



DAVID SIMPSON
STATE REPRESENTATIVE
DISTRICT SEVEN

October 25, 2012

The Honorable Joe Straus, Speaker
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768

Dear Speaker Straus:

Proverbs 18:17 says, "He who states his case first seems right, until his rival comes and cross examines him."

Over the last several weeks Rep. Trey Martinez Fischer has sent correspondence to you regarding re-districting and copied the other members of the House. Prior to receiving those letters, I had been an outspoken supporter of the re-districting process as it pertained to me. In East Texas there were some disagreements over the final outcome of the map, but my impression was that any responsibility for that lay at the feet of the delegation since we were given the opportunity to get together and come up with a map to our liking. I assumed the same process had been used across the state.

It is understandable that re-districting is a purely political process. But even in a political process, respect for the rule of law and the rights of minorities is in order. Republicans had a 101 to 49 advantage in members during last session. It is one thing to know you have the votes to pass any measure you propose and quite another to act as if the minority has no right to participate because you know the outcome before the game begins.

The accusations made by Rep. Martinez Fischer were disturbing, so I took it upon myself to review the text of the Court's ruling. I was appalled to read of some of the findings that did not appear to be disputed:

1. Minority Congressional districts had the district offices removed and the economic drivers removed from their districts while Anglo members did not.
2. Mr. Interiano testified that the mapdrawers did not have the addresses of any congressional district offices while they were redrawing the maps.
3. "Speaker Straus did not give Chairman Solomons any specific instructions other than to prepare a map that would be supported within the House. As a result,

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redistricting was in large measure left to the State House Members without, as far as the record reveals, any instruction on or attention to the State's obligations under the VRA or its history of Discrimination in voting. The process promoted Members' self-interests in reelection – with Republicans preferred by the Republican House majority – ahead of all other considerations for redistricting.”

4. “David Hanna and Jeffery Archer of the TLC contributed legal advice when asked, but, according to the record, were frequently ignored.”
5. Mr. Interiano's testimony that he was unaware that the Red Appl software could show shading for different racial populations at the census block level.

Those findings look pretty damning unless there is a side of the story to which I have not been privy. How, in a state that *always* has to go head to head with the VRA could we be caught flatfooted on such obvious issues? Knowing we would have to defend our actions, what consideration was given on the front end to prevent just such an outcome?

The record of collaboration between your staff members and a lobbyist / attorney who filed suit against the state naming you as a defendant was as concerning to me as the Court findings. Please, share it if there is a good explanation for those facts. It is difficult to defend the vote I made in favor of the redistricting bill when I could never have condoned the process that is being revealed through the Court documents. The vote is even more difficult to defend in light of the millions of dollars we are looking at in legal fees to defend a process that appears to have been extremely ill-advised.

So, as the Proverb states, I am asking for you to cross-examine the facts we are receiving. Please, before I feel compelled to apologize for my vote in favor of the redistricting bill, share any information that may exonerate you and fellow House members who participated in this process.

Finally, being a political science major from our Alma Mater, you will appreciate that we are not a pure democracy where a majority can take away the rights and liberties of the minority. We are a republic where even the rights of the minority are protected and must not be deprived except by due process and only for egregious offenses. As Friedrich Hayek points out in *The Constitution of Liberty* self-restraint by a majority is crucial for a free society (see attached). If we cease to heed our constitutional restrictions as elected representatives or as the majority party, how can we expect of the citizenry to do differently and avoid mob rule? How can we expect to be treated differently if we are the minority? These are important matters to me, seeing that we may well be taking up redistricting under your leadership again.

Respectfully submitted for Texas and Liberty,



David Simpson