see me I
22 have a clean air hat on. I come to Austin regularly.
23 I visit with many of your staffers and I implore you to
24 pass good pieces of legislation that will help make our
25 air a little safer to breathe or we'll keep Texas from

1 being the national dumping ground for nuclear waste.

2 I am one of you. I care very much about
3 Texas. I care very much about what happens and I know
4 that you've made right choices in the past. I know
5 that you, Senator Duncan, have been a leader on trying
6 to keep us not to become a dumping ground for nuclear
7 waste. What I'm asking you tonight to do is to take a
8 deep breath. I know that I do every time you guys
9 recess. And step back, no offense, take a step back,
10 and deny DeLay. Tell them that you don't want to
11 redistrict. You're getting too much heat from the
12 people in your districts. The people of Texas don't
13 want this. There are better ways that you can spend
14 \$1.7 million than to do this today.

15 I also want to say that I think the big
16 dogs have eaten way too much. I echo the concerns of
17 my mother. I'm a professional advocate by trade. I
18 follow very closely about what takes place. I know the
19 watch dogs aren't winning. The lap dogs are. And I
20 guess what I'm saying is that I don't want anymore lap
21 dogs in Austin. I want us to have people who are
22 statesmen and I think that those people are represented
23 very well in the Senate. I know that you are among
24 them.

25 I want us to have people who will not

1 give into the big dogs. I want people who are going to
2 stand up and let citizens decide what takes place. Let
3 the juries decide what's going to take place in our
4 court system. I want the big dogs to go home. I want
5 real insurance reform and that's the message I'm
6 delivering to you today. I want -- I want the big dogs
7 to go home and I want children to have health
8 insurance. I want that to happen for the people of
9 Texas. I want that to happen for the future of Texas
10 and I think that you are the statesmen and the people
11 that can help do that, so I'm imploring you to tell
12 Perry and tell Tom DeLay that you just can't do it,
13 that this is not right. It's not moral and you'd like
14 to deny DeLay. Thank you.

15 CHAIRMAN DUNCAN: Thank you, Ms. Huebner.
16 Appreciate your testimony. Thank you.

17 Chair recognizes Matthew Porter. Is
18 Mr. Porter here? Thank you, Mr. Porter. Please
19 approach, state your name and who you represent.

20 MR. MATTHEW PORTER: My name is Matthew
21 Porter. I live in Fort Worth, Texas and I'm here to
22 represent myself. You know, I had a whole folder full
23 of stuff and an arrow -- quiver full of arrows that I
24 was going to shoot, but they've all been shot. So I
25 just wanted to say a couple of things.

1 First of all, I said I live in Fort
2 Worth. I work for American Airlines. I'm a
3 maintenance inspector out there. And we did bring up
4 the issue of money. You know, I took a 17 percent pay
5 cut a couple of months ago. At the same time Tarrant
6 County decided to raise my property taxes by 22
7 percent. Farmers Insurance decided since they were
8 going to rewrite me a policy they would go ahead and
9 raise that as well. So, you know, I'm having a little
10 trouble with this whole concept of redistricting right
11 now.

12 I read in the Fort Worth Star Telegram
13 one of my union sisters committed suicide after being
14 laid off after 17 years with American, so you'll excuse
15 me if I'm a little bit emotional about redistricting.
16 There are other things, I think, that are more
17 important to the people.

18 The beauty of a bicameral system is that
19 the Senate has a chance to step back from the
20 fistfighting and the nastiness that goes on on the
21 floor. I was a legislative representative for my
22 union. I went up to Washington often and I watched the
23 transition from the Democrats to the Republicans.
24 There's no difference in the partisanship that exists,
25 but what is important to this State and to the people

1 of the State are the hundreds of millions of dollars of
2 federal money that come into this State.

3 I guarantee you that if the Texas Senate
4 and the Texas House and the governor proceed with this
5 plan, they will gain five or six Republican seats, but
6 they will lose billions of dollars. Transit money will
7 not be forthcoming to the Texas Legislature or to the
8 Texas State willingly. California, New York,
9 Pennsylvania will retaliate. If they don't have the
10 votes on the floor, they'll find some way to cut the
11 funding. We don't have an income tax in this State.
12 The money has to come from somewhere. Since we're not
13 going to do it through new taxes, I'm not sure what
14 we're going to do. Are we going to start printing it?
15 There are some serious, serious ramifications down the
16 road. And as the distinguished Senator said earlier,
17 we have a bicameral system. The purpose for that is so
18 that the Senate can sit back and pour some oil on the
19 water.

20 Senator Wentworth has a proposal, has had
21 a proposal for sometime to look into the redistricting
22 program. We can stop doing this. When I moved to
23 Texas 10 years ago, 12 years ago, I was told there are
24 certain things they take really seriously down here,
25 high school football is one of them. You wouldn't have

1 us here, I guess, if this was on a Friday night.
2 Mr. DeLay might have preferred that the hearings were
3 held on Friday night in October, but I also found out
4 that in the State of Texas you guys only get to meet
5 for seven months every two years. And when I asked why
6 that was, they said, well, it's because they can't get
7 into too much mischief that way. But then they have
8 special session afterwards, so...

9 I would seriously just ask the Senate to
10 consider the long-term ramifications. I know my time
11 is coming up. I really appreciate the opportunity to
12 address the body. Everything has really been said
13 tonight. Just go back and do the people's work, which
14 is rational thinking. The retaliatory effects coming
15 out of Washington on a deal like this one are not worth
16 what we're going to have to go through.

17 Thank you very much.

18 CHAIRMAN DUNCAN: Thank you, Mr. Porter.
19 Appreciate your testimony. (Applause by the audience.)

20 Chair recognizes Bill Betzen.

21 MR. BILL BETZEN: Thank you. Thank you
22 very much. My name once again is Bill Betzen. I live
23 here locally about two miles south of here and I'm here
24 as a grandparent, a grandparent of a generation that
25 quite frankly all of y'all are concerned about, I'm

1 certain. And the fastest growing segment in that
2 generation, the multiracial grandchildren. Many of us
3 have grandchildren. No matter what our ethnic group,
4 our kids can be different colors, races, and that's the
5 beauty. Our -- my grandparents wouldn't recognize my
6 grandchildren because that generation had racial
7 dividing lines. My children's generation, fortunately,
8 are crossing those lines, and that's the proof that we
9 are becoming an integrated culture. We have
10 multiracial grandchildren. And that is the problem
11 with redistricting. When my grandchildren come to the
12 age where they are voting, where they are involved in
13 the political process, I want them to see political
14 leaders that reflect their makeup, that have the same
15 cross-section that they are representing. And that is
16 the danger of this bill. It will be a step backward.
17 The ghosts of the KKK may be proud of the -- what Tom
18 DeLay is doing today, but our grandchildren will be the
19 ultimate judges. Please stop this process. Thank you.

20 CHAIRMAN DUNCAN: Thank you, Mr. Betzen.
21 Let the record reflect our -- the Chair calls Dee Jay
22 Johannesen. Mr. Johannesen, please state your name and
23 who you represent.

24 MR. DEE JAY JOHANNESSEN: Thank you. My
25 name is Dee Jay Johannesen. I'm the executive director

1 of the Health Education Learning Project, a minority
2 based nonprofit organization in Fort Worth that serves
3 at risk women and at risk youth.

4 First of all, I would like to thank this
5 Committee today for the tone you have set. I had the
6 opportunity to be at the House Committee meeting for 17
7 hours and you all are listening, you're reflecting and
8 I hope that our voices are heard. We did not feel that
9 at the House Committee meeting and that was reflected
10 by their vote yesterday.

11 Let's face the -- the facts are we are in
12 the middle of a redistricting. We are spending \$1.7
13 million and Governor Perry found \$1.7 million very
14 quickly for this process. I just wish he could have
15 found the same money to serve 1,235 children in
16 after-school program for an entire year or to enroll
17 1,000 kids in the CHIPS program or to provide 450
18 Texans who are living with HIV with lifesaving
19 medications for an entire year. (Applause by the
20 audience.)

21 I was happy to hear each of you saying
22 that you had not seen a map, that you had not looked at
23 a map yet. I'm glad because I feel that this issue can
24 be resolved without ever looking at a map.

25 Many people say that we have to look at

1 census, and yet we hear the Republicans talk about the
2 vote. Well, I'm going to put the devil in the
3 details -- and go with you on this one. And the fact
4 is 56 percent of the people who voted in 2002 voted for
5 a Republican candidate. So the Republicans want 56
6 percent of the congressional delegation to be
7 Republican. So you're tying the people who chose to
8 show up and vote over a 12-hour period on November 5th
9 and those percentages to what you want to see. Well, I
10 would challenge you that at least 82 percent of the
11 people who have showed up at the many hearings that we
12 have had over the past several weeks have been opposed
13 to this redistricting plan. And using the same logic
14 that you're using to redistrict, I would expect that
15 seven out of the eight of you, 82 percent of you would
16 vote not to bring this up, because that is the will of
17 the people. That is the logic that is being used.

18 The fact is the current map that we have,
19 Governor Perry had the option of redistricting in 2001.
20 He chose not to do it because he didn't control both
21 Houses, both the House and the Senate, and felt he had
22 a better chance by having the courts draw the map. And
23 in fact when the map was drawn, Republicans had the
24 majority in 20 out of the 32 districts. So everybody
25 was happy until the votes were tallied. And the fact

1 is that Republicans only had 15 out of the 32 elected.
2 And they were saying, "What's wrong? We don't
3 understand it." Well, the fact is 120,000 Republicans
4 put a priority behind education, behind social
5 services, and behind the people and they voted for
6 Democrats to represent them.

7 The Republicans want to use a microwave
8 thing and they don't want to put the work behind
9 getting their own people elected. As the executive
10 director of a nonprofit organization, we are having to
11 do more with less. We are having to work with more
12 people with less funds. And if you want to see
13 Republicans elected in those six districts, you are
14 going to have to do more. It is not a simple and easy
15 fix. And all of you said you didn't look at a map.
16 Well, some senators have been looking at maps because
17 I'm also a realtor and I was really surprised when one
18 of the senators showed up at an open house we had and
19 we said, "But you can't live here because this isn't in
20 your district." And they responded, "Oh, don't worry
21 about that. We'll just redraw the lines." That was
22 three weeks ago. So people are looking at that and
23 people are making plans.

24 Anyway, the fact is that the courts are
25 going to end up redrawing this anyway because if you

1 all pass it, it's going to go to court and the courts
2 will redraw the lines. So you're not going to get what
3 you want anyway and -- not going to get what Governor
4 Perry wants. Not you.

5 So I urge you all to vote for the people
6 and vote not to hear the redistricting and not to bring
7 it up and let's put this to bed. (Applause by the
8 audience.)

9 CHAIRMAN DUNCAN: Thank you.

10 MR. DEE JAY JOHANNESSEN: One thing my
11 grandfather used to say when I would get in trouble as
12 a kid was "Just because you can do something doesn't
13 mean you should." And so I urge you to take that wise
14 advice from my grandfather. Thank you very much.

15 CHAIRMAN DUNCAN: Thank you,
16 Mr. Johannesen. I've been asked to state the -- we're
17 on card 84.

18 Chair recognizes Patricia Bowie.

19 UNIDENTIFIED SPEAKER: What card are we
20 on?

21 CHAIRMAN DUNCAN: Eighty-four.
22 Ms. Bowie, are you in audience? Let the record reflect
23 that Ms. Bowie is not present, but would register a
24 position against.

25 Chair recognizes Laverne Copeland.

1 Ms. Copeland. Let the record reflect that Ms. Copeland
2 is not present, but would register in opposition to
3 redistricting.

4 Chair recognizes Charles Bateman.

5 Mr. Bateman, are you in the audience? Let the record
6 reflect that Mr. Bateman is not present, but would
7 register a position in favor of redistricting.

8 How are you doing?

9 THE REPORTER: Fine.

10 CHAIRMAN DUNCAN: Record -- the Chair
11 calls Irvin A. Uphoff. Is Mr. Uphoff here? Let the
12 record reflect that Mr. Uphoff is not present, but
13 would -- has registered against redistricting.

14 Chair recognizes Abigail Brown. Is
15 Ms. Brown in the audience? Let the record reflect that
16 Ms. Brown is not present, but would register a position
17 in opposition of redistricting.

18 Chair recognizes Claudia W. Wilson. Is
19 Ms. Wilson in the audience? Let the record reflect
20 that Ms. Wilson is not present, but would register
21 against redistricting.

22 The Chair recognizes Kathy Adams. Is
23 Ms. Adams in the audience? Let the record reflect that
24 Ms. Adams is not present, but would register a position
25 in favor of redistricting.

1 It's been suggested that we go ahead and
2 take a break so that we can reorder the cards and
3 perhaps speed this up a little bit where we don't have
4 to read all of the cards -- as many of the cards of
5 those who aren't present. And we've been going now for
6 a little over an hour and 15 minutes, so let's -- let's
7 do that. And we'll return at 12 -- try to return at
8 12 --

9 SENATOR WEST: Hold on. Hold on.

10 CHAIRMAN DUNCAN: And if -- yes. Hang on
11 just a minute. Before y'all leave, everybody sit
12 tight.

13 SENATOR WEST: Mr. Chairman, all of those
14 persons who want to testify, could we ask them to come
15 down front and let us pull the cards.

16 CHAIRMAN DUNCAN: Yeah, if you -- if
17 you -- but let me help organize this. We did this in
18 Houston and it worked real well. If you've already
19 testified, move back to the back during the break. And
20 if you haven't testified, come forward and then we'll
21 find your cards and then we'll be able move so that you
22 don't have to wait here all that long. And we'll take
23 a recess until about midnight. Till tomorrow.

24 (Recess for 15 minutes.)

25 CHAIRMAN DUNCAN: We want each and

1 everyone of you to testify. You have five minutes, of
2 course. You can do the math on that. If you can avoid
3 redundancy, that would be very helpful. If you could
4 give us back and give those -- your colleagues in the
5 audience back a little time, that would help as well,
6 but we will continue with a five-minute limit. We
7 won't -- we won't compress that. We appreciate very
8 much your hanging here with us and your patience with
9 this process.

10 So without saying anymore, we'll go ahead
11 and is everybody ready? We'll move to our first
12 witness. Witness number 95, Reece -- Reecie K. Yetski.
13 Is Mr. Yetski -- I hope I didn't pronounce your name
14 too badly. I --

15 MR. REECIE GIESKE: You can butcher my
16 name, just don't butcher the State of Texas, please.
17 (Applause by the audience.)

18 CHAIRMAN DUNCAN: Good comeback.

19 MR. REECIE GIESCKE: My name is Reecie
20 Giescke. I'm a resident of Ellis County, Mr. Averitt's
21 district. I want to thank you for finally getting to
22 me on the list. I know my time could have been better
23 spent and I think yours could have been too.

24 Now, this process was totally
25 unnecessary. This is not a census year, nor are we

1 adding new seats to Congress. Now, I'm president of
2 the United Aerospace Workers, Local 848, in Grand
3 Prairie, Texas. I represent 2,500 employees and about
4 1,500 retirees. These people work at Vought Aircraft
5 and Lockheed Martin Missiles in Grand Prairie and at
6 the Raytheon plant in Garland, Texas. Many of the
7 members I represent vote either party, with a lot of
8 independent ideas. Many of us see no good coming from
9 these meetings. And I, however, want to thank
10 Mr. George Bush, Mr. Rick Perry, Mr. Craddick, and Tom
11 DeLay for waking up my membership and leadership.
12 That's something I've tried to do for a long time.
13 After this scenario, I feel sure that our voted turnout
14 will be much increased and our voters will be much more
15 informed.

16 Please use your time to protect our
17 public schools and our teachers, keep Texans working,
18 keep the elected positions elected, and pursue fair
19 insurance rates. I think that's what most of y'all are
20 elected to do. We have no need for a dictatorship in
21 Texas or any other place in this nation. (Applause by
22 the audience.) In response to some earlier comments, I
23 assure you my children will not attend Richland
24 College. This is not the will of the people, as you
25 can plainly see, for us to be here. I strongly oppose

1 the redistricting as it stands in any form.

2 I thank you for your time and attention
3 while we still have a voice. Thank you very much.

4 CHAIRMAN DUNCAN: Thank you, Mr. Giescke.
5 Any questions for Mr. Giescke? Chair hears none.

6 Chair calls Russ Pate. Mr. Pate.
7 Following Mr. Pate will be Sharon Barbosa Crane.

8 MR. RUSS PATE: Well, in two minutes I
9 can say buenos dias because we're almost there.

10 CHAIRMAN DUNCAN: You've got five.

11 MR. RUSS PATE: Good evening. My name is
12 Russ Pate. Very native Texan. Some of my folks moved
13 from Kaufman County to Lubbock County, and I'm sure
14 that Mr. Duncan probably is aware of the Tubbs and
15 Spikes. And I can say my family conducted the last
16 cattle drive from Lubbock, Texas to Tatum, New Mexico
17 in 1932.

18 I'm here before you today in support of
19 the current congressional map, 1151C. I'm sure you
20 recall that Delwin Jones was chair of the House
21 Committee in 2001 and passed the redistricting map and
22 later the House passed that map, but however when it
23 came to the Senate, Senator Sibley decided not to
24 consider it. And I think he probably had like 11 votes
25 to keep it from being considered.

1 I think it's apparent with all the
2 testimony that I've been hearing, is that we can very
3 well end up where we started and that the map that was
4 drawn in 2001 will stand. And the question for all of
5 you is that, is it worth 10 million or even \$17 million
6 to defend this map? At this time there are very --
7 there are many worthy reasons. The special session is
8 one 1.7 million, and there are very -- many other
9 reasons that many people have given you to spend that
10 money. Nine of the ten largest insurance carriers for
11 home and auto insurance have said that they are going
12 to stand on their rates and that the savings we were
13 supposed to get out of Senate Bill 14 will not -- we
14 will not see the reduction in homeowner rates, which as
15 a realtor affects my clients profoundly.

16 Or you might want to investigate whether
17 major carriers have overwritten their policies that
18 could -- that their assets could justify, and see how
19 many more carriers can do business in Texas. That
20 would be a worthy consideration for a special session.
21 Health care is expensive as well. And maybe we should
22 look to reinstate all the children taken off the CHIPS
23 insurance program so they can receive timely doctors'
24 appointments and inoculations.

25 I've been following the process -- this

1 process since House Bill 3398 passed out of the regular
2 session. It was apparent to all that the map would not
3 make it out of the federal courthouse. Representative
4 King in Weatherford has attempted to redraw that map to
5 assure minority/majority districts are not packed and
6 cracked, but somehow redraw the lines to assure
7 Republican victories in rural areas of East of and West
8 Texas. So more rural counties have been cracked to
9 accommodate this political outcome. Counties such as
10 McLennan, Erath, Cherokee, Bosque, Henderson have been
11 split. Members of Congress such as Martin Frost, Gene
12 Green, Chris Bell, Charlie Stenholm, Chet Edwards, Max
13 Sandlin, Jim Turner, Ralph Hall, Nick Lampson, have
14 served their constituents well are drawn out of their
15 districts. And may I add to the record, one of their
16 biggest issues that realtors are confronting in
17 Washington D.C. is the big grab, which is banks getting
18 into the real estate business. As you will see by this
19 list of the co-sponsors from the State of Texas, that
20 five of the six congressional members that the House
21 Bill is targeting, these are some of our co-sponsors
22 for the very important legislation.

23 In conclusion, I understand there's a
24 substantial amount of pressure that could be applied to
25 the Republican members of the Texas Senate, especially

1 to favor House Bill 3. Not only does Tom DeLay want
2 this map passed, so does Karl Rove and so does
3 President Bush. But who matters most in our
4 democra- -- in our Republic? The Karl Rove or the Tom
5 DeLays of the world or the people of the State who
6 elect candidates of their choosing?

7 So I'd ask you to do the right thing and
8 save the taxpayers money and democracy in Texas. Use
9 the Senate rules to kill House Bill 3 and allow map
10 1151C to be enforced until the next census in 2010.
11 It's time to elevate politics in the state, not
12 bulldoze it into a mass grave. (Applause by the
13 audience.)

14 CHAIRMAN DUNCAN: Thank you, Mr. Pate.
15 Senator Gallegos.

16 SENATOR GALLEGOS: Mr. Pate.

17 MR. RUSS PATE: Yes.

18 SENATOR GALLEGOS: Let me ask you one
19 question because you reminded me even though the hour
20 is late. You're saying that Chairman Jones had a
21 congressional plan that was passed out of the House
22 but -- what was your testimony?

23 MR. RUSS PATE: It was passed out of the
24 House, and according to the quorum report, Senator
25 Sibley didn't allow it to be brought to the floor of

1 the Senate.

2 SENATOR GALLEGOS: You said --

3 MR. RUSS PATE: Apparently -- I remember
4 at that time talking to some Republican friends, that
5 they had different ideas about what the congressional
6 map would be. And I don't think the Senate ever heard
7 that.

8 SENATOR GALLEGOS: So are you saying --
9 and this is you, not me.

10 MR. RUSS PATE: This is me, yeah.

11 SENATOR GALLEGOS: That Senator Sibley
12 and ten others blocked the congressional map from
13 coming on the Senate floor?

14 MR. RUSS PATE: Correct.

15 CHAIRMAN DUNCAN: I don't think they had
16 a congressional map.

17 SENATOR SHAPIRO: That's not what
18 happened.

19 CHAIRMAN DUNCAN: It was the Senate -- it
20 was --

21 MR. RUSS PAGE: It wasn't the quorum
22 report where I saw it. And I could look it up and get
23 it to Senator West's office for the record, if you'd
24 like.

25 CHAIRMAN DUNCAN: Why don't you do that.

1 MR. RUSS PATE: Yeah.

2 CHAIRMAN DUNCAN: We'll look at that
3 too. I made a note awhile ago. Somebody mentioned
4 that. I wanted to -- I don't recall a congressional
5 map actually coming over. It was just legislature.

6 SENATOR WEST: We had something --

7 MR. RUSS PATE: Because -- as I recall --

8 CHAIRMAN DUNCAN: We'll look at that.

9 MR. RUSS PATE: -- Jones passed them out
10 out of his committee was -- is to give some basis to
11 start a new map for 2001.

12 CHAIRMAN DUNCAN: Thank you, Mr. Pate.
13 Are there any other questions for Mr. Pate? Okay.
14 Thank you, Members. Thank you, Mr. Pate.

15 Chair calls Sharon Barbosa Crane. And
16 after Ms. Crane we'll have Cornell Woolridge.

17 MS. SHARON CRANE: Thank you very much.
18 I'm Sharon Barbosa Crane.

19 CHAIRMAN DUNCAN: Before you do that,
20 could I interrupt you.

21 Could our interpreter come forward? And
22 what I want to know is if -- let her -- ask if there's
23 anyone in the audience who needs the service of an
24 interpreter, and if there is none then we can let her
25 go home anyway. She's been here all day long. That

1 would be all right.

2 SENATOR WEST: No, she's got to stay.

3 INTERPRETER BARO: Ai alguna persona que
4 quiera hablar ante el jurado en Espanol?

5 SENATOR WEST: Aqui. Aqui.

6 INTERPRETER BARO: I think the
7 interpreter may be dismissed at this time. I've got to
8 be in court early tomorrow morning.

9 SENATOR WEST: Oh, no. No, senor.

10 CHAIRMAN DUNCAN: Members, is there any
11 objection? I would entertain a motion to allow the --

12 SENATOR GALLEGOS: (Indicating.)

13 CHAIRMAN DUNCAN: Senator Gallegos moves
14 that the interpreter be allowed to be dismissed since
15 there appears to be no one in the audience who desires
16 those services. Is there any objection?

17 Without objection, the interpreter will
18 be dismissed. Thank you for your service today.

19 Thank you for your patience for allowing
20 us to do that, Ms. Crane. Appreciate it.

21 MS. SHARON CRANE: I'm Sharon Barbosa
22 Crane, president of the Irving Democratic Club. And I
23 want to thank you all for your patience and your
24 willingness to sit here and hear us. I know you all
25 are very, very tired as are we. I'm so tired I'm going

1 to have to use notes, but we are truly grateful that
2 you all have shown the patience and the courtesy that
3 you have. And so Honorable Senators, Members of this
4 Committee, and Chairman and staff, I'm here to say on
5 behalf of the Irving Democratic Club, on behalf of my
6 rather large family, on behalf of my husband who is a
7 Republican, and myself, that we strongly and
8 unequivocally oppose the proposal that is before you,
9 that is to redistrict the Texas congressional districts
10 by the map that was passed by the House, by another map
11 to be produced at some other point in time, in any
12 shape, any form, any fashion at this time.

13 We've heard a lot of things discussed
14 this evening. We've heard a discussion about the
15 unfinished business that rests before this legislature.
16 Business which is critical to the people of Texas, but
17 which is waiting in line behind this blatantly
18 unnecessary activity. We've heard a discussion of the
19 cost of this legislative get-together in the face of
20 massive deficits. We can remember the discussion
21 tonight of the unconscionable actions taken in the
22 regular session, actions that provided us with a
23 pretense of insurance reform, provided us limited
24 access to the courts for the average citizen disguised
25 as tort reform. And a heinous disregard for the well

1 being of our elderly, our disabled, and our children.

2 We've heard discussed this evening the
3 legal aspects of this situation by those very learned
4 and intelligent and well-informed attorneys and
5 professors who give us expert testimony so that all of
6 us understand that we operate today under a legal
7 accepted and approved map for our congressional
8 districts. That -- so that we all understand that
9 despite what we often hear in the media today, that
10 reapportionment is based on the census, not on the last
11 gubernatorial election. That redistricting is based on
12 population, not on which political party won the most
13 votes and the most races in the last election.

14 So if the proposed redistricting is not
15 for practical purposes, nor for legal purposes, then it
16 must be for political purposes, and some of the baser
17 ones at that. Many Republicans, unfortunately, have
18 made it quite clear that the purpose of this
19 redistricting proposal is not to secure fair
20 representation for all Texans. It is certainly not to
21 create more minority representation in Texas as has
22 been so eloquently described by so many others with
23 great depth of experience here tonight. It is not to
24 maintain a balance between rural and urban.
25 Redistricting is intended simply to remove as many

1 Democrats from public office as possible in the State
2 of Texas.

3 As Republican advisor Grover Norquist has
4 stated in recent days to the national media to make
5 sure that no one ever again thinks it is acceptable to
6 be a Democrat. Ladies and gentlemen, that is not an
7 acceptable or appropriate purpose for this legislative
8 activity.

9 You know, as an elected official I had to
10 get some guidelines for myself in years past. I had to
11 determine what I needed to know and what I needed to
12 use to make decisions on behalf of the people I
13 represented. I settled on two guidelines. One was
14 whether the policy being considered promoted
15 sustainable and sound government. And second, was
16 whether it helped or it hurt the people I represented.

17 And the final analysis, the
18 responsibility, your responsibility is to the people of
19 Texas. I ask that you ask yourselves if this political
20 exercise serves any aspect of that responsibility.
21 Thank you.

22 CHAIRMAN DUNCAN: Thank you, Ms. Crane.
23 Members, any questions? The Chair hears none.

24 The Chair calls Cornell Woolridge. State
25 your name and who you represent.

1 MR. CORNELL WOOLRIDGE: My name is
2 Cornell Woolridge and I am here representing the
3 Arlington NAACP.

4 Mr. Chairman, Members of the Committee,
5 I'd like to thank you very much for this opportunity to
6 speak. And as I said, on behalf of the Arlington
7 NAACP, I want to express my strong opposition to your
8 plan to redraw current congressional districts.

9 We see this effort as a direct attack on
10 minority voting strengths throughout the State of Texas
11 and particularly local minority voters. It is my
12 understanding that you have the authority to protect
13 minority voters from this attack by voting no on
14 redistricting. I am counting on you to do just that.
15 And I know you've been listening to a lot of people for
16 a lot of hours. I've been here probably as long, if
17 not longer than most of you, but don't just listen to
18 me. Hear this, Republican or Democrat, if you vote yes
19 on redistricting, you will lose. And I don't just
20 mean -- (Applause by the audience.) And I don't just
21 mean votes. I don't just mean your seats. I mean, the
22 respect and the trust of the people that you're
23 supposed to be serving, and I think that's most
24 precious than anything else that you could possibly
25 lose.

1 Under the current lines, North Texas has
2 two minority opportunity districts, just two. Those
3 are Districts 30, represented by Congressman Eddie
4 Bernice Johnson, and District 24 represented by
5 Congressman Martin Frost. They are the candidates of
6 choice for minority voters in their districts. Almost
7 every map drawn thus far removes both the
8 African-American voters and Hispanic voters from the
9 24th District so that neither have an influence in
10 their district.

11 The bottom line is that we no longer
12 trust this process. It's not about drawing the line
13 here or a line there. It's about listening to what
14 thousands upon thousands of people across this state
15 have said over and over again. Leave the current map
16 in place just as it was drawn by the Supreme Court
17 Justice and used in the last election.

18 Now, here's some ugly truth. Minorities
19 don't bring out the vote the way we should. And it's a
20 tragedy, but let me tell you this, the tragedy of
21 redistricting, I can guarantee you, would right that
22 wrong very quickly. (Applause by the audience.) There
23 is no need or requirement for you to redraw any
24 congressional lines anywhere in the State of Texas.
25 The current lines fully comply with every provision of

1 the Voting Rights Act. The current districts have been
2 reviewed and approved by the United States Supreme
3 Court. Never before in Texas has any legislature
4 redrawn lines in the middle of a decade, unless ordered
5 to by the court. Texas is under no such order. The
6 only reason there is to redraw the lines is to
7 guarantee the election of more Republicans to Congress.
8 The only way it could be guaranteed more Republicans in
9 North Texas is to steal the voting strength of minority
10 citizens here. To take the growing minority population
11 of east Arlington and submerge it into a Republican
12 district is just plain wrong. Make no mistake about
13 it, more Republicans in Congress from Texas hurts
14 African-Americans. An examination of the most recent
15 NAACP voting rating makes this vividly clear. The
16 average score for Texas congressional Democrats was 82
17 percent. The average score for Texas congressional
18 Republicans was about 25 percent.

19 This redistricting plan has put us at a
20 fork in the road. One way leads to division, partisan
21 politics and the unraveling of most precious civil
22 liberty. The other way leads to hope and a chance at
23 the promised pursuit of happiness for minorities not
24 only in North Texas, but all across the State.

25 Do the right thing now, or we'll do the

1 right thing later. Thank you.

2 CHAIRMAN DUNCAN: Thank you,
3 Mr. Woolridge.

4 Chair recognizes Karen Eckhardt.

5 MS. KAREN ECKHARDT: My name is Karen
6 Eckhardt. I am from Fort Worth. Thank you very much
7 for listening to my comment this evening -- or this
8 morning, rather. I am here as a concerned citizen and
9 I feel that this issue is a waste of time, energy, and
10 money. I am also here as a former professional
11 educator and I feel that we are cutting programs such
12 as textbooks, teacher salary increases, teacher health
13 care, children health care, and early childhood
14 education, and we are squandering the resources of this
15 State on this issue.

16 As a county election official, I very
17 strongly disapprove of redistricting because it will
18 make it even more confusing for the voters. The last
19 election that I worked in Precinct 1127 in Tarrant
20 County, we have over 2,200 registered voters and the
21 turnout was only 150 people. I think that this would
22 make it worse.

23 In closing, in all due respect, I'd like
24 to paraphrase a comment by Thomas Jefferson. Thomas
25 Jefferson said that you all are our servants and it is

1 not the other way around. Thank you.

2 CHAIRMAN DUNCAN: Thank you, Ms.

3 Eckhardt. Any question?

4 The Chair recognizes Susan Hays.

5 MS. SUSAN HAYS: Thank you. My name is

6 Susan Hays. I'm the Democratic Chair for Dallas

7 County. And to get some housekeeping out of the way, I

8 have 72 letters from folks from around the Dallas area

9 who could not be here tonight.

10 CHAIRMAN DUNCAN: All right. We'll enter

11 those in the record. Thank you very much.

12 MS. SUSAN HAYS: I originally had 74 and

13 I think a couple of them made it since it's been so

14 late, so I pulled those to make sure the record was

15 accurate.

16 First, thank you all for going through

17 this process that is unpleasant at best, but it also is

18 an unnecessary process. You know, as Senator Gallegos

19 pointed out at the beginning of this hearing, this is

20 not the House. And I appreciate y'all going to great

21 lengths to have reasonable hearings around the State

22 conducted in a reasonable manner. That said, you

23 cannot divorce yourself from the tainted process that

24 the House has had as you heard from, I believe,

25 Professor Lichtman more earlier tonight. This is

1 basically, as I was just -- explained it to a couple of
2 folks who asked me, we're not lawyers, a trial court
3 record for what is going to end up going on appeal to
4 the federal courts. The mess the House has made of
5 this could not be undone no matter how well this senate
6 carries on the process.

7 In addition, as many people pointed out
8 tonight, there is no need for this. The Senate has the
9 power to stop this process. I attended the House
10 hearing that was held in Dallas a few weeks ago and
11 was, you know, frankly fearing a war to break up when
12 the public showed up to testify, and much to my shock
13 the Republicans weren't there. The voice in favor of
14 this has not surfaced. There is no public outcry for
15 redistricting. The grass roots of the Republican Party
16 apparently doesn't feel compelled enough to show up to
17 these hearings be they in South Dallas or as I
18 understand from the press clippings, Lubbock and San
19 Angelo.

20 Wanted to also -- I'll keep this short
21 and emphasize again, even though I'm appearing here in
22 a partisan role as a local Democratic party chair, this
23 doesn't have to bog down in partisanship. The
24 legislature is at its best when it leaves partisanship
25 behind and does what is the best policy and what is

1 best for the people.

2 You know, our government has a lot of
3 systems of checks and balances and I think,
4 particularly this last session, one of the best checks
5 in the legislature process was the two-thirds rule in
6 the Senate. You all have the power to stop this.
7 (Applause by the audience.) It doesn't just have to be
8 Democrats on that side getting up to 11 to stop this
9 process. There is no need. It is costing the State a
10 lot of money. It will cost the State a lot more once
11 you get into the litigation and the public as a whole
12 has no desire to see -- to lose the seniority
13 representation they have in Congress.

14 Thank you very much and I will move on
15 out and try to keep this process going.

16 SENATOR GALLEGOS: (Indicating.)

17 CHAIRMAN DUNCAN: Senator Gallegos.

18 SENATOR GALLEGOS: Ms. Hays, real quick.
19 When you came to this hearing earlier, did you see --
20 was there a padlock on the door?

21 MS. SUSAN HAYS: I saw no padlock on the
22 door.

23 SENATOR GALLEGOS: Did you see any sign
24 that said, "Only Democrats allowed."

25 MS. SUSAN HAYS: I did not.

1 SENATOR GALLEGOS: So this is an open
2 process?

3 MS. SUSAN HAYS: These hearings have been
4 an open process.

5 SENATOR GALLEGOS: So that means anybody
6 could have come in here and testified.

7 MS. SUSAN HAYS: Correct. Uh-huh.

8 SENATOR GALLEGOS: Thank you.

9 MS. SUSAN HAYS: Thank you.

10 CHAIRMAN DUNCAN: Thank you, Ms. Hays.

11 Chair calls Velia Lopez. Please state
12 your name.

13 MS. VELIA LOPEZ: My name is Velia Lopez.
14 I live at 2506 Northwest 26th in Fort Worth. I'm here
15 representing myself. Gee, it's 12:30. That's great.
16 I'm really happy. I had to wait 16 hours at the last
17 meeting. And so this is really great for me. Anyway,
18 I'll make this short. I'm so happy, I'm still awake.
19 Anyway, I thank you very much for being here. I thank
20 y'all for your courtesy. Big difference from the
21 meeting that we had here a couple of weeks ago in
22 Dallas. But anyway, I'm going to cut it short.

23 We've all heard about money spent on
24 attorneys. Best spent on teachers' pay, teachers'
25 health insurance, children's health, education. I

1 agree with all that. So many things that I had to say
2 this evening have been said over and over, so I'm going
3 to kind of rush through them.

4 Reasons behind all this rush to draw a
5 new map. Greed, control, misuse of power. Yeah, I
6 agree with all that. Scratch that off. One thing that
7 I didn't hear was how the -- it seems as if the
8 Republicans really want to pay us a favor. They say
9 minorities are doing us a favor by drawing this new
10 map, but I don't see how it's a favor when it has
11 nothing to do with equality. Taking away our civil
12 right, diminishing, the diluting the Latino vote. So
13 I'm going to scratch that off. I don't agree with
14 that. Okay.

15 There was a lady here earlier -- thank
16 you. There was a lady here earlier who said that it
17 had nothing do with race. I wish -- is she still here?
18 No. Well, I'm sorry she left. Anyway, I don't know
19 where she's been living, but I'm a Texan, and in this
20 meeting over and over again I keep hearing these words
21 that keep coming out such as the minorities, racial
22 lines, civil right, racial lines, civil rights,
23 minority over and over. When I hear those words,
24 myself as a Latino woman, when I hear these words, I'm
25 thinking race. Now, you know, nobody wants to say it,

1 but that's what I hear. I hear race. So let me
2 scratch that off since nobody wants to say it. Okay.
3 Scratch that off.

4 Okay. Then -- let me see. Go over here.
5 Let me find my place here. I had to rewrite my notes
6 so many times. There was a gentleman here earlier that
7 talked about his grandchildren, how he doesn't want to
8 see them go through this process and, you know, that
9 we've gone through in our country trying to move
10 forward. I agree with that also, so scratch that off.

11 I have a grandchild too. I don't want to
12 see him go through this. I don't think anybody here
13 wants their grandchildren or great grandchildren going
14 through all this again. We're trying to go forward.
15 For years our entire country has tried to move forward
16 seeking equality.

17 John F. Kennedy, Robert Kennedy,
18 Dr. Martin Luther King, Thurgood Marshall, Malcolm X,
19 Cesar Chavez, they all moved our country forward. They
20 kind of opened our eyes, actually, that we -- they
21 moved our country forward, they marched for civil
22 rights, they stood up and spoke out for equality.

23 When I look at that map, it's not equal.
24 When you start talking about diminishing the Latino
25 vote, that's taking away our voice. That's not equal.

1 It makes me angry. It's wrong. I -- encourage you to
2 please stop this. Just stop it. It's wrong. It's a
3 waste of our taxpayers' money as well and it makes me
4 angry.

5 Thank you for your time.

6 CHAIRMAN DUNCAN: Thank you, Ms. Lopez.
7 Are there any questions?

8 Chair calls Michael Andrew Machicek.

9 MR. MICHAEL MACHICEK: Thank you.

10 CHAIRMAN DUNCAN: I was wondering when
11 you were going to get up.

12 MR. MICHAEL MACHICEK: Well, as a
13 recent -- of LCCCCCF, I greet you, Mr. Duncan. I want
14 to start off with a quote from Thomas Jefferson, and
15 these are all serious quotes and these are all serious
16 words. Thomas Jefferson said once before he wrote the
17 declaration that a little rebellion now and then is a
18 healthy thing. And as necessary in the political
19 world, as rainstorms are in the physical world. Now,
20 what that means is he predicted a revolution every 50
21 years in this continental entity that they called the
22 United States of America. He predicted that as one of
23 the founders of that entity.

24 And so I'm telling y'all, please, don't
25 push the world into a revolution. The people are -- it

1 was bad enough when this government took the world to
2 war and hurt people. That was sad. That was bad. It
3 was -- it was inappropriate. People are being driven
4 mad by the insanity around them. Please don't continue
5 that insanity and -- because if a revolution comes, I'm
6 going to stand up and attempt to lead it in the most
7 decent direction it can go. Because if someone doesn't
8 stand up and attempt to take it in a decent direction,
9 it's going to be destructive and inappropriate.

10 So I'll just ask y'all, please, try --
11 try to maintain some decorum and some legality and some
12 honesty and integrity. But my -- my experience in
13 Lubbock inspired this, and I'd like to sF
14 hare it with you. It's kind of a philosophy and I'll
15 express it in this poetic way. Man's unsighted vision
16 reveals worlds in collision. Another time and space,
17 another human race. Crazy, stubborn, hateful men. No
18 better than one who made them. War, strife,
19 oppression, all can cease. We can all live in the such
20 blissful peace. So silence the dogs of war, my friend.
21 It's time for hurt and pain to end. Do the good and
22 share the wealth. Love they neighbor and thysself.

23 And I'd like to tell y'all that -- you
24 Democratic senators, I would ask you to maintain on the
25 honest and decent grounds and try to fight this with

1 everything you have, but don't -- please don't stoop to
2 anything that's low. Please maintain a decent and
3 honorable demeanor and a decent and honorable behavior.

4 And you Republican senators, I would ask
5 you not only to go back and to end this special
6 situation, I would also ask you to tell Mr. Perry that
7 you not only want to end it, but you regret that it was
8 ever called. (Applause by the audience.) I think you
9 people say that this -- this -- this is -- I mean, when
10 Mr. Lichtman spoke earlier, he expressed it. It's
11 futile to do this. And so, please, just go back and
12 tell them, "We won't take part in this and please let's
13 end this special session and work for the people."
14 Bless you all. Thank you.

15 CHAIRMAN DUNCAN: Thank you,
16 Mr. Machicek. Appreciate it very much. Are there any
17 questions?

18 Chair recognizes Pauline Valencia --
19 Valenciano. Sorry.

20 UNIDENTIFIED SPEAKER: What number is
21 that?

22 CHAIRMAN DUNCAN: Number 145.

23 MS. PAULINE VALENCIANO: Pauline Gasca
24 Valenciano, 216 East, Fort Worth, precinct chair, first
25 generation born U.S. of Mexican parents. We have six

1 generations, 300 plus in our immediate -- our family
2 tree.

3 I am here to urge you and beg and plead
4 that you leave the map as it is. It's bad enough us
5 getting our younger generation interested in voting
6 whenever they see this three-ring circus on TV every
7 day, newspapers, editorials. Everywhere you turn
8 around, it's there. What kind of message is that
9 giving our future voters? Let's think about the human
10 needs. That should be a priority. And not somebody's
11 greed.

12 Muchas gracias. Dios los bendiga. God
13 bless you.

14 CHAIRMAN DUNCAN: Thank you,
15 Ms. Valenciano. Questions?

16 Chair recognizes Kebron Alexander. State
17 your name and who you represent, please.

18 MR. KEBRON ALEXANDER: Kebron Alexander.
19 I represent myself. I reside at 911 Glen Stone Lane
20 here in Dallas.

21 To the Members of this Committee, I'm
22 afraid that by some strange twist of fate we're dealing
23 with a situation where the cart is before the horse.
24 We're dealing with a situation where because the job
25 that was designated to be done by the legislature that

1 the governor is responsible for, ensuring takes place.
2 That job didn't take place in a due time, in a timely
3 fashion. And in not handling its responsibilities, the
4 leadership of the State of Texas advocated to the
5 federal judiciary. Basically, y'all didn't do it, so
6 the courts did. And everybody understood that going
7 in. But for some reason someone is saying, "I don't
8 like the result now." Those are legal lines and now
9 we're seeking -- we're here because someone wants to
10 address those legal lines after the fact and say,
11 "Let's change the outcome even though we knew you were
12 going to draw these lines."

13 I oppose the redistricting that we're
14 presently discussing because there's a fundamental lack
15 of fairness. One in that we're only discussing
16 congressional lines for the U.S. Representatives. If
17 we're going to do it, let's revisit everybody's lines.

18 There's an absence of a legal standard
19 for the courts to intervene in a redistricting
20 discussion in the courts. And that standard has not
21 been articulated by any state official, any member
22 here. Nowhere in this state have I heard anything
23 legally that would justify the courts going back and
24 revisiting the redistricting issue. And if you listen
25 real closely, you hear all of the public clamor for

1 redistricting right now. And this is the same public
2 clamor that existed last year at this time, that
3 existed in January, that existed March 1st, but somehow
4 we got here. There is money that is better spent
5 elsewhere. And a new map does not guarantee new
6 results.

7 Thomas P. O'Neill, former speaker of the
8 U.S. House of Representatives had a very, very germane
9 saying. "All politics is local." And the outcome of
10 the congressional district races in Fall of 2002, those
11 were local decisions. Someone is attempting to change
12 those decisions to benefit a perception that obviously
13 the constituents did not share.

14 My mother has a very, very nice way of
15 putting things. And once I got my first job and made
16 my first little money and decided I wanted to go to
17 spend it, she sat me down and said, "Son, when you're
18 deciding what you're going to do with this money,
19 remember, there are wants and there are needs, and you
20 need to make a very clear distinction about what you're
21 going to do with this money. Are you going to address
22 wants or are you going to address needs? Because those
23 are the basis of your priorities."

24 In making that point let me articulate
25 for you where our priorities have been misplaced. We

1 have priorities for homeowners that were not addressed
2 in the last regular session to school children, to the
3 elderly, to the insured, the underinsured. School
4 finance still has not been dealt with. This very
5 facility, a college and university, the funding for
6 which has now been unkept and no one can plan for what
7 their college life will be for four years. They don't
8 have that regularity. And teachers, once again, we
9 have to get our priorities right. And to justify going
10 here on a special session for redistricting when we
11 have so many needs, so many priorities that have to be
12 addressed, and this was not one of them, I'm just
13 asking all of you to get back on the right track and
14 let's deal with the State of Texas' needs. Thank you.

15 CHAIRMAN DUNCAN: Thank you,
16 Mr. Alexander. Questions?

17 Mr. Jack Borden. State your name and who
18 you represent.

19 MR. JACK BORDEN: My name is Jack Borden.
20 I represent myself, but I also represent my
21 neighborhood and I live in the Oak Lawn part of Dallas.
22 I meet every morning at a Starbucks. My neighbors
23 comes in with their problems, and no matter what
24 government agency, we try to work them out and make
25 sure things are done. But tonight I'm here because in

1 the legislative session in the year 2001 the House did
2 pass a redistricting plan. And under Governor Perry,
3 he instructed certain members to make sure that it did
4 not come up in the Senate. He also at that time when
5 the legislative session was over, he had the
6 opportunity to call a special session. He -- instead
7 of calling a special session, he allowed it to go to
8 the courts. It went all the way to the Supreme Court.
9 The Supreme Court. I personally don't like that plan.
10 But it's a heck of a lot better than some of the plans
11 I've seen lately. I'm willing to abide by the courts.

12 When the constitution of the United
13 States was written, there was one little provision in
14 there. It said the states will redistrict once every
15 ten years. Now, the State would not do their job.
16 They gave it to the court. They gave up the right to
17 do the job by giving it to the court, so it has been
18 done for these ten years. It does not have to be done
19 until the next cycle, but one of the things Mr. Perry,
20 he did -- as I said, he didn't want it done and it
21 wasn't done. If he would have done his job, we
22 wouldn't be here today. We wouldn't have the certain
23 amounts of money that we're going to spend in the
24 courts. And everybody has been low-balling. It's
25 going to be at least \$17 million by the time we go

1 through the court system. That money could be used for
2 CHIPS, it could be used for so many programs that the
3 people in the State of Texas need. And that is the
4 main thing that I want to say. I want to stop wasting
5 our taxpayers' money on this. And you people would
6 love to be home with your families. You probably
7 wanted to do things this summer. But there's one
8 thing -- here -- this is something I wrote today and
9 it's -- I've never written a piece of poetry in my
10 life. Here is a dream. It's my dream. I dreamt it.
11 I dreamt my vote counted, then I was awakened, then I
12 realized my vote didn't count. Thank you.

13 CHAIRMAN DUNCAN: Thank you, Mr. Borden.
14 Appreciate it.

15 Chair calls Molly Rooke.

16 MS. MOLLY ROOKE: I'm Molly Rooke and I'm
17 here from Dallas and I represent myself today.

18 I wanted to point out that this was
19 publicized in a nonpartisan way and anyone from any
20 position could come here today and speak, and I think
21 the number of people who are speaking in opposition to
22 redistricting says a whole lot.

23 I come here today as a former Republican
24 outraged and disgusted at the waste of our precious tax
25 dollars for this special session for redistricting. I

1 would oppose redistricting by any party more often than
2 the ten-year intervals for readjustments after each new
3 census. The Texas legislature should spend its efforts
4 and our money on the pressing needs of our state,
5 education, health care, environment and public health
6 protection, and an equitable taxing structure to fund
7 our needs within a balanced budget. I'm also outraged
8 that this special session is being used to push through
9 other legislation which caters to special interest
10 rather than addressing the real needs of Texans.

11 (Applause by the audience.)

12 There's even a bill taking away citizens'
13 rights to protect themselves, their families and their
14 communities from polluters. So while we're distracted
15 with redistricting, there are some in the legislature
16 who are trying to pass unpopular bills.

17 Over the last decade I have seen the
18 Republican party increasingly use bully tactics to
19 advance their increasingly special interests agenda.
20 (Applause by the audience.) I discovered that they
21 often said one thing and did another, including on
22 fiscal responsibility. I didn't want to be a part of
23 that and I won't support it with my votes.

24 The eyes of Texas are upon you, the Texas
25 Senate, especially those who claim to care about wise

1 and efficient use of our tax dollars. We just had to
2 cut millions of dollars from needed programs in the
3 State budget to balance it. There is no way that a
4 true fiscal conservative can vote to waste our tax
5 dollars on redistricting, including the money that
6 would be wasted in the inevitable court fight.

7 Texas Senators of both parties, I implore
8 you, do the right thing for Texas, for fairness, for
9 the issues about which we all care and for our hard
10 earned tax dollars. The power is in your hands. Don't
11 abuse it. Just say no to redistricting. Thank you.
12 (Applause by the audience.).

13 CHAIRMAN DUNCAN: Thank you, Ms. Rook.
14 Questions?

15 Chair recognizes Tom Blackwell.

16 MR. TOM BLACKWELL: Thank you. I'm --
17 I'm Tom Blackwell. I represent myself. I live in
18 Dallas County in the new 32nd Congressional District.
19 In the interest of time I've made some notes in
20 advance.

21 I am against redistricting. First I'm
22 concerned about the cost of all of this, not just for
23 the special session, but the additional costs that
24 citizens have in coming here, and at the previous
25 hearings in Austin, seeking to have their views

1 considered. I'm concerned about funding of needed fund
2 government functions being denied by actions of the
3 appropriations committee or the government veto, yet we
4 are told that state tax money must be expended for this
5 special session.

6 Then there may be additional court costs
7 that will go on for years and years. I think I heard
8 Professor John Alford testify before the House
9 Committee that it could be \$17 million. There may be
10 some additional costs to local governments where
11 commissioner's courts are required to draw new precinct
12 lines and hold all the elections in additional
13 precincts.

14 I'm concerned because I do not see any
15 great dissatisfaction by the public at large with the
16 existing congressional districts. Yet we are here. It
17 seems the challenge for those of us who come here to
18 oppose redistricting is to determine what can be said
19 that will change the result of the vote of this
20 committee.

21 Is there anything at all that any of us
22 can say that will result in a majority report by this
23 committee with a decision that the lines should remain
24 as they are? I will do my best and I'll try not to
25 repeat what others have said.

1 I live in District 32 and I support the
2 existing lines. The people who live in the district
3 have a common ground. There should not be an attempt
4 to move people who have a different local economy or
5 different background or political view into this
6 district. Those with different views and circumstances
7 should be in districts with members of Congress that
8 they can be comfortable with. Those of us in North
9 Dallas and the Parks Cities have little in common with
10 Rockwall County. We do have a common ground with
11 people in Coppell and Addison.

12 Now we see a number of congressional
13 districts where the voters have cast ballots for a
14 governor, U.S. senator, and other statewide offices of
15 one party and a member of Congress from the other
16 party. This shows that the people voting there are
17 thinking carefully about their choices. This means the
18 Congressional District is in the control of the people
19 who live there, rather than under the control of some
20 political party boss in Washington. We have a stronger
21 state as a result. I believe the State is stronger
22 where local districts are controlled by the people who
23 live there. I also see a lot of value in the seniority
24 of those elected to office. It is likely that until
25 the next census in 2010, the next regular redistricting

1 2011, there will be periods of time when each political
2 party will have a majority in the U.S. House. The most
3 senior members of the party with the majority will
4 assume the positions of greatest influence. If the
5 plan that is in the works to remove senior Texas
6 Democrats and replace them with freshman Republicans is
7 adopted, then in the years where Democrats have the
8 majority, senior Democrats will be there. Senior
9 Democrats will have the influence and control of
10 legislation, but those senior Democrats won't be from
11 Texas. The senior Democrats will be people from other
12 states like New York and Illinois, and California. I
13 want to keep the Texas seniority status in place. It
14 is an arrangement that is best for our state.

15 In a previous redistricting effort,
16 Democratic Senator Ted Lyon took this rather
17 nonpartisan stand. The stand he took and the stand I
18 recommend is to keep district lines that will provide
19 an opportunity for the incumbents to remain and keep
20 their status of seniority and influence no matter which
21 party has the majority in the U.S. House. And it is
22 also to respect those districts where the people have
23 voted for candidates of one party for some offices and
24 the party -- the other party for Congress.

25 Redistricting now, based on a census

1 taken three years ago would also likely trigger other
2 straits, to follow and do the same thing in the off
3 year using old data. I agree with those who oppose
4 drawing districts and unnecessarily mix urban and rural
5 areas. I understand the House has passed a plan to
6 make a Congressional District that runs from Greenville
7 Avenue and Forest Lane near me in North Dallas, all the
8 way to Texarkana and the Arkansas state line. That is
9 not acceptable. It would be very difficult for a
10 member to represent. Lines like this that mix such
11 different areas send a message that the real
12 representation will not go to the people who live in
13 the neighborhoods within the district, it will go to
14 political bosses from inside the belt way of Washington
15 D.C. I'll sum up.

16 People who live in rural areas want their
17 members of Congress doing different things than people
18 who live in urban areas. While we have different
19 issues before us, those of us who live in the urban
20 areas respect their rights to have their members of
21 Congress working on these issues for them. I also have
22 the concern that with this kind of change in
23 congressional lines at this time will result in
24 frequent changes, have the lines every few years. They
25 should be changed only every ten years; otherwise, we

1 could end up with some people with the same residences
2 changing congressional districts and congressmen every
3 few years. And that would ultimately weaken the
4 effectiveness of the State of Texas and Congress.
5 People live and die because of decisions made by the
6 Congress. It's just that important, this is why so
7 many of us care so deeply about it and have come
8 forward to make our statements at these hearings. So I
9 ask for your careful consideration. We should keep the
10 existing imperfect lines until after the next census.

11 CHAIRMAN DUNCAN: Thank you,
12 Mr. Blackwell. Any questions?

13 Chair calls Tim Strickley.

14 MR. TIM STRICKLEY: Esteemed Senators and
15 Representatives, fellow audience, I come to speak to
16 you on behalf of my -- the Strickley family who's
17 basically been here since 1795. I represent -- I
18 represent the underprivileged and a national spokesman.
19 I seek -- I seek the future professional worker as a --
20 to associate with. We -- we have a full -- a full
21 constitutional -- a full constitution and I am a
22 renaissance man trying to -- trying to get through
23 graduate school. And I'm totally opposed to the
24 redistricting plan -- redistricting plan as it stands.
25 I am in full support of District 24, Bernice Johnson

1 and Martin Frost, District 30, being retained. We
2 have -- we have Republicans that basically they have
3 wealth beyond means, ilk, monetary of huge stature, yet
4 they want to spend our tax dollars. They don't know
5 how to -- they know how to manage their money, but they
6 don't know how to -- don't know how to spend our money.
7 Why is this such? They spend wasteful money left and
8 right. If you look at their wealth and it's totally
9 preserved. I'm an accountant. I know how to handle my
10 money and I know where it's at month end, month out.
11 They are sworn by the constitution. They are sworn to
12 handle money, yet they don't know how to handle our
13 state budget. There is waste there.

14 Tom DeLay is basically a puppet and the
15 total -- the total -- the total Republican Party and he
16 basically is just a puppet to the wealthy. Now, as the
17 redistricting is scheduled the next two -- next two
18 years, going to lose 11 Democratic senators, to lose 33
19 senators in 4 years. So this is all -- this is all a
20 bad scene for the ordinary worker, the ordinary citizen
21 of Texas. It's not -- it's not good for us. It's
22 all -- it's all a political play for the wealthy.

23 Now, as it stands, Tom DeLay, Governor
24 Perry, Lieutenant Dewhurst, comptroller Carol
25 Strayhorn, they should abide by -- I hear you. They

1 should abide by the census -- the census and do this in
2 the spring. Now, I -- now, I represent the renaissance
3 man, I'm going after my masters, and I believe in fair
4 play. The constitution is not being abided by by the
5 Republicans, some Democrats, and other party officials,
6 but as long as I have an opportunity to go to the --
7 go to the -- Austin or to Washington D.C., I'm going to
8 do -- I'm going to communicate and represent like Henry
9 Clay, Daniel Webster, and Hugh Douglas. Great -- great
10 senators who represented our country and debated the
11 issue, and I will continue to bring these issues to the
12 American people. God bless you and thank for our time.

13 CHAIRMAN DUNCAN: Thank you,
14 Mr. Strickley. Any questions for Mr. Strickley?

15 Chair recognizes Jesse Aguilera.

16 MR. JESSE AGUILERA: Good evening. My
17 name -- good morning, Senators. My name is Jesse
18 Aguilera. I represent the American G.I. Forum of the
19 regional commander for North Texas. For those of y'all
20 who are not familiar with the American G.I. Forum, it's
21 a Hispanic veterans organization that was founded --

22 CHAIRMAN DUNCAN: We're pretty -- we're
23 pretty familiar with the American G.I. Forum.

24 MR. JESSE AGUILERA: I heard some of
25 y'all may have been. It was founded in 1948 by

1 veterans who fought tyranny then had to come home and
2 fight for their civil rights. And it seems like we're
3 still fighting for our civil rights at this time. I'd
4 like, at this time -- well, before I do that, I'd also
5 like to say I'm from Fort Worth, Texas.

6 SENATOR GALLEGOS: (Indicating.)

7 MR. JESSE AGUILERA: There you go. Good
8 to see the cap on. I'm from Fort Worth, a product of
9 the stockyards and I believe I could also publically
10 admit that I'm also a Red Raider, but --

11 CHAIRMAN DUNCAN: There you go.

12 MR. JESSE AGUILERA: I would like to read
13 this -- I would like to read this letter that I wrote
14 to one of your colleagues recently.

15 "Dear Senator, the State of Texas faces a
16 difficult moment in its continuously tumultuous
17 history, and you have the opportunity to provide
18 positive leadership to a government body heading
19 towards self-destruction. The continuation of this
20 unprecedented mid decade redistricting process will
21 only serve to perpetuate a growing discontent among
22 disenfranchised Texans against the power brokers that
23 control the State capitol.

24 A legislature body that is unresponsive
25 to the most humble of its citizen -- citizenry is

1 losing the opportunity to stir our state toward
2 greatness. I have had the opportunity to participate
3 in the redistricting process in the '80s and actually
4 learned quite a bit from Senator Barrientos at that
5 time. Also in the '90s and also at this decade. Most
6 recently I have been part of the Fort Worth Community
7 of Interest Redistricting Committee. As a citizen I
8 have worked grass roots efforts that went from days of
9 crayon maps full of bad math to time saving computer
10 software with unbelievable accuracy. No matter how
11 improved the technology, it is still an ugly
12 contentious process that brings out the worst in
13 people, especially those who hold strong -- strong to
14 their ideology.

15 My redistricting experience has taught me
16 that voter turnout as argued by some state leaders is
17 not justification for reconfiguring congressional
18 districts. It is reapportionment because a
19 Constitution required census has been taken. My
20 experience has also taught me that the currently
21 approved House Committee map so tightly drawn that a
22 deviation of only one voter for 32 districts reflects
23 technology -- technological wizardry, but does not
24 respect the communities of interest as required by the
25 courts. The fracturing of Fort Worth minority

1 neighborhoods, but retaining the integrity of Arlington
2 city boundaries demonstrated discrimination of urban
3 dwellers to benefit white white suburbs.

4 I believe this continuing -- that
5 continuing further with this ill conceived power grab,
6 Texas would weaken what was once a movement toward
7 decency in our great nation. The Voting Rights Act
8 provides an American -- American with equity in our
9 Democratic process, but the legislators are moving
10 toward reversing the gains of the past 40 years. What
11 is next for Texas? Poll taxes or possibly separate
12 water fountains? I urge you to oppose this process.
13 This can only continue to be more contentious and cost
14 Texans millions of dollars in legal expenses. We have
15 other real problems to resolve in our state. My fear
16 is that this leadership is taking us to the point of
17 being worse than Mississippi in health care, poverty,
18 and now human rights. Thank you. (Applause by the
19 audience.)

20 CHAIRMAN DUNCAN: Thank you,
21 Mr. Aguilera. Questions?

22 Chair recognizes Tom Carlin.

23 MR. TOM CARLIN: My name is Tom Carlin.
24 I'm a concerned citizen. I'm also a union member of
25 Transpo Workers Union, I work for American Airlines.

1 We also -- the same union represents Southwest
2 Airlines, which, Senator, a lot of those people are in
3 your district.

4 I'm just now going to talk about what
5 happened in the last three months or so. I'm Irish so
6 I get confused in a hurry.

7 Before the elections, somewhere around I
8 guess October everything was great in this state. We
9 had plenty of money. We had -- we were talking about
10 giving teachers raises. We had the CHIPS program going
11 on, and by now if none of you don't know what CHIPS is,
12 you'd better go back to school, because you ought to
13 know by now. Enough people have beat you up on it.
14 Then came the election, and we saw the victory speeches
15 and we saw everybody holding hands. At that time the
16 woman's name was Carol Rylander. Not only did she
17 change her name next week, but we went from a profit to
18 a debit. (Applause by the audience.)

19 Once again, I'm a little slow. You
20 fellows are a lot more -- you know, you're a lot more
21 intelligent than I am, so you can understand how that
22 happened, but nobody has ever explained it to me.

23 Now let's get to the meat of this thing.
24 It's early in the morning. We're out of time and I'm
25 out of patience, so try not to take this as

1 disrespectful, but for you Republican male senators, I
2 don't even want to talk to you. See, I've been married
3 for 35 year and I've been watching your facial things
4 tonight and a lot of you look as when my wife is
5 telling me I've got to paint the House, cut the grass
6 while I'm thinking about going fishing that weekend.
7 I'm listening to her, but I'm not really listening to
8 her.

9 So, Ms. Shapiro, I'm going to talk to
10 you. And I'm not going to talk you as a Senator, I'm
11 going to talk to you as a woman and a mother. Now,
12 first of all -- and, ma'am, I don't need a thing from
13 you, except a vote, but if there were more women
14 sitting up here, I don't believe we'd be here today.
15 (Applause by the audience.)

16 CHAIRMAN DUNCAN: Sound like he's running
17 for office to me.

18 SENATOR SHAPIRO: No wonder you've been
19 married for 35 years.

20 MR. TOM CARLIN: I tell you what, I'd be
21 running for the state line if you fellows would tell me
22 where that was after this meeting. (Applause by the
23 audience.)

24 Senator Shapiro, these guys are not going
25 to listen next week. And please don't get -- be

1 disrespectful on this, but you're going to be down
2 there next week in Austin, you're going to be telling
3 some funny damn stories. You're going to be talking
4 about the guy with the guitar, some of the other people
5 we saw here today. I think they were all fantastic,
6 but you're going to be throwing down a couple of cold
7 ones, and you're going to be laughing about some of the
8 things that happened here tonight. And there's going
9 to be other people coming in from Houston and Austin
10 and Waco and everywhere else and you're going to e
11 matching stories because you've got this male bonding,
12 and none of you want to blink. You've already made
13 your damn promises before you got here. None of us are
14 going to blink. Not you, ma'am. Young lady, I believe
15 if you'll get with the rest of them women in that
16 senate --

17 SENATOR VAN DE PUTTE: Mi hermana.

18 MR. TOM CARLIN: I don't know you, but I
19 like you already.

20 But, Ms. Shapiro, on a serious note,
21 we're down \$8 billion. The CHIPS program as we know it
22 is down the tubes, so let's not sugarcoat it. It's
23 gone. Those people that had -- the only thing they had
24 to rely on was the CHIPS program, they have nowhere
25 else to go. I keep remembering this phrase, you tell

1 me which governor it was. "Leave no child behind."

2 (Applause by the audience.) Leave no child behind.

3 Didn't one of them governors say that one time.

4 SENATOR SHAPIRO: The president.

5 MR. TOM CARLIN: Excuse me. Well, then I

6 guess we have to blame the previous governor for the

7 position we're in today in Texas. Well, they blame

8 Clinton for where we are up there, so I guess we can

9 blame him. But that isn't about -- that's not what

10 it's about. Leave no child behind. And yet, we're

11 sitting up here today deciding on redistricting, where

12 we're going to leave all the children behind. Our

13 legacy, the people in 20 and 30 years that are going to

14 be up there, and you want to leave them behind. You

15 won't have a minority up here unless they're born to

16 the wealthy. Don't tell any little kid in those

17 ghettos, in those barrios that they can be governor or

18 senator. Ma'am, they'll never have a chance because

19 they won't be living because there won't be any

20 medicine for them. God forbid if they get sick. And

21 I'm not talking to you as a Senator. I'm talking to

22 you as a mother. You go down there and straighten

23 these guys out. You get your girlfriends together down

24 there and you straighten them out. (Applause by the

25 audience.)

1 Please do that. I'll make mine short and
2 sweet. You think about the children of this state.
3 When you took that oath of office, do no harm to our
4 next generation. And, ma'am, I'm pleading with you.
5 You guys forget about it. You. Thank you. (Applause
6 by the audience.)

7 CHAIRMAN DUNCAN: Thank you, Mr. Carlin.
8 Chair recognizes Rosa Orenstein. Ms. Orenstein.

9 MS. ROSA ORENSTEIN: Buenos dias. Good
10 morning. I am here in part to support people like
11 Ms. Lopez, and I didn't get this lady's name, Ms.
12 Aguilera, but it's already been said, the Latino
13 community is the largest expanding population in this
14 state. If this redistricting process moves forward you
15 will set us back 15, 20 years. We don't concentrate
16 ourselves anymore in the barrios. We are scattered
17 throughout the State.

18 Now, it's already been said, and I will
19 make the point, why are we here? The courts have
20 already decided the issue for us because our
21 legislature chose not to conduct its business in an
22 orderly fashion in 2002 after the 2000 redistricting.
23 The reason given because the judges drew the map.
24 We're going to be in the same place again four or five
25 years from now. This fight is not going to go down

1 without a battle. We fought too hard and too long for
2 our rights to give them up without a fight. We will
3 fight. (Applause by the audience.) Some people also
4 choose to forget that the people who were primarily
5 responsible for drawing the map that went to the courts
6 was dominated by Republicans. If they didn't like the
7 results, they need to get the House in order. Not come
8 get our house in order.

9 The map that I saw last still dilutes
10 minority voting. It packs us in some instances. It
11 cracks us in others. It slices us up and it dices us
12 up. We will have no true opportunity to elect a
13 candidate of our choice. And I'm looking directly at
14 you, Mr. Averitt. I'm directing myself at the
15 Republican members of this committee. I have heard
16 people say, "Do the right thing. Don't set us back 20
17 years. Don't set us back 30 years." Let me appeal to
18 the selfish side of you, because I think that's
19 generally what works. The Republican Party has made a
20 tremendous effort in the last few years to attract
21 Latinos to the party. I've been approached four or
22 five times. Do you honestly believe that a map of this
23 sort that sets back the minority community and the
24 Latino community 15, 20 years is going to be proving to
25 be good grounds for you to attract Latinos to your

1 party? Please think about it even if it's on the
2 selfish side of things.

3 Now, I'm with everybody else who has
4 already come up here and said, we're out of money.
5 We've had to cut needed services for our most humble
6 and vulnerable people in our state. Why are we
7 spending a million, 2 million, 17 million, whatever the
8 number is, when we've put our most vulnerable at stake?
9 We've flushed them down the toilet. And we don't seem
10 to care. And I want to appeal to those of you who do
11 care, to focus on that. We have not done anything
12 about how to educate our children. I'm particularly
13 concerned about that. Our Latino kids are the greatest
14 growing population in those schools and we have a 50
15 percent dropout rate. That does not vote well for the
16 State whether you are a Republican or Democrat. You
17 have to solve it. (Applause by the audience.)

18 Lastly, I am one of those people that
19 does feel when we have those red ozone alerts, the
20 orange ozone alerts, and not too long ago we had a
21 purple alert, and let me tell you, my throat and my
22 nose felt it. Our lungs are burning. You have to fix
23 that problem. This is minuscule compared to that.

24 Please focus on our kid's education and
25 learning and please do something about keeping our

1 lungs from burning. Thank you very much.

2 CHAIRMAN DUNCAN: Thank you,
3 Ms. Orenstein. Any questions?

4 Chair calls Janet Bridges.

5 MS. JANET BRIDGES: Good morning.

6 CHAIRMAN DUNCAN: Good morning.

7 MS. JANET BRIDGES: I want to say I
8 really appreciate y'all saying and the consideration
9 you've given to all the speakers today and this
10 evening.

11 So to the Chair and Honorable Members of
12 the Redistricting Committee. For most of the past
13 century redistricting has been a fairly predictable
14 process. As it's been stated earlier this evening,
15 every ten years State Legislature would redraw
16 congressional lines for the purpose of utilizing new
17 census data and to create proportionate districts by
18 population. Well, this process may be crumbling. On
19 July 1st of this year the New York Times published an
20 article entitled "Across the United States
21 Redistricting as a Never Ending Battle." The article
22 states the tradition of redrawing Congressional lines
23 every ten years for the purpose of considering census
24 data may be coming to an end as State Legislatures such
25 as Colorado, and now Texas, draw new districts whenever

1 they have a partisan advantage. The article states
2 that New Mexico, Oklahoma, Illinois, and California may
3 be following suit. As a -- in order to -- what's the
4 word? I'm so late. In order to get back, you know,
5 the seats that we lost in Texas.

6 UNIDENTIFIED SPEAKER: Quid pro quo.

7 MS. JANET BRIDGES: Right. Thank you.

8 So this would make redistricting battles
9 a recurring feature of the political landscape. And
10 experts say reviewing the 19th century practice of
11 redrawing political maps every time a legislature
12 changed hands.

13 So I respectfully ask you to ask yourself
14 just two questions. Number 1, is this the type of
15 precedent that the Texas Legislature wants to create
16 for the entire country in the future? And most
17 importantly is reviving this process benefitting the
18 people of Texas? Is it funding schools for children?
19 Is it creating jobs for our unemployed? Is it caring
20 for or our elderly? So I urge you to carefully
21 consider the consequences of your action on this -- on
22 this issue. Thank you very much.

23 CHAIRMAN DUNCAN: Thank you, Ms. Bridges.

24 Chair calls Amber Anderson. Amber
25 Anderson.

1 UNIDENTIFIED SPEAKER: What number is
2 that, by the way?

3 CHAIRMAN DUNCAN: Number 205. We have
4 about 12 or 13 more people.

5 MS. AMBER ANDERSON: Hello, Senators. I
6 want to thank you for your time and your patience. I
7 started to feel a little sorry for you all, and then I
8 thought, "Why do I feel sorry for you guys? You could
9 have stopped this. You could have done something to
10 stop this." (Applause by the audience.) Why should I
11 feel sorry for y'all? I feel sorry for all these
12 people sitting in here. Look at all the people who
13 have already testified who are still here. That's how
14 much they care about this process.

15 My name is Amber Anderson and I'm an
16 attorney in Fort Worth, Texas. I was just redistricted
17 into Martin Frost's 24th Congressional District in
18 2001. I would like to stay there. I live in a
19 minority impact district and I want it to stay that
20 way. I don't want y'all messing with those lines. I
21 haven't seen the new map that's been passed out of the
22 House, but I do know before it was cutting me out of
23 Martin's district again. So in the period of two years
24 I would go into three different districts.

25 We've already talked about the cost of

1 this and the cost of the special session and the
2 challenge. When Tom Carlin said he felt like you guys
3 have already made your promises, and so there was
4 nothing to be said to y'all, he really touched on
5 something that is a huge source of frustration for me.
6 I was at the House hearings last week or two weeks ago.
7 I sat and watched a lot of the House and Senate debate
8 during the whole legislative session and it -- you see
9 so many voters and people who -- people who just feel
10 like there is nothing they can say to you all. You're
11 going to do what you want or what Tom DeLay wants or
12 what Karl Rove wants or what the Republican Party wants
13 no matter what is good for the State of Texas, or the
14 people in Texas. And so, you know, I get up here and I
15 try to think, "Well, What can I say? There is nothing
16 that I can see that hasn't been said already." So I
17 will just reemphasize to y'all that this redistricting
18 can do nothing but violate the Voting Rights Act. We
19 already have a Supreme Court approved map. Why mess
20 with it? Why? (Applause by the audience.) I just
21 don't get it. I'm really tired of politicians who say
22 one thing and do another, be they Republican or
23 Democrat. I'm tired of it. I'm tired of politicians
24 who say they're for children and who spend \$7 million
25 on redistricting. I'm tired of it. I'm tired of

1 politicians who say they're -- that they're for
2 education, for health care, for lower taxes, and then
3 spend \$7 million on redistricting for no reason other
4 than a blind power grab, because that's the only
5 justification that has been given for this.

6 UNIDENTIFIED SPEAKER: That's right.

7 MS. AMBER ANDERSON: Like I said, I've
8 watched a lot of the legislative session and the one --
9 the one thing that has given me even the smallest,
10 can't say happiness, can't say hope, I don't know what
11 I would call it, but is that the Senate has at least
12 been a deliberative body this session. Under the
13 leadership of Lieutenant Governor Dewhurst and Senator
14 Ratliff, you guys have at least had hearings on things
15 that the House declined to even hear from the public
16 about and I appreciate that. And I would hope that you
17 would continue that in your process of deliberating on
18 redistricting and I would just like to reemphasize that
19 the Voting Rights Act is one person, one vote. Not one
20 voter. One vote. 57 percent, 56 percent, whatever it
21 is Republican, it doesn't matter. That's not the
22 constitutional basis for redrawing the maps. And so I
23 would encourage you all to keep that in mind. I
24 appreciate your time. One person, one vote.

25 CHAIRMAN DUNCAN: Thank you,

1 Ms. Anderson.

2 Members, it's -- we have about 12
3 witnesses to go and it's been an hour and a half. I do
4 not want to take a full break, but I would like to take
5 a 7th inning stretch here so that the court reporter
6 can have just a few seconds off. Let's just take a
7 five-minute break so -- we can do. Stay in recess for
8 five minutes.

9 (Recess for 8 minutes.)

10 CHAIRMAN DUNCAN: Beving, B-e-v-i-n-g,
11 Rita. Help me with your name. I'm sorry.

12 MS. RITA BEVING: That's right, Senator
13 Duncan.

14 CHAIRMAN DUNCAN: Perfect, okay. Well,
15 great. Thank you very much.

16 MS. RITA BEVING: Like you said, my name
17 is Rita Beving. I'm from Addison. I'm in senator
18 Shapiro's district and I'm a community advocate who's
19 worked with folks in Dallas, Ellis, Collin County, and
20 now East Texas. I'm not a paid staffer. I do it
21 because I feel helping people is morally right. I also
22 believe in the public interest in helping other people,
23 and that's just what you've been elected to do also, is
24 to serve the public interest. So tonight I'm here to
25 appeal to your moral compass, to ask you to listen to

1 the voices that came here tonight and are staying here
2 late with you and to your sense of equity. For Texas
3 minorities, our rural areas, for those who live in
4 Dallas and all of Texas.

5 I think this redistricting action is not
6 only unwarranted by the census, but it's unjust to the
7 various constituencies we have in Texas. I think it
8 packs and cracks communities of color and communities
9 of common interest. Though all of us in this room have
10 not necessarily seen the map that passed in the House
11 last evening, I had a chance late in the night to get a
12 quick glance at the map that has been put out there.
13 So I want to take a quick trip around Texas. And I'm
14 going to start with all the new districts. And the
15 split starts with District 2 because that's in my
16 backyard, that Kenny Marchant happens to be in and may
17 also gain by. District 2 would now drive from heavily
18 populated Dallas right through part of Denton County
19 and grab six Red River counties to dilute their rural
20 power. I ask you, how are you going to reconcile
21 Dallas interest with those in rural Red River counties?

22 District 5 now carves up another rural,
23 District 1, as it -- as it is currently and drives it
24 straight to Dallas and dilutes that rural area and lets
25 Dallas possibly dominate what may happen in those rural

1 areas near Texarkana and those area. District 1 is
2 further carved up into three parts. One which would be
3 attached to Longview. Seems we're attaching cities to
4 rural areas. And District 22 in South Texas,
5 Galveston's minority voters would now be attached to
6 DeLay's district destroying their constituency from
7 having a real voice. District -- the new District 4
8 would now grab several rural Texas counties and drive
9 them straight into heavily populated Harris County.
10 Again, how do you reconcile rural interest with urban
11 Harris County interests?

12 District 17 is no longer the
13 predominantly big sky area that we've always known.
14 It's now going to be attached to Lubbock. And so that
15 agricultural area's interest will be split.

16 Near Waco, one of the black minority
17 districts -- black minority areas is carved out and
18 thrown into another district.

19 The three-county area near Waco, which
20 has been together as a common interest for over a
21 hundred years is now shattered. So now we're back to
22 Dallas. And I know I didn't cover all of them. So
23 what are we doing? Splitting communities, creating
24 super majorities, packing and cracking others. If you
25 look at this, this is not what you call equity for

1 Texans or representing their interest.

2 I want to say to you, you know
3 overwhelmingly these meetings have been represented by
4 those against redistricting. And I want to say to you,
5 one of your colleagues, Phil King, mentioned in the
6 media that the Democrats have packed these meetings.
7 Well, I just want to ask you something. Are those --
8 are the pro districting people illiterate? Can they
9 not read an address, a time, and a date? Can they not
10 turn the ignition on in their car and get here? Do
11 they not have a couple of dollars in their pocket to
12 take public transportation to be here? I think not. I
13 think they think it's a done deal or I think they don't
14 think it's important enough to be here. And I just
15 want to close in saying, you know, a gentleman said
16 tonight that the way the map is now is not
17 gerrymandered, and that's true, because why would so
18 many Republicans be elected today. So we don't need to
19 change the maps because Republicans are not getting
20 denied their elections and their votes and their
21 offices. Thank you.

22 CHAIRMAN DUNCAN: Thank you, Ms. Beving.
23 Any questions?

24 Chair recognizes Calvin Adkins. After
25 Mr. Adkins we'll have Dennis Ferguson. And after

1 Mr. Ferguson we'll have David Bridges -- or David
2 Griggs.

3 MR. CALVIN ADKINS: I'm Calvin Adkins and
4 I represent myself. Actually, you know, I've never
5 seen any of you people before. And I'm sure you've
6 probably never seen me before. And I think everything
7 has been said here, so I'm not really going to say
8 anything, except -- has everyone heard what I said? I
9 don't want to start over.

10 What I was going to say was something a
11 gentleman earlier said, to a certain extent, is that I
12 think that anyone who thinks that the majority of
13 Texans are in favor of this just haven't been
14 listening.

15 Now -- and we just had some of that just
16 a moment ago. So the test now is apparently a week ago
17 or two weeks ago the House Committee was not listening
18 based on the amount of testimony that they got. The
19 test now is have you been listening? And someone
20 alluded to that a few moments back that you look like
21 you're listening, but you're really not. And I
22 particularly really don't care because what I'm going
23 to do is look for the results in the newspaper and see
24 if these votes is strictly along party lines. And if
25 it is, you haven't been listening. So I'm waiting for

1 the vote. And that's all I've got to say.

2 CHAIRMAN DUNCAN: All right. Well, thank
3 you, Mr. Adkins. Appreciate your testimony.

4 Chair recognizes Dennis Ferguson.

5 MR. DENNIS FERGUSON: My name is Dennis
6 Ferguson and I'm here representing I guess an ancestor
7 that's buried at Goliad. Another one that has a name
8 inscribed at the San Jacinto Monument. I have to
9 represent myself. I'm in Sam Johnson's district. He's
10 decided that because I'm a Democrat I don't think like
11 an American, even though I am a Veteran. All my
12 relatives have fought. Like everybody says, pretty
13 much everything has been said and you come here and
14 you've got all your quivers. I would like to go over
15 about three additional points. Three points.

16 One is the hearing is unconstitutional.
17 Under Article 1, Section 2, Clause 3 of the United
18 States Constitution you do it every ten years. Under
19 Article 3, Section 28 of the Texas Constitution, you do
20 it at the first regular session after the publication
21 of the decennial census. There's one other article and
22 I won't address it to y'all because y'all don't have a
23 map right now, but that's Article 3, Section 26, of the
24 Texas Constitution that basically says that if you have
25 enough population in a county to have a representative,

1 then that county shall be the district. And it doesn't
2 say that you're going to divide up the district and go
3 all the way to Texarkana. And you can even go back to
4 the constitution of 1836 for the Republic of Texas and
5 they did the same thing. Now, the one thing I will say
6 to all of y'all is that being a veteran, having sworn
7 to defend the constitution, if somebody subverts the
8 Constitution of the United States in the State of
9 Texas, to overturn a duly elected and legal government,
10 then by definition they're enemies of the State. And
11 that's exactly the way they should be treated. And
12 politically I think that's the way they will be
13 treated. Democrat or Republican, anybody that votes
14 for redistricting will be hunted down and voted out.

15 Now, why are we here at 1:30 at night?
16 Let's get the record straight on this because there's
17 been a lot of things said about it. One, Susan
18 Weddington, chairman of the Texas Republican Party,
19 blocks Senate Bill 500. I'm sure most of y'all were
20 there in the 77th legislature. She mud wrestled
21 Republican Senators down and told them that if they
22 voted for the bill for the State Senatorial and House
23 districts, the thing would be trouble in their
24 primaries and I could understand that.

25 SENATOR SHAPIRO: That's not true.

1 MR. DENNIS FERGUSON: Jeff Wentworth says
2 it is true, so you may check with him, ma'am, because I
3 talked to him on the phone on that one.

4 SENATOR SHAPIRO: Well, we all voted for
5 it.

6 MR. DENNIS FERGUSON: It didn't come out
7 of committee. There was two or three votes shy.

8 SENATOR SHAPIRO: Oh, you're talking
9 about his bill?

10 MR. DENNIS FERGUSON: Yes, ma'am.

11 SENATOR SHAPIRO: I'm sorry. I didn't
12 know which bill you were talking about.

13 MR. DENNIS FERGUSON: Yes, ma'am. I'm
14 just saying, that's -- that's what I was told.

15 UNIDENTIFIED SPEAKER: She doesn't like
16 him very much.

17 MR. DENNIS FERGUSON: Okay. Whatever.
18 Then the government threatened to veto any legislation
19 that y'all came up with. Then he refused to call a
20 special session. That's why you did not deal with
21 anything there, but interestingly enough, almost within
22 a week of the legislature adjourning, the legislature
23 redistricting board did draw the lines that y'all now
24 run on. And that was four Republican and one Democrat.
25 Now, you talk about pack and crack, there you go. You

1 take an equally divided Senate and House of
2 Representatives and then you put it over to where
3 you've got an 80/20 split, plus the legislative
4 redistricting board, all they need is three signatures
5 to act. There was no going to Ardmore then. We were
6 drawn and --

7 UNIDENTIFIED SPEAKER: That's what the
8 Constitution says.

9 MR. DENNIS FERGUSON: Okay. One other
10 thing -- oh, and by the way those districts that
11 we're -- the congressional districts, the ones that
12 we're using now, the ones that John Cornyn, attorney
13 general of the State of Texas, paid \$250,000 to
14 Mr. Alford Johnson, Dr. Johnson. According to the
15 Republican -- let's see here -- according to the
16 National Republican Committee redistricting round-up,
17 and I quote, "Texas, two new seats. Awarded to the
18 state because of population growth are seen as easy
19 wins for the Republicans. Republican analyst also
20 agree that districts sell by three demonstration. Chet
21 Edwards, Ralph Hall, and Charles Stenholm have more
22 Republican votes. I will point out to you, first of
23 all, all due respect to Mr. Hall, he votes with the
24 Republicans more than he does the Democrats. Second of
25 all, Chet Edwards --

1 CHAIRMAN DUNCAN: Mr. Ferguson, your time
2 has expired, but go head and wrap up, if you could.

3 MR. DENNIS FERGUSON: Second of all, Chet
4 Edwards and Charles Holmes, both of them in the last
5 election one by less than 7,000 votes. So we're here
6 for 14,000 votes.

7 CHAIRMAN DUNCAN: Thank you,
8 Mr. Ferguson. Members, are there any questions? You
9 want to submit that for the record, sir. Okay. Thank
10 you sir.

11 Chair calls David Briggs -- or Griggs.

12 MR. DAVID GRIGGS: Good morning,
13 Mr. Chairman, and Members of the Committee. My name is
14 David Griggs. I live in Addison and Shapiro is my
15 state senator. I represent myself this morning. I'm
16 an attorney by profession, but one of my many
17 professional and volunteer service positions is that I
18 serve as a -- an adjunct instructor of American
19 Government at Brookhaven College and I'm really
20 struggling to try to figure out how to explain what's
21 going on to my students. They're perplexed by it as
22 many of us are. I have serious concerns about what the
23 House has done in this ill advised special session that
24 the governor has called. And I'm here this morning to
25 register my opposition to any changes in the current

1 congressional map.

2 Now, obviously much of what I wanted to
3 say has already been said and said very well by many of
4 those who are here tonight and this morning. But I do
5 want to summarize briefly in four points some points
6 that I would like to make.

7 First of all, number 1, redistricting has
8 already been done. It's a done deal. The fact is that
9 the process carried itself out in the last legislature,
10 as you all know. And in a strategic move, apparently,
11 the Republicans thought they would take their chances
12 in the courts and they gambled that the Republican
13 judges would award them advantages in the various seats
14 and they actually did, but some of these seats were not
15 won by Republicans. The judges actually came up with a
16 fair plan, which incidentally as the last speaker
17 mentioned, added two new districts. Two new
18 congressional districts drawn for and won by
19 Republicans. But apparently that wasn't enough for Tom
20 DeLay and for Karl Rove.

21 Point number 2. The official 2001
22 redistricting plan was in fact approved and an election
23 was held, as we all know, approved by the justice
24 department and by the Supreme Court. The same Supreme
25 Court, I might remind you, that gave the presidency to

1 George Bush. But we don't see a whole lot of
2 challenges to that decision.

3 Point number 3, it's unfair to undo the
4 plan. It's already been mentioned several times that
5 Governor Perry had the opportunity to have a special
6 session in 2001, but chose not to do so prior to the
7 2002 election.

8 And now, smelling blood at the insistence
9 of Tom DeLay and Karl Rove, the Republican leadership
10 has been pressured to engage in this egregious power
11 grab deliberately targeting incumbents of the minority
12 party just because they can. Well, it's my personal
13 belief that this is nothing more than an unfair, an
14 unconstitutional attempt to grab more power only
15 because some Republicans, not all, think that they have
16 some kind of a right or mandate to do so. I think it's
17 politics at its worst and it's grossly unfair. And
18 it's a terrible precedent to set for Texas and for my
19 students who are learning about Texas politics.

20 Point 4. The plan won't hold up in the
21 courts if the current map is undone. And the cost of
22 the litigation that would be generated by the long
23 legal fight would be excessive and wasteful.

24 That's basically my four points. Now,
25 the biggest point of it is none of this is necessary.

1 You don't have to mess with it. You don't have to bow
2 to the pressure from Washington. And now I'll end with
3 a brief analogy of a scenario in Congress a few years
4 ago. I think it was '95, '96. You may remember this.
5 Newt Gingrich was speaker and Bob Dole was the Senate
6 Majority Leader. The issue was regarding the repeal of
7 the assault weapons ban, a position strongly advocated
8 by the NRA, which had played a big part in the takeover
9 of the Congress by the Republicans in '94. A majority
10 of the members of the House, mostly out of a sense of
11 obligation to the NRA, voted to repeal the ban. But
12 Bob Dole in a true act of statesmanship used his power
13 as majority leader to stop the effort to repeal the ban
14 in the Senate, even though some very influential
15 conservative members of his own party strongly
16 supported it. But the token favor had already been
17 delivered in the House. And as trustees of the nation,
18 the Republican controlled Senate read the tea leaves,
19 knew the people didn't want it and they stopped it from
20 coming up.

21 Senator Duncan, you and your colleagues
22 on this committee and your colleagues in the Senate can
23 also be statesmen and stateswomen as well. The Texas
24 House has already done the favor, and you all can stay
25 above the fray. Don't let yourselves be manipulated by

1 the right wing Washington power elite. Stop this
2 unnecessary wasteful process now. Don't let Washington
3 and Tom DeLay mess with Texas. Thank you.

4 CHAIRMAN DUNCAN: Thank you, Mr. Griggs.
5 Members, are there any questions?

6 Chair recognizes Russell Langley. And
7 after Mr. Langley we'll have Deborah Smith.

8 MR. RUSSELL LANGLEY: Chairman, Members
9 of the Committee, my name is Russell Langley and I'm
10 here tonight representing myself, but I would like the
11 committee to know that I am an attorney and I'm
12 currently employed by the Dallas County Democrat Party.
13 I actually signed up to testify late today because I
14 heard a lot of the members in the committee early on in
15 the day talk about having a hearing that was above the
16 fray in a process that was respectful to people's
17 views. And I want to thank all of you for being --
18 having an orderly hearing today and listening to what
19 people are saying, but what I would like to say is that
20 being respectful of people's views means more than
21 simply listening politely to things that you really may
22 not want to hear. I think it's important to have a
23 process that has integrity in it and that the people
24 participating in that process know that their views --
25 or even if you don't agree with them, are going to be

1 regarded under -- the process has integrity. And think
2 that's what's really at stake here. You've seen today
3 and across this state that thousands of people have
4 testified against this redistricting process. And
5 you've seen overwhelming public support and sentiment
6 against this. And it's been clear. They have not said
7 don't do -- excuse me. Don't draw this line, draw this
8 line here. And they've all said, "Don't do this at
9 all."

10 Now, in the media for the last few days
11 there's been a lot of speculation about who's going to
12 vote on the two-thirds rule in the Senate. And there's
13 been a lot of speculation on the undecided members.
14 Three Democrats, Senators Lucio, Madden, and
15 Armbrister, and one Republican, Senator Ratliff, have
16 all gone down in the media as undecided. Every other
17 Democrat has said they're going to vote against
18 suspending the two-thirds rules. None of the other
19 Republicans, with the exception of Senator Ratliff, and
20 none of the Republicans on this committee have come out
21 and said that they are going to vote to uphold the
22 two-thirds rule. That's an important rule of your
23 chamber. It's a rule of -- routed in precedent, it's a
24 rule that has served actually the minority when
25 Republicans were in the minority for a long time. And

1 by saying that you're not going to uphold that
2 two-thirds rule, you've implicitly let the genie out of
3 the bottle.

4 CHAIRMAN DUNCAN: Let me stop you right
5 there, Russell, because the Senate has already voted to
6 put in place the blocker bill and the two-thirds rule.
7 So its already in place.

8 MR. RUSSELL LANGLEY: So that bill is in
9 place then.

10 CHAIRMAN DUNCAN: Right.

11 MR. RUSSELL LANGLEY: Okay.

12 CHAIRMAN DUNCAN: That was the very first
13 thing we did and --

14 MR. RUSSELL LANGLEY: With that -- with
15 that being the case, then I want to thank the Committee
16 because if that's the case, then you are upholding the
17 tradition of your chamber and I apologize for not being
18 informed on that. So thank you then for doing that. I
19 think that's a wonderful thing and it upholds the
20 traditions of your body and indeed the tone you've set
21 here today in listening to everyone and taking their
22 views into account. So thank you for doing that and
23 thank you for hearing what people said. And even if
24 you disagree with their views, I will hope that you
25 will take what they've said into consideration because

1 people feel very passionately about this. (Applause by
2 the audience.)

3 CHAIRMAN DUNCAN: Thank you, Mr. Langley.
4 Any questions? Appreciate your testimony.

5 Chair recognizes -- and thank you for
6 allowing us to straighten that up.

7 The Chair recognizes Deborah Angel Smith.

8 MS. DEBORAH SMITH: Thank you. My name
9 is Deborah Angel Smith. I am the Democratic Party
10 chair for Collin County and Senator Shapiro represents
11 the district in which I reside and as well as many of
12 my members. Also wanted to mention that I remember
13 Chairman Duncan, as well as Senators Gallegos and West
14 from a period of time when I was executive officer for
15 the home owners association, which I mention just to
16 point out that as a liberal Democratic female, I can
17 see both sides of issue. Since I was representing a
18 predominantly male Republican conservative
19 organization. And in that spirit I wanted to commend
20 all the senators, but most particularly Chairman Duncan
21 for running a fair hearing and listening to everyone as
22 well as -- and I think he deserves a round of applause.
23 (Applause by the audience.) I especially think -- I
24 think Chairman Duncan particularly deserves a round of
25 applause for his valiant efforts to pronounce all of

1 our names.

2 CHAIRMAN DUNCAN: I've got a good coach
3 over here on my right.

4 MS. DEBORAH SMITH: And I've also worked
5 in radio, so I'll just read this really fast. I don't
6 think I can edit as fast as the young lady who spoke
7 earlier.

8 As the county chairman of the Democratic
9 Party of Collin County, I speak not only for myself,
10 but on behalf of more than 30,000 voters who voted for
11 Democratic candidates in the 2002 elections. Just over
12 130,000 Collin County residents voted in the 2002
13 elections. And I might mention that 27 percent of the
14 citizens as listed in the census. Simple math tells us
15 that roughly 23 percent of those who voted preferred
16 Democratic candidates. By any measure, that makes us
17 the minority. I know that. We all know that. And we
18 all know that the majority rules, but only some of us
19 seem to remember that one of the key principles that
20 made this country great -- for those of you who seem to
21 have forgotten, I'll quote one of your late presidents,
22 Republican William Howard Taft, who said that the
23 concept of popular government rests in the knowledge of
24 the majority, that the rights of the minority and in
25 the individuals of that minority are exactly as sacred

1 as the rights in the individuals of the majority.

2 (Applause by the audience.)

3 This insidious effort is all about
4 majority rule without regard for minority rights,
5 without regard for the 50,000 Hispanics, without regard
6 for the 34,000 Asians, 23,000 African-American, and
7 especially without regard for the 50,000 people who
8 live in the rural areas of my county. And thousands
9 more in adjoining Hunt County who in the last map that
10 I saw would be joined together with Collin County in
11 one district.

12 The white suburban Republican majority
13 wants to lump us all together with the white suburban
14 Republican to represent us. If and when redistricting
15 occurs, and I hope that will be in eight years, Collin
16 County, a county with almost a half a million people
17 and a tremendous growth rate, should have more than one
18 Congress person to represent our different communities
19 of interest. Tom DeLay and the Republicans in
20 Washington seem to think they're entitled to a certain
21 percentage of the representatives from Texas. If
22 that's the case, and I don't think it is, but if that's
23 the case, following that logic, then obviously the
24 Democrats would reserve at least a 23 percent
25 representation of the representatives from Collin

1 County. I don't want to 23 percent of Sam Johnson. I
2 quite frankly shudder to -- just shudder to think what
3 portion of Sam Johnson we would be assigned.

4 Sorry. This purely partisan power play
5 to redistrict for political gain and political gain
6 alone is wrong. Voting Rights Act is not about
7 apportionment on the basis of political party. It's
8 supposed to be, as I recall from hearing the professors
9 earlier, it's supposed to be about the census and one
10 person, one vote.

11 In closing, I'll quote another late great
12 president, a Democrat, President Lyndon Banes Johnson
13 who said, "As the House is designed to provide a
14 reflection of the mood of the moment, the Senate is
15 meant to reflect the continuity of the past to preserve
16 the delegate balance of justice between the minority --
17 between the majorities' whims and the minorities
18 rights."

19 I'm counting on the Senate to recognize
20 that redistricting is wrong. Thank you.

21 CHAIRMAN DUNCAN: Thank you, Debra.
22 Appreciate it very much.

23 MS. DEBORAH SMITH: And I do have
24 several statements from my members that were not able
25 to be here today.

1 CHAIRMAN DUNCAN: We'll enter that into
2 the record. Thank you.

3 Chair recognizes Rick Stadt.

4 MR. RICK STADT: My name is Rick Stadt
5 from Collin County. Honorable Chair, Members. I come
6 here tonight because I'm wanting to know when the Texas
7 Legislature, both House and Senate, are going to quit
8 basically bowing to the whims of Washington. We've
9 done it in the past years with different bills where
10 when the people in Washington have said if you don't
11 pass this bill, you'll lose highway funding. You don't
12 pass another bill, you lose other funding.

13 The most recent one was the blood alcohol
14 content bill that was passed that -- the actual first
15 few lines of the bill says that it is -- it was done
16 because we would lose highway funding.

17 Some of the -- some the other things I
18 wanted to point out is that, you know, we went through
19 some redistricting in Collin County. And Jerry
20 Madden, who is my House Representative who I have much
21 esteem for, I lost him as a representative. And the
22 man that I got now is -- went -- just went through his
23 freshman year. He was definitely in a learning curve.
24 I'm sure a lot of you can understand your freshman
25 year. And frankly wasn't a whole lot of help. I -- I

1 work with Sputnik and the Texas Motorcycle Riders
2 Association, which I'm sure y'all are familiar with and
3 have dealt with good, bad or indifferent. And it's
4 just that I ended up having to go back to Mr. Madden
5 for a lot of the help and information I needed. And I
6 know that -- and when we'd start training new people
7 and talking to people about dealing with the House and
8 the Senate, that one of the things we tell them, that
9 you members know that in a normal session, if you hear
10 from five or ten people or five or ten of your
11 constituents, you tend to sit up and take notice
12 because normally you don't hear from a lot of them. A
13 lot of times on a lot of -- a lot of bills and stuff
14 you don't hear from anybody. And you have to go on
15 what you know and what you can find out.

16 So the more people you hear from from
17 your constituency, the more people, then the more you
18 sit up and take notes. And say, okay, well, this may
19 be something a little bit more important than something
20 else. Tonight and through the -- through this whole
21 process you'll hear from a lot of people. Some may not
22 be your constituents, a lot of them may be. But I
23 would hope that you would sit up and take notice
24 because from what I've been hearing in both the House
25 hearings and now the Senate hearings, the vast majority

1 is against this redistricting at all. I don't think
2 it's right. I don't think we need to carry on with it.
3 And that's about all I have to say. I thank you much.

4 CHAIRMAN DUNCAN: Thank you, Mr. Stadt.
5 Appreciate your testimony. Any questions? Thank you.

6 Chair calls Jean Ball.

7 MS. JEAN BALL: Good morning. I can tell
8 the age of the assemblage up there that I'm looking at
9 because those of us who are -- I mentioned it to
10 Senator Shapiro. Those of us who are more tenured than
11 others have a lot more stamina. We're still awake.
12 We're still cogent. I'm looking to -- I'm looking at
13 some really young eyes.

14 CHAIRMAN DUNCAN: Jean, would you state
15 your name for the record.

16 MS. JEAN BALL: I'm Jean Ball. I'm
17 sorry.

18 CHAIRMAN DUNCAN: Thank you.

19 MS. JEAN BALL: Jean Ball. I live at
20 4840 Worth Street in Dallas, Texas. And I'm here to
21 say something that I don't think has been said before,
22 believe it or not tonight. It's a history lesson to
23 some degree and it has to do with the winner take all
24 mentality. In the Democrat party, I am a Democrat, we
25 used to have something called unit rule. I think some

1 of you Republicans still have that. It's ugly.
2 Because what it does do is not recognize the rights of
3 the minority. We have a Constitution and then our
4 founding fathers saw the wisdom of we needed a Bill of
5 Rights. Why did we need the Bill of Rights? Because
6 at any moment the thing that is morale and correct can
7 be overrun by a sheer power hungry majority. That's
8 why we have the Bill of Rights. (Applause by the
9 audience.) What we have here is -- I'm not outraged or
10 even very surprised, sadly enough. I should be, but
11 I'm not, because I do understand that temptation to
12 winner take all, but we have a better party since we
13 got rid of our unit rule and you would probably have a
14 better party if you got rid of yours. People would be
15 more respectful of each other. It would not be a
16 radical group can take over your entire party. So, you
17 know, I'm just saying to you, consider the fact that we
18 have in this country a long heritage of respect and
19 adherence to at least the opinions and ideas of people.
20 This is nothing but a blatant power play and it's so
21 short lived. Even if you win this, even if it happens,
22 you're not going to keep this very long and I think
23 that's part of what the desperation is. You already
24 know that. So do the right thing anyway, you know.
25 Tom DeLay doesn't need this.

1 By the way, in the -- I do want to say
2 something. I really hate the redistricting map that we
3 currently have, the one that passed the muster. I
4 mean, you know, Eddie Bernice Johnson was my
5 representative. Now I've got Pete Sessions. How happy
6 can I be with that? But you know what, it went through
7 the process. It -- you know, I'm sorry that we have to
8 have the court thing all the time because, you know, we
9 can't seem to handle it any other way, but it went
10 through the courts, went through process, went through
11 the Supreme Court. They said it's okay. I was happy.
12 You know, I'm not happy, but okay, fine. Because in
13 eight years we'll have another opportunity. Well, I
14 don't have eight years now. I -- I just feel like, you
15 know, the Republicans have already had their way with
16 me. And I feel kind of like an abused person waiting
17 for the next blow.

18 So please, please. Thank you very much
19 for your attention. This has been a really different
20 way from what it was two weeks ago. We all appreciate
21 that. And I do appreciate the feeling that maybe we
22 have a chance. Please stop it. Thank you.

23 CHAIRMAN DUNCAN: Thank you, Ms. Ball.
24 Appreciate your testimony.

25 Chair recognizes David Stone --

1 MR. DAVID STOW: Stow.

2 CHAIRMAN DUNCAN: Stow. I'm sorry.

3 That's correct. David Stow.

4 MR. DAVID STOW: Glad to be here. Y'all
5 seem like fine people, and unlike some Republicans
6 recently I'd like to say that I respect you all as
7 Americans.

8 In fact, once upon a time I started a
9 little Wayne's World Gone Serious show on public access
10 TV and I know some of you Republicans who remember
11 Steve Hollern, former county chair of the Republican
12 Party, one of the greatest men whoever lived. I don't
13 agree with his politics, but that's one of the finest
14 Americans whoever lived. He worked with Evelyn Palmer.
15 We also had a representative from the Libertarian
16 Party. And as the new deal got started we let the --
17 let them in too, you know. I don't even want to
18 mention that fellow, but Ross Perots folks, but we gave
19 them equal time. And I had people within my own party
20 that were trying to say, no, you -- you take all this
21 show just for us. And I says, you know, if you're
22 thinking people, you don't have to be afraid of fair
23 play, if you're thinking.

24 UNIDENTIFIED SPEAKER: Right on. Right
25 on.

1 MR. DAVID STOW: I told them, I said if
2 you -- if -- when the elections came and I said we'll
3 have people representing people in the districts
4 that -- that this cable show goes out to, and for the
5 statewide, and those that we invite who don't come and
6 their parties don't send someone to represent them, we
7 will still let the other have their voice if they have
8 to talk to an empty chair, and that includes Democrats.

9 I'm for thinking. This last --
10 everything that's been said here tonight makes very
11 plain that this -- this object that the Republicans
12 have in mind at the moment is not a thoughtful kind of
13 thing. I'm not a -- I'm not a far left kind of fellow.
14 I believe in pockets well, old gasp. I have a lot of
15 things that I find in common now and then when I talk
16 to Republicans and their concerns. Also, with good
17 conservative Democrats. But I am for thinking and I've
18 seen a very serious trend going on here, very seriously
19 bad trend, in which when your leadership -- and I say
20 this because I don't want Texas shamed by following bad
21 leadership, whether Republicans or Democrats, but we
22 have a president who when his own scientist came up
23 with findings on global warming that did not suit him,
24 turned to his friends in the oil companies to give
25 their biased research. I ask you how traditional was

1 that, to turn against objectivity. How American was
2 that? (Applause by the audience.) That seems -- that
3 seems to be a trend that I see here tonight with this
4 crazy redistricting scheme. A grab for power at the
5 cost of tradition and the cost of common sense. The
6 same thing occurred when they handled money, driving
7 the deficit out the roof. One of your own folks quit
8 the party, became an independent and now speaks against
9 you because of that. When will you open your eyes?

10 Those are just two of the things.
11 Recently when the courts spoke, talking about not
12 following tradition, and -- and y'all were always
13 saying how wonderful it is to follow tradition. I hear
14 that you want to rewrite or add an amendment to the
15 Constitution to overturn what your justice has said,
16 one of your own justices had to say in the last
17 decisions. I find that kind of strange too.

18 I think it's time for fairness. I think
19 it's time for us to think. In fact, the name of that
20 shows was "Let's think." And that's what we endeavor
21 to do. And I hope when you go back you -- I know
22 you're not very interested in a lot of what we've got
23 to say here, but I hope when you go back, the one thing
24 that you will do is think. And remember, as Americans
25 for a long time we've understood the need to listen to

1 minorities because that one fellow who fell down the
2 road fell down the hillside in the marsh, might be the
3 fellow who sees the -- sees the cliff that the rest of
4 us are about to walk over, because he's in the ditch
5 and has a new perspective. As Americans we know that
6 minorities count. Don't make them not count. Don't
7 take that unAmerican trend. I'm finished. (Applause by
8 the audience.)

9 CHAIRMAN DUNCAN: Thank you, Mr. Stow.
10 I will note that whenever we travel around the state,
11 we -- one of the things that you see in the different
12 cultures in different areas of the state are people's
13 hats, and you're the only cowboy hat. When we were in
14 San Angelo, if you didn't have on a cowboy hat, you
15 just weren't -- you weren't in with the crowd.

16 MR. DAVID STOW: Let's face it. It's
17 kind of like Bush's cowboy hat. This is just an
18 affectation.

19 CHAIRMAN DUNCAN: All right. Well,
20 you're welcome in San Angelo for sure.

21 MR. DAVID STOW: It was made in Mexico.

22 CHAIRMAN DUNCAN: Just take the tag.
23 The Chair calls Larry Phillips.

24 MR. LARRY PHILLIPS: Larry Phillips from
25 De Soto, Texas. I live about two miles south of here.

1 Welcome to Royce West University. Thanks for coming.
2 And thanks to the rest of you that voted for the
3 funding for the university. We appreciate that.
4 (Applause by the audience.)

5 Let me just tell you, we're talking about
6 presidents and what's happened in the past, in 1992
7 there were two special sessions for redistricting that
8 created the district that you're sitting in tonight,
9 the 30th Congressional District, which is in your -- is
10 the history professor still here? But it was in a lot
11 of history textbooks as the most gerrymandered
12 political Congressional District in the United States
13 and -- until the court intervened in '96, but you're
14 sitting in there tonight. So welcome to the 30th
15 Congressional District.

16 I do support the redistricting efforts
17 that have gone forth and I've been out of town for a
18 couple of weeks, so I just kind of found out about this
19 by accident watching the news tonight, I saw the
20 Senator on TV at 9:00 o'clock this evening. So I've
21 only been here for about five and a half hours. So I
22 applaud all of y'all for hanging tough and being the
23 loyal opposition it appears. I would just like to
24 encourage -- I hear a lot of people talking about how
25 minorities feel like they're suppressed and oppressed

1 by the Republicans Party. And it's really incredible
2 to me to see a party, the Democrat Party that's rural
3 Texas for 130 years, that has never nominated an
4 African-American to run for senate until now. The
5 previous 130 years, if an African-American would have
6 been nominated from your caucuses or your primary
7 system, they would have been elected as a senator in
8 the State of Texas. It never did happen.

9 Are y'all aware that there were three
10 African-American Americans elected to statewide office.
11 First time that's ever happened. And the Republican
12 have only been in some status of control, which is very
13 limited, as you can tell, for about ten years. But we
14 have two Supreme Court justices that never occurred
15 under Republican one party rule in the State of Texas.
16 And Michael -- Chairman Michael Williams of the
17 railroad commission, the first African-American
18 executive chairman of any committee in the State of
19 Texas.

20 So anyway, you also talked about the
21 poor -- the Democrats and the rich Republicans. I hear
22 that repeated from time to time. And you might check
23 the Wall Street Journal now, I guess it is, there's
24 going to be an article in there about the fact that 94
25 percent of contribution by individuals over \$1 million

1 were made to Democrats in the United States. Six
2 percent to Republicans. The Democratic National
3 Committee, the average contribution, the Democratic
4 National Committee is \$600. The average contribution
5 of the Republican National Committee is 90 bucks.
6 That's those rich Republicans that you know about. And
7 anyway, so if you're interested in finding a different
8 perspective on it, you might check Wall Builders, Wall
9 Builders.com. It will tell you a little bit more about
10 minorities and how they've been -- receive very little
11 bit -- very little benefit of their support of the
12 Democratic Party. And I encourage you to check to Wall
13 Builders.com. It has some interesting archives on
14 that.

15 So I would encourage, as the last
16 speaker, to ask you folks to stop DeLay and do your
17 duty and draw fair lines and let's get the
18 redistricting that is mandated and was your job two
19 years ago and is your job now. And good night.

20 CHAIRMAN DUNCAN: Thank you,
21 Mr. Phillips. Any questions for Mr. Phillips?
22 Appreciate your presence here tonight.

23 UNIDENTIFIED SPEAKER: Sir, I have a
24 question for him.

25 CHAIRMAN DUNCAN: Well, I don't think

1 that's the way it works. Thank you.

2 Chris Fisher. Mr. Fisher, would you
3 please state your name and who you represent?

4 MR. CHRIS FISHER: I'm Chris Fisher and
5 I'm representing myself. I'm up in Salina, Texas under
6 Hall who is going to be ousted as of the House plan
7 that passed. And I mean, I'm young, I'm liberal, and
8 I'm angry at this. And I really don't like Hall
9 because he votes Republican all the time, pretty much.
10 But -- I forgot where I was going with that. That's
11 okay.

12 So if he's going to vote with the
13 Republicans, why are we getting rid of him? Oh, Tom
14 DeLay said it best in the New York Times, I think.
15 "I'm House Majority Leader and I want more seats."
16 That's a quote from the New York Times, actually. But,
17 I mean, you've heard the liberals, so -- I don't know
18 if you've had a young perspective up here yet, but I'm
19 just going to talk to you just -- let it be real. Let
20 the record note that I'm taking off my "Deny DeLay"
21 sticker just for a second.

22 Okay. What's going on? Where -- we're
23 sitting here --

24 UNIDENTIFIED SPEAKER: You've got the
25 Dean shirt on.

1 MR. CHRIS FISHER: The Dean shirt on.
2 But here we are, I mean, I've been here 12 hours, y'all
3 have been much longer and I'm really happy for that,
4 but if the Republicans would go up to the rural
5 districts where the Democrats are that we're trying to
6 get rid of and would represent the way that they need
7 to, then they wouldn't be needing to get rid of them
8 because they would just have the districts because they
9 are conservative up there. All you have to do is go up
10 there and just be better. You don't have to change
11 things. And, you know, I feel like this is all falling
12 on deaf ears, not that -- that -- I didn't mean that
13 disrespectfully, but -- okay, and this is just like a
14 side note. Whenever I spend all those hours, days back
15 in March protesting the war, I mean, how many of us
16 were out there? Millions? Oh, we're a special
17 interest group. I don't want to see you go back and
18 say that we're a special interest group. Look out in
19 the audience. There's no special interest group here.
20 There are just people. You have white, you have black,
21 you have Latino, you have gay, you have straight, you
22 have conservative, you have liberal. These are the
23 people that you represent. Silent majority, if they're
24 going to be silent, then why are you representing them?
25 If they are not going to bother to come out here -- I

1 took off work for this. If they're not going to bother
2 to come out here and tell you what they want, why are
3 you giving it to them? That is, theoretically, if
4 there is a silent majority.

5 So, we are the people telling you here's
6 what it is. I mean -- I mean, it was actually
7 refreshing to see some dissent finally -- or some in
8 favor finally come out of this, because I haven't seen
9 anything else. And I feel like here we are all trying
10 to go for the cause that we're going for, but no one is
11 hearing us and you're representatives, you're supposed
12 to be representing us. Like we're contacting you,
13 we're writing you, we're -- well, with Hall. But we're
14 telling you what we want. If the silent majority isn't
15 going to drive their golf carts with their polo shirts
16 down here, then I don't think that they deserve your
17 voice.

18 Another -- another thing. Thank you for
19 being here for 12 hours. And, you know, y'all look
20 pretty into it, so thank you, because it does make it
21 feel as though we do have a voice. That's all.

22 CHAIRMAN DUNCAN: Thank you, Mr. Fisher.
23 Appreciate your testimony and your presence here today.
24 Good testimony.

25 All right. Is there anyone else in the

1 audience who would like to testify for, against, or on
2 redistricting?

3 UNIDENTIFIED SPEAKER: I would like to
4 ask all of you to join me in standing and thanking a
5 fine group of people.

6 CHAIRMAN DUNCAN: Thank you very much.
7 Appreciate that. The Chair hears no other person that
8 would like to testify, so the public testimony would be
9 closed at this point in time. I will say that we'll
10 certainly be hearing testimony again in Austin and
11 you're all invited to testify there. We do have some
12 housekeeping. Before you leave, though, I want to say
13 on behalf of the Committee and the other members of the
14 Senate who are here is that I really appreciate their
15 presence here. This process -- this Committee is made
16 up of -- and we've had members attend who are both
17 conservatives and not so conservative, Democrats and
18 Republican, Hispanics, African-Americans, and in the
19 Senate I think we try to respect each other's
20 constituencies and points of view. And this Committee
21 had worked throughout the State and we have one more
22 hearing left, regional hearing, but I want to tell you
23 I've been real proud of the way that they've worked
24 hard and listened and stayed and worked hard to try to
25 hear and understand the different points of view around

1 the State. So this Committee is really -- these guys
2 have really worked hard.

3 The other members who have attended,
4 Senator Shapiro, thank you for being here today.
5 Senator Van De Putte. And we have -- our other guys
6 have gone, but they've been here along the lines,
7 Senator Wentworth and I just want to thank them for
8 their teamwork in going around and listening to
9 testimony and very strong feelings that we heard from
10 many people of the State of Texas.

11 To the audience I want to brag on the
12 Dallas audience. You were very articulate. You were
13 very respectful. You were clear in your testimony and
14 very orderly and we appreciate it. This has been a
15 very good hearing. Thank you very much.

16 Members we have a number of cards,
17 several hundred cards that have indicated -- were
18 persons who indicated they did not want to testify, but
19 did want to register their position. I will entertain
20 a motion to enter those into the record.

21 SENATOR WEST: (Indicating.)

22 CHAIRMAN DUNCAN: Senator West moves that
23 those cards be entered into the record. The clerk will
24 call the roll.

25 THE CLERK: Duncan.

1 CHAIRMAN DUNCAN: Aye.

2 THE CLERK: Gallegos.

3 SENATOR GALLEGOS: Aye.

4 THE CLERK: Averitt.

5 SENATOR AVERITT: Aye.

6 THE CLERK: Harris. Staples.

7 SENATOR STAPLES: Aye.

8 THE CLERK: West.

9 SENATOR WEST: Aye.

10 CHAIRMAN DUNCAN: There being five ayes
11 and no nays, the names will be entered into the record.

12 There being no further business to come
13 before the Committee, we'll stand in recess until
14 further call of the Chair.

15 (Proceedings concluded at 2:28 a.m.)

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1 STATE OF TEXAS)

2 COUNTY OF TEXAS)

3 THIS IS TO CERTIFY THAT I, RACHEL D. CHAVEZ, a
4 Certified Court Reporter in and for the State of Texas,
5 reported in shorthand the hearing at the time and place
6 set forth in the caption thereof, and that the above
7 and foregoing contains a true and correct transcript of
8 said hearing.

9 This the day of ,
10 2003.

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RACHEL D. CHAVEZ, Texas CSR 2610
Expiration Date: 12-31-03

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