



TEXAS HOUSE OF REPRESENTATIVES  
**TREY MARTINEZ FISCHER**  
STATE REPRESENTATIVE, DISTRICT 116  
Bexar County

**Chairman:**  
Mexican American Legislative Caucus  
**Vice Chairman:**  
Select Committee on State Sovereignty

**Member:**  
House Committee on Natural Resources  
House Committee on Ways & Means

September 5, 2012

The Honorable Joe Straus  
Speaker, Texas House of Representatives  
Room CAP 2W.13, Capitol  
P.O. Box 2910  
Austin, Texas 78768

Dear Speaker Straus:

I am sure by now you have had an opportunity to read or be briefed on the redistricting decision denying pre-clearance to our Congressional, Senate and House maps by a unanimous three-judge panel in the United States District Court for the District of Columbia.<sup>1</sup> I am attaching, for your review, excerpts of the opinion that speak to the deplorable, despicable and unbecoming conduct that occurred during this process. Respectfully, you should know that your senior staff and closest advisors were identified as the source and primary cause of the discriminatory conduct that prevented these maps from pre-clearing.

Adding to this opinion is proof that these same individuals colluded with lawyer/lobbyist Mike Hull to file collateral litigation directly aimed at eliminating Latino population gains. This litigation was based on a citizenship theory that was ultimately dismissed from court on account of MALC's legal intervention.

I have learned a lot about you over the course of the interim. Much of it, I regret having learned. Putting politics aside for a moment, we are friends, Texans, and we both care about the future of our state and the respective roles we play in shaping Texas' future.

Three federal judges, two of whom were appointed by President George W. Bush, identified several findings of discriminatory purpose, minority retrogression and conduct clearly aimed at disenfranchising the minority community.

---

<sup>1</sup> The judges unanimously denied preclearance. The differences were Congressional District 25's status as a minority opportunity district and the way in which retrogression was calculated.



Speaker Straus  
September 5, 2012  
Page 2

The time for legal stall tactics and gamesmanship is over. You retain significant input on the direction of this litigation and only you can speak on the position of the House going forward. If there was ever a time for you to demonstrate that the institution of our House and our collective will is greater than partisanship and individual gain, it is now. Just as you directed the Attorney General during the trial and throughout the settlement talks on the House's position, I am asking you to intercede on behalf of the House and ask General Abbott to end this frivolous attempt to deny the obvious. You have a chance to prevent this opinion from staining the body and to help the House move past our State's troubling racist history, which we are all trying to overcome.

Let me be clear: discrimination is discrimination no matter the manner and means by which it is administered. Your sole decision will speak volumes on what you truly care about and whom you are willing to sacrifice in order to accomplish your objectives. Mr. Speaker, the members of the Texas House deserve an explanation as to how you wish to proceed. You once said, "Let us come together as colleagues and servants to do what is right for Texas." Mr. Speaker, that time is now before us.

The favor of a reply is expected and appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey', written over a large, stylized, cursive letter 'F'.

Trey Martinez Fischer  
Chairman, Mexican American Legislative Caucus  
State Representative, District 116

Enclosures: Select excerpts from Texas v. United States (dkt. #230); Select portions of the Deposition of Mr. Gerardo Interiano Vol. III- redacted and highlighted.

cc: The Texas House of Representatives

# ATTACHMENT #1

Select Excerpts from  
Texas v. United States

## The State of Texas v. U.S. - Discriminatory Findings

### I. Introduction & Background

Page 6, @ FN 5: “Indeed, analysis of the full record developed at trial has made it more clear that the test Texas initially proposed is insufficient to measure whether minority voters have an ability to elect. Several districts in the proposed plans show that population statistics alone rarely gauge the strength of minority voting power with accuracy. **For example, the discussion that follows shows that Congressional District 23 and House District 117 were selectively drawn to include areas with high minority populations but low voter turnout, while excluding high minority, high turnout areas. Such districts might pass a retrogression analysis under Texas’s population demographics test (40% Black Voting Age Population or 50% Hispanic Citizen Voting Age Population as sufficient to establish ability status), even though they were engineered to decrease minority voting power.**”

### II. State House Plan

Page 70: “First, the process for drawing the House Plan showed little attention to, training on, or concern for the VRA. *See, e.g.*, Trial Tr. 61:1-66:23, Jan. 20, 2012 PM. **And despite the dramatic population growth in the State’s Hispanic population that was concentrated primarily in three geographic areas, Texas failed to create any new minority ability districts among 150 relatively small House districts.**”

Pages 70-71: “These concerns are exacerbated by the evidence we received about the process that led to enacted HD 117. As detailed above, the mapdrawers modified HD 117 so that it would elect the Anglo-preferred candidate yet would look like a Hispanic ability district on paper. They accomplished this by switching high-turnout for low-turnout Hispanic voters, hoping to keep the SSVR level just high enough to pass muster under the VRA while changing the district into one that performed for Anglo voters. **This testimony is concerning because it shows a deliberate, race-conscious method to manipulate not simply the Democratic vote but, more specifically, the Hispanic vote.**”

Page 71: “Finally, the **incredible testimony of the lead House mapdrawer reinforces evidence suggesting mapdrawers cracked VTDs along racial lines to dilute minority voting power.**

Texas made Interiano’s testimony the cornerstone of its case on purpose in the House Plan. Trial Tr. 45:22-25, Jan. 17, 2012 AM (“[O]ur [discriminatory purpose] case rests largely on the **credibility of one person. His name is Gerardo Interiano.**”). Interiano spent close to a thousand hours — the equivalent of six months of full-time work — training on the computer program Texas used for redistricting, *id.* at 131:3-5, **yet testified that he did not know** about the program’s help function, *id.* at 85:18-25, Jan. 25, 2012 PM, **or of its capability to display racial data at the census block level**, *id.* at 93:13-19, Jan. 17, 2012 PM. As unequivocally demonstrated at trial, this information was readily apparent to even a casual user, let alone one as experienced as Interiano. *See id.* at 93:1-15; *id.* at 88:5-89:17, Jan. 25, 2012 PM. **The**

**implausibility of Interiano’s professed ignorance of these functions suggests that Texas had something to hide in the way it used racial data to draw district lines. The data about which Interiano claimed ignorance could have allowed him to split voting precincts along racial (but not political) lines in precisely the manner the United States and the Intervenors allege occurred.”**

Page 71: “This and other record evidence may support a finding of discriminatory purpose in enacting the State House Plan. Although we need not reach this issue, at minimum, **the full record strongly suggests that the retrogressive effect we have found may not have been accidental.**”

### **Specific House Districts:**

HD 41, Page 56: “The background for Texas's approach to redrawing HD 41 centers on the decision of Representative Aaron Peña, the five-term incumbent in the neighboring HD 40, to switch party affiliations from Democrat to Republican following the 2010 election. One of the mapdrawers' goals during redistricting was to protect Rep. Peña's chances of reelection...They decided that the best way to do this was to have Peña, in effect, switch districts with HD 41's incumbent, and then cut out of the district some strong Democratic areas to "increase the Republican performance...”

HD 117, Page 59-60: “**The record shows that the mapdrawers purposely drew HD 117 to keep the number of active Hispanic voters low so that the district would only appear to maintain its Hispanic voting strength, and that they succeeded.** The primary mapdrawer for the House Plan, Gerardo Interiano, testified that a "ground rule" for drawing HD 117 was to keep the SSVR level just above 50%...The mapdrawers accomplished this goal by placing in the new district areas with Hispanic populations, but lower voter turnout, while excluding from the district Hispanic, high-turnout areas...These instances illustrate Texas's overall approach in HD 117: **Texas tried to draw a district that would look Hispanic, but perform for Anglos.**”

HD 33, Page 52: “There is similarly little question that HD 33 is not an ability district in the enacted plan. The benchmark district's population was redistributed to neighboring districts, and **the new HD 33 was transplanted to two predominately Anglo counties near Dallas.**”

HD 35, Page 55: “We must conclude that the evidence Texas offers is not persuasive to meet its burden to show that the changes made to HD 35 will not have a retrogressive effect on minority voters.”

### **III. Congressional Plan**

#### **Specific Congressional Districts:**

CD 27, Page 29: “The result is that enacted CD 27 is a majority-Anglo district: HCVAP drops to only 41.1%. Pl.’s Ex.12, at 9. All parties agree that these significant geographic and demographic

shifts mean **that CD 27 will no longer perform for minority voters.** We agree.”

CD 23, Page 32: “Even Texas’s expert testified that CD 23 ‘is probably less likely to perform than it was, and so I certainly wouldn’t count and don’t [and] haven’t counted the 23rd as an effective minority district in the newly adopted plan.’ .... **Thus, CD 23 is an ability district in the benchmark, but would be no longer in the enacted plan.**”

Pages 32-33: “Texas claims that the enacted district has remained functionally identical to the benchmark, but these claims are **undermined by the mapdrawers’ own admissions** that they tried to make the district more Republican — and consequently, less dependable for minority preferred candidates — without changing the district’s Hispanic population levels.

**The mapdrawers consciously replaced many of the district’s active Hispanic voters with low-turnout Hispanic voters in an effort to strengthen the voting power of CD 23’s Anglo citizens.** In other words, they sought to reduce Hispanic voters’ ability to elect without making it look like anything in CD 23 had changed.... (email from Eric Opiela, counsel to Texas House Speaker Joe Strauss [sic], to mapdrawer Gerardo Interiano in November 2010 urging Interiano to find a metric to “help pull the district’s Total Hispanic Pop[ulation] and Hispanic CVAPs up to majority status, but leave the Spanish Surname [Registered Voter] and [turnout numbers] the lowest,” which would be “especially valuable in shoring up [CD 23 incumbent] Canseco”); id. (email from Interiano responding that he would “gladly help with this”); Defs.’ Ex. 739, at 40 (email indicating that Opiela provided sample maps to Interiano as late as June 11, 2011, that would “improve CD 23’s [H]ispanic performance while maintaining it as a Republican district”).“

Page 33: “We also received an abundance of evidence that Texas, in fact, followed this course by using various techniques to maintain the semblance of Hispanic voting power in the district while decreasing its effectiveness.”... Texas’s protestations that the district has remained functionally identical are weakened first **by the mapdrawers’ admissions that they tried to reduce the effectiveness of the Hispanic vote and then, more powerfully, by evidence that they did.** We conclude that CD 23 is a lost ability district.”

### **Discriminatory Intent in the Congressional Plan**

Pages 39-40: “Congressman Al Green, who represents CD 9, testified that “substantial surgery” was done to his district that could not have happened by accident. The Medical Center, Astrodome, rail line, and Houston Baptist University — the “economic engines” of the district — were all removed in the enacted plan.... The enacted plan also removed from CD 9 the area where Representative Green had established his district office... Likewise, Congresswoman Sheila Jackson Lee, who represents CD 18, testified that the plan removed from her district key economic generators as well as her district office... Congresswoman Eddie Bernice Johnson of CD 30 also testified that the plan removed the American Center (home of the Dallas Mavericks), the arts district, her district office, and her home from CD 30... The mapdrawers also removed the district office, the Alamo, and the Convention Center (named after the incumbent’s father), from CD 20, a Hispanic ability district. **No such surgery was performed on the districts of Anglo incumbents. In fact, every Anglo member of Congress retained his or her district office.**.... Anglo district boundaries were redrawn to include particular country clubs and, in one

case, the school belonging to the incumbent's grandchildren."

Page 40: "The United States and the Intervenors convincingly argue — and Texas does not dispute — **that removing district offices from minority ability districts but not from Anglo districts has a disparate impact on the minority districts.**"

Page 40: "We are likewise troubled by the unchallenged evidence that the legislature removed the economic guts from the Black ability districts. Texas does not dispute that part of a member of Congress's job is to "bring economic generators that will benefit that community," .... Removing those economic generators harms the district."

Page 41: "**The only explanation Texas offers for this pattern is "coincidence." ... But if this was coincidence, it was a striking one indeed. It is difficult to believe that pure chance would lead to such results.** The State also argues that it "attempted to accommodate unsolicited requests from a bipartisan group of lawmakers," and that "[w]ithout hearing from the members, the mapdrawers did not know where district offices were located." .... But we find this hard to believe as well. **We are confident that the mapdrawers can not only draw maps but read them, and the locations of these district offices were not secret. The improbability of these events alone could well qualify as a "clear pattern, unexplainable on grounds other than race,"** Arlington Heights, 429 U.S. at 266, and lead us to infer a discriminatory purpose behind the Congressional Plan."

Page 41: "Next, the sequence of events leading to the passage of the Congressional Plan also supports an inference of discriminatory purpose. **Black and Hispanic members of Congress testified at trial that they were excluded completely from the process of drafting new maps, while the preferences of Anglo members were frequently solicited and honored...** The Texas House and Senate redistricting committees released a joint congressional redistricting proposal for the public to view only after the start of a special legislative session, and each provided only seventy-two hours' notice before the sole public hearing on the proposed plan in each committee. **... Minority members of the Texas legislature also raised concerns regarding their exclusion from the drafting process and their inability to influence the plan via amendments.**"

Page 42: Lastly, procedural and substantive departures from the normal decisionmaking process raise flags. Citing failure to release a redistricting proposal during the regular session, the limited time for review, and the failure to provide counsel with the necessary election data to evaluate VRA compliance, **the Senate redistricting committee's outside counsel described the proceedings as "quite different from what we've seen in the past."**

## **VI. State Senate Plan**

Page 43: "We conclude that benchmark SD 10 is not a coalition district, and thus that the Senate Plan is not retrogressive. Nevertheless, **we deny preclearance because Texas failed to carry its burden to show that it acted without discriminatory purpose in the face of largely un rebutted defense evidence and clear on-the-ground evidence of "cracking" minority**

**communities of interest in SD 10. Thus, we conclude that the Texas legislature redrew the boundaries for SD 10 with discriminatory intent.**

Page 46: “Considering first the impact of the redistricting — “whether it ‘bears more heavily on one race than another,’” Arlington Heights, 429 U.S. at 266 (quoting Washington v. Davis, 426 U.S. 229, 242 (1976)), **there is little question that dismantling SD 10 had a disparate impact on racial minority groups in the district.**”

Page 47: “Once the 2011 general legislative session started in January, these maps were kept in an anteroom off the Senate floor, where many Republican members were taken individually by Chairman Seliger and Doug Davis to review the draft plans and provide input. See, e.g., Trial Tr. 39:15-25, Jan. 20, 2012 AM; Defs.’ Ex. 809, Dep. of Senator Judith Zaffirini 29:22-25, 30:1-19, Jan. 6, 2012. Senator Davis was consistently rebuffed when she asked to see the plans for SD 10, even as another senator told her that the proposed plan was “shredding” her district. Trial Tr. 38:2-8, 40:11-14, Jan. 20, 2012 AM. Senator Judith Zaffirini’s uncontroverted testimony shows that this scenario was not unique to Senator Davis, **but reflected a larger pattern: every senator who represented an ability district was excluded from this informal map-drawing process and was not allowed into the anteroom to preview the maps.** See Defs.’ Ex. 809, Dep. of Senator Judith Zaffirini 30:1-3. Indeed, none of the senators representing ability districts were shown their districts until forty-eight hours before the map was introduced in the Senate. See Defs.’ Ex. 129.”

Page 48: “In any case, **it is clear that senators who represented minority districts were left out of the process.**”

Page 48: “Our skepticism about the legislative process that created enacted SD 10 is further fueled by an email sent between staff members on the eve of the Senate Redistricting Committee’s markup of the proposed map. The ostensible purpose of the markup was to consider amendments to the proposed plan, but the email suggests a very different dynamic at work. David Hanna, a lawyer for the Texas Legislative Council, a nonpartisan agency that provides bill drafting and legislative research to the Texas legislature, sent an email to Doug Davis and Senate Parliamentarian Katrina Davis (Doug Davis’s wife). Hanna’s email responded to an earlier message Texas did not produce, but which concerned “precook[ing]” the committee report, i.e., writing the report before the hearing had been held. Trial Tr. 71:23-25, 72:1-7, Jan. 24, 2012 AM. With a subject line titled, “pre-doing committee report,” Hanna’s email read:

No bueno. RedAppl [the redistricting software Texas used] time stamps everything when it assigns a plan. Doing [the Committee Report on] Thursday [May 12] would create [a] paper trail that some amendments were not going to be considered at all. Don’t think this is a good idea for preclearance. Best approach is to do it afterwards and we’ll go as fast as possible.

Defs.’ Ex. 359. Although the chairman of the redistricting committee, Kel Seliger, denied knowing of any advance decision to refuse to consider amendments, he acknowledged what is apparent from the email: **the boundaries of the new Senate districts would be a fait accompli by the time of the markup and the committee did not intend to consider any amendments to the plan.** Trial Tr. 71:3-25, 72:1-16, Jan. 24, 2012 AM. We agree with Chairman Seliger that, at a minimum, this email shows that a plan was in place, at least at the staff level, such that no



new proposals or amendments to the district map would be entertained at the markup.”

Page 49: “The State held no field hearings after Census data was released and proposed plans were drawn, unlike the hearings that were held after such data was available in the past. Defs.’ Ex. 134, at 13. Additionally, Senator Zaffirini testified that she, a senator of a minority district, **“had never had less input into the drawing of any [redistricting] map” in over thirty years of redistricting experience,**” Defs.’ Ex. 370, at 1, **and that the 2010 redistricting process was the “least collaborative and most exclusive” she had ever experienced.** Lichtman Rep. app. 7, Decl. of Senator Judith Zaffirini ¶ 3. We find this unchallenged testimony sufficient to conclude that the 2010 redistricting process was markedly different from previous years.”

Page 50: “We conclude that Texas has not shown **that the Senate Plan was enacted without discriminatory intent.**”

Page 50: “We find it telling that the legislature deviated from typical redistricting procedures and excluded minority voices from the process even as minority senators protested that section 5 was being run roughshod. **One would expect a state that is as experienced with VRA litigation as Texas to have ensured that its redistricting process was beyond reproach. That Texas did not, and now fails to respond sufficiently to the parties’ evidence of discriminatory intent, compels us to conclude that the Senate Plan was enacted with discriminatory purpose as to SD 10.**”

# ATTACHMENT #2

Select portions of the  
Deposition of Mr.  
Gerardo Interiano Vol.  
III- redacted and  
highlighted

C O N F I D E N T I A L

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SHANNON PEREZ, et al.,  
Plaintiffs,  
  
MEXICAN AMERICAN LEGISLATIVE  
CAUCUS, TEXAS HOUSE OF  
REPRESENTATIVES, (MALC)  
Plaintiff,  
  
TEXAS LATINO REDISTRICTING  
TASK FORCE, et al.,  
Plaintiffs,  
  
VS.  
  
STATE OF TEXAS, et al.,  
Defendants.

CIVIL ACTION NO.  
5:11-CV-0360-OLG-JES-XR  
(Consolidated)

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF  
GERARDO INTERIANO  
AUGUST 9, 2011  
VOLUME 2

\*\*\*\*\*

ORAL and VIDEOTAPED DEPOSITION OF GERARDO INTERIANO,  
VOLUME 2, produced as a witness at the instance of the  
Plaintiffs, and duly sworn, was taken in the

C O N F I D E N T I A L

1 above-styled and numbered cause on the 9th day of  
2 August 2011, from 10:27 a.m. to 11:43 a.m. before Nancy  
3 A. Urbanowicz, a Certified Shorthand Reporter in and  
4 for the State of Texas, reported by machine shorthand,  
5 at the Daniel Price Building, 209 West 14th Street,  
6 First Floor, Austin, Texas, pursuant to the Federal  
7 Rules of Civil Procedure and the provisions stated on  
8 the record and/or attached hereto.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C O N F I D E N T I A L

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

EXAMINATION

BY MR. DUNN:

Q. Good morning.

A. Good morning.

Q. My name is Chad Dunn. I represent the Texas Democratic Party. We met last week; is that true?

A. Yes, sir.

Q. All right. I -- most of what I had to ask, that I'm allowed to ask -- I'll explain what that means in a minute -- has been asked by the other lawyers in the case. So I do have a number of questions as it relates to documents produced.

A. Sure.

Q. And, also, documents that are made subject to the privilege log that was filed and supplemented yesterday. And so as I understand the earlier discussion with Mr. Richards, I'll just hold off on

C O N F I D E N T I A L

1 that. We'll see how the court rules, and I'll come  
2 back and talk about the documents, if the court so  
3 allows.

4 So having said that, I'm just going to  
5 ask you a few general questions, and I'm pretty much  
6 done --

7 A. Okay. Great.

8 Q. -- based on what other people have asked.  
9 But, first, a little bit on the documents. I noted in  
10 my review of them that discussions began between you  
11 and an attorney named Mike Hall in or around October of  
12 last year. Does that sound accurate?

13 A. I think that's when I was introduced to him,  
14 yes.

15 Q. All right. So prior to that date, you've  
16 never had any business with Mr. Hall?

17 A. No, never met him.

18 Q. What is -- in what capacity was Mr. Hall  
19 acting when he was interacting with you on  
20 redistricting?

21 A. I don't know in what capacity he was at that  
22 point. I just knew that he was an attorney interested  
23 in redistricting when I was introduced to him.

24 Q. Okay. I understand Mr. Hall, who I consider a  
25 friend, even though we disagree on most --

C O N F I D E N T I A L

1 A. Sure.

2 Q. I understand that he represents Texans for  
3 Lawsuit Reform. Is that your information?

4 A. Yes, sir.

5 Q. All right. I also understand that he  
6 represents the Associated Republicans of Texas; is that  
7 true?

8 A. Yes, sir.

9 Q. Okay. But you don't know what capacity,  
10 whether it was Mr. Hall's individual interest or one of  
11 his clients in which he was interacting with you on  
12 redistricting?

13 A. I understand that at some point, he was hired  
14 by Associated Republicans of Texas. I don't know at  
15 what point that was.

16 Q. Okay. He didn't represent you in any  
17 capacity?

18 A. No, sir.

19 Q. All right. And as far as you know, he didn't  
20 represent Speaker Straus in any capacity?

21 A. As far as I know, no, sir.

22 Q. And as I understand it, that's who employed  
23 you, Speaker Straus?

24 A. Yes, sir.

C O N F I D E N T I A L

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

Q. Now, with respect to your communications with Mr. Hall, were you involved in any communications where Mr. Hall informed you that he would be filing a challenge to redistricting activities of the legislature in federal court?

A. I believe he mentioned that at one point, yes.

Q. Mr. Hall mentioned that to you in advance of filing the lawsuit?

A. I believe so.

Q. Did Mr. Hall tell you why he was pursuing litigation within a month or two of the session beginning regarding redistricting?

A. That, I don't recall.

Q. Were there discussions with Mr. Hall that



C O N F I D E N T I A L

1 Mr. Hall should pursue litigation so that there might  
2 be a more favorable venue or forum for what would end  
3 up being the conservative argument with the Republican  
4 argument on redistricting?

5 MR. MATTAX: Object to form.

6 A. I believe that there was.

7 Q. (BY MR. DUNN) Okay. Who was involved in  
8 those discussions?

9 A. That would have been me, Mr. Hall, Lisa  
10 Kaufman and Denise Davis.

11 Q. And just for our record, Ms. Kaufman, what was  
12 her involvement at that time?

13 A. She was legislative director and budget  
14 director for the speaker.

15 Q. And how about Ms. Davis?

16 A. Chief of staff to the speaker.

17 Q. Were there any discussions -- did you receive  
18 a draft of the lawsuit Mr. Hall filed in advance of it  
19 being filed?

20 A. I don't believe I did.

21 Q. At any point in time, did you assist Mr. Hall  
22 in the drafting or editing of pleadings as it related  
23 to that lawsuit?

24 A. No.

25 Q. Did you take part or participate in any

C O N F I D E N T I A L

1           conversations where it was discussed where the optimum  
2           place would be for Mr. Hall to pursue his lawsuit?

3           A.    Yes.

4           Q.    What were some of the listed venues?

5           A.    I think that the entire state was looked at,  
6           western district, eastern district. We looked  
7           statewide.

8           Q.    And the people that were involved in that  
9           decision, again, are you, Mr. Hall, Ms. Kaufman and  
10          Ms. Davis; is that --

11          A.    To the best of my knowledge, yes.

12          Q.    The lawsuit was ultimately filed in the  
13          Sherman division of the eastern district; is that true?

14          A.    I think so, yes, sir.

15          Q.    Do you know why that was chosen?

16          A.    I don't.

17          Q.    Do you remember any of the arguments made for  
18          or against the Sherman division as being an appropriate  
19          venue for the case?

20          A.    I don't.

21          Q.    Part of the lawsuit that Mr. Hall filed was  
22          the notion that undocumented immigrants or folks who  
23          were in this country who are not citizens should not be  
24          counted in redistricting. Is that -- is that your  
25          understanding?

C O N F I D E N T I A L

1 A. To the best of my knowledge, yes.

2 Q. And let's just be clear. Did you ever see the  
3 lawsuit?

4 A. Yes.

5 Q. Okay. So you've read it and had a chance to  
6 know what it meant?

7 A. Yes, sir.

8 Q. Okay. The -- when you were preparing  
9 redistricting alternatives on the State House in the  
10 congressional maps, did you prepare drafts that didn't  
11 include undocumented residents?

12 A. No, sir.

13 Q. In your conversations with Mr. Hall concerning  
14 the lawsuit he would be filing in Sherman, was it the  
15 desire of your office to obtain judicial relief such  
16 that undocumented immigrants would not be counted in  
17 redistricting matters?

18 A. Not that I'm aware of, no, sir.

19 Q. Is that a legal position you share, though?

20 A. That undocumented immigrants should not be  
21 counted in the U.S. census?

22 Q. Yes.

23 A. I wouldn't say that I would share that  
24 position.

25 Q. All right.

C O N F I D E N T I A L

1           A.    Let me clarify that. I think the Supreme  
2 Court has ruled that the census should count all  
3 residents, and that is my position as far as when it  
4 comes to the maps.

5           Q.    With respect to the individual claims made in  
6 Mr. Hall's lawsuit, did you help develop or suggest  
7 particular claims to be pursued?

8           A.    Not that I recall.

9           Q.    The individual plaintiffs in Mr. Hall's  
10 lawsuit -- are you familiar with any of them? Do you  
11 know them? I beg your pardon?

12          A.    No.

13          Q.    So you don't know who they are, where they  
14 came from or how they got to be plaintiffs?

15          A.    I believe they live in the district, and  
16 that's -- that's the extent of my knowledge.

17          Q.    Were you involved in any conversations with  
18 Mr. Hall or others as to why that lawsuit Mr. Hall  
19 filed was no longer pursued?

20          A.    No.

21          Q.    Is it true that Mr. Hall's lawsuit was no  
22 longer pursued because once it was consolidated with  
23 the San Antonio court, it no longer served its purposes  
24 of trying to obtain the most favorable forum for  
25 Republican redistricting interests?

C O N F I D E N T I A L

1 MR. MATTAX: Object to form.

2 A. I think you'd have to ask Mr. Hall that  
3 question.

4 Q. (BY MR. DUNN) You have no knowledge on that  
5 subject?

6 A. No, sir.

7 Q. The only people to your knowledge that were  
8 involved in the planning for and filing of the whole  
9 lawsuit are the plaintiffs Mr. Hall represented,  
10 Mr. Hall, you, Ms. Davis? Is that all?

11 A. Ms. Kaufman.

12 Q. I beg your pardon, Ms. Kaufman. I thought I  
13 had that in there.

14 A. Off the top of my head, yes.

15 MR. DUNN: All right. Subject to the  
16 document issues, that's all I have for today.

17 Thank you, sir.

18 THE WITNESS: Okay.

19 MR. MATTAX: Anything from you, Jose?  
20 Are we done?

21 MR. GARZA: I don't have any other  
22 redirect.

23 MR. MATTAX: Okay, all right. Well,  
24 subject to the potential for reopening this deposition  
25 for the limited purpose of discussing matters related

C O N F I D E N T I A L

1 to congressional conversations, should the court choose  
2 to allow inquiry into them, then this deposition is  
3 concluded. Thank you all for your time.

4 VIDEOGRAPHER: Off the record, 11:43.

5 (Deposition concluded at 11:43 a.m.)  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Julie A. Jordan & Company

(512) 451-8243 PHONE (512) 451-7583 FAX