

[REDACTED]

Date: 2025-07-28
First Name: Tim
Last Name: Dowling
Title: N/A
Organization: self
Address: [REDACTED]
City: Herndon
State: VA
Zipcode: [REDACTED]
Phone: [REDACTED]

Affirm public info: I agree

Regarding: Congressional

Message:

Before retirement I practiced law in Texas for 42 years. I testified at least 7 times in 2021 before the Legislature about redistricting.

You blew it then when you were required to act. Don't blow it now when are not required to act.

Why are the majority of Americans so deeply cynical about politics? This redistricting is a stunt that is nothing more than an over the top grab for more power— democracy be damned— is a despicable illustration of why they are.

Leave the current lines alone—let the courts do their job and tell you if the current lines are legal or not. Only if they are illegal should you change them. After all, the State of Texas told everyone that in 2021 the lines were drawn race blind. Reject the Department of Justice's claim in its July 7, 2025 letter to Governor Abbott and Attorney General Paxton (the "Letter") that Texas lied.

Redistricting now in Texas will start a redistricting arms race across the Nation. Blue and red state line redrawing will cancel out. It will all be a colossal waste of time in Texas and across the country.

The 2021 maps are in fact are illegal for the reasons pointed by the plaintiffs in the federal court litigation in El Paso (the "Suit").

This special session is your chance to fix that by passing legislation in this special session to draw all state lines with an independent redistricting commission, or failing that, fixing the lines in the ways demanded by the plaintiffs in the Suit.

Facts

A few salient facts are pertinent to recognize before turning to the relevant legal points.

Recall that after the 2021 line drawing for Congress, the Texas House, and the Texas Senate for every Hispanic majority district there are three (or nearly so) Anglo majority districts although Hispanic and Anglo population numbers are in a dead

heat. Imagine

that third graders John and Juan were going through their school cafeteria line. Juan gets one scoop of food. John gets three. That would be outrageous. It is equally outrageous that in 2021 the Legislature gave Anglo Texans three scoops of representation for every scoop given to Hispanic Texans. Now President Trump wants you to make it worse.

In 2021 Texas got three new seats in Congress due to its population growth since the 2010 Census. 95% of this growth came from minorities, mainly from Hispanics. So one would have logically thought that three, and at least two, of the new seats would be minority opportunity districts. Yet zero new minority opportunity districts were created in 2021.

Senator Alvarado on July 25, 2025 at a Senate redistricting committee hearing correctly said that Anglos are about 40% of Texas's population but they have 74% of Texas's Congressional seats.

Under the current map Anglos have 74% of Congressional seats and President Trump wants to increase it to 87% although Anglos have only 40% of the Texas population. A witness on July 24, 2025 before the House Redistricting Committee correctly testified that this in effect is "apartheid."

The Letter contends four districts were drawn based on race but Texas argues the 2021 Congressional map was drawn race blind.

This is what the drawer of the 2021 Congressional map, Mr. Kincaid, testified to at trial in the Suit. The Letter in effect calls him a liar.

Early in this century Congressman Tom Delay from Texas said Congressional seats should reflect the most recent Presidential vote.

In 2024 Trump got 56% of the Texas vote and Harris 42% yet now the GOP has 66% of Texas's Congressional seats. If you do what President Trump wants, the GOP will control 79% of these seats—so 23% more than they should have based on the 2024

Presidential vote. Democrats will have exactly half of what they should have—only 21% of the Congressional seats instead of 42%. I

believe you may have lost your minds by even considering this outrageous subversion of democracy. Voters should pick their representatives, not representatives pick their voters.

Legal points

We all know that the Letter is a legal fig leaf to try to cover up the naked power grab that this redistricting effort is. The Letter says

Texas must "rectify the racial gerrymandering" of four districts. This contention is flagrantly wrong for so many reasons. First,

Texas said the 2021 lines were drawn race blind. The Letter contends Texas is lying. Second, nothing in the Fifth Circuit's recent

Petteway decision says coalition districts violate the Voting Rights Act ("VRA"). Third, nothing in Petteway or any other precedent

cited by the Letter says coalition districts violate the 14th Amendment or any other part of the Constitution. So the threat to sue

Texas in the last sentence of the Letter is a very empty one. Clearly there is no legal need to redistrict. Let the courts do their job

and decide if the current lines need to be redrawn.

Heed the conclusions of Professor Katz from the University of Michigan School of Law who testified before this Committee on July 25, 2025 that there is no legal requirement to redraw existing lines based on Petteway and that dismembering existing minority opportunity districts could well violate the VRA.

All Petteway means is that minority coalitions cannot make vote dilution claims under the VRA. Petteway does not say one must dismantle districts where a minority group is in the majority or when brown and black people make up the majority of the district. Just like Petteway does not mean that one must dismantle districts where whites make up the majority. The Letter's contention that "'coalition districts' are not protected by" the VRA does not mean that such districts violate the VRA. The VRA or Constitution is not violated just because a particular group—be it white, brown, black, or Asian—makes up the majority in a district. That is virtually inevitable when line drawing happens.

Petteway does not address constitutional issues so the Letter's contention that four districts are unconstitutional is absurd. Page 3, footnote 1 of Petteway: the Fifth Circuit remands to the district court for consideration of constitutional issues. See also Petteway at 30: the Fifth Circuit remands to the district court to consider "intentional discrimination and racial gerrymandering claims."

The Letter says "race [was] the predominant factor" when Texas drew its Congressional lines in 2021. Texas has said repeatedly inside and outside of the Suit that race was not a factor at all.

This debunking of the Letter's conclusions based on Petteway exposes the Letter to be just a legal fig leaf for this redistricting, which exposes this redistricting as nothing more than the naked grab for power that it is.

I hired and at times fired lawyers for about 40 years. If I received the type of legal work shown in the Letter I would not have hired either of the authors of the Letter to work for me. The Letter cites Petteway for the proposition that "coalition districts run afoul of the VRA and the Fourteenth Amendment." Petteway simply said nothing about constitutional points despite the Letter's contention to the contrary. And its VRA contentions are baseless for the reasons for the reasons pointed out above.

Texasans treasure their independence. Don't take your marching orders and do something you hardly ever do—redraw districts except after a Census—from a rich out of state real estate developer. Texasans don't want this: just President Trump does. Serve your constituents, not Trump.

This redistricting attempt is particularly vile because it attacks the last weak protection against extreme gerrymandering - the once-a-decade principle. If this goes forward in Texas line redrawing will happen across the country.

A few points about process going forward.

First, there should be full transparency: all communications with the map drawer and legal counsel, and among

legislators and other Texas officials involved in redistricting, should be available for public examination within three days after the document is created. The same applies to any communications between Texas and federal officials. Including between the Governor and the President. Don't hide this business behind the attorney client or any other privilege. Be proud of what you are doing, not secretive. Second, after any map is proposed there must be adequate time to review it, and make public comment about it. A minimum of five work days between any proposed map and the first public comment about it.

CONCLUSION

If the author of the Letter accepts the Legislature's invitation to testify please ask why the Letter accuses Texas of lying when it told Texans and the court in the Suit that lines drawn race blind. Also closely examine the witness about the points regarding Petteway that are incorrect. Then ask what is the result if the Letter's factual and legal contentions are not credited? Does she agree in that event there should be no mid-decade redistricting? If not, why not? Fully explain.

You are not obligated to take orders from President Trump. Have the spine to tell him "no" to his shameless demand to dismember the voting rights of many minority Texans.

Please follow President Lincoln's advice and listen to the "better angels of your nature," and reject the illegal and immoral demand of the current President who called our valiant veterans "losers and suckers," pardoned people who violently attacked police officers defending our democracy, who "wished well" Jeffrey Epstein's recruiter after she was indicted, and a President whose perhaps most famous words are not something noble and inspiring like Lincoln's but instead "you can grab them by the pussy."

That is the kind of man who is demanding that you redistrict TX mid-decade. Exercise the fierce independence Texans are so proudly known for. Have the moral courage to reject his radical demand that you subserviently debase yourselves for him by mid-decade redistricting. Redistricting now would be a foolish, illegal, and immoral waste of time. Don't redistrict unless the courts tell you that you must. There is no need to do what he is selfishly demanding that you do. Don't do it.

I apologize for any errors in this document. The unseemly haste with which the Legislature is moving has made a quick submission to you necessary.

Thank you.

[REDACTED]