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State Defendants’
Congressional Text Designations for
Gonzalo Barrientos
Q. Could you please state your full name for the record?
A. Gonzalo Barrientos, Jr.

Q. Okay. When were you first elected to the House?

Q. Okay. And how long did you serve in the House for?
A. Ten years.

Q. And where was your district located?
A. The first time it was the whole County of Travis. The second time it was the east, southeast.

Q. And did that stay the same location for the rest of your time in the House?
A. Yes.

Q. And after your time in the House, you began service in the Senate. Do you remember when that was?
A. I was elected in '84 and served in '85, the first session.

Q. And how long were in the Senate for?
22 A. Technically, I think 21.
23 Q. When you say "21," years?
24 A. Years, yes.

18:5-10

5 Q. And where was that district located?
6 A. When I was first elected, it was all of Travis County and all of Hays County. Later it was all of Travis County. Then, I think, later there was redistricting, and they took a chunk out of south --

34:19–35:10

19 Do you recall whether during past redistricting efforts while you were in the Senate there were field hearings that were held on redistricting?
20 A. I believe that there were, but I can't remember the times or places. I just think that there were some
21 field hearings.
22 Q. And do you know whether those would have been
in the -- in the regular session?

A. Hmm. That would have been hard. They might have been, but it would have been difficult to have them during a regular session, but it might have been.

Q. And why do you say it would have been difficult?

A. Twenty-five million people, a budget of billions and billions of dollars, thousands of bills being introduced and heard, 140 days to do it, it would have been too difficult to do everything you want to do.

Q. Okay. I want to ask you about the passage of this bill on the floor, so I've got an exhibit to show you and I'll mark it as Exhibit 5 for this deposition.

(Exhibit 5 marked.)

Q. (By Mr. Bitter) I've handed you what I have marked as Exhibit 5, and this is a printout from the May 24, 1991, Senate journal. And I just want to ask you a question or two about the third page of this document, which -- which reflects the passage of House Bill 150.

And under the heading "House Bill 150 on
Third Reading," this states, "Senator Glasgow moved that
the Constitutional Rule and Senate Rule 7.20 requiring
bills to be read on three several days be suspended and
that H.B.150 be placed on its third reading and final
passage."

I just want to ask you what your knowledge
is as to the rule that's being referenced there as being
suspended.

A. I believe -- and I have to guess at some of
this.

MS. PERALES: Well, let me tell you now

that you should testify as to what's in your personal
knowledge and recollection. If you don't remember
something, it's okay to say you don't remember.

A. I don't remember, but I can tell you the way
things work; and that is that if it's very obvious that
votes are there for something, you can suspend the rules
to take on and get onto other business.

And as you can see there by the indication
of the nay votes, they were all Republicans. So the
vote was -- they voted for their own record so that
the -- the motion was to pass it.

It was going to be passed anyway whether
13 you waited now or three days, don't wait three days, get
14 on to other business that the general public wants you
15 to get at.
16     Q. From your experience, were these commonly done,
17 these kinds of motions?
18     A. It depended on the bill, the content; but it
19 was done fairly regularly.

42:1-19

1     And is it correct this document reflects
2 that you voted in favor of the motion?
3     A. Yes, I did.
4     Q. Okay. And then this indicates that the bill,
5 being H.B. 150, was read a third time and passed by a
6 viva voce vote. Did I read that correctly?
7     A. Yes, it is.
8     Q. And it seems to indicate that a couple of
9 members voted, voted nay on the final passage of the
10 bill. Is that correct?
11     A. The -- there were those recorded votes --
12     Q. Right.
13     A. -- voting no.
14     Q. And are you -- are you listed as a member
15 voting no?
16     A. I am not listed with the Republican from
Dallas, Republican from Tarrant, the Republican from Bexar, the Republican from East Texas, Dallas, et cetera. No, I did not join them.

Q. I want to ask you a couple questions about the 1991 congressional redistricting plan as well, and I will hand you what I will mark as Exhibit 6.

A. Is this the same document?

Q. (By Mr. Bitter) It's not the same document. It's a similarly formatted document, but the one I handed you marked as Exhibit 6 should indicate H.B. 1 on the front of it.

And this is, I'll represent to you, a printout from the Texas Legislature Online for the legislative history of H.B. 1 in the 72nd legislature. The Caption Text reads, "Relating to the apportionment of the state into congressional districts." And the Last Action reads, "08/29/1991 E Effective in 90 days -- 11/24/91."

Is this a bill that you recall, as we're sitting here today?

A. No.
Q. Now, if you turn to the third page of the document, am I correct in reading that it appears to have been filed -- the bill was filed in the House on 8/16/1991? It's the last column on the bottom.

A. Yep, that's what it says.

Q. Okay. And then if you turn to the first page, there are indications for when the bill was signed in the Senate and signed in the House. They are about four down in the description. And is it correct that both of those are reflected as August 25, 1991?

A. Correct.

Q. So about nine days after it was filed in the House?

A. Correct.
A. Yes, 22nd.

Q. And then it was scheduled for a hearing on August 24, 1991.

A. Correct.

Q. And then if you go back to the first page, does it appear accurate that the -- the passage of the bill in the Senate occurred on August 25?

A. Signed in the Senate.

Q. On which date do you show it as signed in the Senate?

A. 8/25.

Q. Now I want to ask you one question or a couple questions about the -- you can put that exhibit away. I don't think I have any more questions on that. But a question or two about the 1981 redistricting process; and during that time, you were in the House. Is that correct?

A. Yes.

Q. Okay.

(Exhibit 7 marked.)
Q. (By Mr. Bitter) I'm going to show you what I am marking as Exhibit 7, and this is another printout of the legislative history, and this one is for H.B. 960 in 1981.

A. Did you say '91?

Q. 1981.

A. '81.

Is it accurate to say that on this document, right below H.B. 960, it indicates that it's relating to apportionment of the state in the representative districts?

A. That's what it says.

Q. (By Mr. Bitter) Right.

No, that's fine.

I want to show you one other document about House bill 960. I believe this will be marked as Exhibit 8.

(Exhibit 8 marked.)

Q. (By Mr. Bitter) And this document is titled "House Study Group Bill Analysis," and it reflects an analysis of H.B. 960 from 1981. Are you familiar with
13 bill analyses like this from the House study group?
14    A.   I am.
15 Q.  And what --
16 A.   Generally.
17 Q.  And what generally do these analyses cover?
18 A.   They take legislation which has been introduced
19 and it's likely to come up on the floor or in committee,
20 and they give -- try to give you a brief analysis of
21 what the law contains that you'll be taking up; and in
22 some cases, pros and cons of it.
23 Q.  Now I want to ask you about a part of this
25 And it's under the heading "Background," and it

Page 50

1 indicates, "The Regions, Compacts and Districts
2 Committee conducted several weeks of field hearings
3 during the interim on redistricting proposals.
4 Additional public hearings were conducted during the
5 session.

   "The Citizen Advisory Committee was
7 appointed by the Speaker to act as an information
8 conduit to various communities. The committee solicited
9 district plans for individual members and metropolitan
10 delegations.
"The committee had originally planned to follow a procedure where a preliminary draft proposal would be offered, public hearings would be conducted on the draft plan in late April, a final plan would be drafted early May, further public hearings would be conducted on the draft plan, then the committee would act on the final draft.

"For various reasons, the committee did not follow its original timetable. A draft proposal was distributed to members and the press for the first time around noon on Saturday, May 23. A public hearing was conducted Saturday afternoon and evening and Sunday afternoon and evening.

"At 1:30 a.m. on Monday morning, May 25, the committee met in formal session to consider

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H.B. 960. After adopting 16 separate changes, the committee voted to report the bill at 2:50 a.m."

Do you recall the circumstances of this at all?

A. Nope.

Q. Okay. You weren't a member of the Regions, Compacts and District Committee, though.

A. Not that I can remember, no.

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Q. Okay. And do you recall any -- anything in particular about H.B. 960 and the amount to which it had been submitted for the public's viewing before it was voted out by the committee?
A. I do not.
Q. Okay. And are you aware of whether after H.B. 960 was voted out by the committee there were any other further hearings held on this bill and committee?
A. If it was voted out of committee, there would be no -- normally there would be no further hearings on that same bill unless it was sent back to the committee.
Q. In your experience, would there ever be a bill that would be sent back to committee to consider amendments that had been offered on the floor?
A. Technically, that could happen, but generally speaking, committees try to take care of business right there on the get-go. Or there would be substitute motions on the floor of the House or Senate --
Q. So --
A. -- which would add or subtract for debate.
10 A. Oh, definitely it can be.

11 Q. And what about partisan? Is it partisan process?

13 A. Let me try to be nice. Yes.

61:16-23

16 Q. Did you have a particular position on Congressional District 35?

18 A. Did I have a particular opinion or -- of what it should be like?

20 Q. Yeah. I mean, did you support the drawing of CD 35 as it is in the 2011 congressional plan?

22 A. Yeah, it was compared to what had been done before. Yeah, I supported it.

63:17-24

17 Q. Now, as to plan C 185 -- and we can -- we can look at the backup data that's behind the map, if need be, but are you aware whether Congressional District 35 created a majority of Hispanic voting-age population?

21 A. It is my understanding that that particular district gave an opportunity for Hispanics in that district to select the people that they would want to vote for.

64:24-66:4

24 Q. (By Mr. Bitter) And my question was whether
25 you believe that in this plan, in C100, the plan that

Page 65

1 existed prior to 2011, there was a district in which
2 Hispanics, using -- using your words, were able to elect
3 their -- have an opportunity to elect their candidates.
4 A. I don't think so in this one. And, of course,
5 I should have brought my glasses, but the previous
6 congressional district out of Central Texas or Travis
7 County, I think, went all the way down to the border.
8 Am I correct in that?
9 Q. Well, it's what you recall at this point. I
10 don't want --
11 A. Well, that was my question, though.
12 MS. PERALES: If you don't recall, it's
13 okay to just say "I don't remember" or ...
14 A. Well, that one -- this one is better than this
15 one (indicating). How's that?
16 Q. (By Mr. Bitter) When you say -- just so it's
17 clear on the record, when you say this is better than
18 that, you're talking about ...
19 A. One eighty-five in terms of representation is
20 better than this plan, C100, in my opinion (indicating).
21 MS. PERALES: And the witness is
22 indicating Central Texas.
Q. (By Mr. Bitter) I was going to ask to confirm.
A. Yes.
Q. With that statement, are you referring to
Page 66
Central Texas or to the statewide plan as a whole?
A. Central Texas only.
Q. Okay.
A. Travis County specifically.

67:18–68:10
Q. Do you know the -- focusing on the congressional map, do you know the general areas of the state in which there have been challenges made to the 2011 congressional plan?
A. Not really. Again, only focusing in on the area here in Central Texas where I am.
Q. Is that where your main knowledge is based on?
A. Specifically, yes.

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Q. And do you have knowledge in terms of other areas of the state; for example, do you have knowledge in terms of El Paso, to use that as an example, of where additional opportunities could have been created?
A. No, I do not.
Q. And then the Dallas-Fort Worth area, have you
done any kind of analysis to determine how a district
could have been drawn in the Dallas-Fort Worth area to
create additional opportunity districts for Latinos?

A. I have not.

So if -- is it fair to say that if Plan C235, which was the plan adopted by the 2013 legislature, if that plan maintained the configuration of Congressional District 35 as it was in Plan C185, that in your opinion

Latinos would have the opportunity to elect their candidate of choice in that district in C235?

As I see it now, yes.

And if we, you know, if we assume that there was no change to it, then would your position as to Latinos' ability to elect their candidate of choice, your opinion as to C185, would that be same as to C235?

It appears that way, yes.

I'm just curious if there are specific complaints you have about the Texas House map that was enacted in 2011.

A. I cannot say that I have those complaints
because I'm paying more attention to these other maps.

Q. What about the 2013 Texas House map? Are there any --

A. Same.

But my questions are more focused on process, you know, the hearings that were held or the floor. In terms of the process, do you have any complaints about what was done in the 2011 statewide redistricting, the process?

A. No.

And what about as to 2013, just focusing on process questions related to --

A. Same.

Okay. So are you able to say there was anything out of the ordinary in terms of process that occurred in 2011 redistricting?

A. Not that I can recall.

Did you review the process -- just focusing on 2011 for now, did you review or were you aware of the 2011 process such that you have any way to compare it prior to redistricting cycles when you were in the legislature?
And then as to 2013, do you have any familiarity with the 2013 plan to know what type of process was used when the statewide plans were enacted in 2013?

I do not. I assumed that all of these use the same process as have been done before.

And do you have any basis to criticize how those plans were -- the process by which those plans were enacted in 2011 or 2013?

No, just the way they voted.

Are you aware of any comments that were made in the 2011 process that reflect discriminatory intent on the party?

I am not.

So is it your testimony that under C100, the plan that existed prior to 2011, there were -- there were one or more districts in Travis County in have Latinos could elect their candidates of choice?
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Q. (By Mr. Bitter) You can answer.

A. Did they have more of a choice?

Q. I'm wondering in Plan C100 if there were districts in which Latinos had the opportunity to elect their candidate of choice within Travis County.

MS. PERALES: Objection, asked and answered.

You may go ahead and answer.

A. Not really.

98:9-99:16

Q. Now, is it fair to say that there have been improvements over time for minorities in Texas?

A. Absolutely.

Q. In terms of focusing on your membership in the legislature for one, when you became a member of the House, do you know how many Latino members there were at that time?

A. I think, just guessing at it, ten or twelve.

Q. And do you know in the Senate how many there were at that time?

A. Two or three.

Q. And then what about now, are you aware of the current numbers now?
A. The House are in the 20s, I believe, maybe close to 30. I'm not sure. In the Senate, I think there are seven. I can count them, but that's rough guesses.

Q. Were you a member of MALC, when you were a member of the House?

A. The Mexican-American Legislative Caucus is a Mexican-American House group. Yes, I was. I was a chairman of it at one time.

Q. And do you recall how many members there were when you were in the House?

A. I can't recall exactly. Fifteen, 20, some outside.

Q. And do you know how many current members are in the Mexican-American Legislative Caucus?

A. House Caucus, 20s, maybe close to 30 or so.

Q. So is it fair to say in terms of looking at state legislators that there are more Latino legislators now than when you first joined the legislature?

A. Certainly.

Q. Is it fair to say with respect to African-American legislators, that there are more
African-American legislators in the House now than there were when you first joined?

A. That's fair to say.

Q. And then what about looking at the Travis County area, let's focus on that, would you acknowledge there are numerous elected public officials that are Latinos?

A. Yes.

Q. Now, would you also agree that there are public officials in Austin, Travis County, both countywide and non-countywide seats that are African-Americans?

A. Yes.

Q. Would you agree that three of six members in the Texas House in Travis County are minorities?

A. Yes.

Q. And do you know whether this is a larger number than what it was when you were initially in the House?

A. It is.

Q. What about look more at statewide as a whole. Would you agree looking at statewide races or, I'm sorry, across the state, that there are more public
16 officials that are Latino than when there were when you
17 were first a member of the legislature?
18    A. Of course.

107:23-108:9
23    Q. And what about looking on the federal side to
24 members of the Texas congressional delegation, are those
25 numbers larger in terms of number of Latinos than there

Page 108
1 were when you were a member of the House?
2    A. I think I remember -- yes, there is a larger
3 number.
4    Q. Now, in terms of the increase in the number of
5 officeholders who are minorities, just looking at Travis
6 County and Austin for now, would you agree there's been
7 a substantial increase since the time when you were in
8 the House?
9    A. It has.

115:3-23
3    Q. And what groups is the coalition comprised of?
4    A. Generally speaking, it was -- was students,
5 Hispanics, African-Americans, progressive Anglos, labor,
6 trial lawyers to a certain extent, the women's movement.
7    Q. So -- but just to clarify, so by tri-ethnic,
8 are you referring to Anglos, Hispanics and
9  African-Americans?
10      A.  I did not use the word "tri-ethnic." You did.
11  I just mentioned the groups that were involved, which
12  was students, African-Americans, women's movement,
13  Mexican-Americans, progressive Anglos, labor, so forth.
14  So it was not just three racial groups.
15      Q.  Right.
16      A.  It was a lot groups. Like we passed the
17  ten-one for city council districts with a heck of a
18  coalition. The coalition included Republicans,
19  Democrats and all the other groups that wanted a
20  different system.
21      Q.  So, as you view it based on the group, is it
22  not purely an ethnic coalition?
23      A.  Correct.

118:14-24

14      Q.  Now, in terms of the groups voting together, so
15  looking at the Hispanics and African-Americans, do you
16  believe that those groups vote cohesively in primary
17  elections?
18      A.  It used to be that way. Now it depends on
19  primary elections. It was generally understood that a
20  Hispanic would not run against a Black African-American
21  incumbent and vice versa, sort of some kind of
negotiating, an understanding that would happen to help each other. But generally speaking, it would be together.

122:12-124:11

Q. (By Mr. Bitter) Right before we left, I was going to hand you an exhibit, which I'll now hand you. It has been marked Exhibit 14, and this relates to my last set of questions regarding voting coalitions in Travis County.

MR. HICKS: Fourteen?

MR. BITTER: That's right, 14.

Q. (By Mr. Bitter) And I will represent to you these are the joint primary election results from March 7, 2006; and if you turn to Page 5 of this document, that is the election that I would like to ask you about, and it is the third one down, and it's the Democratic primary for county court-at-law judge.

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It's between Eric Shepperd and Elena Diaz.

I know I had asked you before about Judge Shepperd in the context of another question, but just to clarify that we are talking about the same person, are you familiar with Eric Shepperd?
6  A.  Yes.

7  Q.  And is it correct that Eric Shepperd is African-American?

8  A.  Yes.

9  Q.  And are you familiar with Elena Diaz?

10 A.  I am.

11 Q.  And is she Hispanic?

12 A.  Yes.

13 Q.  So would you agree this is a primary election between an African-American candidate and a Hispanic candidate?

14 A.  Yes.

15 Q.  Okay. And looking at these election results, does it reflect on the far right column under Total Vote that Judge Shepperd received 50.41 percent of the vote and Elena Diaz received 49.59 percent of the vote? Is that accurate?

16 A.  Yes.

17 Q.  So, going back to what we were talking about before about coalition voting in Austin, if I were looking at this election and trying to determine who the coalition supported in this Democratic primary, how would I know that?
A. Well, like I said, the coalition used to be -- and like I said earlier, these types of situations are generally attempted to stay away from, that is to say, an African-American and a Hispanic.

However, when there is an open seat, that sometimes happens like this. And who did the people generally support? It looks like both of them. It was only what, a point difference, something like that.

Q. So would you agree that there's no way to determine just from these results alone who the -- who the coalition in Travis County supported between these two candidates?

A. I think that, quote, unquote, the coalition split.

Q. So could it be the case that African-American voters and Hispanic voters supported different candidates in this election?

A. Well, I don't know if you can say 100 percent either way, but generally speaking, perhaps.

Q. Actually I have one question going back to the coalition, and that is whether in your experience the
coalition has ever supported a Republican candidate.

A. I cannot say. I cannot remember any instance.

Q. Do you know of any instances where candidates in Austin or Travis County that were Republicans tried to seek out the vote of the coalition and weren't successful?

A. I don't think that they would go seek the support of this group, but they might go to individuals within that group seeking votes.

Q. And when you say they wouldn't go to that group, why would that be? They wouldn't go to those groups, why would that be?

A. Well, you know, if you're a Republican, you are not likely to go and meet with the AFLCIO in Travis County or the AFSMI or electrical workers, et cetera, because they generally are not in agreement about the right to work and all that stuff.

In terms of, let's say, the African-Americans, they aren't likely to go over to -- right in the middle of African-American population inasmuch as the African-American generally vote, in Travis County anyway, Democrat. The same thing with Hispanics. Not all, mind you.
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Francisco Canseco - Perez

State Defendants’
Congressional Text Designations for
Francisco Canseco
Q. Tell me about the neighborhoods or precincts where you were strong in that Republican primary runoff. What were the areas that were most supportive of you?

A. I cannot tell you authoritatively or factually. I can only tell you from recollection, so it's sort of fuzzy. But I remember that we had strong support in the south side of San Antonio. And that's one of the reasons why we -- we won the runoff, if I recall right.

Q. Tell me for that primary runoff that you won in 2010, what activities did you do to campaign out in the community?

A. Block walked.

Q. And where did you block walk?

A. South side.

Q. Did you go to any community events?

A. Yes.

Q. Tell me where those community events were located.

A. VFW by -- by Mission Park.

Q. Uh-huh.
Francisco Canseco - Perez

A. Went to a lot of centers where elderly would gather, went to events over at Mission Park, and also at San Jose Mission and Mission Espada. That was -- that's my recollection.

Q. I mentioned this to Representative Garza earlier in the week, but my daughter does folklorico dancing. I think we have done every Lions Club and VFW and little school fair there is in San Antonio, so I know what you're talking about here.

A. Uh-huh.

Q. And when you mention the senior centers, can you tell me the area where those senior centers were located, more or less?

A. Southwest Military.

Q. And would it be fair to say that these activities that we've been discussing; Mission Park VFW, the Southwest Military area, and the area around the missions, San Jose and Espada, those are all, more or less, in the south side of San Antonio, right?

A. Yes, they are in the south side of San Antonio.

Q. And then did you do any block walking in other areas of the district in 2010 for the primary runoff?
A. Yes, the northern parts.

Q. And tell me where in the northern parts you did block walking.

A. Fair Oaks Ranch, Rogers Ranch, Stone Oak, north -- northwest of 10, Helotes, and all those northern areas.

16:14-17:11

Q. I would like to bring you forward a little bit in time to the general election in 2010. What would you consider some of your strongest precincts for you now in the general election in 2010?

A. I can't answer that fully. Just on a very, very general basis, I think that, you know, it -- I had -- I had support throughout the district, but the concentration of population was mainly around San Antonio and Medina, Uvalde, and Maverick and Val Verde Counties. That's where the majority of the population was centered. I can't authoritatively tell you that right now.

Page 17

Q. So maybe if we speak in terms of categories. Would it be fair to say that your strength in the general election came in general from strong Republican precincts?
A. No, because I -- I believe that I had -- I had crossover support from many people where I come from. I come from Laredo. I've lived all my -- not my education life, but I've lived most of my life in that -- in that area. I have a brother who's buried in Del Rio and, I mean, he was a rancher there. He was well-known. I'm known throughout the area.

Q. Can you tell me about how you personally as a candidate reached out and had that crossover appeal?

A. Well, I'm a fluent Spanish speaker; I'm a fluent Tex-Mex speaker, an y barrio speaker. I switch well and switching in -- you know, when you're speaking with people from the area there are certain key words. I can genuinely convey that I'm part of the community and understand those subtleties that can be very easily conveyed from one group to another.

Q. And so does this give you real skills as a crossover candidate in the Latino community?

A. Absolutely. And I wouldn't call it skills. I would call it I'm a fit.

Q. You're a good fit for a Latino majority district?
Q. Okay. I'm just trying to formulate my questions so I stay organized.

Tell me how you talked about your values as a conservative to appeal to voters in the district.

A. By the idea that there are opportunities out there for a lot of folks, the idea that we're here for a reason. And I would talk about something that's very near and dear to me. And my father and mother were from Mexico, and when I would go and visit my cousins in Monterey, Mexico we would -- you know, after a while, you know, when you're a kid you get in a fight with them and they start calling you gringo, "There's Gringo Quico." And my dad would say, "Take that as a compliment because here things are done right, in the right way."

Q. In the US?

A. In the US. And that's who we are. We're Americans. And the idea that there are opportunities out there is very, very important to a lot of us, and we have to be able to grasp those opportunities, if not for ourselves, for our children.
19:15-20:11

Q. Did you have emphasis at all on some of the social issues or was it more a message about economic stability?

A. Mainly it was economic and opportunity, economic opportunities; growth, and development of areas. If you're looking at -- at the vast border area, you're looking at almost 800 miles of Texas-Mexico border. That's where a lot of the concentration of population is other than in the rural areas.

So what you have is opportunities that right now are centered mainly in Laredo or McAllen or Brownsville. But when you look at places like Tornillo up in El Paso County or Presidio or -- or even Del Rio --

Q. Uh-huh.

A. -- you know, the ability to grow those ports and to give additional transportation entries and exits for vast, huge opportunities for growth and jobs and economic security of a lot of areas that are underdeveloped, but, yet, they are like diamonds in the rough.
Q. You used a term earlier "crossover appeal," and I just wanted to explore that term with you a little bit. When you say "crossover appeal," do you mean that you had appeal to traditional Republican voters as well as Latino voters who might be willing to essentially cross over from Democrat to Republican to vote for you?

A. Yes.

Q. And did you feel as if you were making connections with people during your campaign in 2010, and specifically Latino people, to say to them, "You may have voted democratic before, but I have a message for you and I want your vote"?

A. Yes.

Q. And did you feel that you were gaining votes through that message?

A. Yes.

Q. Would you say in many ways that Latino values are Republican values?

A. No. I would say that Latino values are independent values. They're neither Democrat nor Republican. Latino values, I think, are encompassed in
what my dad would tell me. He said, "Mijo, you're here because this is the land of the free and opportunities and this is where we get ahead."

And I don't think that the Texans of Latino heritage or origin are any different from any other American population or ethnicity and -- and they're basically independent.

Q. Would it be fair to say, then, that Texans of Latino descent are likely to vote either Republican or Democrat depending on the message that they're connecting with with the candidate?

A. Depending on two things; the candidate and the candidate's message.

Q. And that could be of either party; Republican or Democrat?

A. Yes.

Q. Shifting now a little bit, would you say that there are some Latinos who are committed Republican voters?

A. Uh-huh, yes.

Q. And do you know whether in Congressional District 23, as it existed in 2010, whether those committed Latino Republican voters were concentrated in
any particular area of the district?

A. Well, if you found -- let me answer this question this way. If you found population centers, whether small, medium, or large, you found Latino committed Republicans that weren't going to switch no matter what.

Q. Do you think in some respect that they were integrated into precincts with Anglos?

A. Some. But some were found even in communities with nothing but Hispanic people.

Q. And I'm interested in following up on that. Can you describe an example of a community like that for me?

A. South side of San Antonio --

Q. Okay.


Q. And in the south side of San Antonio were there particular neighborhoods where you met committed Latino Republicans?

A. Yes.

Q. Okay. Would you say that they had certain
traits in common, perhaps a past military connection, or anything else?

A. It was eclectic.

Q. Beyond maintaining the geographic integrity of the district and its Hispanicity, did you give -- can you recall now any other directives or goals that you gave to Mr. Yeldell in redistricting?

A. I didn't give any goals or any directives other than that. I know that at one time we talked about my getting a purely Republican area in a new drawn district and I said, "That's not my fit. Then my whole purpose is gone."

Q. Okay.

A. So I wanted to stay with the complexity of the 23rd District.

Q. Okay. And this is something of a unique district, Congressional 23. It's one of the more competitive districts in the House of Representatives from a partisan perspective; is that right?

A. Yes.

Q. Okay. And the district had elected a Democrat in 2008, which was a big year for Democrats, yes?
Francisco Canseco - Perez  

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1 Q. And then the district elected a Republican, you, in 2010; is that correct?
2 A. Right, yes.

39:15-23

15 Q. I guess before we get to the election day in 2012, taking you back into 2011, would you agree that there was a concern that Congressional 23 might not elect a Republican to Congress in 2012?
19 A. Let's put it differently, if I may, that it would not vote -- it's a tilt district so it can go either way. And as we spoke about it earlier, it's about who the Republican is and who the Democrat is. It's not about R or D.

40:15-22

15 Q. And you -- you mentioned earlier you wanted to preserve the Hispanic majority population as a characteristic of Congressional 23, right?
18 A. Yes.

19 Q. Okay. But given the flexibility of Latino voters, you knew that the district was going to remain, as you describe, a tilt district?
22 A. Yes.
Q. Thank you. I do have, however, a very specific question whether you had a goal of improving the generic Republican performance of Congressional 23 while complying with the Voting Rights Act.

A. The goal was to make sure that the Voting Rights Act was -- was maintained.

Q. I understand. And within that or along with that goal, did you personally have a goal of improving the generic Republican performance of the district?

A. Well, it -- you need an edge, of course. But I didn't want to run in it if it was going to be a throwaway Democrat district that I could never win in no matter what.

Q. Did you come to learn at any point whether or not the national party had identified Congressional 23 as a district where they should put in extra resources?

A. Yes.

Q. And can you tell me why the party thought extra resources would be appropriate for Congressional 23?

A. Because the Democrats had -- had targeted it
as -- look, it was a focal point of the nation, period.

Q. Of redistricting and then of the --

A. Of redistricting and then also of -- because of its nature. It's a tilt district, and it has 800 miles of Texas/Mexico border. It's a Hispanic district.

58:5-59:8

Q. (BY MS. PERALES) Mr. Canseco, I -- we had just been talking about the color pink; and I'm -- I'm sorry to have to hand you a pink exhibit.

We were talking about some of the headlines that you received from Mr. Yeldell about the progress of redistricting.

And I wanted to ask you whether there was a point in time where you became aware that Maverick County was going to be split in the new configuration of your district?

A. Yes.

Q. Can you tell me how you learned that?

A. I was told it was going to be.

Q. Do you remember who told you?

A. Scott.

Q. Did he tell you why Maverick County was going to be split?
A. Not specifically. But I'll tell you, it -- it made a lot of sense to me.

Q. Okay. Tell me why.

A. Well, because the district was going to get

the rural areas of -- of Maverick County; and the main population center, which was Eagle Pass, was going to go to Henry Cuellar. And there's more synergy in the rural areas to west Texas than there is to Eagle Pass.

Q. But didn't you keep other urban areas that were like Eagle Pass?

A. Yes, that's true. Like Eagle Pass, Del Rio; and of course, El Paso. We got our border areas.

Q. Do you remember during 2011 redistricting learning that counties north of the Pecos River were going to be added to Congressional 23?

A. Yes.

Q. Did you consider those counties as having much in common with the border area that was already in 23?

A. To a large extent, they did have a lot in common, yes, in their rural nature and the rural nature of even the border counties, like Val Verde County, Maverick County, Presidio, Brewster, El Paso.
Francisco Canseco - Perez

17 Q. Uh-huh.
18 A. There's a -- a nexus of -- of focus just like
19 there is for San Antonio or Dallas or -- or -- or
20 Houston. It's either the Midland centric or they are
21 El Paso centric; but when you come to those two
22 centers, they blend together. It's a -- where you are
23 closer to.
24 Q. And so in addition to the rural nature of
25 these counties above the Pecos River, would it be fair

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to say that the counties above the Pecos River that
were added to Congressional 23 were not as Hispanic as
the counties that were already in 23?
A. Not necessarily, no.
Q. You don't see a demographic difference between
them?
A. No. There's -- they're split. I mean, you
take Ward County or Crane County or the others, they
have a big Hispanic population.
Q. And with respect to the regional
identification of the counties above the Pecos River,
would you agree with me that the counties above the
Pecos River that were added to 23 have a sense of
themselves as being in a different region than the
border region counties that were already in 23?

MR. FREDERICK: Objection, calls for speculation.

Q. (BY MS. PERALES) You may answer.

A. Not necessarily.

62:5-62:25

Q. Okay. But the counties north of the Pecos River really didn't have that border quality, did they?

A. They relate to it in many, many ways. And I'm going to give you some examples. You take Fort Stockton, for instance, that claims to want to have the port to the west or La Puerta Pacifico.

Q. Uh-huh.

A. And I won't get into that belaboring deposition. But they all relate to opportunities from the border and from transportation and from trade. Naturally, a lot of these northern counties, so to speak, of the district are huge in oil and gas right now with Permian Basin oil and gas production. But they do relate very closely to El Paso, Presidio, and the border counties.

Q. Did you ever wonder why, if Congressional 23 was overpopulated by almost 150,000 people, you were picking up new territory and new population?
Q. Do you remember after seeing the final version of your district whether you communicated any feedback to anybody?

A. Yeah. I said, "This is going to be challenged," because I know -- I know what happens in Texas redistricting as far as the 23rd is concerned.

Q. And did you have any specific understanding when you saw the new map of why it might be challenged?

A. Not because of the map, but because I know the nature of politics and law and how this has become a -- politics under the umbrella of law.

Q. Did you think a challenge was inevitable regardless of how the district would be drawn?

A. Yes.

Q. What did Mr. Yeldell communicate to you about how the district might have changed or not changed in terms of partisan performance?

A. Very basically, he said, "It's the same as
before. It hasn't changed. You just shifted boundaries."

68:7–13

Q. So after receiving Mr. Yeldell's information that the district was basically the same, did you ask him for any further details about any partisan characteristics of the district?

A. No. I wanted to know whether I had -- still had my south side, and I wanted to know that I still had my 800 miles of Texas/Mexico border.

78:15–79:18

Q. Okay. And do you know how the people in Webb County felt about that split?

MR. FREDERICK: Objection, calls for speculation.

THE WITNESS: Do I go ahead and answer it?

MR. FREDERICK: Yeah.

THE WITNESS: Yeah. There was -- there was -- people were upset, but you would have to understand the nature of Webb County. It's a conservative county, but it votes Democrat. But it's a very conservative County. And they liked Henry
Bonilla. And I think that there was a problem in having it split, but they were cool with it. They felt that there was an opportunity to have two congressmen instead of one.

Q. (BY MR. MELLETT) And I guess I -- and I don't know, in terms of your knowledge.

Do you have the same sort of knowledge of Maverick County and the split that occurred there this time?

A. Yes.

Q. And do you have the same view that -- as you just espoused regarding Webb County, that you had some people that were upset and some people who weren't?

A. Well, let me tell you. No, it's not the same thing because Laredo was split in two. And in this particular case, it kept Eagle Pass pretty much intact, if I'm not mistaken.

Q. One of the things that has certainly been discussed in litigation regarding the area of Harlendale -- I think that was another area --

A. Right.

Q. -- that you had mentioned that had been split apart into three districts.
Did you have a concern that the Harlendale area was split into three districts?

A. Not specifically, other than I was losing a strong constituency.
State Defendants’

Congressional Text Designations for

Rodney Ellis
SENATOR RODNEY ELLIS, having been first duly sworn, testified as follows:

Would you please state and then spell for the reporter your full name for the record?

A. Rodney Ellis, R-O-D-N-E-Y E-L-L-I-S.

Q. Okay. Are you suffering from any illness that will affect your ability to provide accurate answers to my questions?

A. I'm not suffering from any illness, but I did get back into the country, so I'm still on South African time a bit, but I'm of sound mind as best I can project.

Q. Is your transcript from the Section 5 litigation the only document you reviewed in preparation for this deposition?

A. I think so.

Q. When did you begin your preparation for this deposition?

A. This morning.
25:15-18
15    Q.   Can you describe the geographical area of
16    your senate district?
17    A.   Inner city Houston, Alief, part of Fort Bend
18    County, Medical Center.

26:18-27:11
18    Q.   All right. Let's talk a minute. What do you
19    know about the demographics, the population of this
20    district?
21    A.   It's roughly 90 percent minority.
22    Q.   Do you know the breakdown?
23    A.   I'd have to go online and pull it up to make
24    sure it's accurate.
25    Q.   But your belief is it's roughly ten percent

Page 27
1    Anglo?
2    A.   Yes.
3    Q.   Do you know what percentage of the population
4    in this district is African American?
5    A.   Not off the top of my head.
6    Q.   Ballpark?
7    A.   (Indicating.)
8    Q.   Sixty?
A. Might be about 40 something percent. Just a

guess. I'd have to pull it. It's pretty easy to pull

off online.

Q. When you are considering whether to vote on a

piece of legislation, what factors do you use to
determine whether or not you vote yea or nay?

A. Well, you know, I'll take into account what

my constituents think. I'll take into account,

obviously, what I think is right, whether or not it

will work, I take into account how to -- if it will

move the ball forward, you know, a host of factors

would come into play. End of the day, basically, what

I think is the right thing to do.

Q. Do you consider how the bill will affect

Texas a whole?

A. That's part of what I would consider to be

the right or wrong thing to do.

Q. Would you consider whether or not you believe

the bill, if passed, would violate federal law?

A. Yes.

Q. And would you consider how the bill might

affect minorities in Texas or in your district?
A. Yes.

Q. Do you believe you have an obligation to vote against a bill if you believe it would violate federal law?

A. Yes.

Q. Do members of the Texas Senate have an obligation to tell the truth on the floor of the Texas Senate?

A. Yes.

Q. What about an obligation to tell the truth in committee hearings?

A. It would be helpful.

Q. But is there an obligation generally, when discussing pending legislation?

A. I would hope so.

Q. What about when discussing public policy issues?

A. I would hope so.

Q. So, as a general rule, you believe that members of the Texas Senate and members of the Texas
Legislature have an obligation to tell the truth?

A. Based on what they consider to be the truth.

Q. Do your Senate colleagues take that obligation seriously?

A. Well, I'd hope so.

Q. Do you take that obligation seriously?

A. Yes.

Q. Well, let's suppose for a minute member A believes one thing is the truth and member B believes something else is the truth and they both speak what they believe to be the truth on the floor of the Senate, do you have any reason to doubt that they both believe what they are saying to be truthful?

A. I take the Ronald Reagan principle. I trust them, but I'd have to verify it. I'm not a mind reader.

Q. Is there any member of the Texas Senate that you have employed that principle with and then found out they're not telling the truth?

A. Over the years, in my mind, there's been a difference between reality and perception.

Q. And what is that difference?

A. A member may say one thing and they may
24 convince themselves it's the truth, but the facts may
25 not stack up that way in my mind. But who am I? It's

Page 37

1 all a matter of perception.
2 Q. So you agree that different members may
3 believe different things about a bill, they may
4 believe different things to be true about the bill,
5 they may have different purposes, but they each
6 believe?
7 A. Or they may say it.
8 Q. But do they believe it?
9 A. You know what, I got out of the mind reading
10 business a long time ago.
11 Q. So you don't believe you have the ability to
12 know why a member -- one of your colleagues takes an
13 action?
14 A. Well, I can go through the facts of a
15 situation and I can explain to a member the impact of
16 what they do, but if they continue to say they want to
17 do it anyway, I will make a decision on what I think
18 they believe and I just have to move forward from
19 there.

38:16-25

16 Q. You mentioned earlier that you briefly
glanced at one transcript from a deposition. The parts that you reviewed, do you continue to believe that each of those statements made during that testimony are true?

A. I only glanced -- you know -- I opened it up and went to sleep, to be honest with you.

Q. So you don't wish to change or amend any of that testimony?

A. No.

Q. What does the term "economic engine" mean to you?

A. In what context?

Q. The redistricting context.

A. You know, I really have no idea.

Q. Okay. What do you mean by the term "economic driver"?

A. Downtown, the Medical Center, universities, places that are centers of gravity or attract industry or people or jobs, Port Authority.

Q. So, in your view, perhaps the entirety of downtown Houston would be one economic engine?
A. Yes.

Q. But within it there might be others, such as a Medical Center or a university, the South Texas College of Law or something like that?

A. Yes.

Q. (By Mr. Aston) Do you know the term "community of interest" as it relates to redistricting?

A. Yes.

Q. How do you define that term?

A. Communities that think alike or vote alike.

Q. Now, might those communities be along racial lines?

A. Sometimes.

Q. But they could also be along other lines?

A. They could.

Q. Urban versus rural?

A. They could.

Q. Agricultural community versus a manufacturing community?

A. Possibly.
51:18-52:10

Q. (By Mr. Aston) Do you believe that your
district is currently an African American opportunity
district?

MR. FREEMAN: Objection. Calls for a
legal conclusion.

A. I think that as long as the incumbent is
running, that the incumbent who is African American
has an opportunity to win it.

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Q. (By Mr. Aston) Suppose you decide not to run
for reelection?

A. At some point, it will be a -- you know -- it
will be a challenge.

Q. Because it's not an incumbent anymore or
because of other reasons?

A. Well, the demographics are changing of the
State and of the district, and it will depend on the
quality of whoever the people are who are running and
their ability to appeal to the people in the district.

56:8-17

Q. What are the interests of African American
voters?

A. In what area?
Q. Well, when you say you're trying to represent their interests, which I believe we discussed earlier --

A. Okay. Well, I do hope it's -- I want the record to reflect I represent the interests of all my constituents. And the interests, to a great extent, tend to be very similar.

Q. Do you believe that the ten percent of the population of your district that are Anglo have an equal opportunity to participate in the political process to elect the person that represents Senate District 13?

A. Yes, I do.

Q. -- but I'm a voter. Pretend I'm a voter in Senate District 13. Is it significant for me that Rice University is in our district or it's in the neighboring district?

A. I think it's bragging rights. I don't think it really matters. If you have access to it, I don't think people know that much about where the lines are. And to be honest with you, nor do I. You know, I don't stop helping people. If St. Thomas -- if Texas
Southern University was right outside my district, it wouldn't impact what I or my constituents think about in terms of the university.

Q. They would continue to support it?
A. Yeah. Most people don't know. They don't know where the lines are until they -- until they get ready to vote. I don't think they determine the quality of their district by what's in it. Now, if they move Rice University to Lubbock --

61:25-62:17

Q. If the university moved --

Page 62

1 A. Yeah.
2 Q. -- that would be --
3 A. It's access to it.
4 Q. Yeah.
5 A. Yeah.
6 Q. They can still go to Rice stadium whether it's in their district or not?
7 A. Yeah.
8 Q. They can still --
9 A. If downtown was not in my district and somebody needed to go stay in a hotel, I don't think they would not go pick a hotel because the hotel they
want is not in Senate District 13.

Q. How do you define or how would you define the term "intentional racial discrimination"?

A. When you do something and you know what you're doing and you intend to do it.

Q. (By Mr. Aston) Do you have personal knowledge of legislators ever making statements in the legislative record to build a legal case against redistricting bills?

A. I'm just speculating on why you may be asking. There may be times when I or other members have said, I need to put this in the record -- I believe it or they believe it, I would hope -- but I need to put this in the record. So I can think of times when I probably have said, I want to make sure this is in the record, I want to say it, I'm going to submit it to the record, because I know this issue will be litigated. You'll find that comment by me and others from time to time in the Senate Journal or the House Journal.

Q. At the time of this deposition and for the 2011 Congressional Plan, do you have personal
knowledge of facts related to the development of that
plan?
A. Not off the top of my head.
Q. At the moment, no knowledge of any facts related to the development of the 2011 Congressional Plan?
A. Not at that moment.
Q. At the time of this the deposition, for the 2011 Congressional Plan, do you have personal knowledge of facts related to the enactment of the plan?
A. Not at this moment.
Q. And at the time of this deposition, do you have personal knowledge of any facts related to the effect of the 2011 Congressional Plan?
A. Not off the top of my head.

110:9-111:20
Q. (By Mr. Aston) One of the things you mentioned that you would go research is the record. You mean the legislative record, Senate Journals, House Journals, perhaps?
A. House Journals -- I mean, Senate Journals. I doubt that I'll take time to go look at the House Journals. And I'll also go and see if there are any
comments in the press clips that I may have made. If
there were any press conferences, I'll ask my staff to
pull the tapes for me to see if it will help jog my
memory. It's all public information. You could go
look at those journals and press -- any press
conferences, as well.

Q. So does that mean that your intent to
research is limited to the things that you or one of
your colleagues said in public?

MR. FREEMAN: Objection.

Mischaracterizes prior testimony.

A. I'd look at those things and anything else
that I'd have access to if that might jog my memory.

Q. (By Mr. Aston) You mentioned in your list of
things you might review documentation. What kind of
documentation are you referring to?

A. I'd go look at the Senate Journal, look at
the House Journal. I mean, I would hope I would do
that. To be honest with you, I don't -- I'd probably
ask my staff to see what they could pull together. I
don't -- I doubt that, as important as this is, that I
would do a dissertation on it, but I'd see what's out
there.
You know, I'd ask my colleagues, the chairman, anybody else, you know, help me, refresh my memory on any conversations we had as a way of triggering the memory cells that happens when you're sixty. I'll be sixty years old by the time this comes to trial. I'm not senile, but, you know, I'd want anything that could help jog my memory.

Q. For these four topics in the 2011 House of Representatives plan, do you intend to do research between now and the time of trial to jog your memory or to see what you might discover?

A. If I'm told that I'll be called on the House Plan, I will attempt to jog my memory in preparation for the trial.

Q. What kind of research do you intend to do with respect to the history of the plan?

A. Same as I stated earlier, I'll look at the record. You know, I'll ask my colleagues in the House and the Senate to help me jog my memory on any conversations that were held. I doubt there are any notes that I could find, you know. But if I think of anything else that might help me jog my -- press accounts, you know, sometimes if I go see something
that I said on the record, if I had much to say, that
may trigger my memory. Ginkoba. I'll get some of
that Ginkoba.

Volume II – May 2, 2014

SENATOR RODNEY ELLIS,
having being first duly sworn, testified as follows:

EXAMINATION

Q. My name is Adam Aston, we've met once before,
and I continue to represent the State of Texas and the
State officials who are the defendants in this lawsuit.
Would you please state and then spell for
our new court reporter you full name for the record.
A. Rodney, R-o-d-n-e-y, Ellis, E-l-l-i-s.

Q. What did you do to get ready for your
deposition today?
A. Nothing. I showed up.

Q. Between the last time you were deposed on
February 19th and today, did you do anything to prepare
for the continuation of this deposition?
A. No, sir.
Q. So you didn't review any documents?
A. No, sir.

10:12-19

Q. You recognize that you were under oath on February 19th when we took this deposition. Correct?
A. Yes.

Q. Do you have any reason to believe that any of the answers that you gave under oath on February 19th were inaccurate?

MR. DUNN: Same objection.
A. I have no idea.

13:5-25

Q. And so do you believe that nonmembers of the Legislature, their purposes, their intent, reflects the Legislature's purpose when it enacts a districting map?
A. It would depend on the circumstance. It would -- it would depend on the specific case involved.

Q. What would be an example? When might -- when might you consider a nonmember's intent as reflecting what the Legislature intended to do?
A. You know, I really don't know. I mean to me that's such a farfetched hypothetical that it just doesn't resonate with me. I just don't -- I have no earthly idea.
Q. So as a general rule, you would not look to nonmembers' intent to determine what the Legislature's intent was?

A. Well, you know, hey, it would -- it would depend. At the end of the day, it's the Legislature that takes the action. It's not somebody's staff. It's not some interest group. At the end of the day, it is one of the 31 members of the body I serve in or one of the 150 members of the body across the hall.

Q. You mentioned a moment ago the number of members and their lack of influence. Is that correct?

A. Yes.

Q. Describe what you mean, in your view, the lack of influence that those members have?

A. The ability to pass or to block legislation that is important to their constituencies.

Q. And what about that ability do they lack?

A. They lack the ability to pass or to stop the passage of legislation that is -- that is important to their constituencies.

Q. And why do they lack that ability?

A. Because they don't have the votes.
26:15-28:5

15 Q. This was Exhibit 6 from the deposition in February, and this is Exhibit 7.
16 A. Yes, sir.
17 Q. Could you review those briefly, please.
18 A. Okay.
19 Q. Exhibit 6 is the initial disclosures of the NAACP parties. Exhibit 7 is the initial disclosures of the United States. Do you see that?
20 A. Yes.
21 Q. Do you recall on February 19th discussing these two documents?
22 A. No, I don't.
23 Q. You were given earlier Exhibit No. 8, the transcript from your previous deposition. Can you turn to Page 88 on Exhibit No. 8.
24 A. Which page?
25 Q. "88," sir. At the bottom of Page 88, Exhibit No. 6 was marked and we began to discuss it; and if you'll flip now to Page 105, Exhibit No. 7 was marked on Line 18, Page 105, and it was discussed through Page 118.
26 A. Okay.
Q. Do you recall me asking you a series of questions about the topics for which you were designated as a witness for the NAACP plaintiffs and for the United States? Do you recall that conversation?

A. No, sir.

Q. You don't recall having a conversation on Pages 88 through 118 of this in which I asked you a series of questions about the topics that you might be called to testify as a witness?

A. No, sir. I don't recall which day of the week it was or what I ate, what time I got up or what time I went to bed.

Q. Do you believe it is possible that someone who voted for the 2011 House plan did so for a reason other than racial discrimination?

A. Anybody in particular?

Q. Any of the members who voted in favor of the plan.

A. I would hope so.

Q. Do you see under the heading "House Bill 150" the line that says, "consideration of House Bill 150 at
this time on its third reading and final passage," and
then below that it says, "House Bill 150, Relating to
the composition of the districts for the election of
members of the Texas House of Representatives"?
A. I see it.
Q. So does that reflect that this is the final
passage for the Texas House map in 2011?
A. I think it does.
Q. All right. Can you tell me what was the vote
on this bill?
A. Well, it says, "The bill was read third time
and was passed by the following vote: Yeas 24, Nays 7."

Q. Senator Hinojosa voted yea on this bill.
Correct?
A. That's correct.
Q. Did Senator -- in your view, did Senator
Hinojosa have a discriminatory purpose for voting for
this bill?
A. You'd have to ask him.
Q. I'm asking what is your view. Did Senator
Hinojosa vote for this for a discriminatory purpose?
MR. FREEMAN: Objection. It calls for
speculation.
21    A.   It would be mere speculation on my part.
22    Q.   Well, you were willing to speculate earlier
23 that people who voted for the bill did so with a
24 discriminatory purpose. I'm asking if Senator Hinojosa
25 was one of those people.

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1    A.   In my mind, when I make the reference to go
2 along to get along, usually it's a gentleperson's
3 agreement, and if the House members will do their lines,
4 the Senate members would do their lines. The focus for
5 most members of the Senate, to a great extent, is their
6 district and then the broader issue as well.
7        But you'd have to go and ask him and some
8 of my other colleagues on why they voted for it. But,
9 you know, I'm assuming when this came up, members of the
10 Senate were primarily focussed on their Senate districts
11 or the Senate map as opposed to the House lines.

35:5-37:18

5    Q.   There are 25 -- I'm sorry, 24 names of members
6 of the Texas Senate who voted yea beginning with
7 Birdwell alphabetically all of the way through West and
8 Williams.
9        Are you aware of any of those members who
10 voted with a discriminatory purpose for this map?
MR. DUNN: Object to the form of the
question as asked and answered.

A. I think that those House lines diluted
minority voting strength; and I think that when members
passed it, when they voted for it, they knew that that
was the case and they intended to let that happen.

I think some members also voted for it
because they assumed it was going to pass and there was
nothing they could do about it and it would be fought
out in court. And there may be some members in fact --
you go ask them -- who voted for it who would probably go
to court and say that they thought it was -- they
thought the lines diluted minority voting strength but
it was going to pass anyway and so they voted for it.

But you'd just have to ask them.

Q. So in your view, would that be acceptable, to
vote for something that dilutes minority strength if it
was going to pass anyway?

A. It depends on the member. It wouldn't be
acceptable to me. But there certainly have been things
that I have voted for that I was opposed to but they
were going to pass anyway, and I would make a conscious
decision that I'm going to go ahead and vote for it
because it may keep me in a position where I can get a vote from members on something else. In -- in this chamber, to a great extent 21 oftentimes turns into 31, which is the total number of votes in the body. But you'd have to ask each one of those members. I'm just -- as I stated earlier somewhere in here, I'm not a mind reader.

Q. Does Senator Hinojosa represent a minority opportunity district?
A. I'd have to go pull the numbers, but I think it's a minority opportunity district, but I don't know. I don't know the numbers in his district off the top of my head.

Q. Does Senator Lucio represent a minority opportunity district?
A. I think so.

Q. What about Senator Uresti?

A. Probably.

Q. Senator Van de Putte?
A. I think so.

Q. Does Senator Watson represent a minority opportunity district?
A. Probably.
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Q. And Senator West?
A. Probably.
Q. On Page 2754 and 2755 of this exhibit, two
members of the Texas Senate, Senators Davis and
Gallegos, entered statements articulating reasons for
their vote against the bill.
A. Yes.
Q. You did not. Correct?
A. Well, I don't see one.
Q. Do you remember entering a statement?
A. I don't think I did just off the top of my
head.

Q. And on the next page, "2479" through pages,
sorry, through "2480" --
A. Yes.
Q. -- you submitted a statement regarding your
reason for voting against the Senate redistricting plan.
Correct?
A. That's correct.

Q. You're aware of the opportunity and you've
taken advantage of that opportunity to enter statements
into the record regarding your voting against a bill?
23       A. Yes.

41:17-20

17       Q. Is it possible that someone voted for the 2011
18 Congressional plan for a reason other than racial
19 discrimination?
20       A. Yeah.

42:25-44:10

25       Q. What bills in the -- what bills in the 2011

Page 43

1 Legislature were more partisan than the redistricting
2 bill?
3       A. You know, I just -- I'd have to think about
4 that for a second.
5       Q. Does anything come to mind?
6       A. Nope. Let me think about it and I'll get back
7 to you in a day or two maybe. Just off the top of my
8 head, you know, I -- you know, sometimes it's just so
9 painful to go through the process that I try not to
10 think about it once it adjourns.
11       Q. Do you believe that everyone who voted for the
12 2011 Congressional plan did so with a racially
13 discriminatory purpose?
14                 MR. DUNN: Objection, asked and answered.
15       A. Hey, you know, I don't even know off the top
of my head. You'd have to -- you know, off the top of my head, I can't even -- I don't even know what the vote was or how many of us voted for it or against it. As I stated earlier, I'd go back -- I'd have to go back and check and see even if I voted it. I don't think I did, but sometimes once you get to 21 votes, or if you get to 75 or 76 on the House side, and you know it's going to pass.

There have been times when I can recall we were told by lawyers that it's going to be resolved in court, and if we are in the process of trying to work ideas or get a consensus, pass other issues, does it matter if we vote for it or not. I can recall conversations about that, and not necessarily through 2011, but, you know, in my 24 years of being around here and six or so working around here, almost three decades of being involved in the redistricting process, there have been times when lawyers have said that it's going to be resolved in court and your vote is not going to impact the -- the issue in court one way or another.

Q. Having read these documents now, do you recall that you did, in fact, vote for the 1991 Congressional
7      map?
8   A.  Yes.  I'm looking at the record and so I'm
9      looking at the votes.  So I did vote for it.
10     Q.  Would you have voted for the map if you
11      thought it was not a legal plan?
12     A.  You know, hey, we're going back to 1991.  I
13      see -- is this my statement here?  I see something about
14      a Congressional redistricting statement.

51:3-23

3      Q.  Do you believe that the 2011 redistricting
4      process provided a sufficient amount of time for public
5      testimony and public comment?
6      A.  No.
7      Q.  How much time is enough?
8      A.  More than was given.
9      Q.  How much was given?
10     A.  I don't know.
11     Q.  But no matter how much it was, that's not
12      enough?
13     A.  No.  I know that very few people came to
14      testify.  I know the plans were held in secret until the
15      very last minute, just in my judgment.  I'd have to go
16      back and check the press clips, which I'm sure you have
17      done, or go check the dates.  But no, I don't think it's
a very transparent process.

Q. How many public hearings are required?
A. I don't know. I haven't checked the record.

How many were held or how many were required?
Q. Required.
A. Oh, I don't know.

Q. Does the Legislature have an obligation to hear public testimony on a piece of legislation?
A. On most pieces of legislation, you're required to have a hearing. I mean usually we have a process where -- I can't think of too many bills we've passed where you just -- where you're not required to even have to post a notice to have a hearing.
Q. But is public testimony at that hearing required?
A. No, if nobody shows up, if nobody -- you know, hey, in this building, you do it in 140 days. It depends on what you want. If you want the input, you reach out and try to get it. If you just want to check off the box, you find the time to do it when the least number of people are going to show up.
54:14-16
14 Q. Is the Legislature obligated to act on public testimony?
15 A. No.

55:10-13
10 Q. Do you believe that the people who show up to public hearings should have a greater voice than those who do not show up for -- with the Legislature?
13 A. No, not necessarily.

56:3-14
3 Q. But you do recognize that from Exhibit 14 you did vote for the Congressional map?
5 A. Yes, I do.
6 Q. Let's take a look at Exhibit 13, the legislative history. Was the bill filed on August 16, 1991?
9 A. I don't see it here. What page?
10 Q. The third page, sir.
11 A. I'll take your word for it. You said August 19th?
13 Q. August 16th.
14 A. August 16th, yes.

57:24-59:4
24 Q. Okay. Does that reflect that the House voted
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25 on and reported the engrossed bill and sent it to the

Page 58

1 House on August 22, 1991?

2 A. Yes, sir. That's what it says.

3 Q. And then if you look up above that, it was

4 read for the first time August 22, referred to the

5 committee of the whole August 22, scheduled for public

6 hearing August 24, reported favorably with substitute

7 August 24. Do you see those entries?

8 A. I see them.

9 Q. So that reflects that the 1991 Congressional

10 bill was scheduled for public hearing and then reported

11 favorably on the same day, August 24, 1991. Correct?

12 A. That's correct.

13 Q. And just above that, the Senate voted to

14 suspend the rules on 08/25?

15 A. Yes.

16 Q. And then if you flip to the first page, the

17 last line, the Senate voted to suspend the rules a

18 second time on August 25 and conducted the record vote

19 to pass the legislation on August 25?

20 A. Yes.

21 Q. So this reflects, what we've just reviewed,

22 does it not, that the Senate considered, revised and
23 passed the Congressional map between the dates of
24 August 22 and August 25, 1991?
25 A. Yes.

Page 59

1 Q. Do you know how many public hearings were
2 conducted on the 1991 Congressional map in the Texas
3 House of Representatives?
4 A. No.

60:1-14

1 Q. Do you know how many members of the public
2 gave testimony regarding the 1991 Congressional
3 redistricting plan?
4 A. Which time? During the regular session or the
5 special session?
6 Q. The special.
7 A. I don't know.
8 Q. The regular?
9 A. I don't know.
10 Q. Combined?
11 A. I don't know.
12 Q. Do you know if it was more or less than in
13 2011?
14 A. I don't know.
61:7-63:6

Q. Are you aware that the 1991 Congressional redistricting plan has been described as -- described as, quote, carefully constructing Democratic districts with incredibly convoluted lines and packing heavily Republican suburban areas into just a few districts?

A. No.

Q. You're aware that in 2001 that the Federal Court drew the Congressional districting map rather than the Legislature. Correct?

A. I don't recall.

Q. And in "LULAC 548 U.S. at 412," they explained that the Court that drew those districting map -- I'm sorry, that drew the 2001 districting plan made the fewest possible changes to the existing plan drawn by the Legislature in 1991?

A. I don't recall.

Q. Are you aware that the District Court that drew the Congressional redistricting plan in 2001 acknowledged that, quote, the practical effect of this effort was to leave the 1991 Democratic Party gerrymander largely in place as a legal plan? That's
"LULAC 548 U.S. at 412."

A. I don't recall.

Q. Do you have a reason to believe any of those statements are inaccurate?

A. I haven't read them lately.

Q. If the 1991 Legislature packed heavily Republican suburban areas into just a few districts, would that have been predominately Anglo voters?

A. I don't know.

Q. Were you aware that the suburban voters packed into a few districts in 1991 were predominately Anglo?

A. I don't recall.

Q. Do you believe that the Legislature intentionally discriminated on the basis of race when it packed suburban Republican voters in 1991?

A. I don't -- I just don't recall much about 1991.

Q. Did you act with a racially discriminatory purpose when you voted for the 1991 Congressional plan?

A. No.

Q. What was your purpose?

A. Hey, I was interested in increasing the voting strength of minority voters in Texas in 1991.
Q. And if the effect of the plan that you voted for packed Anglos into a few districts, would that have reflected a discriminatory purpose on your part?

A. I don't think I voted for a plan that packed Anglos into a few districts.

Q. During the 2011 regular session of the Legislature, are you aware of any hearings conducted by the Legislature or legislative committees outside the City of Austin?

A. I don't recall.

Q. Are you aware of any bill in any regular legislative session for which the Legislature has conducted hearings outside the City of Austin?

A. I don't know. I don't know off the top of my head.

MR. ASTON: This is going to be "17" and "18."

(Exhibits Nos. 17 and 18 marked)

Q. Reading at the top, "American Community Survey Special Tabulation," are you familiar with ACS?

A. Somewhat.

Q. Have you ever seen tables like this?
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18       A.   Yes.
19       Q.   And on No. 17, the heading at the top of that chart reads "Special Tabulation of Citizen Voting Age Population (CVAP)" --
20       A.   Yes.
21       Q.   -- "from the 2005-2009 American Community Survey with Margins of Error."
22       A.   Yes.
23       Q.   -- "from the 2005-2009 American Community Survey with Margins of Error."
24       A.   Yes.

Page 76
1       Q.   If you'll look at what's been marked "18" --
2       A.   Yes.
3       Q.   -- the same kind of a heading, "Special Tabulation of Citizen Voting Age Population (CVAP) from the 2008-2012 American Community Survey."
4       A.   Yes.

76:12-77:5
12      Q.   And do you see -- let's start at No. 17, Exhibit 17.
13      A.   Yes.
14      Q.   According to this, District 13 has a Hispanic CVAP of 16.1 percent; the next column over, percent black alone of 57.6?
15      A.   Yes.
16      Q.   Three columns over, percent white alone of
19.5. Then after that there would be American Indian,
Asian, Native Hawaiian.

But does this reflect that out of the '05 to '09 survey, your district was 57.6 percent black and
16.1 percent Hispanic and 19.5 percent white?

A. Yes.

Q. All right. On Exhibit No. 18, this is again
the data from the '08 to 2012 survey, Senate
District 13, 17.8 percent Hispanic, 58 percent black
alone and a percent white alone of 16.9 percent?

A. Yes.

Q. So they reflect that the percentage of voting
age population -- citizen voting age population in your
district of Anglos voters is less than 20 percent.
Correct?

A. Yes.

Q. Do those Anglo voters in your district have an
equal and fair access to the political system as the
members of the groups -- well, I guess it would be just
the one -- as the members of the African Americans who
make up a larger percentage of your district?

A. I think they do.
78:1-12

Q. But in your view, the Anglo citizens in your
district who comprise less than 20 percent of the voting
age population, even with less than 20 percent of the
population, they have an equal opportunity and a fair
access to the political system?

A. I do my best to make sure that they do.

Q. Suppose the district was reversed. Suppose
there was a district in which there was 60 percent Anglo
voters and 17 or 18 percent African-American voters.

Would those African-American voters have a fair
opportunity to participate in the political system?

A. It would depend on the district.

79:18-20

Q. Do you recall what the vote was for the Senate
plan in 2011?

A. No.

80:8-9

Q. Exhibit 11.

A. Yes.

80:13-18

Q. Does this reflect that the vote on the Senate
plan was 29 to 2?

A. Yes.
16 Q. And you voted against it and so did your
17 colleague, Senator Wendy Davis. Correct?
18 A. Yes.

80:21-24
21 Q. Can you identify this from the first page?
22 A. It looks like a transcript of my statement
23 from the redistricting trial on the Senate map in D.C.
24 on 01/12/12.

81:21-83:15
21 Q. Starting on Line 5 on Page 58, you have an
22 answer, "And we assumed by signing this letter and
23 putting it into the record that the Court and the
24 Justice Department would know that this represented our
25 true intentions, that we all had very serious

Page 82
1 reservations..."
2 A. Yes.
3 Q. What is the letter you're referring to?
4 A. I don't recall.
5 Q. Do you remember signing a letter with respect
6 to the redistricting map?
7 A. Not off the top of my head. You'd have to
8 pull the letter.
9 Q. Continuing on with your answer, would you read
beginning on Line 11, Page 58.

A. "And so, I'm assuming" -- "I'm just assuming -- I'm speculating or I'm assuming that any members that voted for it weren't really for it but they knew the votes were there, so, they went ahead and voted for it anyway but this submission to the record would make it clear when going to the Courts, which we all assumed would be our last resort and historically has been where minorities have gone to make sure that the Voting Rights Act was complied with, that the Court would understand."

Q. And following the part you just read, you were asked, "Wouldn't that message have been clearer if the vote had been 21 to 10." Your answer, "You're asking me to speculate." "Question: Yes, sir." And you answered, "We were told that it would not matter, that as long as we put a statement in the record, it would be clear when this ended up at the Justice Department or in court that we objected to it..."

A. Yes.

Q. Do you remember who told you it would not matter who voted for the bill?

A. No, I don't. I vaguely remember being on a
conference call and calling, you know, our lawyers.

You'd have to ask them. I vaguely remember being in either my office or the so-called civil rights conference room and people trying to decide if they could go along to get along. So that's just -- I'm just guessing a call was made to -- to our lawyers. I don't know which one. It could have been Chad. You ought to ask him.

85:2–9

Q. On February 19th, during your deposition you said, and I think you repeated it earlier today, that you believe you have an obligation to vote against a bill if you think it violates federal law. Do you recall that?

A. Not really, but it certainly sounds good. It sounds like something I would say until I change my mind.

85:16–87:1

Q. On Page 33, Line 15, "Question: Do you believe you have an obligation to vote against a bill if you believe it would violate federal law," and "Answer: Yes."

A. Yes.

Q. The statement submitted by members of the
Texas Senate that we were just reviewing in Exhibit 11 says that they believe the Senate map violates the Voting Rights Act.

Q. Do you see that on Page 2481 of Exhibit 11?

A. Okay.

Q. It says, and I quote, "More specifically, we believe that the map violates the Voting Rights Act in its configuration of Senate District 10 in north Texas."

So in your view, a number of your Senate colleagues voted for a bill and then they wrote a statement that said they believed the bill violated federal law.

Either they violated their obligation to vote against a bill they believed violated federal law or they weren't being truthful in this statement. Which do you believe it is?

A. Neither.

Q. Then how can you explain voting for a bill that they believe violates federal law and then saying they believe it violates federal law?

A. Young man, this is public policy making. Most of us don't always do what we think we have an
obligation to do, present company included. You know, as I stated to you, there's a lot of things that go into a vote. If they were told that by legal advisors that the Court would understand, it goes back to my comment earlier about going along to get along. They didn't think their vote would matter. But you ought to ask

Page 87

1 them.

87:20-88:24

Q. If none of the Democrats had voted for that bill, would the bill still have passed with 19 votes?

A. Yes. I think it was in the special session. I'd have to go back and check the date. What date was it?

Q. May 17, 2011.

Page 88

A. You know, I don't know. They may have had -- I don't know if we were doing the two-thirds thing on redistricting then or not. I just don't know. If we had the two-thirds rule in effect, you would need 21 votes.

Q. And so if the two-thirds rule was in effect, then they couldn't have thought, well, it's going to pass anyway?
Q. They couldn't have all thought that?
A. Yeah. No. Yeah. No, if it was in affect.
Q. Correct?
A. Yeah. We passed a budget around here by the two-thirds rule in 2011 I think. You'd just have to go back and check the record. But you'd have to ask each one of them why they voted for it. As I said, sometimes if you get to 21, there could be a lot of issues in play, somebody trying to get something in their district. You'd have to ask those members.
Q. But in order to get to 21, they needed two Democratic votes?
A. If they needed 21, yes. It could have been because they didn't want to come back in a week and do it in a special session. There's just a host of issues.
Q. And what happens when you-all -- when you-all fail to do it?
A. The courts have to step in and -- and do it. You've got the legislative redistricting board that comes in first, and that could have been the reason they voted for it. If the board cannot agree to it, then the courts would.
Q. So it's possible your colleagues voted for the map to avoid sending the map to the legislative redistricting board?

A. It's a possibility.

Q. And what would be the harm in sending it to the legislative redistricting board?

A. For individual members, not the issue of their constituents or necessarily minority voting strength, but it could be worse for you than if you went through a legislative process. I'd say the members who voted for it, including me, I was running a risk of a host of things. They could have drawn the lines and taken my house out of my district. If I wanted to stay here, I would have had to move. I mean that -- you know, there are a lot of pressure points that you can put on a member.

Q. So it's possible they chose individualized interests?

A. You'd have to ask each individual member. I'm just speculating on some of the issues at play.

Q. And one of the things you're speculating is it's possible they chose to protect their own district and their own electoral possibilities as a reason for
voting for the map?
A. Or it could have been because they were told by the lawyers it didn't matter, there was a statement in the record. There are a host of them. You'd have to ask each member.

Q. Do you know what the partisan breakdown of the legislative redistricting board was in 2011?
A. No.
Q. Is it possible that your colleagues in the Senate voted for the map because they believed that the legislative redistricting board would have drawn a more partisan map?
A. You'd have to ask them. It's certainly possible they voted for it because they felt like the members of the redistricting board were not big fans of the Voting Rights Act.
Q. But if they violated the Voting Rights Act, the legislative redistricting board map would have been subject to a court challenge just the same as the legislative map. Correct?
A. That's true.
Q. Let's return to Exhibit 14, please.
Q. Page 137, which is the page we've reviewed before, and it's the one following all of those tables.
A. Okay.

Q. Near the top is the heading "Congressional Redistricting Statement." Please review that briefly and tell me if you know what that statement is.
A. Yes.

Q. Is this your statement?
A. Yes, it is.

Q. And what does it reflect?
A. That I was -- I had serious concerns about the plan that Senator Bivins was putting forth.

Q. Do you remember those concerns?
A. Just from reading the statement.

Q. And what were those concerns?
A. Well, I can read you the statement. Would you like me to do that?

Q. Read the second and third paragraphs.
A. "The plan's contorted attempt to create Republican congressional seats in Harris County at the expense of minority voters proves that Bivins' plan not only violates the Voting Rights Act, but it does so in a
most blatantly partisan manner. Under the Johnson plan, District 25 is a minority impact district with a high rate of growth in the minority population. In the Bivins plan, the District 25 population goes from 26.9 percent black and 43 percent minority to 12 percent black and 20 percent minority.

"Thus, the Bivins plan, for partisan reasons, takes a district in which minorities have a strong voice - one which a number of minority politicians, myself being one of them, might take a run at within this decade - and dilutes that strength without in any way increasing minority representation in Congress. This is clearly a violation of the Voting Rights Act, and I urge my colleagues to oppose it on those grounds."

Q. So in your statement, you claim that Senator Bivins proposed a districting map based on partisan reasons. That's what you say in the third paragraph. In the second paragraph, you say "blatantly partisan manner."

A. Yes.

Q. So this reflects that partisan reasons can be the purpose behind a districting bill. Correct?

A. It may have reflected it. I didn't want to
say racial animus being the southern gentleman that I am. But to be honest with you, I don't know what I was thinking in 1991.

Q. What about personal interest reasons?

In the last paragraph you say that the district being affected is, quote, one which a number of minority politicians, myself being one of them, might take a run at within this decade.

Does that reflect that a Senator's interest in his own district or a potential future district can play a role in districting decisions?

A. No. I've never had a strong interest in running for Congress in terms of my comments. But I think -- I'm speculating from something in 1991, but I was making a point that that is a district -- it depends on how the district was drawn. I think Chris Bell had that district or was about to run for it. It depends on what happened. A -- a minority, including me or someone like me, would have a chance running in that district.

Now, I think I was making a comment that someone that had broader appeal than just to the black or Hispanic community. It may be my ego, but I'm one of those folks, and I think I would have had broad enough appeal,
if I had the opportunity to run, to maybe win in that district if the numbers were changed somewhat.

Q. So in the paragraph above what you just read and I just read, the last sentence, "In the Bivins plan, the District 25 population goes from 26.9 percent black and 43 percent minority to 12 percent black and 20 percent minority," your concern was the reduction from 26.9 to 12 and the reduction from 43 to 20? That's the concern you were voicing; correct?

A. I have no idea what concern I had. I mean I'm just -- I can't roll the clock back to 1991. I'm just speculating.

Q. But that's what you said in your statement?

A. Well, you could read it that way.

Q. How else would you read it?

A. You could read it about five or six different ways.

Q. All right. What other ways can you read it?

A. Hey, I'm not advised.

Q. So there are five or six ways to read this but you don't know what they are?

A. Yeah. I could probably sit here until tomorrow and think of some. The point I'm making is, as
21 I stated earlier, I'm not a mind reader, including
22 reading my own mind, going back to 1991.
23 Q. Does this statement reflect your view that
24 26.9 percent black and 43 percent minority would have
25 been an opportunity district for, as what you say in the
Page 96
1 next paragraph, a number of minority politicians, myself
2 being one of them?
3 A. That's what it seems to imply at that time.
4 That's 1991. I don't remember if Chris Bell was the
5 person that ended up running back then. It's just too
6 far back. I don't know if it's Mike Andrews, Chris Bell
7 or who it was. I have no earthly idea of what was going
8 on in 1991.
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Sylvia Garcia
14 Q. Okay. Would you state your name for the record, please.
16 A. Sylvia R. Garcia.

15 Q. Okay. And, of course, that means that your testimony today is being recorded. You've been sworn, and so you understand that it's under oath the same as if it were in front of the three-judge federal panel at the time of the trial. Do you understand that you're under oath?
19 A. I do.

13 Q. Okay. Now, your current position as senator from District 6 in Houston, you've won in a special election, I guess, and then you were sworn in on March 11, 2013; is that correct?
17 A. Correct.
18 Q. And your next election, I guess, would be 2016?
19 A. Correct.

23 Q. Okay. Now, in this lawsuit, there are issues relating to the 2011 redistricting map and the 2013 redistricting -- I should say "maps," plural. And I didn't
understand -- when I read the disclosures, it looks like they
named you in the 2011 and in the 2013. And let me get to the
question. Do you have any personal knowledge of the 2011
redistricting process?
A. No, I do not.

39:8-15
8 Q. So we will try to see -- see how we go here. Okay.
9 In the 2011 Texas House plan, do you have testimony or
personal
10 knowledge that it was passed with a discriminatory purpose to
11 disadvantage Latinos or African-Americans?
12 A. No.
13 MR. DUNN: No, you don't have personal
14 knowledge; or, no, you don't believe that?
15 THE WITNESS: No, I have no personal knowledge.

42:17-20
17 Q. Okay. Now, the congressional plan from the 2011, do
18 you have an -- do you have personal knowledge of whether it
19 intentionally disadvantaged Latinos or African-Americans?
20 A. I do not.

49:4-9
4 Q. (BY MR. DEANE) Okay. Let me back up that question.
5 I don't see it. I thought it had a list of topics, but it does
6 not.
Do you have any personal knowledge relating to the 2011 Congressional House plan?

A. No, sir.

Q. (BY MR. DEANE) Senator, have -- have you seen Exhibit Number 9 before today?

A. No, sir.

Q. Okay. If I represent to you this is the Plan 235, the interim plan drawn by the court, again, in San Antonio, could you -- would you have any knowledge of how the court arrived at this plan?

A. No, sir.

Q. Do you have any personal knowledge that this plan, the C-235 interim plan, discriminates against Hispanic or African-American voters?

A. No, sir.

Q. (BY MR. DEANE) Okay. Senator, I have handed you Exhibit 32, which is the plan C-235. Have you had an opportunity to look at that?

A. You just handed it to me. Yes, I have.
5 May 28, 2013. Do you recognize this document?

6 A. Yes, sir.

24 Q. Okay. And in the next paragraph, you are talking
25 about the court-ordered interim maps, and the last sentence of

Page 56

1 it says, "that interim congressional and house maps still
2 contained many violation--violations of the Voting Rights Act
3 in federal court." Do you see that language?

4 A. Yes, sir.

5 Q. What were you referring to there?

6 A. Again, sir, I can't specifically tell you. This was
7 prepared by my staff.

8 Q. Okay. Do you have any personal knowledge of these
9 violations that are referenced there?

10 A. No, sir.

11 MR. DEANE: Mark this 12.

12 (Exhibit Number 12 marked.)

13 Q. (BY MR. DEANE) Okay. Senator, I have handed you
14 Exhibit 12, which is entitled "The Redistricting Fact Sheet."

15 A. Yes.

16 Q. Do you recognize this document?

17 A. Yes, it looks familiar.

18 Q. Okay. And in the first paragraph there -- well, let
me ask first: Was this drafted by yourself or by your staff?
A. This was prepared by my staff.

56:24–57:11
Q. Okay. Do you have any personal knowledge of the statement in the first paragraph that "the interim congressional and house maps still contain many of the same elements from the enacted maps that were found to be in violation of the Voting Rights Act in federal court"?
A. No, sir.

57:15–18
Q. Yes. The sentence says that the interim map did not contain -- it says -- well, let me start over again. It says, "The interim map did not address matters that were raised in these other maps." Do you have personal knowledge of those maps?
A. I don't have the specifics of the maps, no, sir.

57:15–18
THE WITNESS: I have no personal knowledge –
Q. (BY MR. DEANE) So do you have personal knowledge of what is addressed here in this second bullet that was left out of the interim map?

A. I can only -- I have no personal knowledge. I can only recall that Senator Gallegos was -- told me that.

Q. Okay. What did Senator Gallegos tell you?

A. That it -- that it was -- I can't -- you know, it's been a while, but it was something to the effect that he just felt like his map was not considered.

Q. Okay. Did he say what about his map that should have been considered and was important and was left out?

A. Well, I think he was pushing again for an additional Latino District in Harris County, and that was not included.

Q. Okay. So other than what Senator Gallegos told you, do you have any other knowledge of what was supposedly not addressed in the interim map?

A. No, sir.

Q. It has three bullets from the bottom, "Austin Restore Travis County," and it states that an "Austin based Congressional District in Travis County should be included within any new map, without diminishing any of the existing Latino Opportunity District in south Texas. The federal court
in Washington, D.C. cited the excessive splitting of Austin is a violation of the Voting Rights Act," do you see that?

A. Yes, sir.

Q. Do you have any personal knowledge of any of the facts that are stated there?

A. No, sir.

Q. So was this simply prepared by a staff member?

A. Yes, sir.

75:5-20

Q. (BY MR. DEANE) Okay. On Exhibit 12, there is also a reference to Corpus Christi just below the Austin one?

A. Uh-huh.

Q. And it shows that the interim map strands over 200,000 Latinos in an Anglo Republican controlled district. Corpus Christi should be returned to a Latino Opportunity District. What is the basis for saying those -- that statement?

A. Again, this was prepared by my staff.

Q. So you have no personal knowledge?

A. Well, I gathered personal knowledge after this fact sheet was done.

Q. Okay. What personal knowledge do you have of this statement?

A. It's all based on testimony that was presented in the
20 Corpus Christi redistricting hearing.

77:7-12

Q. Have you read the San Antonio Court's order on the PLAN C235?

A. I really don't know what PLAN C235 is. So I would have to say no, because, again, I have not memorized numbers or anything like that.

MR. DEANE: It's Exhibit 9.

77:18-20

Q. (BY MR. DEANE) Starting at Pages 52, it starts "A discussion of the Nueces County District," do you see that?

A. I see it.

77:25-78:17

Q. (BY MR. DEANE) Okay. And at Page 54, there in the middle of the page, you see the sentence where it starts "The state illicit testimony that the State House and State Representatives from Cameron County, all three Latino democrats, expressed a desire for a Congressional District to be anchored in Cameron County; rather than, as was the case in Benchmark CD 27 a district waited on both ends by the competing courts of Brownsville and Corpus Christi. And then Gerardo Interiano, do you know who he is?
9 A. No, sir.

10 Q. Okay. He is a map drawer and attorney, testified
11 that "Nueces County was placed in CD 27 based on a request to
12 be put in a district going north, or at least to be the anchor
13 of a district," and then it refers to the trial testimony.
14 Were you aware of this testimony in the trial?
15 A. No, sir. This is the first time I have seen this. I
16 am not even sure who some of these people are or what they are
17 referencing.

81:17-21

17 Q. Yes. Other than what was listed on the fact sheet,
18 Exhibit 12, are there any other what you consider to be
19 violations of Voting Rights Act by the interim maps?
20 MR. NOTZON: Calls for a legal conclusion.
21 A. Not that I can think of at this time.

82:5-16

5 Q. (BY MR. DEANE) Senator, I am going to move to the
6 2013, what we call the "interim plans," I guess, and this is
7 PLAN H358 for the House District, and let me first ask if you
8 have seen this one before.
9 MR. DUNN: For the record, it's exhibit 31?
10 MR DEANE: Yes.
11 MR. NOTZON: What's the number?
12 MR. DUNN: 31.
13 A. And you are saying this is the final plan that was attached to the bill?
14 Q. Yes, ma'am.
15 A. I remember seeing a similar document, yes.

83:7–84:3
7 Q. Okay. Do you -- do you contend that the 2013 Texas House Plan was adopted with the discriminatory purpose to intentionally disadvantage Latinos and African-Americans?
8 A. Do I have an opinion?
9 Q. Yes, ma'am.
10 A. Based on the conversations that I -- that I gathered in some of the news reports and writings that I saw, again, this is a matter that was taken up by the House and I trust my colleagues in the House that are aligned with -- with some of my principals and values. I trusted them and some of them did suggest that this was, in fact, discriminatory.
11 Q. Okay. But other than conversations that you had with other people, do you have any personal knowledge that it's discriminatory?
12 A. No, sir.
13 Q. And have you seen any facts or statistics or evidence that would support your colleague's opinions that it's discriminatory to Latinos and African-Americans?
14 A. Again, I relied on my House colleagues that are
Page 84

1 aligned with some of my basis values and principles who
2 followed this matter a lot more closely than I did. If they
3 suggested it is, then I would believe that it is.

84:24-85:10

24 Q. (BY MR. DEANE) Okay. Have you seen Exhibit 32
25 before, this is the PLAN C235 for the Congressional Districts?

Page 85

1 A. And, again, this was attached to the -- to the bill
2 and what we were reviewing during the committee.
3 Q. This should have been the final one, correct?
4 A. If it's -- yes, then I would have seen it.
5 Q. And do you have, again, any personal knowledge that
6 this plan was adopted with a discriminatory intent towards
7 Latinos or African-Americans?
8 A. I don't have personal knowledge of every district
9 that was configured. I have more personal knowledge of the
10 district and the changes that were made in Harris County.

86:7-12

7 Q. (BY MR. DEANE) Sure. Is there anything different on
8 creating an additional Latino Opportunity District between
9 this
10 map and C235, Exhibit 32, and the court-drawn interim map?
11 A. I believe if my memory serves me right that the court
12 interim maps do not include a second Latino Opportunity
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SYLVIA GARCIA

12 District.

25 Q. (BY MR. DEANE) Okay. Did you present any amendments to the redistricting map during this session, the 2013 session?

A. No, sir.

19 Q. (BY MR. DEANE) Okay. Senator, we finally located what we have now marked as Exhibit 14.1, which is the June 12, 2013, Senate Select Committee on redistricting, have you seen that?

A. I see it now have not seen it before.

24 Q. Okay. And there at the top, it says that you offered a Committee Amendment Number 4, does that now bring back memories?

A. I did submit a couple of amendments. I don't recall if they were Number 4 or not.

4 Q. Okay. And you called to hear a PLAN C243, do you see that?

A. I see that now.

7 (Exhibit Numbers 34 and 35 marked.)

8 Q. (BY MR. DEANE) And I will hand you Exhibits 34 and 35, which is the PLAN 234C.
16 Q. (BY MR. DEANE) Have you had a chance to look at
17 Exhibits 34 and 35, yet?
18 A. Yes, sir.
19 Q. Okay. And is this the plan that you submitted in
20 this session?
21 A. Yes, sir, it appears to be.

20 Q. (BY MR. DEANE) Okay. Do you have any personal
21 knowledge that African-American voters and Latino voters vote
22 with a coalition or in cohesion?
24 A. I am -- I am -- having a hard time understanding your
25 question, but the best I can answer is this. I think there are

1 cases where Latinos, African-Americans, and even, you know,
2 whites can coalesce and elect a candidate of their choice in a
3 new Opportunity District. I think there are cases where it's
4 just African-Americans and -- and blacks in some cases, it
5 could be Asian and Latinos. So, again, it depends on what
6 district, what community, and what dynamics we are talking
7 about.
8 Q. Do you have any evidence of that? I know, you stated
9 that as an opinion, but have you seen statistical reports or
10 analysis or any election returns that would support that
11 theory?
12 A. From congressional seats?
13 Q. Yes, ma'am.
14 A. No, sir.

98:9-100:11
9 Q. Okay. Now, in Exhibit 14.1, there is a great deal of
10 discussion beginning at Page 6. Where Chairman Seliger is
11 talking about your plan going from 49.8 percent black citizen
12 voting age population to 45 percent. This is about a third --
13 less than a 1/3 of the way down.
14 A. Yes, sir.
15 Q. And in Congressional District 9 represented by
16 Congressmen Al Green, you take black citizen voting age
17 population from 50.6 percent to 42 percent. And, of course,
18 he asked you there at the bottom of the page if you had their
19 approval to reduce these districts to below 50 percent, and
20 your statement here, I guess, is that "They really did not say
21 either way, sir." So did you actually ask them before you
22 presented this plan?
23 A. I presented the plan, and I tried to have discussions
24 with a number of people about this plan, but, again,
25 regrettably because of the time constraints and the way this
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1 was tried -- attempted to been -- to be fast-tracked through
2 and, quite frankly, in my view just slammed through.
3 I did not have sufficient time to really sit
4 down with a lot of the stakeholders involved. Didn't have
5 enough time to have a full visit with any member of congress,
6 and, in fact, they, too, mentioned that they haven't had time
7 to really look at this.
8 Again, you have to realize that these hearings
9 in this process took place within a couple of weeks. And when
10 you compare it to something more critical that we deal with,
11 like a budget, that's talked about from January until May. I
12 mean, this was slammed through in about two or three weeks. It
13 wasn't enough time to do that so they neither said yes or no.
14 Q. So were these not protected districts, these two?
15 A. Which two, sir?
16 Q. The two that we are talking about here, District 9
17 represented by Congressman Al Green and District 18?
18 A. Yes, it would be protected.
19 Q. Okay. So how could you reduce the percentage of
20 African-Americans in those districts if they were protected
21 districts?
22 A. Well, in my view and, again, I am no expert if they
23 remain protected if there is a strong likelihood that both of
24 these members of congress can be reelected, based on the voter
25 turn-out and past history, and in my view they -- they could

Page 100

1 have. Even though they were reduced somewhat, their ability to
2 elect some one of their own was still intact.
3 Q. So your opinion was that this was not any type of
4 retrogression to reduce the African-Americans in those
5 protected districts?
6 MR. DUNN: Objection --
7 A. Right.
8 MR. DUNN: -- calls for a legal conclusion.
9 A. Again, I am not an expert, but, yes, it goes back to
10 what I said earlier. It's an opportunity to -- to retain that
11 seat, the opportunity remained.

101:1-11

1 Q. Okay. And Senator Hinojosa voted no on your
2 amendment; is that correct?
3 MR. NOTZON: Which page are you on, Mr. Deane?
4 MR. DEANE: Page 8.
5 MR. NOTZON: Okay.
6 A. That's correct.
7 Q. (BY MR. DEANE) And this record also reflects Senator
8 West voted no on your plan; is that correct?
9 A. That appears to be correct.
Q. And Senator Zaffirini voted no on your plan; is that correct?
A. That's correct.

21 Q. (BY MR. DEANE) Okay. Do you feel in the Select Committee that Chairman Seliger made himself available and invited the public comments and testimony on these bills?
A. I think he attempted to do that, yes, sir.

MR. DEANE: Exhibit 41.

5 Q. (BY MR. DEANE) Okay. Let me hand you Exhibit Number 41, and ask if you have seen this document before?
A. No, sir, I have not.

8 Q. Okay. And this is actually a list of the various public hearings on the redistricting measures, and your testimony is you have never seen this?
A. Representative Darby, I believe was the Chair of the House Committee.

21 Q. Yes. These show the public hearings and my question was: Have you seen this before?
A. No, sir.

2 Q. Okay. So there were five public hearings, do you
3 know?

4 A. I think there was two in Austin, one in Corpus, one
5 in Houston. Was there a -- there's a third one, I think, in
6 Austin?

7 Q. That's what I -- I have two Austin, Corpus, and
8 Houston and then another one in Austin on Wednesday the 12th.
9 A. Right. That would be correct then.

117:4-5

4 Q. Okay. Did you attend all of the five hearings?
5 A. Yes, sir I did.

118:7-11

7 Q. Sure. Was there an opportunity to present
8 alternative plans to the redistricting as a result of these
9 public hearings?
10 A. Well, yes, that's what I did. I presented two
11 amendments.

120:3-121:4

3 Q. (BY MR. DEANE) Okay. I have handed you Exhibit 39,
4 which is the Senate Journal?
5 A. Uh-huh.

6 Q. For Friday June the 14th, 2013, do you recognize this
7 document?
8 A. This is the first time I have seen it.
9 Q. Okay, but you have seen Senate Journal before,
10 correct?
11 A. I have seen it before I have not seen this one until
12 today.
13 Q. Right. Okay. On Page 1 of the document, it shows
14 that you were present during the roll call; is that correct?
15 A. Correct.
16 Q. And on Page 2, it records the vote on Senate Bill 2
17 on third reading, do you see that?
18 A. Yes, sir.
19 Q. Okay. And it shows -- this is as to the composition
20 of districts for members of the Texas Senate that the bill
21 was
22 read the third time and passed by 27 "yays" and zero "nays."
23 So I presumed that you voted for the Senate map; is that
24 correct?
25 A. That's correct.
25 Q. So you did not think that it discriminated against
Page 121
1 Latinos or African-Americans?
2 A. I voted for this bill because it was agreed -- we had
3 an agreement on that district that was in question which was
4 Senate District 10.

121:23-122:4
23 Q. (BY MR. DEANE) Okay. And it also shows here Senate
24 Bill 4, this is -- it says the bill, Senate Bill 4, relating to
the composition of districts for the election of members at the

Page 122

1 United States House of Representatives from Texas, and this
2 records a passage of 16 "yes" and 11 "no" votes with you listed
3 as a "no" vote; is that correct?
4 A. Correct.

122:11-13

11 Q. Now you also made here a statement regarding Senate
12 Bill 4; is that correct?
13 A. Correct.

122:17-25

17 Q. Yes, ma'am. Did anybody try to stop you from putting
18 this statement into the record?
19 A. No, sir, that would be unprecedented.
20 Q. Right.
21 A. I mean, every senator has an option of putting
22 anything on the record.
23 Q. Okay. And so you felt free to put this onto the
24 record?
25 A. Of course.

123:9-13

9 Q. (BY MR. DEANE) Okay. The Senate Bill 4, which is
10 the Congressional Redistricting Bill, and I am looking at Page
11 2 of Exhibit 39, and it records there the 16 "yes" and 11 "no"
12 votes, do you see that?
13 A. Yes, sir.

123:18-124:4

18 Q. Sure. On Senate Bill 4, the people who voted "yes,"
19 could they have voted for nondiscriminatory purposes in support
20 of the map?
21 A. Sir, I really could not say what my colleagues voted
22 for or against any bill.
23 Q. Do you believe that everyone who voted for the map
24 did so out of a discriminatory purpose?
25 A. All the members who voted, I think that would be

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1 just, too, broad in a general statement to make.
2 Q. Fair enough. Did any legislature tell you why were
3 voting for the map?
4 A. I don't recall anyone telling me that, no, sir.

125:14-21

14 Q. (BY MR. DEANE) Okay. On page -- well, it's marked
15 34 on Exhibit 39, there's a reference to the Senate Bill 3 vote
16 and Senate Bill 3 on Page 33 is the composition of districts
17 for the election of members to the Texas House of
18 Representatives. And it looks like that in that case there
19 were 16 "yes" votes and 11 "no" votes according to Page 34, do
20 you see that?
21 A. Yes, sir.
126:13-18

13 Q. Okay. For the people who voted "yes" that are listed
14 here on Page 34 on Senate Bill 3, can you identify anyone that
15 you believe intentionally discriminated against Latinos or
16 African-Americans by voting "yes"?
17 A. Sir, I have no idea why they voted "yes." I could
18 not tell you.

131:17-20

17 Q. Okay. What is the Senate rule for notice of
18 hearings?
19 A. I don't know, sir. Somebody has -- that's not
20 anything that I follow.

132:14-133:11

14 Q. Okay. Senator, would it surprise you to learn that
15 Senate Rule 11.10 and Senate Rule 11.18 only require 24 hours
16 prior notice of hearings?
17 A. I wouldn't debate that, sir, if you are telling me
18 that's what it is that's what it is.
19 Q. Okay. And now that you have heard that rule, does
20 that change you opinion about the length of notice of these
21 hearings?
22 A. No, sir, it does not.
23 Q. So did anybody vote to suspend that rule and have a
24 longer period for notice of hearings?
25 A. I don't believe that that was come up.

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1 Q. Is there some reason that you would not have
2 suggested it at the time?
3 A. What we did was we raised it at the Committee
4 hearing.
5 Q. Right, in the Committee, but I am talking about in
6 the Senate. Did you raise it in the Senate?
7 A. No, sir, I don't recall that I did.
8 Q. Did you ever tell Chairman Seliger that you thought
9 your amendments were not seriously considered by the Committee?
10 MR. DUNN: Objection. Asked and answered.
11 A. I don't recall that I did.

137:1-3

1 Q. But the process was there that allowed you to present
2 alternative plans?
3 A. Correct. There was a process.

140:18-24

18 Q. Okay. How about the availability of
19 nondiscriminatory alternatives for the 2013 House of
20 Representatives Plan. Do you have personal knowledge of what
21 that -- those are?
22 A. Not really knowing what those alternatives are and
23 what we are speaking of my -- my senses are probably going to
24 be no.

141:5-8

5 Q. Okay. And how about the existence of racial block
6 voting with respect to the House Redistricting Plan, do you
7 have personal knowledge of that?
8 A. No, sir, I do not.

158:7-11

7 Q. If the motivation was to reelect Republican
8 incumbents, you would agree with me that that that's not a
9 racial motivation, correct?
10 A. I've never suggested that this was -- that that was
11 the motivation.

158:16-20

16 Q. And do you believe the Anglo voters in your district
17 have fair access to political process?
18 A. I think, quite frankly, some of them are denied that
19 access based on economic class and the zip code that they live
20 in more than anything else.
State Defendants’

Congressional Text Designations for

Alexander Green
4 Q. Would you please state your full name for the
5 record?
6 A. Alexander Green.

3 Q. Sure, thank you. You are a party to this case,
4 Congressman Green, right?
5 A. Yes.

15 Q. And what is your current occupation?
16 A. I'm currently the elected representative from
17 the 9th Congressional District of Texas to the U.S. House
18 of Representatives.
19 Q. And when were you first elected to that
district?
20 A. I was elected in 2004, sworn in in 2005.
22 Q. And you've served in that district since 2005?
23 A. Since 2005.

17 Q. You mentioned two things that I want to ask you
18 more about. First you said size. Is there a set size of
19 whether it be a hospital or an employer that crosses a
20 threshold into becoming an economic engine?
21 A. I think there is a size. I don't know that you
22 assign a number to it, but I don't think you can compare a
23 corporate headquarters to the medical center. I wouldn't
24 want to compare a university that consists of a few
25 hundred people to Houston Baptist University. So I think

Page 23
1 that you do have to do a comparative analysis. And when
2 you look at size of the institutions that were removed
3 from the heart of the district, you can conclude that that
4 had a significant impact.
5 Q. Now, is that comparative analysis a subjective
6 analysis?
7 A. Well, subjective to the extent that you don't
8 have a specific number in mind when you start. But I
9 would like to say on balance, when you look at what was
10 placed in the district and compare that to what was
11 removed on balance, you find that you will have a
12 negative.
13 Q. Now, in terms of the question about size and my
14 question about subjective analysis, is there something
15 that objectively somebody could look at and say that makes
16 X location an economic engine?
17 A. Yes.
18 Q. What would that be?
19 A. A hospital district with 100,000 people
20 employed.
21 Q. Now, would you acknowledge at least that one
22 person's economic engine might be not an economic engine
23 to somebody else?
24 A. Possibly. But there are some things that are
25 irrefutable. A hospital district with 100,000 people, I
Page 24

1 think most persons who are reasonable and prudent would
2 say that's an economic engine for a congressional
3 district, for a population the size of a congressional
4 district.

31:24-32:13

24 Q. You mentioned the medical center, and I want to
25 ask you a little bit more about that. First of all, as an

Page 32

1 initial question, are you saying that the entire medical
2 center area was lost from your district or only portions?
3 A. No. The medical center at that time was shared
4 with Representative Culberson, so we didn't have the
5 entirety of it. But remember, the medical center is more
6 than the hospitals that were in the center. There are
7 many businesses and facilities that have developed around
8 the hospitals in the medical center. These were a part of
9 the economic engine of which we speak, and they were all
10 carved out and placed in other districts.
11 Q. I'm going to show you what I'm going to mark as
12 Exhibit 2.
13 (EXHIBIT NO. 2 WAS MARKED)

33:9–34:5

9 Q. Okay. Let's see if we can at least get to a
10 point with these questions on the maps that we can avoid
11 having to blow it up or anything like that. The first
12 page, like I said, was just a general area of the medical
13 center. The second page of this exhibit that you have
14 open now shows the configuration of that area under C100.
15 A. Okay.
16 Q. Are you able to see that the medical center area
17 that's reflected here is split up into multiple districts?
18 A. Okay. Yes.
19 Q. So there's a portion of the medical center area
20 that is in Congressional District 7; is that correct?
21 A. Yes. That's Culberson's.
22 Q. And a portion of the area is also in your
23 district as well, CD 9?
24 A. Yes.
25 Q. And then there's also a portion of the medical

Page 34

1 center area that is contained within Congressional
2 District 18?
3 A. Some.
4 Q. And is that Sheila Jackson Lee's district?
5 A. It is.

35:14-37:10

14 Q. Now, on the next page, which reflects the
15 configuration of this area under C185 --
16 A. Okay.
17 Q. -- would you agree that the portion that's
18 shaded in green, which is Congressional District 7, has
19 moved away from the medical center area?
20 A. In C185?
21 Q. That's correct.
22 A. Yes, I would agree that it has moved away.
23 Q. And there is a portion of the medical center area that is in Congressional District 18 in this map?
24 A. I happen to remember C185, so I can say based on memory, yes.

Page 36

1 Q. And is it reflected on this map, C185, that you still retain a portion of the medical center area?
2 A. I don't see it.
3 Q. On this map as reflected, there is the Michael DeBakey VA Medical Center. I don't know if you're able to see that on the map.
4 A. I know where it is. I know where it is. But the DeBakey Medical Center is in the medical center area, true. Okay. We'll conclude, yes, we have the DeBakey Medical Center.
5 Q. Under Plan C185?
6 A. C185 does have the VA.
7 Q. And then if we -- for the record, if you can turn to the next page.
8 A. Okay.
9 Q. The next page shows the configuration of this area under C235, which as we discussed is the interim plan adopted by the court and the plan adopted by the legislature. In this map, it appears that you've regained additional parts of the medical center area; is that
accurate?

A. Well, I've regained what I would call, yes, additional parts of the medical center area, sure.

Q. Your district now includes the University of Texas Health and Science Center under this map; is that correct?

A. Correct.

Q. And also includes the MD Anderson Cancer Center?

A. Well, I'm seeing it from memory and not from this map, but yes.

Q. Okay. Were there other portions of the medical center area that you recall gaining in C235 that you did not have originally before the 2011 process?

A. I think we gained the area north of Methodist.

Q. Okay. And in the 2011 plan, which is C185, do you know where the Astrodome was moved to under that plan?

A. C185? Into the 18th Congressional District.

Q. And that's represented by Sheila Jackson Lee?

A. It is.

Q. And she is a Democrat, correct?

A. She is.

Q. African-American Democrat?

A. Yes.

Q. You mention on the medical center, you went back
and mentioned that essentially the heart of the medical center included places like MD Anderson and the U.T. Health and Science Center. Would you at least acknowledge those two locations were not in your district under C100, under the pre-2011 plan?

Page 39
1 A. No, they were not.

41:5-7
5 Q. Okay. Now, in C185, did you lose this entire area of the rail line?
6 A. My recollection is yes.

41:18-42:7
18 Q. Okay. Well, if you're not able to see from there, then -- but at least as to C185, your recollection is what in terms of the configuration of the districts and how it involved your district?
19 A. The rail line was moved to the 18th Congressional District for the most part.
20 Q. And what about the remaining part, did that remain in your district?

Page 42
1 A. My recollection is that there was very little, if any, that remained in the district. And while I think that I do tend to -- if I say all, there's a scintilla, I'd probably say all. For the most part, if all of it is in, I will say all. Sort of like with the medical center,
6 if I say all, I'm talking for the most part. And with the
7 rail line, for the most part.

43:24-45:6

24 Q. I want to talk to you about some other locations
25 in the Houston area. First I want to ask you about Rice

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1 University. You're familiar with Rice University, I'm
2 sure, correct?
3 A. I am.
4 Q. Do you consider that to be an economic engine?
5 A. I do.
6 Q. Okay. I have a series of maps that we'll try to
7 see if this works here. It might be a little bit bigger
8 print on some. I will mark this as Exhibit 4.
9 (EXHIBIT NO. 4 WAS MARKED)
10 Q. (By Mr. Bitter) Now, the first map shows Rice
11 University on just a general map without any shading. Do
12 you see where the dot is for Rice University?
13 A. I can read the words "Rice University."
14 Q. Okay. And if you turn to the next page, I'll
15 represent to you this shows Rice University's location
16 under Plan C100. Are you able to see where the Rice
17 University dot on the map is, which district that's in?
18 A. Yes.
19 Q. Which district is that?
20 A. I can read the No. 7 without saying to you that
21 your maps are accurate, and I can see the language "Rice
22 University."
23 Q. And I know we've already established it, but
24 Congressional District 7 was represented by which
25 member in -

Page 45
1 A. Representative Culberson.
2 Q. Okay. Moving to the next page, which depicts
3 this area in C185, are you able to indicate where the Rice
4 University dot is located on this map?
5 A. Yes. Well, I see what you have as language,
6 Rice University, yes.

45:11-20
11 Q. Okay. So is this an example of -- would you
12 agree this is an example of an economic engine that was
13 moved from Congressman Culberson's district to
14 Congresswoman Sheila Jackson Lee's district in the 2011
15 plan?
16 A. I would agree that -- I'm going to draw from
17 memory because I can't authenticate what you're saying.
18 Whether Rice was in the 18th or not, I'm not entirely
19 sure. It could be. It could be, but I'm not entirely
20 sure. The map doesn't help me.

51:9-53:11
9 Q. We've already established that you represented a
10 part of the medical center area prior to the 2011
11 redistricting process?
12 A. Yes.
13 Q. And would you consider yourself familiar with
14 the medical center area?
15 A. I think I'm familiar. I wouldn't consider
16 myself a person who can tell you every street and where
17 every facility is.
18 Q. And prior to 2011 redistricting, were you aware
19 of other members who had the medical center area as part
20 of their district?
21 A. I was aware that there were other members, yes.
22 Q. Which members were those?
23 A. For the most part, Culberson and I had the
24 medical center. And when I say the medical center and we
25 talk about these various institutions, they have

Page 52
1 facilities that are related to the various hospitals that
2 are not inside the hospitals themselves. So they have
3 these other facilities, and those other facilities were in
4 my district, a good many of them, and a good many of them
5 were in Culberson's district. There may have been some in
6 the 18th Congressional District. But for the most part,
7 the medical center was in my district, the 9th
8 Congressional District.
9 Q. And what specific facilities do you recall being
10 in your district under C100?
11 A. Under C100, facilities associated with
12 Methodist, facilities associated with Baylor, facilities
13 associated with St. Luke's, facilities associated with
14 U.T., facilities associated with MD Anderson. And let me
15 make one correction because there's been some growth and
16 some new facilities have been constructed. So facilities
17 in the sense that there were properties, and it was known
18 that they were going to be facilities constructed on these
19 properties. For example, across from the VA, there is a
20 facility, a huge complex, that I'm not sure was there two,
21 three years ago, but it's there now.
22 Q. Prior to 2011, did you believe that Baylor, the
23 college of medicine, the actual college of medicine, was
24 in your district?
25 A. The actual college of medicine itself may have

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1 been in Culberson's district.
2 Q. And are you aware -- without looking at maps,
3 are you aware where the Baylor College of Medicine was
4 located in Plan C185, which is the 2011 plan?
5 A. I'm -- I don't think the college is in the 9th
6 District. Where it is, I'm not sure.
7 Q. Do you know whether the college of medicine was
8 added to your district in Plan C235?
9 A. I believe it was.
10 Q. So it's currently in your district right now?
11 A. I believe the college is.

54:3-16
3 Q. I'll show you some maps of Memorial Hermann and see based on the layout if you're able to determine. I'll mark this as Exhibit 6 for this deposition.

6 (EXHIBIT NO. 6 WAS MARKED)

7 A. Let me ask you, are you making in your mind a distinction between Hermann Hospital and Memorial Hermann?

9 A. In the Texas Medical Center?

13 Q. Yes. This is what I've marked as Exhibit 6.

14 That lists the address as 6411 Fannin Street. Is that what's reflected on that map there as that address?

16 A. Uh-huh.

24 Q. This map reflects Congressional District 7 as the green shading on C100.

Page 55

1 A. Okay.

2 Q. Are you able to determine where Memorial Hermann is located in this map?

4 A. It is in the green.

5 Q. Okay. And then the next page is C185. And this reflects the location under this map, the Congressional District 7 is still in the green shading and Sheila Jackson Lee's District 18 is reflected in the yellow
9 shading.
10 A. This is 185?
11 Q. This is C185.
12 A. Okay. It's in the yellow.
13 Q. Okay. And then the next page, which is C235,
14 I'll represent to you that the Memorial Hermann location
15 is placed on this map in the pink shading. Are you able
16 to determine what district Memorial Hermann Texas Medical
17 Center is now located in?
18 A. The pink is the 9th; is that correct?
19 Q. Yes.
20 A. Okay. And I would say to you again that placing
21 these assets in 235, which I acknowledged was restored to
22 the 9th Congressional District for the most part, does not
23 obviate the totality of circumstances that would cause me
24 to litigate the claim of invidious discrimination because
25 when you look at the totality of circumstances, you find

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1 that we, meaning minority folk, have the growth in the
2 state of Texas, overwhelming amount of growth. I think
3 Latinos have 65 percent of the growth and
4 African-Americans had about 14 percent of the growth,
5 somewhere in there, close to 80 percent totally. And it's
6 not reflected in the seats that were accorded these
7 communities. So the totality of the circumstances is what
8 I would review. I do agree that Hermann Memorial is now
9 in the 9th Congressional District, Memorial Hermann,
10 excuse me.

59:2-14

2 Q. Okay. Now, do you believe that C235 restores
3 all of the economic engines that were originally in your
4 district?
5 A. I would say as I have said before, for the most
6 part.
7 Q. Were there any in particular that you did not
8 end up receiving in the interim plan?
9 A. For the most part, I received them all. I
10 can't, at this time, suggest any. I reserve the right to
11 tell you if I come to a different conclusion later.
12 Q. Any particular neighborhoods that you wanted to
13 have in your district in C235 that you did not receive?
14 A. None that I would announce at this time.

68:3-16

3 Q. Just to clarify for the record, I was objecting
4 to the parts that went beyond the question about C185.
5 The question was about the developing areas. So
6 for right now, it would be what other areas apart from
7 Shadow Creek were added to your district that you believe
8 could cause consternation, to use your word, to your
9 district?
10 A. Not others that I would mention at this time. I
11 would mention the direction that the district is being
12 pushed in. It is being moved from its position near
13 central city and pushed south into an area where we have
14 persons who are not going to be of the same mind-set when 15 it comes to voting as most of the people in the 9th 16 Congressional District are in the base Plan C100.

68:22-69:24

22 (EXHIBIT NO. 7 WAS MARKED)

23 Q. (By Mr. Bitter) When we were talking before the 24 break, we were talking about growth areas and the possible 25 impact on your district. I want to show you what I've

Page 69

1 marked as Exhibit 7. I'll explain that to you in just a 2 little bit. It's a collection of documents. The first 3 page, I'll represent to you, is a map of Plan C185, the 4 plan enacted in 2011.

5 A. Statewide?

6 Q. The statewide, yes, sir.

7 A. I see the state of Texas.

8 Q. The second document on here is what's called the 9 Red 106 report. It reflects the citizen voting age 10 population of districts under C185. This report uses 2005 11 to 2009 American Community Survey data. The third 12 document on here is what's called the Red 116 report.

13 That shows citizen voting age population data for the 14 district in C185 using 2008 to 2012 data, so the newer 15 American Community Survey data. The last page on here of 16 this exhibit is a listing of incumbents in each particular 17 district, and that's just included on here in case we 18 discuss any particular members and we need to reflect who
the member is for a particular district. I won't quiz you on who is who. My question as to these reports, if you can look at the Red 106 report --

A. May I make an observation before we start? I regret to inform you that I can't -- I really can't see these numbers.

74:12-76:17

Q. When you move further south, is there one particular demographic group that you would anticipate increasing over time?

A. Yes, you're going to increase the Anglo population as you move south.

Q. Would you agree over this three-year period, although it's just a three-year period, would you agree that looking at the Anglo citizen voting age population that it's decreased from 22.6 to 18.7 percent?

A. The answer is yes, the numbers reflect a decrease, but the numbers don't reflect the character of the persons who are in the 18.7 percent.

Q. And what do you -- what do you mean by that?

A. Well, the -- in C185, you were bringing in people who have a voting history that is such that they are not aligned with the Democratic Party. You can have Anglos who are Democrats, and you can have Anglos who are Libertarian, Republican and so forth. So C185 was bringing us into contact with persons who were
6 antithetical to issues that are important to the people
7 who are electing the candidate of choice in the 9th
8 Congressional District. The southern strategy has worked.
9 Q. What specifically, when you say people that were
10 brought in --
11 MR. BLEDSOE: I don't think he was finished
12 with the answer.
13 A. Thank you. The southern strategy has worked.
14 The southern strategy has created a chasm such that people
15 are focused on social issues that divide, for the most
16 part, economic engines -- pardon me, economic issues that
17 separate. Minimum wage. A lot of people in the 9th
18 Congressional District are very much interested in seeing
19 the minimum wage raised to 10.10, which is what HR1010
20 would do in the House of Representatives. I personally
21 would like to see it higher. But a lot of the people
22 you're bringing into the 9th Congressional District under
23 C185 who are Anglo are persons who would probably have the
24 position that the market can take care of these things and
25 they would have a laissez faire attitude.

Page 76
1 You're taking out a lot of what I call the
2 liberal side of the Anglo community, and you're putting it
3 in a position such that it's going to become more
4 conservative. Remember, this encroachment south goes into
5 an area that Pete Olson has. Now, Pete and I are good
6 friends, and he will tell you this, but he will not tell
you that he and I hold the same positions when it comes to politics.

A lot is being pushed into that area, so as things are adjusted, my fear and my expert's fear and the consternation is that we are going to end up in the out years with numbers that may look like this in the short term, but over the long term are going to be numbers that would change the 9th from an African-American ability seat to, by way of impact, a disparate impact on the district, to a seat that would probably not be an African-American ability seat.

Q. Let's talk about Congressman Culberson's district office. That was one that you mentioned. I will hand you what I'm marking Exhibit 8 for this deposition.

Q. (By Mr. Bitter) Yes.

A. May I ask a question?

A. If you're about to ask me to go through a process that will ultimately lead us to conclude that his district office was removed under C185, then I will stipulate to that, if that's where we're going.

Q. Are you aware of whether his district office was moved under C185?

A. It is my belief that in C185, his district office was taken out of his district. That's my belief.

If I'm wrong, please correct me. If I'm right, I'll
18 stipulate.
19 Q. What is that belief based on?
20 A. Based upon my reviewing the maps of his district
21 office.
22 Q. At what point did you review those?
23 A. At the point when I heard that his district
24 office may have been removed.
25 Q. Okay. I ask because you had previously said you

Page 85

1 didn't think that any Anglo member's district office had
2 been moved. I'm just trying to clarify when --
3 A. I don't think 100 percent of them. 100 percent
4 of ours -- I was here today and I heard the testimony
5 about a district office being removed. There may be some
6 others, but I'm -- I'm fairly confident that you don't
7 have 100 percent of them.
8 Q. If you'll look at Exhibit 8 just to at least get
9 this on the record. The first page of this is a printout
10 from Congressman Culberson's office that lists his office
11 location with a Houston address of 10000 Memorial Drive,
12 Suite 620, Houston, Texas. Is that what the first page
13 indicates to you as well?
14 A. Well, this page?
15 Q. Yes.
16 A. This is what I'll call the first page.
17 Q. Is it accurate that it lists his Houston address
18 as 10000 Memorial Drive, Suite 620?
ALEXANDER GREEN

19 A. I will stipulate to it if you tell me that
20 that's what the writing says.
21 Q. I'll represent to you that that is what is
22 listed as his address on his --
23 A. I will accept it because that's what my memory
24 reflects.
25 Q. And on the second page, which is the location of

Page 86

1 10000 Memorial Drive under Plan C100, are you able to tell
2 the number of the district that it appears in in this
3 plan?
4 A. Well, if you will go through the color scheme
5 again, we'll do it. But I'm willing to stipulate that it
6 was in 7 and that it was removed from 7.
7 Q. Okay. Do you know what district it was removed
8 to?
9 A. Now, that -- I'm going to speculate, and I'll
10 stipulate if my speculation is correct, I'm going to
11 speculate that it was moved to the 18th. But I don't know
12 that. If you tell me it was moved to -- what is Poe's
13 district? He's involved in that area.
14 Q. If you turn to the third page, it has Plan C185.
15 A. Okay.
16 Q. And the lighter shade is, I'll represent to you,
17 is Congressional District 2.
18 A. That's Poe?
19 Q. Ted Poe.
A. Then I will stipulate it went to Poe's.

Q. Now, you mentioned about yourself and Sheila Jackson Lee working through staffers to request changes. Could you talk about that in a little bit of detail? When did that -- when did you first notice that there were concerns with C185?

A. Shortly after it was published.

Q. So do you recall that the request that yourself and Sheila Jackson Lee made, the staffers that those were made to, do you know who those people were?

A. Sure. From my staff, it was Kevin Dancy, and on her staff it was Ernest McGowan.

Q. And who were those requests made to on the other end?

A. Define "other end."

Q. Well, were the requests made to the Senate Redistricting Committee?

A. No, the staffers did not make the request to committees, no.

Q. Who did they --

A. Well, I don't believe they did. I did not authorize that sort of activity, so I don't believe they did. If they did, it's unknown to me.

Q. Do you know who they reached out to?

A. If they reached out to anyone other than the two
19 members mentioned, it would be beyond my knowledge.

20 Q. When you say the two members mentioned --
21 A. Jackson Lee and Al Green.

22 Q. But who -- who from the Texas legislative side
23 did the people on your staff and Sheila Jackson Lee's
24 staff reach out to?
25 A. I have no knowledge of them reaching out to

Page 99
1 anyone.

99:25–100:25

25 Q. Okay. So just to clarify, you saw -- you

Page 100
1 believe you saw the map before it was passed by the
2 legislature?
3 A. As I'm walking through it now, I think so. I
4 think so, unless there's something about this process that
5 I may not know. If the map was enacted and there was a
6 time frame in which we could have some changes made after
7 it was enacted, then it was within that time frame. I'm
8 not entirely familiar with the process that was being
9 used, but I do know that when I saw it, I was very, very
10 hurt by it.

11 The pain of being hurt was something that I had
12 to deal with initially because I couldn't believe that the
13 district would be carved up in such a fashion. And then
14 after that, I started to think how can we remedy this
15 because I didn't ask for that. That's when I suggested
that Kevin Dancy and Ernest McGowan work together to see
if they could come up with a plan. They were not
authorized to take the plan anyplace. If you have
evidence of that, I'd like to know about it for many
reasons.

Q. Do you know if what the staffers worked out,
whether that was provided to anybody?
A. I don't. Now, I can't say what Ms. Jackson
Lee's staffer did, but my belief is that my staffer, Kevin
Dancy, did not take it beyond Mr. McGowan.

126:15-18
Q. So are you asserting any claims as to your
district under C235?
A. Under C235, I am not asserting claims at this
time.

136:7-14
Q. Do you have any personal knowledge of the issues
regarding the Dallas/Fort Worth area that you've
mentioned?
A. My demographer, my expert, has the personal
knowledge and can give you better intelligence about the
Dallas/Fort Worth area. But based on what he says, we can
have two African-American seats and a Latino seat in the
Dallas/Fort Worth area.

137:19-25
Q. Now, your complaint also contained allegations
with respect to Congressional District 25 in Travis
21 County. Do you have any personal knowledge as to the
22 issues surrounding Congressional District 25?
23 A. I would rely on my witness who is an expert to
24 give the personal knowledge -- well, the knowledge that
25 experts acquire.

Q. I believe I do not have any further questions.
8 The one thing I do want to ask is whether there are any
9 answers you've gone over today that you wish to change in
10 what you've testified about?
11 A. Yes, there are a couple. When I said the
12 medical center, it did not necessarily mean just big
13 hospitals. Some of these hospitals will have many other
14 small institutions associated with them that are located
15 in the area. So the medical center complex is bigger than
16 hospitals. And when I say the medical center, I'm meaning
17 for the most part, and when I say the medical center was
18 removed from my district, the medical center meaning that
19 which was in my district was removed, understanding that
20 there were parts of it that were not in my district, but
21 that that was in was removed.
22 I want to give clarity to the notion that I
23 didn't claim that under C100 I had all of the medical
24 center nor did I claim that under -- do I claim that under
25 C235 I've got all of the medical center. But I believe
2 that a significant portion of it was under C100.
State Defendants’ Congressional Text Designations for Mike Hull
11 Q And so your discussion with Mr. Opiela was
total -- was concerned completely on this data issue
that you described?
14 A That -- that is all I remember.
15 Q Did you have any substantive conver -- any
conversations with him about the substance of -- of a
proposed congressional redistricting plan?
18 A Not that I recall.
19 Q What about a plan for the House of
Representatives?
21 A I don't think so. Maybe. I don't remember any
conversations with him, topside or bottom, except this
one about data. He was only doing congressional. I
was not working on congressional.

7 Q So, to -- to your knowledge, neither you nor
Mr. Sims ever shared any proposed congressional plans
with anyone outside your office?
10 A Correct. Or -- or drew any, as far as I can
remember.
12 Q What about suggestions for possible
configurations as opposed to actually a map?
14 A I -- I just -- I didn't work on the
15 congressional plan, just period.
State Defendants’
Congressional Text Designations for
Sheila Jackson-Lee
Q. Can you please state your full name for the record?

A. Sheila Roxanne Jackson Lee.

Q. Okay. And then to the extent that I ask you any questions today that you need clarification on or you don't understand, just let me know and I would be happy to rephrase. Does that sound okay?

A. It does. Thank you.

Q. Okay. And you are a named plaintiff in the Perez versus Perry matter; is that correct?

A. I believe so. I'm a named plaintiff. Yes.

Q. And what is your current occupation?

A. I serve as a member of the United States Congress. I represent the 18th Congressional District.

Q. And just so it's clear, we're going to be referring to the congressional plans that were passed by the legislature in 2011 as well as in 2013. And just so we make this clear on the record, when I refer to the 2011 plan, I'll probably refer to it as Plan
A. Uh-huh.

Q. And when I refer to the 2013 plan, I'll probably refer to that as Plan C235.

A. Okay.

Okay. Well, I want to focus on the downtown area that you just mentioned. I'm going to show you what I'm marking as Exhibit No. 2 of this deposition.

Q. Okay. And I -- what's been marked as Exhibit No. 2, the first page shows a map of kind of Houston and depicts the downtown area. Would you agree with me that this map shows where downtown is located?

A. Yes.

Q. Okay. And if we look to see the progression of the downtown area through the next plan that was passed by the legislature, we can see that it went to plan -- in Plan C185, the downtown area is moved to Congressional District 29; is that correct?

A. That's correct.
Q. And who represents Congressional District 29?

A. Congressman Gene Green.

Q. Okay. And is it — and Congressman Gene Green represents a majority Hispanic district; is that fair?

A. That's my understanding.

Q. Okay. So, it would be fair to say that the downtown area in Houston, which was in your district in Plan C100, has been moved into the district of a member who represents a majority Hispanic district; is that correct?

A. That's correct.

Q. Okay. And why do you believe that moving the downtown area of Houston from your district in CD 18 to now CD 29 which is represented by Gene Green was done on the basis of race?

A. Well, this is a majority minority African American district. This district has been an African American district since its creation in, as I indicated, after the 1970 census. The district has been represented by an African American, and I am a champion of Latino Hispanic districts and know that this is an opportunity district for Hispanics, know that Mr. Green has served this area well, but the 29th is not the 18th, it's not an African American -- majority African American
American district. And it's not a conflict or a clash between Hispanics and African Americans. It is that you have diminished the African American constituency, and others, from the economic engine in the 18th Congressional District.

36:19-37:8

Q. So, if there had, in fact, been testimony requesting that downtown be moved to Congressman Green's district, that would have been sufficient and there would have been no intentional discrimination for -- related to the removal of downtown?

A. Well, if there had been testimony, then you can be assured there would be layers, layers of testimony opposing that. So, then they would have to make a decision on whose testimony they listened to because I can assure you that if the voting public in the 18th Congressional District had any inkling that this was going to be the kind of map after 30 years of existence, there would have been mountains of opposition. So, if they listened to the people, that map would not have been drawn.

38:22-39:21
Q. Did you ever engage with the chairman of the committees who were chairing the redistricting committees in either the House or the Senate?

A. I had a one-time visit that I initiated which

members at the beginning of the session sometimes do courtesy calls in Austin to make sure they know we're available to work on issues, water issues, transportation issues, higher education issues, however we can collaborate, and my recollection is that during that time, I met -- and I think it was the same time -- went to the office of the then chairman of the Senate redistricting, courtesy call, and the then chairman of the House redistricting, courtesy call.

Q. Okay. And just so the record reflects, that would be Chairman Seliger as well as Chairman Solomons; Seliger for the Senate and Solomons for the House. And those -- does that sound accurate? Those are the individuals that you met with personally?

A. It sounds accurate. Was that the people at that time? It sounds accurate.

Q. Okay. When did you have these meetings?

A. Now you're really going to call upon -- I -- since they meet in the odd sessions, maybe it was -- it
might have been the beginning of 2011. I'm really guessing.

Q. Okay. Did you ever meet with Senator Seliger or Chairman Solomons from the House after the census came out? And that census came out in mid February.

A. No.

Q. (BY MS. COLMENERO) So, I've handed you what I've marked as Exhibit No. 3. And the first page of Exhibit No. 3 depicts the area that I think you referred to earlier as the Third Ward; is that fair?

A. Yes.

Q. Okay. And would you agree with me that Texas Southern University is an economic engine?

A. It is.

Q. And how about University of Houston --

A. It is.

Q. Well, you would agree just by looking at this map, though, it appears as though Texas Southern University and University of Houston are within
1 Congressional District 18 as reflected in C100?
2 A. It appears that parts of them may be in that.
3 Q. Okay. And if you turn to page 3 of Exhibit No. 3, it shows the locations of Texas Southern University and the University of Houston under Plan C185 which is the plan that was passed by the Texas legislature in 2011. Do you see that?
4 A. Is that 1 -- 185?
44:11-45:5
5 Q. And it shows that those two points of interest, Texas Southern University and University of Houston are located in Congressional District 18?
6 A. Well, it shows that your dot is there and -- but it shows that a large part of Third Ward has been taken out of the 18th Congressional District.
7 Q. And is the part of the Third Ward that has been taken out of the -- of the 18th Congressional District, are you referring to the portion that's somewhat south of MacGregor Way?
8 A. The parts that are in 29 and 9.
9 Q. Okay. And the parts that are in 29 and 9, Congressional District 9 is represented by who?
10 A. Congressman Al Green.
Q. Okay. And just for the record, what race is
Congressman Al Green?

A. An African American.

Q. Okay. And Congressional District 29 is
represented by Gene Green; is that correct?

A. That's correct.

Q. Okay. So, it would be fair to say, then, that
a portion of the third ward as reflected in this map on
Plan C185, which was in your district in Plan C100 --
and I'm talking about kind of the western portion of the
Third Ward, that that western portion has been moved
into the district of an African American Congressional
member, that being Congressman Al Green in CD 9?

A. Without confirming these drawings, looking at
what you have, that may be the case.

Q. (BY MS. COLMENERO) Okay. I want to turn to
another point of interest, and I'm going to hand you
what I'm marking as Exhibit No. 4 of this deposition.
And I'm going to show you a map that depicts the
location of Rice University. And you're familiar --
it's fair to say you're familiar with what Rice
24 University is, correct?

25   A. Yes. Thank you. Did you go there?

53:8-15

8   Q. Okay. And would you consider Rice University
9 to be an economic engine?

10   A. It's a university. I -- again, it's an
11    assessment of experts and members of Congress as they
12    look at their own district.

13   Q. Well, if Rice University was in your district,
14 would you consider it to be an economic engine?

15   A. I would.

53:22-55:2

22   Q. Okay. On page 2 of Exhibit No. 4, it shows the
23 location of Rice University under Plan C100. Do you see
24 that there?

25   A. Yes, I do.

Page 54

1   Q. Okay. And it shows that Rice University under
2 Plan C100, which was the benchmark plan, was in
3 Congressional District No. 7; is that correct?

4   A. Yes.

5   Q. Okay. And Congressional District 7 was
6 represented by Congressman John Culberson, correct?

7   A. Yes.
Q. And Congressman Culberson is what race, for the record?

A. For record, Mr. Culberson is white.

Q. Okay. And he's a Republican, too, correct?

A. That's my understanding.

Q. Okay. And if we flip to the third page of Exhibit No. 4, it shows the location of Rice University under Plan C185. Do you see that?

A. C185? Yes.

Q. Okay. And it shows that under Plan C158, the plan passed by the legislature in 2011, that Rice University has been moved into Congressional District 18; is that fair?

A. That's what it appears to be. Again, I cannot attest to these maps. I have no knowledge of whether this is the 185, but on this Exhibit -- let me get the correct exhibit -- 4, that's what it states.

Q. Okay. And in 2011 -- well, Congressional District 18 was represented by you, correct?

A. Yes.

55:12-21

Q. (BY MS. COLMENERO) Based on the maps that we just looked at, which was Plan C100 and we looked at
Plan C185 in Exhibit No. 4 and we were looking at the progression of Rice University through two different plans, you would agree with me that under Plan C100 where Rice University was in Congressional District 7 and then was moved in Plan C185 to Congressional District 18, that that is an example where an economic engine was removed from an Anglo member's district into the district of a minority member's district?

55:24

A. That's what the document here reflects.

56:17-57:25

Q. (BY MS. COLMENERO) So, I want to turn to an additional map, which I've marked as Exhibit No. 5 to this deposition.

A. Thank you.

Q. And Congresswoman, I'm showing you Exhibit No. 5 which on page 1 depicts a location of Memorial Hermann Texas Medical Center. Based on your knowledge in Houston, of the Houston area, would you say that that accurately reflects where Memorial Hermann is located?

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A. Based on Exhibit 5, not being able to attest to the authenticity of this, it looks as if this is where Memorial Hermann and the Texas Medical Center is
located.

Q. Okay. And if you flip to page 2 of Plan C100, it shows that this map depicts Memorial Hermann as being in Congressional District No. 7; is that correct?

A. Yes. This map depicts -- in Exhibit 5 -- depicts it in district -- Congressional District 7.

Q. Okay. And we've established that Congressional District 7 is represented by Congressman Culberson; is that correct?

A. To my knowledge, yes.

Q. Okay. And then if you would turn to the third page of Exhibit No. 5, it shows that under Plan C185, the plan passed by the Texas legislature in 2011, that the Memorial Hermann Texas Medical Center is now located in Congressional District 18, which is represented by you; is that correct?

A. I'm sorry. No. It's -- which number are we looking at?

Q. Plan C185 which is the third page of Exhibit 5.

A. Oh, 185. I'm sorry. It appears through this map, which I cannot authenticate, 185 appears to place it in the 18th Congressional District.

58:21-60:6
Q. (BY MS. COLMENERO) And I'm going to show you, since we're talking about this particular area, what's also been marked as Exhibit No. 6 of this deposition.

A. Okay.

Q. And Exhibit No. 6, on page 1, shows a map that depicts the location of the University of Texas Health and Science Center as well as the location of the MD Anderson Cancer Center. Do you see that on the first page of Exhibit No. 6?

A. Yes, I do.

Q. Okay. And based on your knowledge of the Houston area, would you agree with me that this appears to represent the locations of where those points of interest are located?

A. Yes.

Q. Okay. And if we turn to the second page of Exhibit No. 6, it shows the location of UT Health and Science Center as well as MD Anderson under Plan C100. And it shows that both of those points of interest are located under this map in Congressional District No. 7; is that correct?

A. Yes.

Q. Which is represented, once again, by
Congressman Culberson, correct?

A. Again, my "yes" is based upon the exhibit that I am now seeing that I am not attesting to its accuracy, but that's what it says.

Q. Okay. And if we turn to the third page of Exhibit No. 6, it shows the location of the University of Texas Health and Science Center and MD Anderson Cancer Center under Plan C185 which was the plan passed by the Texas legislature in 2011, and it shows that those two points of interest are reflected as being in Congressional District 18 which is represented by you, correct?

A. At this time, yes.

Q. Well, so, we're going to get to that point in one second, but I -- I did want to ask you just -- because we -- we're looking at the entire Texas Medical District right now with Memorial Hermann, UT Health and Science and MD Anderson. And would you agree with me, when we're looking at the progression of what happened to these three points of interest under Plan C100 all the way to Plan C185, all three of these used to be
under Plan C100 in a district that was represented by an
Anglo member of Congress, that being Congressman
Culberson, correct?

A. Yes, according to this Exhibit 6.

Q. (BY MS. COLMENERO) And I'm also going to hand
you what I'll just go ahead and mark as Exhibit 8 of the
deposition, too.

(Question marked)

Q. (BY MS. COLMENERO) So, we've been talking a
lot about Plan C185 and Plan C100 and looking at these
different exhibits of different economic engines. And
if we look at Plan C100, I just want to turn your
attention to where it has the Congressional District 18;
and when you look at the black citizen voting age
population that's reflected in your district -- and it
would be -- it's the column that says the percentage of
black alone. Do you see that? And it says for
Congressional District 18 that your black citizen voting
age population under the benchmark plan, plan C100, is
46.5 percent. Do you see that?

A. I do.

Q. Okay. And if we look at Plan C185 and we look
at that same column for your district, it shows that the
24 percentage of black citizen voting age population is 25 49 percent. Do you see that?

Page 65

1  A. Yes.

66:13-22

13  Q. So, I kind of want to shift gears and focus on 14 that aspect of some of your allegations right now. Is 15 it fair to say that one of the complaints that you're 16 making relates to the fact that you believe the 17 legislature intentionally discriminated against you as a 18 minority by removing your district office from your 19 district when they drew the 2011 redistricting plan?

20  A. It's my representation based upon my expert 21 that central business district was lost, which included 22 the Congressional office.

71:22-72:7

22 (Exhibit 9 marked)

23  Q. (BY MS. COLMENERO) Okay. So, I want to focus 24 on the -- just this district office issue really fast 25 and I'm going to hand you what I'm marking as Exhibit 9

Page 72

1 of this depo and I'll represent to you that I printed 2 this off from your website. And, so, I know it prints 3 it a little odd, but would you agree with me that this
shows the office locations of where your offices are currently located?

A. Let's hope my people have updated it.

Yes.

Q. (BY MS. COLMENERO) Okay. I'm going to show you what I'm marking as Exhibit No. 10 of this depo, and we'll just use this as a visual. And I'll represent to you that the first page of Exhibit No. 10 identifies using the addresses that are listed in Exhibit No. 9, and it identifies the locations of your district offices kind of in a Google maps format. Do you see that on page 1?

A. Yes.

Q. Okay. Turning to page 2 of Exhibit No. 10, it shows the locations of your offices under plan C100. Is that fair?

A. According to this Exhibit 10, which I cannot attest to, it shows the locations of my office.

Q. Okay. And you have -- it appears that you have four different office locations. You have the Acres Home office; is that correct?

A. Yes.
Q. Then you have the Heights office, correct?

A. Right.

Q. And then you have the Fifth Ward office, correct?

A. Yes.

Q. And then you have the Houston district office, correct?

A. Yes.

Q. Okay. And then we flip to the third page of Exhibit No. 10, it shows the location of these offices under plan C185; is that correct?

A. Yes.

Q. Okay. And your complaint is centered on the Houston district office, correct?

A. Yes.

Q. Okay. And that appears to have been in the downtown location, correct?

A. Yes.

Q. Okay. And that's the area that -- what appears to have been moved out of your district and moved into Congressional District 29, correct?

A. It appears that way, yes.
13 Q. (BY MS. COLMENERO) So, this is Exhibit No. 11
14 I've handed you. And I'll represent to you that the
15 first page of it is something that I printed out from
16 the internet, and it shows the office location of
17 Congressman John Culberson. Do you see that?
18 A. Yes.
19 Q. Okay. It shows his Houston office location on
20 this page. Is that -- is that fair? Is that what it
21 appears to depict?
22 A. That's what it appears to depict.

75:13-18

13 Q. Okay. And if we turn to the next page of
14 Exhibit No. 11, if you'll look at the top right-hand
15 corner, it shows that this map is depicting the district
16 office location of Congressman Culberson in Plan C185.
17 Do you see that up there at the top?
18 A. I do.

86:16

16 Q. -- Exhibit No. 12 --

86:16-23

16 Q. (BY MS. COLMENERO) -- Exhibit No. 12 --
17 MS. COLMENERO: Thank you.
18 A. Thank you.
19 Q. (BY MS. COLMENERO) -- of the deposition. And
I'll represent to you that this is the on-line history of Senate Bill 4 which was the congressional redistricting bill during the 2011 special session.

A. In July.

Q. Yes. And it looks as though, according to this record, that the redistricting bill, which was SB4, was first filed on May 31st, 2011. Do you see that?

A. Yeah, I do.

Q. Okay. And then it shows that it was ultimately enrolled and -- on June 20th, 2011, correct?

A. Show me where I'm looking at?

Q. And that's reflected on -- it's reflected on page 1.

A. And enrolled -- I'm looking for the word "enrolled"?

Q. Yes. It's, I think, the sixth line down.

A. Reported enrolled. That says 6/20/2011?

Q. Yes.

A. Yes, uh-huh.

Q. Okay. And, so, to the extent you said you were knowledgeable of these committee hearings, you sounded like you made some attempt to -- or did you make any
attempt to organize your constituents to go down and testify at these hearings regarding the Congressional plan?

A. I know we had hearings. I know I made an effort to inform them that this process was going on.

Q. Okay. I want to focus now on the -- the plan that's currently in place, which is Plan C235, which was the plan that was passed by the Texas Legislature.

A. Uh-huh.

Q. (BY MS. COLMENERO) Okay. So, I'll just -- for purpose -- for your own purposes, I'm handing you what I've marked as Exhibit 15, which is a copy of Plan C235 which shows the current configuration of Congressional District 18.

And I just want to refer you back to a couple of exhibits we talked about early on today, and that was Exhibit No. 2 --

A. Uh-huh.

Q. -- which showed the location of Downtown Houston. And we talked about the location of Downtown Houston in Plan C100 and may have looked at it in
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10 Plan C185.

11 The last page of Exhibit No. 2 shows the
12 location of Downtown Houston in Plan C235.

13 A. You need to let me get to that, please. I
14 thought I orderly put these in it; and, of course, the
15 missing one is No. 2. I have 3. Okay. So, I need 2
16 again.

109:19-110:3

19 Q. And we're looking at the last page of
20 Exhibit 2, which shows Plan C235; and it shows the
21 location of Downtown Houston. And you would agree with
22 me that it has been put back into Congressional
23 District 18, which is represented by you?

24 A. It's -- according to this exhibit, it shows
25 that that is the case. Again, my comment is that I

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1 can't attest to the authenticity of this particular map;
2 but it says that it's here. My district is -- I'm still
3 in the same place of my district –

110:9-111:18

9 Q. So, Downtown has been put back into your
10 district, in C235; and your district office, which is in
11 Downtown, has also been put back into your district?

12 A. According to what is shown in Exhibit 2.
Q. Okay. And then I just want you to turn to Exhibit No. 3, which showed the area that depicted what's referred to as the Third Ward. And if you flip to the last page of Exhibit No. 3, which shows that area referred to as the Third Ward in Plan C235, would you agree with me that the areas that you contended were excluded from the Third Ward in Plan C185 have, in fact, been put back into your district, which is referred to in this plan -- this map as CD18?

A. That, I cannot attest to, even beyond the authenticity issue, is because, again, this is a holistic question. The impact on the way this is drawn, I cannot determine how this is -- because maybe this map is cut off. The lower Third Ward area is cut off here; so, I cannot tell how much was cut off in 235. And I also know that -- what this plan does is that it skews, again, mine and -- and may, in fact, do that on 29, which is impacting on protected districts. I don't know whether all the land of the University of Houston is in this area, all the land of Texas Southern University, all the potential growth of those areas are in --

Q. Well, for purposes of your claims that are related to Plan C235, which is the plan passed by the
Texas Legislature in 2013 -- 2013, are you contending
that there are any areas that are part of the Third Ward
that have not been put back into your district?

A. I'm contending that there may be such areas.

The areas that we spoke of, it looks as if they may have
been returned. The Central Business District and the
Third Ward area, I've not looked, again, to see how this
has drained other districts that are protected as well.

Q. Okay. So, there was an interim plan process
and then ultimately the legislature considers
Congressional redistricting again in the 2013
legislative session and they consider Plan C235, once
again, during a special session. Did you participate at
any of the committee hearings that were held during the
2013 legislative session?

A. I think there were community hearings.

Q. And these -- the field hearings you attended,
were those the ones in Houston?

A. I think, yes, that's the one. At the
University of Houston is the one I attended.
I'm handing you what I've marked as Exhibit 18 to this deposition. I will tell you this is a report that is provided through the Red Apple software system. It's called the Red 340 Report, and it shows the percentage of population in existing districts that are used to compose each of the new districts in a proposed plan. And, so, here we're looking at the population in plant -- of districts in C100 that are used to compose new districts in Plan C185.

Q. -- and you look for District 18 and off to the right of it, it says 67.4 percent. Do you see that there?

A. So, you're saying that those are voting age population?

Q. We're actually talking total population here.

A. Okay, total -- I see the number. I see the number.

Q. Uh-huh. And, so, according to this report, it shows that 67.4 percent of the total population in Plan C100 was used to compose Congressional District 18 in Plan C185. Do you see that?
1     A. Yes.

182:19-183:4

19 And

20 if you look at Congressional District No. 2, on

21 page 1 --

22     A. Right.

23     Q. -- and you look under the Plan C100 column, it

24 shows that Congressional District 2; and off to the

25 right, it says 51.8 percent. Do you see that?

Page 183

1     A. Yes.

2     Q. And Congressional District 2 is represented by

3 Congressman Ted Poe, correct?

4     A. Yes. Yes.
State Defendants’

Congressional Text Designations for

Eddie Bernice Johnson
Q. Can you please state your full name for the record?
A. Eddie Bernice Johnson.

Q. And what is your current occupation?
A. I'm a member of the U.S. Congress.

Q. And you represent Congressional District 30; is that correct?
A. 30. You're sitting right in it.

Q. Okay. And how many years have you represented Congressional District 30 here in Dallas?
A. I'm in my 22nd year.

Q. (By Ms. Colmenero) Congresswoman Johnson, I've handed you what is the March 19, 2012, court order that is putting in place Plan C235 as the interim plan that would

Q. Okay. And it's fair to say you're most familiar with and have the best -- you have personal knowledge of what was removed from District 30?
A. Indeed.
Q. Okay. Have you had a chance to study or analyze what was removed from Congressman Green's district or Congressman Jackson Lee's district?

A. I have not.

23:10-24:18

Q. Okay. And why do you believe that it was intentional discrimination just to remove the economic engines from your district?

A. Why do I believe it? It was very common to me because of conversations, because of the plans, because I think that much of the work had either been done or in place to improve it, and just plain downright racism.

Q. You mentioned conversations. What conversations are you referring --

A. Many, many conversations that I had with members as we were talking about various areas in Congress because we had been told that Lamar Smith was a coordinator and for us to work out what we thought would work for us and then that would be turned in when we agreed to it. So I had numerous conversations with colleagues, and it was very clear -- though I can say that Sessions, Congressman
Sessions, did not express it directly to me, other members expressed that he wanted all of downtown Dallas.

Q. So these conversations that you're referring to are conversations between you and other --

A. Other members of Congress from Texas.

Q. Okay. And these conversations that you're referring to are not conversations that you may have had personally with members of the Texas Legislature; is that correct?

A. I had no conversations with members of the Texas Legislature. We were told that our conversations were to be with members of Congress and Lamar Smith was coordinating it. We had people -- a team of people came to visit with several of us in Congress. I was one of the people, and that Lamar Smith was the coordinator and we were not to be in touch individually with anybody else except to work our plan with him being the leader. And that's exactly what I did.

Q. Okay. And we're going to get into kind of some of those issues that you raised just a second ago a little bit later in your deposition. So looking -- thinking back to your district as it existed in the 2011 plan, which is
Plan C185 -- and this is the plan where you believe certain economic engines were removed from your district. Is it your position that your district was left with no economic engines in it?

A. Once they removed all the major ones, it was left without any.

Q. Okay. I was looking at your district last night in Plan C185. And you would agree with me that you still maintain the medical district under Plan C --

A. In Parkland Hospital, yes. It's hard to divide those.

Q. Yes. And that area would have also included such as U.T. Southwestern; is that fair?

A. Yeah. You know, they are next door, and, you know, they are -- Parkland is between these medical center buildings. So you'd have to cut buildings out, so yes.

Q. Okay. So you would agree you maintained the medical district under the 2011 legislative plan?

A. Uh-huh.

Q. Is that -- you have to give a verbal answer for the court reporter.

A. Yes.

Q. Okay. And you would agree that Parkland, you
mentioned, was an economic engine, correct?

A. Yes.

Q. The same with -- would you consider U.T. Southwestern to be an economic engine?

A. Yes.

Q. Okay. And then were there other areas that you maintained in your district under the 2011 legislative plan that you consider to be economic engines?

A. You know, I don't even remember whether -- whether Love Field was still in there or not, but I considered that an economic engine.

Q. What about the Trinity River Corridor, do you consider that to be an economic engine?

A. Not the way it was cut. The Trinity River was -- I was in the process of working with it. It had really just gotten huge numbers of dollars for the redevelopment of the Trinity in 2007/8. And cutting down 35 did leave the Trinity there.

(EXHIBIT NO. 2 WAS MARKED)

Q. (By Ms. Colmenero) Congressman Johnson, I just handed you Exhibit No. 2, which is just basically a map packet showing the location of U.T. Southwestern that we
just talked about. And I'll tell you that the first five
pages just reflects the actual location of U.T.
Southwestern, and then if you actually turn to the sixth
page, it shows the location of U.T. Southwestern on
District Viewer in Plan C100. And you would agree with me
that looking at page 6 of Exhibit 2, that it shows that
U.T. Southwestern, as we just discussed, was in your
district, CD 30, under Plan C100; is that fair?
A. Yes. It's been in my district for 20 something
years.
Q. Okay. And if you flip to the last page, it did,
in fact, remain in your district in Plan C185; is that
correct?
A. Yes.

Okay. And then just so the record reflects it,
if you flip to Plan C235, which is the current
congressional redistricting plan, it also shows that U.T.
Southwestern, it remains in your district, correct?
A. Yes.
Q. Okay.
A. With a lot in between.
Q. Yes. And I know I just asked you about the
Trinity River Corridor project, and I'm going to hand you
what I'm marking as Exhibit No. 3 of this deposition.

Q. (By Ms. Colmenero) And I'll represent to you that this shows the Margaret Hunt Hill Bridge, which is kind of the newest bridge in Dallas' skyline.

A. I know all about it.

Q. Yes. And it shows a location of the Margaret Hunt Hill Bridge on Google Maps here. And would you consider the Margaret Hunt Hill Bridge to kind of be a historical landmark or an economic engine for the city of Dallas?

A. Is it both.

Q. And if you flip to the next page of Exhibit No. 3, which is page 2, it shows that the location of the Margaret Hunt Hill Bridge is in Congressional District 30 under Plan C100; is that correct?

A. Yes.

Q. Okay. And if you flip to the third page of Exhibit No. 3, it shows that the Margaret Hunt Hill Bridge is also still remaining in Congressional District 30? That's your district, correct?

A. Yes.

Q. Okay. And then just so the record reflects it,
it shows the location of the Margaret Hunt Hill Bridge in Plan C235, and it appears to still remain in your district, correct?

A. Yes.

Q. Okay. So we kind of talked about some of the economic engines that remained in your district under the legislative plan. I just want to talk a little bit about economic engines in Dallas generally. And I want to look at what I'm going to mark as Exhibit No. 4.

(EXHIBIT NO. 4 WAS MARKED)

Q. (By Ms. Colmenero) Exhibit No. 4, Congresswoman Johnson, is a Google Maps view showing the location of AT&T Stadium as well as Rangers Ballpark. Do you see that on page 1?

A. Yes.

Q. And would you consider those to be economic engines?

A. Indeed. I helped to develop some of that --

Q. Okay.

A. -- some of that infrastructure there.

Q. And AT&T Stadium is where the Dallas Cowboys play, correct?

A. Right.
Q. Okay. And Rangers Ballpark is where the Texas Rangers play, correct? Okay. And if you flip to the next page of Exhibit No. 4, so page 2, it shows a location of these two -- of AT&T Stadium and Rangers Ballpark under Plan C100, which is the benchmark plan. And it shows that they are located in Congressional District 6. Do you see that?

A. Yes.

Q. Okay. And Congressional District 6 is represented by Congressman Barton; is that correct?

A. Yes.

Q. Okay. And just for the record, he is Anglo, correct?

A. Yes. And I didn't get into the battle between Sessions and Barton. I can tell you something about it, but it wasn't my business.

Q. Okay. And Congressman Barton is a Republican member of Congress, correct?

A. Yes.

Q. Okay. And so if you flip to page 3 of Exhibit No. 4, it shows the location of AT&T Stadium and Rangers Ballpark under Plan C185. Do you see that?

A. Uh-huh.
Q. And it shows that those two points of interest are now in what is Congressional District 33 under Plan C185. Do you see that?

A. Uh-huh.

Q. And under Plan C185, this was an open seat, so there wasn't an incumbent member of Congress in there. Is that -- do you recall that?

A. The incumbent member of Congress for that area was Barton.

Q. Yes. But 33, in terms of there being an incumbent, I guess in our reports it's classified as an open seat. So -- and so you would agree with me if Congressman Barton was not the incumbent in that area that encompassed AT&T and Rangers Ballpark, that this would be an example of an economic engine being moved from an Anglo Republican member of Congress?

A. Excuse me, before I answer that, could I just ask my attorney a question? I'm not permitted to?

Q. Well, you can only stop the deposition and ask him a question if it involves -- if your response may require you to reveal something that's protected by the attorney/client privilege.

A. And explain to me what that is.
Q. This would be legal advice that Mr. Bledsoe has given to you that to the extent my question would require you to reveal that, you can consult with him to determine if it is something that you can reveal right now.

A. Well, I have not -- I'm not even sure I've discussed this with him. But what I guess I'm trying to determine -- well, let me just answer yes and get it over.

Q. (By Ms. Colmenero) And Exhibit No. 5 on page 1 shows a Google Maps location of Texas Instruments Corporate Headquarters. Do you see that located there?

A. Yes.

Q. Okay. And is it -- would you consider Texas Instruments Corporate Headquarters to be an economic engine?

A. Indeed. It has been in one of my districts at one time.

Q. Yes. And I apologize, the "instruments" is actually misspelled, and we will correct that and supplement this exhibit with the corrected spelling of that.

And if you turn to the second page of Exhibit
No. 5, it shows where Texas Instruments Headquarters is located under Plan C100, which is the benchmark plan. And it shows that it's located within Congressional District 3 under Plan C100. Do you see that?

A. Yes.

Q. Okay. And Congressional District 3 is represented by Congressman Sam Johnson; is that correct?

A. I think so.

Q. Okay. And just for the record, Congressman Johnson is an Anglo member of Congress; would that be fair?

A. Yes.

Q. Okay. And he's also a Republican member of Congress?

Page 40

A. Yes.

Q. Okay. And so if we look to the next page of Exhibit No. 5, it shows the location of Texas Instruments under Plan C185, which was the plan passed by the Texas Legislature in 2011. Do you see that?

A. Yes.

Q. Okay. And it shows that Texas Instruments under Plan C185 is now located under Congressional District 32; is that correct?
A. Yes.

Q. Okay. And Congressional District 32 is represented by Congressman Pete Sessions; is that correct?
A. Yes.

Q. Okay. So would you agree with me that by looking at these maps that I'm showing you here, this would be an example of where an Anglo member of Congress, that being Congressman Sam Johnson, lost an economic engine to another member of Congress?
A. I'm sure that's right.

Q. Okay. Okay. So I want to shift gears now and talk about the 2013 legislative plan, which is the current plan, which we refer to as Plan C235. And so -- and I want to focus on the economic engines with respect to your district, Congressional District 30.

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So at the beginning of your deposition, we talked about some economic engines that you still believed are not included within your district, and you mentioned Scottish Rite Hospital. And then you also mentioned a neighborhood or a community of gay and lesbian citizens, which is located kind of in the Oak Lawn area?
A. Yeah, and the Uptown area as well.

Q. And Uptown area. Okay. And early in your
deposition, we established that some other key economic engines had been left out of your district under the 2011 legislative plan. So I just want to look at some of those and see where now they've ended up in the court's -- I'm sorry, in the 2013 plan, which is C235. And one of the ones you mentioned earlier today was American Airlines Center. So I'm going to hand you what I'm marking as Exhibit 6 of this deposition.

(Q. (By Ms. Colmenero) And the first page of Exhibit No. 6 shows the location of the American Airlines Center. Do you see that?

A. Yes.

Q. Okay. And just, you know, for those who aren't from Dallas, the American Airlines Center is where the Dallas Mavericks play, and it's a venue for sporting events and concerts and other forms of entertainment, correct?

A. Yes. And it's at 2500 Victory, and I live at 2323.

Page 42
Q. Yes. And so if we flip to page C100, this shows the location of American Airlines Center under the benchmark plan, and it shows that American Airlines Center is in your district, Congressional District 30, in this plan, correct?

A. Yes. It was restored.

Q. Okay. And then if you flip to the third page of Exhibit No. 6, it shows that American Airlines Center is now in Congressional District 32 in this plan; is that correct?

A. That's right.

Q. Okay. And then we flip to the 2013 plan that was passed by the Texas Legislature, Plan C235, it shows that American Airlines Center is now back in your district, Congressional District 30, correct?

A. Yes.

Q. Okay.

A. After the court order.

Q. And just using this map as well, if you turn back to congressional district -- I'm sorry, to the last page of Exhibit No. 6, looking at Plan C235, it also shows that the area that is considered to be downtown Dallas is now -- has now been placed back into your district,
Congressional District 30, correct?

A. Yes.

Q. It also shows that the area that's considered or referred to as the arts district or the museum district is now back in your district, Congressional District 30, correct?

A. Yes.

Q. Okay. And as well, the other area that you mentioned earlier, which was the Klyde Warren Park, that point of interest has now been placed back into your district under Plan C235, correct?

A. Yes.

Q. Okay. Okay. I'm going to hand you what I'm going to mark as Exhibit No. 7 of this deposition.

(Exhibit No. 7 was marked)

Q. (By Ms. Colmenero) And the first page of Exhibit No. 7 shows the location of Dallas Love Field on Google Maps. Do you see that?

A. Yes.

Q. Okay. And Dallas Love Field is the -- kind of the airport that's most convenient and closest to downtown Dallas, correct?
Q. Okay. And if you flip to the second page of Exhibit No. 7, it shows the location of Dallas Love Field in Plan C100, correct? And it shows that it is in Congressional District 30; is that correct?

A. Yes.

Q. Okay. And if we flip to the third page of Exhibit No. 7, it shows the location of Dallas Love Field in Congressional Plan C185, which was the plan passed by the Texas Legislature. Do you see that?

A. Yes.

Q. Okay. And it shows that Dallas Love Field is in Congressional District 6. Do you see that?

A. Yes.

Q. Okay. And so -- and then we flip to the last page of Exhibit No. 7. It shows the location of Dallas Love Field in Plan C235, and it shows that it has been placed back into your district, which is Congressional District 30; is that correct?

A. That's correct.

Q. Okay. So I just -- I guess all the areas that you mentioned to me earlier in your deposition that you believed or contended were removed from your district in Plan C185, those areas have now been placed back into your district under Plan C235?
1        A.   After the court order, yes.
2        Q.   Yes.  And the legislature in 2013 adopted that
court order plan and passed Plan C235 as a congressional
redistricting plan putting all those areas back into your
district.
3        A.   Oh, I didn't even realize that.  Okay.  I didn't
realize the legislature had anything to do with it.
4        Q.   Okay.  You weren't aware that in 2013 the Texas
Legislature took up congressional redistricting again?
5        A.   Not as such.  After the court order, I thought
that was the plan we were operating under for that
particular election and then we were to come back after
that election to review it.
6        Q.   Okay.  Well, I'll represent to you that the
court order plan, like you mentioned, was to govern the
2012 election cycle.
7        A.   Yes.
8        Q.   And then this past session, the 2013 legislative
session, the Texas Legislature adopted the Congressional
Redistricting Plan C235 as a plan to govern -- as a
redistricting plan to govern elections basically for the
rest of the decade.
9        A.   I didn't realize that.  I thought the court
order said it was for one election.

Q. Okay. And the court order did.

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A. Okay.

Q. And then the Texas Legislature adopted that --
met, considered, and adopted the 2013 plan. Okay. I'm
going to hand you what I'm going to mark as Exhibit No. 8
of this deposition.

(EXHIBIT NO. 8 WAS MARKED)

Q. (By Ms. Colmenero) But before I do that, let me
ask you this question: Does it make a difference to you
now that you know that the Texas Legislature has passed
Plan C235 as the congressional redistricting plan?

A. I'm operating under the assumption that we're in
court. And we are in court because allegedly the court
said this was for one election and then it would be
reviewed, and then that's where I am.

Q. Okay. And are you -- are you generally
satisfied with the configuration that was adopted by the
court for the 2012 election cycle?

A. I still think it's very racially discriminatory.

Q. So it's your position that the court-enacted
plan is racially discriminatory with respect to your
district?
A. With respect to 30. But with respect to the area -- because, you know, in this state, the minority growth was the growth, and the growth caused us to get four additional congressional seats. And we have not achieved that yet, and I thought that was what we were attempting to achieve.

Q. Okay. So I'm going to hand you what I've marked as Exhibit No. 8 of this deposition. And this is a copy of the second amended complaint that the African-American Congressional Intervenors, which you are one of, has filed in the Perez versus Perry case. And y'all filed this last September.

So I want to turn your attention to page 25 of the complaint. I'm sorry, paragraph 25 of the complaint, which is on page 9. And paragraph 25 discusses Congressional District 30. And I want to turn -- I want to turn your attention to the fourth paragraph -- fourth sentence in that paragraph, which starts with "the problem." Do you see that there?

A. Yes, I see it now.

Q. Okay. And the complaint states, "The problem identified in that court opinion continues for CD 30 where
many communities of interest, economic engines, and
development areas were unnecessarily placed in District
32. For example, the Oak Lawn, Turtle Creek, Uptown,

Cityplace, Know Henderson" --

A. That's supposed to be Knox.

Q. That's what I thought -- "Knox Henderson, Lower

Greenville, and Junius Heights areas were previously in CD

30, which was of near perfect size in C100 in 2011."

I want to focus on the areas that you believe
still are not included in Congressional District 30 which
are listed here, beginning with the Oak Lawn area. Now,
why do you consider the Oak Lawn area to be an economic
engine?

A. Well, they have that development. It has a

community of interest that I was relating to. It has new
development there and a community of interest that relates
to my representation.

Q. And can you describe for us the demographics of

the Oak Lawn area?

A. The Oak Lawn area is predominantly lesbian/gay.

Q. Okay. And do you have a sense of what the

racial demographics are of that area?

A. I don't, but I know that it is not -- it doesn't
add to the packing that was done to the district in order to get rid of African-Americans from another district.

Q. Okay. So it's fair to say that that area is either Anglo --

A. It's Anglo -- it's Anglo, it's Latino and some African-Americans as well, but it is not a packed black area.

Q. And what -- how -- when you say it is a community of interest, why do you define the Turtle Creek area as a community of interest?

A. Well, it's a very confined area that -- that I had a good relationship with. But it also has added to development because it's pretty new development and high-rises which brought about new restaurants, and it's -- it's very intermixed with the adjoining area, which is Oak Lawn, which is also predominantly lesbian/gay.

Q. (By Ms. Colmenero) How would you describe the racial demographics of the individuals who --

A. I don't know the racial demographics. I just
know that it's not predominantly African-American.

Q. Okay. And the other area you mentioned here is the Uptown area that you believe has not been included in your district. And why do you believe that the Uptown area is either a community of interest, an economic engine, or a development area?

A. It's all three.

Q. Okay. And what makes it all three?

A. Well, it's -- it's a -- it's a fairly newly revitalized area with a very mixed population. Most are professionals, and most are under 60.

Q. And in terms of the racial demographics of this area, how would you describe it?

A. It's mixed.

Okay. What about Swiss Avenue here in Dallas, can you describe for us what that area is and where it's located?

A. Swiss Avenue is an area that's designated as kind of historic area. It's a lot of older homes that have been revitalized. And it, too, is mixed but somewhat -- I'd say probably the majority in the Swiss Avenue area might be Anglo.
Q. Okay. And how about the M streets area here in Dallas, can you describe for us where that is and what it is?

A. M street is east of my district, east of 30. It is going toward the Lakewood Country Club. All the streets' names start with an M. It's mixed as well but predominantly Anglo, I think.

Q. Okay. I want to show you what I'm going to mark as Exhibit No. 9 to this deposition.

(EXHIBIT NO. 9 WAS MARKED)

Q. (By Ms. Colmenero) And Exhibit No. 9 of this deposition, Congresswoman Johnson, is attempting to show kind of where Oak Lawn is located, kind of in Google Maps. And you see there's kind of a broad identifier where it shows the Oak Lawn area. Does this map generally identify the areas in Dallas described as Uptown, Oak Lawn, as well as Turtle Creek?

A. Yes, it does describe it. It's a map of it.

Q. Okay. And if we turn to -- I want to turn to the last page of Exhibit No. 9, which shows the location of the Uptown, Oak Lawn, Turtle Creek areas under Plan C235. And it shows where your district is, which is
Congressional District 30. Do you see that?

A. Uh-huh.

Q. Okay. And it shows that kind of -- if you look down kind of towards the bottom center of this map, it shows what we -- what we call downtown Dallas, correct?

A. Yes.

Q. And then kind of right on the other side of downtown Dallas is the area that's typically referred to as Uptown as well as Victory Park, correct?

A. You mean to the left on the map here?

Q. Well, if you look at where downtown Dallas is, just on the other side of the road that's reflected here that says TX 366. And I know the number is small.

Q. And so that's the area -- the area just kind of north of downtown is -- a little bit northwest on this map is what's referred to as Victory Park as well as Uptown, correct?

A. Yes.

Q. Okay. So it looks like in Plan C235 that you -- do you have a portion of Uptown in Dallas, correct?

A. A portion of that was restored. The rest of it was left out.
Q. Okay. And that portion that's been restored, we've established that you got -- you now have American Airlines Center, correct?

A. Yes. I live two blocks from it.

Q. And that means you have pretty much the area that's called Victory Park in Uptown, correct?

A. Yes.

Q. And then over to the right of that area on the map, it shows that you do have a portion of Uptown kind of -- it looks like it goes all the way up to Reverchon Park and then it comes down kind of around McKinney Avenue. Do you see that?

A. Yes, I see it.

Q. Okay. And --

A. That was all removed from District 30.

Q. Yes. But in the plan that was just passed by the Texas Legislature, that plan has now been placed back into your district, correct?

A. A portion of it, yes.

Q. Okay. And that portion that's been placed back into your district, that portion actually has some of the business centers in the Uptown area?

A. A few.
Q. Okay. And it has -- I mean, it has areas such as the Crescent and the Crescent Court, correct?

A. That's always been there.

Q. Okay. And that area is now in Plan C235, correct?

A. Yes. Yes.

Q. Okay. And Plan C235 also has, you know, all the new office towers that have gone up around the American Airlines Center that are now in your district under Plan C235, correct?

A. They've been in my district 20 years, all of that area. It was removed. Some of it was restored.

Q. And I appreciate that, and I'm focusing on the 2013 plan in terms of looking at what's in your district now versus what you're contending is not in your district.

A. What I'm saying -- what I'm contending is not in my district is all this area here that's now in 32.

Q. And that area that you're referring to that's not included in your district, that's in the areas you refer to as Uptown and Turtle Creek and Oak Lawn, those -- those areas are a little bit more residential, right, in the Uptown area?

A. Some of it are -- some of them are, but it's
quite a bit of development there.

Q. But in terms of where some of the larger economic drivers are in the Uptown Victory Park area, you would agree with me that those are included in Congressional District 30 --

A. You know where the old Parkland is, that's a Crow Companies, that was removed. The building there where the Observer Building, all along that area was removed. There are a number of large buildings as you go up Oak Lawn, all of that was removed.

Q. Okay. And none of that has been included in Plan C235; is that your contention?

A. That is right.

Q. Okay. But you would agree with me, though, that --

A. Some was restored by court order.

Q. Some was restored, and the portions that were restored either by the court in the interim plan or in the 2013 legislative plan, you do have some of the economic drivers or economic engines that exist in Uptown, and those are now currently in your district?

A. By court order, yes.

Q. Or by -- and you would also agree if the legislature --
1 A. I don't know about the legislature. The court
2 order is what we're operating by.
3 Q. Okay. And so if the legislature adopted the
4 court order plan --
5 A. Okay.
6 Q. -- then those are now in your district as passed
7 by the 2013 legislature?
8 A. Is that a question?
9 Q. Yes. Is that correct, or would you agree with
10 that?
11 A. If you say it is, yes.

60:22–61:9

22 Q. (By Ms. Colmenero) One of the areas that we
23 just talked about, and I just want to make sure I
24 understand because I've seen some other parties mention
25 it, was this M streets area. Has that -- was that in your

Page 61

1 district --
2 A. No.
3 Q. -- prior to the 2011 redistricting?
4 A. No. M streets have never been in my district.
5 Q. Okay. Has it always existed or been in
6 Congressional District 32?
A. I don't -- I don't know where it's been.

Q. Okay. But you know it hasn't been in yours?

A. No.

---

Q. Okay. I want to switch gears now and talk about one of the other allegations that you've made in this case, and it relates to the fact that the 2011 redistricting plan did not include your district office. And that is one of the allegations that you've made in this case, correct?

A. Well, the maps that I saw was not just allegations. It was a fact.

Q. Okay. And one of your allegations is that the legislature intentionally discriminated against you by removing your district office from your district; is that fair?

A. It discriminated against me by removing all of my area unnecessarily because it didn't have to be done.

Q. Okay.

A. It was not population that was influencing it.

Q. Okay. But -- but is it also fair to say that you are contending that the legislature intentionally discriminated against you as well as the other
A. Yes.

Q. Okay. And do you recall testifying about the lost district offices in your district at that time?

A. Yes. It was lost.

Q. Okay. And, in fact, I just want to -- I'm going to show you what I'm going to mark as Exhibit No. 10 of this deposition just so we can all refresh our memory because it has been a long time.

(EXHIBIT NO. 10 WAS MARKED)

Q. (By Ms. Colmenero) And I would ask you to turn -- at the top right-hand corner, it has some page numbers. And if you turn to 1279 of Exhibit No. 10, that's where I want to direct your attention. And I'm going to start on page -- I'm going to look at your testimony beginning on line 3.

And there was a question, which is: "And it is
true, is it not, I think, that your office and the office
of both Congressman Green and Congressman Lee as well were
not included in the adopted districts?"

Your answer was: "That is my understanding."

Then you were asked: "And can you tell this
court any white incumbent congressperson who did not have
their office in the currently proposed map?"

Answer: "I am not aware. I am not aware of
any." Do you see that there?

A. Uh-huh.

Q. Okay.

A. Yes.

Q. And do you recall testifying in the trial held
in January 2012 in the Section 5 proceeding up in the D.C.
court?

A. I do remember testifying, yes.

Q. And do you recall giving similar testimony
regarding the loss of your district office in your
district?

A. If I was asked, I'm sure I answered.

Q. Okay. And before you testified in either the

Section 2 or the Section 5 court regarding the loss of
your district office, did you personally do any research
to determine whether the removal of district offices in Plan C185, that's the 2011 legislative plan, only affected African-American members of Congress?

A. That -- I didn't study anybody else's because I didn't even know where their offices were.

Q. Okay.

A. And I didn't study any other district. I mostly looked at District 30 and the growth in the area and what was happening to the minority voters.

Q. Okay. So to the extent that the district offices of other members of Congress, such as Anglo members of Congress, such that their district offices may not have been included in their districts under Plan C185, it's fair to say you didn't have any personal knowledge of that?

A. No.

Q. Okay. Since that time, have you done any kind of research to determine whether or not the district offices -- the removal of district offices was just limited to African-American members of Congress?

A. You know, I have not done much of a study, but in conversation, it was clear that the input of where to put different lines came primarily from the Anglo members
trying to get rid of minority voters and look for little patches of white voters. And in those -- I'm sure they had to change something to do that in order to pack minorities away from them to make more white districts when they should have been minority districts.

Q. Okay. So in terms of just you identifying whether or not district offices have been moved from other members of Congress --

A. I didn't get into it.

Q. (By Ms. Colmenero) Congresswoman Johnson, before the break we were talking about your allegation regarding the removal of district -- of your district office from your district under the 2011 legislative plan, and we were discussing whether or not you had any personal knowledge regarding how this may have affected other members of Congress. And I believe you told me that you didn't believe or you didn't have any personal knowledge in terms of how it may have affected other members; is that fair?

A. Yes.

Q. Okay. I just want to look at one example. I'm
going to hand you what I'm marking as Exhibit No. 11 of this deposition.

Q.   (By Ms. Colmenero) And the first page of Exhibit No. 11 shows the website for Congressman Barton and has the contact information for his Arlington district office. Do you see that?
A.   Yes.

Q.   Okay. And then if you flip to the next page of Exhibit No. 11, it shows the district office location for Congressman Barton in Plan C100. Do you see that there?
A.   Uh-huh.

Q.   And that shows that that address under -- as shown in District Viewer is in Congressional District 6, correct?
A.   Yes.

Q.   And that's Congressman Barton's district, correct?
A.   Uh-huh.

Q.   Okay. And then if you turn to the next page, which shows the district office location for Congressman Barton in Plan C185, which is the 2011 legislative plan, it shows that that district office location is now in
Congressional District 33, correct?

A. Yes.

Q. Okay. So to the extent that Congressman Barton's district was -- district office used to be in Congressional District 6 under Plan C100 and is now in Congressional District 33 under Plan C185, this is an example of an Anglo Republican member of Congress, his district being moved in the 2011 legislative plan?

A. Well, you know, this area's growth was 100 percent minority. I contend that my district was moved, my office was moved, in order to break up my district unnecessarily. But when you have that kind of minority growth throughout an area, when Anglos are searching for white voters to make their districts white, they might have to move more often than we do. However, they didn't. 100 percent of the African-American districts' offices were moved unnecessarily because the growth around me was all minority.

Q. Okay. And so I just want to make sure I understand. So when you make this allegation and you're talking about the removal of your district office, you're not comparing yourself with any other Anglo Republican member of Congress, are you?
A. I'm comparing myself with what I am.

Q. I'm going to hand you what I'm going to mark as Exhibit No. 12 of this deposition.

(EXHIBIT NO. 12 WAS MARKED)

Q. (By Ms. Colmenero) And it's really just to kind of visualize for us the location of your district office. And so page 1 of Exhibit 12 shows where your district office is located in Google Maps. Do you see that?

A. Uh-huh.

Q. And if you turn to page C100, it shows the location of your district office -- I'm sorry, turn to page 2, it shows the location of your district office in Plan C100. Do you see that?

A. Yes.

Q. And it shows that your district office is in Congressional District 30, which is represented by you, correct?

A. Yes.

Q. Okay. And if you look at the next page of Exhibit No. 12, it shows the location of your district office under Plan C185. Do you see that?

A. Yes.
Q. And because the area that was taken out of your
district in the 2011 legislative plan included portions of
Uptown and the Oak Lawn, Turtle Creek area, your district
office is now included in Congressional District 32,
correct?
A. Yes.
Q. Okay. And if we flip over to the last page of
Exhibit 12, which shows the location of your district
office in Plan C235, you would agree that your district
office has now been placed in Congressional District 30?
A. Barely, yes.
Q. Which is your district, correct?
A. Yes.
Q. Okay. When did you first become aware that your
district office was not going to be included in Plan C185?
A. The first time I saw the map.
Q. And when did you first see the map?
A. Well, before it was enacted, and we did say that
it was not in there.

70:17-72:15
Q. Okay. So just to kind of help us put things
into some perspective with some dates, the first -- the
Solomons -- the congressional plan that was proposed by
Chairman Solomons and Chairman Seliger in the Texas
Legislature, the first proposal was referred to as Plan C125. And that first proposal was revealed publicly on May 30, 2011. Do you recall that date?

A. I do not.

Q. Okay. And then the legislature went into special session on May 31, 2011, and the congressional redistricting bill was filed on that day. Were you aware of that?

A. I was not aware of those -- I remembered probably at the time, but those dates didn't really mean a lot to me except looking at the maps. I was continuing to be in touch with Lamar Smith as instructed.

Q. Okay. And --

A. But I did have volunteers and a staff member overlooking districts on a computer that were keeping me informed, and I kept Mr. Smith informed.

Q. Okay. And that's what I was going to ask you was whether or not you had delegated or, you know, designated anyone in your staff to kind of monitor what's called District Viewer, which is the computer system that allows the public to view all of the redistricting plans as they become public?

A. Only as I saw what was being shown to me in
Washington that I called and asked questions.

Q. Okay.

A. Because I was under the impression that it was a reality that I was dealing with Lamar Smith and the other members of congressional delegation.

Q. Okay. So I'm going to hand you what I'm marking as Exhibit 13 of this deposition.

(EXHIBIT NO. 13 WAS MARKED)

Q. (By Ms. Colmenero) And I'll represent to you that this is printed out from District Viewer, and this shows -- this is actually showing the lines and the boundary configurations in Plan C125, which is the Solomons and Seliger congressional proposal that was laid out on May 30, 2011. And it shows the location of your district office in Plan C125, and it shows that your district office as -- under this configuration is in Congressional District 32. Do you see that?

A. Yes.

Q. So at least as of May 30 when this plan became public, you were on notice that your district office was not included in your district?

A. Yes.
Q. Okay. And you -- it's fair to say you didn't contact the committee offices down in the Texas Legislature?

A. I did not.

Q. Okay. And you didn't contact Chairman Solomons or Chairman Seliger?

A. I didn't even know who they were.

Q. Once -- once you realized that your district office was not included in your district or you were put on notice that your district office wasn't included in your district, did -- you didn't -- did you file a press release or any --

A. I don't file press releases for stuff like -- this to me was not a news story. It was the drawing of maps. And the structure that we were given, I was following that.

Q. Did you encourage any of your constituents to attend any of the redistricting committee hearings that were held during the 2011 legislative session?

A. Yes.

Q. Okay. And were you aware that those individuals
20 attended?
21 A. No. You know, I work full time in D.C.
22 Q. Okay. And when you say you encouraged -- if you
23 encouraged individuals to attend, did you -- did you ask
24 people to go and speak on your behalf?
25 A. I don't recall asking anybody to go speak.

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1 Q. Okay.
2 A. They were speaking on their behalf. You know,
3 the district really belongs to the people.
4 Q. And you agree that you could have picked up the
5 phone and called down to someone in the Texas Legislature
6 and voiced your opposition?
7 A. I picked up the phone as I was instructed. I
8 did pick up the phone, and I kept in touch with Lamar
9 Smith. I kept in touch with other members of Congress.
10 The conversations were very frequent, on the floor, in
11 offices and what have you. I also picked up the phone and
12 attempted to reach Mr. Opiela several times, but my
13 primary conversation was with -- the designated person for
14 us was Lamar Smith.

78:14-80:17
14 Q. I'm just going to hand you what I'm marking as
15 Exhibit 14 of this deposition.
Q. (By Ms. Colmenero) And Congresswoman Johnson, Exhibit 14 is a printout of the Texas Legislature Online website which shows the legislative history of Senate Bill 4 during the 2011 special session. And Senate Bill 4 is the congressional redistricting bill that was passed by the Texas Legislature in 2011. And I just -- I just want to make sure we have some of these dates in the record. We talked that the congressional redistricting bill was filed on May 31, 2011, and that's going to be reflected in page 3 of Exhibit 14. It kind of -- it goes in reverse chronological order. So it shows that that bill was first filed on May 31, 2011. Do you see that?

A. Yes.

Q. Okay. And then it shows that it was considered in a public committee hearing on June 3, 2011, correct?

A. Yes.

Q. Okay. And that was in the Senate. That's what the "S" stands for. And then if you scroll up towards the top on page 3, it shows that on June 9, 2011, the same bill was considered in a formal meeting of the House on that date. Do you see that?

A. Uh-huh, yes.
Q. Okay. And then the bill went to the House floor, and if you turn to the first page, the bill was eventually passed by the legislature on the date it was enrolled, reported and enrolled, on June 20, 2011. Do you see that? It's on the first page of Exhibit 14.

A. I'm sorry, you said what happened on what date?

Q. That was the date that the legislature passed the bill, and it shows the date it was reported and enrolled.

A. Uh-huh.

Q. Okay. So it looks like from the day that C125 became public and you were on notice that your district office wasn't included in your district until about June 20 when the Texas Legislature passed the congressional redistricting bill, there was a period of time in there that you personally could have contacted any member of the Texas Legislature to tell them that your district office wasn't in there and that you were upset about it?

MR. BLEDSOE: Object, argumentative, asked and answered. Go ahead and answer.

Q. (By Ms. Colmenero) He can make objections, but you can still answer the question.
Okay. Well, I was in touch with Senator West, and I was in touch with some House members. But I didn't even know the chairman, and I was still relying on what the commitment was to us. I'm not a part of the Texas Legislature, but I can -- I can say with reasonable assurance that the word did get -- did get there.

Q. Okay. And just so I understand because there have been a lot of maps circulated in this case over the last couple of years, were these maps that you were sending through Eric Opiela, were these sent during the 2011 legislative session, or was this sent during the interim plan process?

A. It could have been both.

A. Neither one of them.

Q. Okay. So you have -- there are two addresses?

A. I mean, my home nor my office.

Q. Okay. Yes. And so like your district office, one of the allegations that you're making in this case is that the Texas Legislature intentionally discriminated by removing your home from your district in Plan C185; is that correct?

A. Yes.
Q. Okay. So I want to look at what I'm going to mark as Exhibit 15 of this deposition.

(EXHIBIT NO. 15 WAS MARKED)

Q. (By Ms. Colmenero) And Exhibit 15 of this deposition is a memo or a letter sent on January 11, 2001 (sic), from Clare Dyer, who is one of the staff members or employees of the Texas Legislative Council, and this memorandum was sent to all members -- all elected officials in Texas including all the Texas congressional delegation. Do you see that on the top?

A. Yes. Where was it sent to?

Q. I don't know the exact address where it was sent to, but it shows that on Exhibit 15 that this is addressed to all members of the Texas congressional delegation.

A. Yes.

Q. Okay. And looking here in Exhibit 15, it sounds as though -- or according to Texas Legislative Council and the memo that they've written -- and we'll just look at this together. If you look at the first paragraph, in the second sentence, this is about Texas Legislative Council is preparing the map database that will be used for redistricting. And starting in the second sentence of the first paragraph, they state, "As we did in 1991 and 2000,
we plan to include the census block location of the residence of each member of the 82nd Legislature, the 112th Congress elected from Texas, and the State Board of Education in the database to enable legislators to consider the effect of any proposed district boundary changes on incumbent representatives."

And then if we skip down to the next paragraph of Exhibit 15, starting with the very first sentence of that paragraph, it states, "Council staff has obtained most members' residence addresses from the permanent address provided on the contest application form filed by candidates with the secretary of state and identified their census block locations. In order to verify that your residence location is correct, we have enclosed a map indicating the census block we have identified as the location of your residence and a form on which you can indicate if our information is correct. Unless you notify the council that the address or location indicated is incorrect and provide different information, this is the location that will be included in the redistricting database."

MS. MCLEOD: I just have a quick objection on the reading of that. It actually says, "In order to
verify that your residence location is correct, we have
enclosed a map indicating the census block we have
identified as the location of your residence and a form
for which you -- and a form on which you can indicate if

your address is incorrect." And I think you read
"correct."

MS. COLMENERO: Thank you, and I didn't
mean to do that.

Q. (By Ms. Colmenero) So do you see that -- that
language in Exhibit 15?
A. I see this language now.

Q. Okay. Do you recall receiving this memorandum
from the Texas --
A. I do not recall receiving this memorandum. What
I do recall, however, is that the secretary of state, all
of my filings, my residence, and my voting place have been
the same since 2007. Every document we submitted had my
name and my residence address on it.

Q. And so are you aware that the Texas Legislature
uses a mapping software program called Red Apple?
A. I've heard of Red Apple, yes.

Q. Okay. And are you aware of whether Red Apple
contains the addresses -- like if addresses are
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EDDIE BERNICE JOHNSON

20 automatically populated within the Red Apple mapping
21 software system?
22 A. I know that my maps had my address on them.

86:9–87:25
9 Q. Okay. And then if you look to the last page of
10 Exhibit 15, it shows where they have identified in the
11 census block location where your address -- your home
12 address is located. Do you see that there? And that's
13 the shaded portion of the last page of Exhibit 15.
14 A. This little map area?
15 Q. Yes.
16 A. Yes. I can't read it very well, but I see it.
17 Q. Okay. And so -- so according to the information
18 that TLC has compiled, this is where -- they are sending
19 this to you to suggest that this is where on the census
20 block location they believe your residence is.
21 A. It is.
22 Q. Okay. Does this appear to be correct?
23 A. It is correct.
24 Q. Okay. So to the extent that you received this
25 memorandum from the Texas Legislative Council -- and you

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1 may not recall receiving it -- you didn't respond because
2 is it your position that this would have been correct?
A. You know, this was correct, but I don't remember receiving it to respond.

Q. Okay.

A. But this was correct then. It's correct now.

Q. Okay.

A. It has been correct since 2007.

Q. And it appears to be correct not only in the address reflected in the appraisal district but also within -- where it appears within the census block?

A. Yes.

Q. Okay. So I want to show you Exhibit No. 16.

(EXHIBIT NO. 16 WAS MARKED)

Q. (By Ms. Colmenero) And I want to look at it side by side with the last page of Exhibit No. 15. So --

A. What part of 15?

Q. The very last page where it shows the census block location of where your residence is located. So if we look at the area that is shaded in in Exhibit 15, the shaded area of the census block location of your district, it appears -- wouldn't you agree that it appears to match that area right by Victory Avenue that still remains within CD 30 in Plan C185?

A. The back of my building faces Victory Avenue.
Q. Okay. And so let me just make sure I understand. So it's your testimony, then, that this shaded area that's reflected in the last page of Exhibit 15 shows the exact -- or shows the location of where your house is located in this map?

A. I can't really say that because I don't see any addresses on that area, and I have not seen this before this moment. Let me look at it again. Where is it? This is confusing because it has Houston and Victory as the same street. That's not the case.

Q. And I understand --

A. In the same general area, one side -- one side is Victory, the other side is Houston.

Q. And I understand that. And this isn't -- I mean, this is purporting to show a census block location, so it might be different from what we actually see when we look at a map. And so what I was just trying to compare was this general area to what we see when we look at it on District Viewer. And if you hold up the two side by side, wouldn't you agree with me that if this was the area that the Texas Legislative Council -- assume with me that this is the area that the Texas Legislative Council had
identified as where your district was, that that is the
same area that is shaded right here as being in
Congressional District 30?
A. I cannot be sure.
MR. BLEDSOE: Object, it assumes facts not
in evidence.
A. I can't assume.
Q. (By Ms. Colmenero) When did you learn that your
home had been left out of your district in the 2011
congressional redistricting plan?
A. When we saw the map.
Q. Would it be the same time frame as when you
realized that your district office had not been included?
A. No. I had noticed that my office was out
sooner.
Q. Okay. And --
A. And I had mentioned it to Opiela, and we had
sent a map to point that out. Then we sent several maps
to point out that my home had been left out.
Q. Was this time frame when you were sending
several maps --
A. I cannot tell you the exact dates because as I
told you earlier, I work every day in Washington. I don't
draw maps, and I'm not in the Texas Legislature. But I furnished the information.

Q. Okay. And you don't know who was receiving information?

A. Well, I was sending it through my staff that were following the Red Apple, and I also was communicating to Lamar Smith.

Q. Okay. But similar --

A. I did not talk to anybody in the Texas Legislature.

Q. Okay. During the 2011 legislative process, or was this with respect to the interim map process?

A. I don't remember --

Q. Okay.

A. -- whether -- where they were in terms of the time frame, but I can be almost certain that the information did get there.

Q. Okay. I'm almost reaching the end, and I just have a couple more areas that I want to ask you about.
One of the other areas that I've seen in your complaint, which I've marked as Exhibit 8 of this deposition -- and I guess I'll refer you to paragraph 22 again, which is page 8 of your second amended complaint. And if you look kind of towards the middle of paragraph 22, the complaint states that, "Congressional District 30 in the newly adopted plan packs District 30 with what is believed to be the largest percentage of African-American and Hispanic constituents during Congresswoman Johnson's tenure in Congress (85.2 percent)." Do you see that?

A. Yes.

Q. Okay. And just so I understand, the 85.2 percent, that's referring to a combined population of African-American and Hispanic, correct?

A. Probably African-American, Hispanics, and Asians.

Q. Okay. Just to help us, because there are a lot of numbers that are mentioned, I'm going to hand you what I'm going to mark as Exhibit 17 of this deposition --

(EXHIBIT NO. 17 WAS MARKED)

Q. (By Ms. Colmenero) -- which is a copy of the map of Plan C235, which was passed by the Texas Legislature in 2013. And the second page of Exhibit 17 shows -- has a report which is called the Red 116 report,
and it shows citizen voting age population of different demographic groups. And if you scroll to that second page down to where it shows District 30, it shows that District 30 has a Hispanic voting age population of 18.5 percent. Do you see that?

A. Yes.

Q. Okay. And it shows that District 30 has an African-American population -- we're just looking at the percentage of black alone column -- of 53.6 percent. Do you see that?

A. Uh-huh.

Q. Okay. And I want to talk to you about that in a second. But I had seen some -- you know, I read your trial testimony again in the Section 2 case, and in it you were asked to identify --

A. You've done better than I have because I haven't read it.

Q. -- some areas moved in and some areas moved out of your district. One of the areas that you had mentioned was the Balch Springs area. Is that an area that you believe should have been added into your district; is that
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fair?

A. That was in my district.

Q. It was?

A. It was taken out of my district.

Q. Okay. And so this is an area that you believe under -- that should have been put back into your district?

A. It was switched with Seagoville, which is primarily a large federal prison, and the inmates were counted as a minority portion. Balch Springs is an incorporated area that I had been working with very closely who came to me and said they had never had representation in Congress. It's a mixed area. I had been working with them and having some meetings on development and what have you, and it was removed. They couldn't understand it. They came to me about it. I could not understand it except that to put that large federal prison that I had never had in my district, added to a minority population percentage.

Q. And did the addition of the large federal prison that you say had a large minority population, did that add to your claim of packing? I mean, did that -- did that support your claim of packing?
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8  A.   No. It's packing without that.

9  Q.   Okay. And I'm glad you brought that up because

10 I did see the Seagoville -- you'd mentioned just a large

11 federal prison, and I did want to clarify that with you.

12 You're referring to FCI Seagoville, right?

13 A.   Seagoville is the prison. I've never seen it,

14 but it's out there.

15 Q.   Okay. And so I just want to show this to you.

16 It's Exhibit No. 18 of this deposition.

17 (EXHIBIT NO. 18 WAS MARKED)

18 Q.   (By Ms. Colmenero) And the first page of --

19 sorry, Gary. First page of Exhibit 18 is just the -- a

20 printout from the FCI Seagoville site from the Federal

21 Bureau of Prisons, and it shows the address of where FCI

22 Seagoville is. If you flip to the first page of Plan

23 C100, it shows that FCI Seagoville is located in, as

24 reflected in District Viewer, in Congressional District 5;

25 is that correct?

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1  A.   Yes.

2  Q.   And Congressional District 5 under Plan C100 was

3 represented by Congressman Hensarling, correct?

4  A.   I guess so.

5  Q.   Okay. And if we flip to the location of FCI
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Seagoville in Plan C185, it shows that Seagoville, under
the plan passed by the 2011 Texas Legislature, was still
located in Congressional District 5. Do you see that?
A. Yes.

Q. Okay. And then even if we flip to page -- Plan
C235, it shows that FCI Seagoville is still located in
Congressional District 5. Do you see that as well?
A. Well, one of these plans they had it in 30.

Q. Okay. But the plans that were passed --
A. But we did complain about it.

Q. Okay. But at least to the extent that the plan
by the 2011 legislature that was passed by -- that was
passed in 2011, the Seagoville prison was not included in
your district?
A. No. It was during the court action because it
was a court statement, if you remember, that mentioned it
and said to correct it.

Q. Okay. But to the extent that we're talking
about the 2011 plan passed by the Texas Legislature, it
appears in District Viewer that that federal prison was
located in Congressman Hensarling's district?
A. If you say so.

Q. Okay.
A. It's okay with me.

Q. Okay. And it also appears to be the case in Plan C235, correct?

MR. BLEDSOE: And again, only if you --

A. Yeah. I'm -- I'm not going to challenge what you're saying.

Q. (By Ms. Colmenero) And I just want to -- I'll just show you this because, you know, we just looked at the citizen voting age population numbers in Dallas, and we looked at the citizen voting age population numbers in Tarrant County. And I'm going to show you what I've marked as Exhibit 20 of this deposition, which shows -- this actually reflects VTDs that are at least 50 percent or more Hispanic or African-American total population.

So we're not just looking at citizen voting age population here. This is looking at majority Hispanic or African-American VTDs, the blue reflecting Hispanic and the green reflecting African-American. And so if we look to see -- and this shows actually the boundary lines of Plan C235, which was the plan passed by the Texas Legislature. It shows where the African-American
population is in Dallas as well as in Tarrant County or
where the VTDs of predominantly -- that are predominantly
African-American in Dallas and Tarrant County is. And it
shows that there's a significant number of them in your
current district, Congressional District 30. Is that fair?

A. Oh, yes.

Q. Okay. And then it shows that the other
predominantly African-American VTDs are located kind of
out in the west, kind of in the center of Tarrant County;
is that correct?

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A. Yes.

Q. Okay. And it's fair to say that there's --
there doesn't appear to be as heavily concentrated in that
area as it is in your district in Dallas; is that correct?
A. You're talking about both or what?

Q. Just in Tarrant County, just comparing Tarrant
County's predominantly African-American VTDs with the
number of predominantly African-American VTDs that are in
Dallas County.

A. No, there's not as many, clearly not as many.
4    Q.  (By Ms. Colmenero)  Okay.  So we're looking at
5    Plan C193, focusing on the Dallas County/Tarrant County
6    area.  This plan appears to draw your district, which is
7    Congressional District 30.  Do you see that?
8          A.  Yes.
9    Q.  And then it appears to also draw a district that
10   kind of goes -- kind of cuts into your district in Dallas
11   County but goes out into Tarrant County, which is
12   Congressional District 35.  Do you see that?
13          A.  Yes.
14    Q.  Okay.  And then it also appears underneath
15   Congressional District 35 to draw another district that
16   covers portions of Tarrant County as well as portions of
17   Dallas County.  Do you see that?
18          A.  Yes.
19    Q.  And that's Congressional District 34 in this
20   map, correct?
21          A.  Yes.
22    Q.  Okay.  So flipping to the next page of
23   Exhibit 21, we have another Red 116 report.  And I just
24   want to look at the demographics for Congressional
25   District 34 as well as Congressional District 35, which
are the two new districts that are essentially being proposed in this plan. And looking at Congressional District 34, it shows that the Hispanic CVAP is at 17.7 percent. Do you see that?

A. Is that 35, you're saying?

Q. 34.

A. Oh, yes.

Q. Okay. And the African-American CVAP is at 35.2 percent?

A. Uh-huh.

Q. Is that correct?

A. Yes.

Q. Okay. And then for district -- proposed District 35 in Plan C193, the Hispanic CVAP population is at 45.8 percent, correct?

A. Yes.

Q. Okay. And then the African-American population is at 15.8 percent, correct?

A. Yes.

Q. Okay. And so you would agree with me that neither of these proposed districts in this plan, District 34 or 35, have a single demographic group that is the majority of the citizen voting age population?
Q. Yes.

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A. And you know what, it's not that way in Dallas County, but we elect each other by voting together.

Q. Yes. But for purposes of this plan, neither demographic group is 50 percent or more of the citizen voting age population standing alone; is that correct?

A. According to these figures.

Q. Okay. Now, you mentioned --

A. I've never had one like that either.

Q. Okay. Well, in this district, your proposed District 30 in plan --

A. I mean historically, the districts that have been drawn for me in the past, I've never had that large of a population, and much more large than this.

Q. Okay. But in proposed districts C193, the proposed Congressional District 30 has a black CVAP population of 51.9 percent. Do you see that?

A. Yes.

Q. Okay. So what would be your district in this plan, you have a single demographic group that does cross the 50 percent threshold in this plan, correct?

A. Yes.
Q. Okay. And you mentioned -- we were -- that traditionally African-Americans and Hispanics have come together and voted together?
A. Yes.

Q. And so we have now in Plan C235 Congressional District 33. And that is represented by which congressman currently?
A. 33?
Q. Uh-huh.
A. Marc Veasey.
Q. Okay. And he's the first congressperson to hold the new Congressional District 33 office, correct?
A. Yes.
Q. Okay. And are you familiar with the 2012 election in Congressional District 33?
A. Yes.
Q. Okay. And in that election, there was a runoff in the Democratic primary between now Congressman Veasey and Domingo Garcia; is that correct?
A. Yes.
Q. Okay. And did you follow this election?
A. I did indeed.
Q. Okay. So going back to the election between now
Congressman Veasey, the runoff, and Domingo Garcia, how
would you describe the atmosphere during the election

A. Well, between those two -- well, first of all,
the first part of it, there were a number of people in it.
When it came down to the runoff is when the various
endorsements came, and that's when the elected Latinos
endorsed Veasey as well as I endorsed Veasey.

Q. Okay. Do you believe that black voters
supported Domingo Garcia in the primary runoff?

MR. BLEDSOE: Objection, assumes facts not
in evidence and calls for speculation.

A. I didn't look at who voted for whom.

Q. (By Ms. Colmenero) Okay. Do you believe that
Hispanic voters supported now Congressman Veasey in the
primary runoff election?

MR. BLEDSOE: Object, calls for
speculation, assumes facts not in evidence.

A. I just know he won.

Q. (By Ms. Colmenero) Okay. And have you done any
kind of racially-polarized voting analysis to determine whether or not African-Americans and Hispanics came together in the primary election to support Congressman Veasey?

Q. Okay. So just have one more topic to cover, and then I'll be done. We talked a little bit about the 2013 plan that was passed by the Texas Legislature this past session, that being Plan C235. And you mentioned to me that you weren't aware that the legislature had passed --

A. I think of it as a court plan.

Were you aware that the Texas Legislature met and considered and passed Plan C235 as the new congressional redistricting plan?

A. I was aware that they endorsed a plan to pass something that the court had said was a one-time plan.

Q. Okay. During this past legislative session, which would have been from -- well, it started in January 2013, and the legislature passed the congressional redistricting plan during the first special session of the 2013 session. Were you aware that the legislature had multiple field hearings throughout the state during the
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24 special session?
25
     MR. BLEDSOE: Objection, assumes facts not in evidence, mischaracterizes testimony.

1     A. I know there were some hearings going on. I don't know when they were or where they were.
2     Q. (By Ms. Colmenero) Okay. And if there were field hearings here in Dallas to hear public testimony regarding the proposed redistricting plans the legislature was considering, were you aware of those field hearings?
3     A. I think I might have gotten a notice, but I work in D.C. Monday through Friday.
4     Q. Okay. And to the extent that you had any concerns regarding the 2013 -- you had any concerns regarding Plan C235, which was the plan just passed by the Texas Legislature, did you make any attempt to communicate with members of the Texas Legislature during the 2013 session?
5     A. Well, my position was the same as it was because I'm operating under the assumption that the plan was for one election. That's what the court said. And then after we went through this, we'd be back in court. So my focus was getting back in court.
6     Q. Okay. But while the 2013 session was going
A. I didn't interfere with anything to do with the Texas Legislature. I work in the Congress.

Q. Okay. And that included you didn't attend any kind of -- if there was a hearing here in Dallas, you did not attend, correct?

A. If it was a hearing here, it was probably Monday through Friday. I work in Washington Monday through Friday.

Q. And if you were aware of that hearing --

A. I always try to make sure that when I'm aware of something like that, that other people are aware of it and other people attend. But I don't leave my job to attend the public hearing of the legislature.

Q. Okay. Do you recall encouraging any of your constituents to attend the hearing here in Dallas and express --

A. I don't recall.

Q. Okay. Do you recall asking anyone on your staff or delegating to anybody to go and speak on your behalf to voice any kind of concerns you had with Plan C235?

A. I don't recall.
State Defendants’
Congressional Text Designations for
Marc Veasey
2 Q. (By Ms. Colmenero) Like I said, I'm here on

3 behalf of the Attorney General's Office. Can you please

4 state your full name for the record?

5 A. Yes. Marc Veasey, V-E-A-S-E-Y.

9:24-10:14

24 Q. Okay. And what is your current occupation?

25 A. U.S. Congressman.

Page 10

1 Q. Okay. And you currently represent Congressional

2 District 33; is that correct?

3 A. That is correct.

4 Q. Okay. And when were you first elected to that

5 district?

6 A. In 2012.

7 Q. Okay. And so you've held that position from

8 2012 to present; is that correct?

9 A. I was elected in 2012. I was not actually sworn

10 into the office until January 3, 2013.

11 Q. Okay. So from January 2013 to present, you've

12 held the position of congressman for Congressional

13 District 33?

14 A. That is correct.
10:17-11:6

17 Q. And what elected position did you hold prior to
18 being the congressperson for Congressional District 33?
19 A. In 2004, I was elected to the Texas Legislature
20 in the House of Representatives, and I was sworn in in
22 Q. Okay. So from January 2005 until the beginning
23 of January 2013, you held the position of Texas
24 representative?
25 A. That is correct.

Page 11

1 Q. Okay. Can you describe the demographics of your
2 congressional district for us?
3 A. I can generally describe the demographics. I
4 don't have the exact, you know, percentages, so I don't
5 want to get into that. But it is a 60 percent Latino,
6 about 18 percent African-American district.

12:3-7

3 Q. I'm sorry, the 2011 Texas legislative session
4 when you were still serving as a member of the Texas House
5 of Representatives, you were a member of the Redistricting
6 Committee; is that correct?
7 A. That is correct.
12:19-13:1

19 Q. Okay. And from what I understand, you also
20 served on the Redistricting Committee prior to the 2011
21 legislative session. Were you appointed in 2009?
22 A. Yes.
23 Q. Okay. And the reason I ask that is because you
24 did, in fact, attend and serve on the committee during the
25 interim between the 2009 session and the 2011 session?

Page 13
1 A. Yes.

14:23-16:24

23 Q. But your district, you contend, is an
24 African-American opportunity district. How many other
25 districts do you believe should be created within

Page 15
1 Dallas/Fort Worth such that the area's population growth
2 would be accurately represented?
3 A. I believe that without fragmenting, you know,
4 neighborhoods of interest that are African-American and
5 Latino, that you can, in fact, have two African-American
6 districts in the North Texas area and one district that
7 would elect a Latino or Latino population would be able to
8 elect the candidate of their choice in the district. And
9 so -- but the way that the districts are drawn now with so
10 many of the neighborhoods with neighbors, you know, being
11 fragmented from one another, then you have two seats that
12 are African-American instead of three seats.
13 Q. Okay. And so you're referring -- so when you
14 look at Plan C235, there's your district?
15 A. Correct.
16 Q. And you've been elected in this district?
17 A. Correct.
18 Q. And you were elected in 2012, correct?
19 A. Correct.
20 Q. Okay. So you've only -- your district has only
21 had one election, one complete election cycle so far,
22 correct?
23 A. One complete election cycle meaning fall --
24 meaning spring primary and general election?
25 Q. Exactly.

Page 16

1 A. That would be correct.
2 Q. And you're currently in the middle of your
3 second election cycle for Congressional District 33,
4 correct?
5 A. That is correct.
6 Q. Okay. And then the other minority district that
7 is currently in the Dallas/Fort Worth district would be
8 Congresswoman Johnson's district; is that correct?

9 A. That is correct.

10 Q. And Congresswoman Johnson, for the record, is
11 what race?
12 A. African-American.

13 Q. Okay. So your contention is that in addition to
14 Congresswoman Johnson's district and your district, there
15 needs to be one more Hispanic district; is that correct?
16 A. There needs to be a Hispanic district.

17 Q. Thank you. Now, you were a plaintiff back in
18 the 2011 -- well, the first round of the Section 2
19 litigation that kind of started in 2011, correct?
20 A. Yes.

21 Q. And as a plaintiff, do you recall there being
22 demonstration maps where parties tried to propose new
23 Hispanic districts up in the Dallas/Fort Worth area?
24 A. Yeah, I believe so.

17:16-19:10

16 (EXHIBIT NO. 1 WAS MARKED)

17 Q. (By Ms. Colmenero) I want to show you, just to
18 refresh your memory, this is a blowup of Congressional
19 Plan C190, and this shows the Dallas/Fort Worth area. It
20 shows a proposed congressional district in this area,
21 which is listed as Congressional District 6?
22 A. Yes.

23 Q. This was a proposal made by the Latino Task

24 Force in a demonstration plan. I'll represent to you that

25 this was the only plan that currently exists out there

Page 18

1 where they were able to get the Hispanic CVAP numbers

2 above 50 percent. So do you recall this being presented,

3 or do you recall seeing this map during the litigation?

4 A. Yes, I do remember seeing this map.

5 Q. Okay. Now, I just want to -- we talked about

6 the demographics of your current district, Congressional

7 District 33, in Plan C235. I want to run through those

8 demographics with you, so I'm going to hand you what I'm

9 marking as Exhibit No. 2 of this deposition.

10 MS. COLMENERO: Just so the record is

11 clear, I handed him Exhibit No. 1, which was a blowup of

12 the DFW region of the Congressional Plan C190.

13 (EXHIBIT NO. 2 WAS MARKED)

14 Q. (By Ms. Colmenero) Congressman Veasey, I'm

15 handing you Exhibit No. 2, which is a map of Plan C235.

16 Behind that is a Red Apple report called Red 116 which

17 reflects demographic data from the American Community

18 Survey. Do you see that there?

19 A. Yes.
20 Q. Okay. And your current congressional district, CD 33, down at the bottom, you would agree with me that looking at Red 116 that it is 40 percent HCVAP; is that correct?

24 A. Let's see. Yes.

25 Q. Okay. And when we use HCVAP, you understand that to mean citizen voting age population?

2 A. Citizen voting age population, yes.

3 Q. Perfect. And looking at the African-American citizen voting age population of your congressional district, it is 25.1 percent. Do you see that?

6 A. Yes.

7 Q. Okay. And then the Anglo or white alone percentage of citizen voting age population is listed at 31.3 percent. Do you see that?

10 A. Yes.

19:19-21:6

19 Q. (By Ms. Colmenero) And this was the plan that was -- let me rephrase. This was the plan that was adopted by the San Antonio court as an interim congressional plan for the 2012 election?

23 A. Yes.

24 Q. Okay. And then this is the same configuration
that the legislature then adopted during the 2013 special session; is that correct?

A. Yes.

Q. Okay. And when we look at the demographic CVAP numbers for your congressional district, you would agree with me that no one demographic group currently is a majority of the population in that district?

A. Yes.

Q. Okay. And you would agree with me that out of all the different demographic groups that are in Congressional District 33, that the Hispanic population has the largest citizen voting age population base?

A. According to this chart, yeah, that would be correct, yes.

Q. Okay. Now, I want to focus on the 2012 election that just -- well, not that just occurred but that did occur in Congressional District 33 a couple of years ago. And we talked about how this was the first election for CD 33 since it was newly created, correct?

A. Correct.

Q. And during the primary election, there were -- it was a contested election, meaning you had opponents, correct?
23 A. That is correct.

24 Q. Okay. And how many different individuals ran in that very first primary election for CD 33?

Page 21

1 A. In round one, there were -- if I'm not mistaken, I believe there were altogether, including myself, I believe there are 11 candidates.

2 Q. Okay. And after that race where there were 11 candidates, was there then a runoff election?

6 A. There was a runoff election, yes.

22:13-18

13 (EXHIBIT NO. 3 WAS MARKED)

14 Q. (By Ms. Colmenero) And so I just want to introduce this into the record. I'll list this as Exhibit No. 3, which is the race summary report from your 2012 primary election round one.

18 A. Okay.

22:22-28:8

22 Q. (By Ms. Colmenero) If you flip to the very last page or the last couple of pages, I believe that's where your congressional district is listed there. I'll note on the record I did not print out all 48 pages of the race summary report in order to conserve paper.
Q. And just so the record is clear, Exhibit No. 3 has the entire list of all of the candidates who ran in the primary election in the first round, correct?

A. Yes.

Q. Okay. And then it shows that -- down at the bottom where it has the actual number of voters who voted, it shows that there were 18,868 voters who voted in that election; is that correct?

A. Yes, that is correct.

Q. Okay. Now, Congressman Veasey, it looks like, if you look at the percentage results here, that you received 36.7 percent or 36.8 percent of the vote in this election, correct?

A. That is what I'm looking at, yes.

Q. And the next highest vote getter would have been Domingo Garcia, is that correct, with 24.98 percent of the vote?

A. Yes, that is correct.

Q. Now, was there a runoff election between you and Domingo Garcia?

A. That is correct.

Q. Okay. And who ultimately won the runoff election? It was you?
1 A. I won, correct.

2 (EXHIBIT NO. 4 WAS MARKED)

3 Q. (By Ms. Colmenero) Here is a copy of Exhibit No. 4, which is the secretary of state's report of the 2012 Democratic Party primary runoff, which was held on July 31, 2012. If we flip to the second page, this shows the results of that election, correct?

4 A. That is correct.

5 Q. And it shows that Domingo Garcia received 47.27 percent of the votes, correct?

6 A. Correct.

7 Q. And that Marc Veasey received 52.72 percent of the vote, correct?

8 A. Correct.

9 Q. Do you believe that in the 2012 primary election, that African-American voters and Hispanic voters within Congressional District 33 voted cohesively?

10 MR. HEBERT: Object only to the extent it calls for a legal conclusion, can call for a legal conclusion, but it doesn't have to call for a legal conclusion.

11 A. When you -- I'm sorry, I don't understand -- I don't quite understand the question. Are you talking
24 about for the primary or you mean for the general
25 election?

Page 25

1 Q. (By Ms. Colmenero) Let's focus right here on
2 the runoff election between you and Domingo Garcia.
3 A. Yes.
4 Q. And do you believe in this 2012 primary runoff
5 election that African-American voters and Hispanic voters
6 voted cohesively in this election?
7 A. Can you ask me the question another way?
8 Q. Sure. Do you believe that African-American
9 voters supported Domingo Garcia in this election?
10 A. No, I do not believe that.
11 Q. Do you believe that African-American voters and
12 Hispanic voters supported the same candidate in this
13 runoff election?
14 A. No.
15 Q. Okay. And the reason I'm asking is -- and just
16 to refresh your memory, during the Section 5 preclearance
17 litigation, you were a witness. I think you testified in
18 D.C., correct?
19 A. Yes.
20 Q. Okay. And I believe during questioning there --
21 and I'll introduce to you what is your trial testimony
from the D.C. case, which I'm designating as Exhibit No. 5
to this deposition.

(EXHIBIT NO. 5 WAS MARKED)

Q. (By Ms. Colmenero) I'll direct you to a page in
it, and it is at -- if you turn to page 49 of the document
that I just gave you.

A. (Witness complies.)

Q. There is beginning at page -- I'm sorry, line
18, there is some questioning from Judge Howell, who is
one of the judges from the D.C. court. And she asks you a
question, and I'll just read it.

"While we're doing that, if I could just ask you
a question, Senator Veasey. You talked about how blacks
and Hispanics vote cohesively in Tarrant County. Do you
also -- are you limiting that to Tarrant County, or is
that really just -- it's where you're most experienced,
clearly. But would you say that's the case in the
Dallas/Fort Worth area, or can you make --"

And then you respond, "Yes, absolutely. That
would be the case in the Dallas/Fort Worth area,
absolutely. I mean, even where you go over to Dallas
County and you look at the fact that we have an
African-American district attorney and we have a Hispanic
sheriff, who is also a lesbian, we would not have been able to elect those candidates had it not been for the African-American and Latino communities coming together. There is absolutely no way. It would not have happened."

And then she asks you the next question, which is, "And outside of the Dallas/Fort Worth area, I mean, how strongly can you -- how strongly do you feel that blacks and Hispanics vote cohesively in Texas?"

Your response is, "When you look at the Dallas/Fort Worth area, the Houston area, the Austin area, it's clear that African-Americans and Hispanics vote cohesively, absolutely." Did I read that correctly?

A. Correct.

Q. Okay. And so the reason I wanted to kind of refresh your memory by looking at this trial testimony that you provided in the Section 5 case, you testified before that you believe African-Americans and Hispanics vote cohesively in the Dallas/Fort Worth area, correct?

A. In this particular case, I was referring to the general election and not the primaries. And I would say that in these general elections, that yes, African-Americans and Hispanics do come together to vote as a block or cohesively.
18 Q. And in those general elections where
19 African-Americans and Hispanics come together to vote as a
20 block, that's after they've -- both of those groups have
21 kind of voted in the primary and elected their candidate
22 who will then go forward in the general election, correct?
23 A. That is correct.
24 Q. Okay. But when we look at primary races where
25 sometimes there's a choice with multiple candidates
Page 28
1 running in the primary, it's fair to say that
2 African-Americans and Hispanics sometimes don't vote
3 cohesively; is that correct?
4 A. I wouldn't want to speak about, you know,
5 anything nationwide or statewide. But I can tell you that
6 in my case, for my particular race, that it was
7 African-Americans that provided the, you know, majority of
8 the vote that helped me to get elected.

28:25–33:25

25 (EXHIBIT NO. 6 WAS MARKED)

Page 29
1 Q. (By Ms. Colmenero) And this is a chart from
2 another expert. It's from Professor Alfords. I'll
3 represent to you that this is a chart that shows what's
4 called an ecological inference voting analysis, and it's
5 done for your particular district, which is Congressional
6 District 33. If you turn to the second page of this chart
7 that we're looking at, the EI analysis is done not only
8 with respect to round one of the 2012 Democratic primary,
9 which is the first set of figures represented -- do you
10 see that?
11 A. I'm sorry, say that again.
12 Q. I said if you look down, it shows the EI
13 analysis performed for round one of the 2012 Democratic
14 primary, which it lists 2012 Democratic primary.
15 A. Right.
16 Q. Okay. And then below that, it shows the 2012
17 Democratic primary runoff. Do you see that?
18 A. Correct.
19 Q. Okay. And that's the one I want to focus on
20 here. If you look at how this chart is formulated, it
21 shows the estimated votes for candidate for various
22 demographic groups. The first column is Anglos. The
23 second column is for the percentage black votes for
24 candidate, and then the third column is the percentage
25 Hispanic votes for the candidate. Do you see that?
Page 30
1 A. Yes.
2 Q. Okay. And so if we look at Domingo Garcia in
the 2012 Democratic runoff and we look down at the
estimated percent Hispanic votes for that candidate, it
shows that number to be 79.9 percent. Do you see that?
A. Yes, I do.

Q. Okay. And then if we look down at the estimated
percent African-American votes for Domingo Garcia, it
shows that number to be 10.9 percent. Do you see that?
A. Yes.

Q. Okay. So just according to this chart, if we're
looking at this chart here, it would show that
Hispanics -- the estimated percentage of vote for
Hispanics for Domingo Garcia is much higher than the
estimated vote of African-Americans for Domingo
Garcia in that election, correct?
A. Yes.

Q. Okay. And then if we look to see for you,
Congressman Veasey, and we look at how you fared under
this EI analysis, it shows that the estimated percent
African-American votes for the candidate, you, was at
89.1 percent. Do you see that?
A. That is correct.

Q. Okay. And then we look to see at the estimated
Hispanic votes for you in the 2012 Democratic runoff,
1     that's at 20.1 percent. Do you see that?
2 A. According to this chart, yes, I do see that.
3 Q. Okay. And so then according to this chart, it
4 shows that overwhelmingly African-American candidates
5 supported you instead of Domingo Garcia?
6 MR. HEBERT: Object only to the form of the
7 question, Angela. You said it shows that African-American
8 candidates supported him. You meant African-American
9 voters.
10 MS. COLMENERO: I did, I meant
11 African-American voters. Thank you.
12 A. Yes.
13 Q. (By Ms. Colmenero) Okay. And it shows then
14 that Hispanic voters overwhelmingly supported Domingo
15 Garcia in the 2012 Democratic primary runoff?
16 A. That is correct.
17 Q. Okay. And so this would be an instance where
18 when voters in the primary election, when they are faced
19 with two candidates of two different races, you have an
20 African-American candidate and you have an Hispanic
21 candidate, this election is then an example of where these
22 different demographic groups don't vote together? You
23 don't see African-American and Hispanic voters voting
24 together?

25 A. According to this chart, that would be absolutely correct.

Page 32

2 Q. Okay. In fact, you see those demographic groups voting for their own preferred candidates of choice?

3 A. Correct.

5 Q. Okay. And you mentioned earlier that -- you said that it was the African-American votes that really kind of helped you get elected in the 2012 primary election?

6 A. Yes.

10 Q. And can you kind of give me a little bit more context about that? Why do you believe that it was those votes that kind of helped you win your primary election?

12 A. Well, I mean, it was clear during the first round and the second round of the primary process that took place in 2012 that African-American voters were going to be the voters that chose the candidate that they wanted to be the nominee for Congressional District 33.

18 Q. And was that because they were turning out to vote in higher numbers than the Hispanic voters within your district?

21 A. Yes.
Q. Okay. And, you know, in this EI analysis we're looking at that I've marked as Exhibit No. 6, the first page, if we can turn to that, it actually shows estimated turnout percentages for the different demographic groups.

If we look at the 2012 Democratic runoff, you would agree with me that this chart shows that the estimated turnout percent for African-Americans is at 11.2 percent? Do you see that?

A. Yes.

Q. And this chart also shows that the estimated turnout percent for Hispanics is only at 2.5 percent, correct?

A. Yes.

Q. Okay. So Hispanics, who have the largest demographic citizen voting age population within Congressional District 33, are clearly -- are here, at least, with the 2012 Democratic runoff, they weren't turning out to vote to the same level as African-Americans, were they?

A. That would be correct.

Q. Okay. And African-Americans within Congressional District 33 who have -- I believe we were looking at their demographic numbers, and it's less than
the Hispanic demographic numbers for citizen voting age
populations. They are clearly turning out to vote almost
like five times the amount of the Hispanic population?
A. According to this chart, yes, African-Americans
are turning out at higher numbers.
Q. Okay.
34:20-35:17
Q. (By Ms. Colmenero) In terms of your election in
the 2012 primary runoff between you and Domingo Garcia,
I've also printed out the primary runoff results for both
Dallas County and Tarrant County. I just want to show
those to you as well.
(Q. (By Ms. Colmenero) So I'm handing you what I've
marked as Exhibit No. 7, which is the 2012 Democratic
primary runoff results just for Dallas, and Exhibit No. 8,
which is the 2012 Democratic primary runoff results for
Tarrant County.
A. Okay.
Q. And if we look at Exhibit No. 7, which is the
results for Dallas County, you would agree with me that it
shows that Domingo Garcia received the -- received
70 percent of the votes in the runoff as compared to your
11 29.9 percent of the votes, correct?
12 A. Yes, that is correct.
13 Q. Okay. And if we flip over to Tarrant County
14 results, the results kind of flip themselves. You
15 received 68.4 percent of the vote as compared to Domingo
16 Garcia only receiving 31.5 percent of the vote, correct?
17 A. That is correct.

35:24–36:7

24 Q. Sure. Are the precincts -- would it be fair to
25 say that the precincts that are more Tarrant County based
Page 36
1 in Congressional District 33 are the ones that are
2 typically more African-American?
3 A. I would say that there are more African-American
4 voters in the Tarrant County portion of the district than
5 in the Dallas County portion.
6 Q. Dallas County tends to be more Hispanic?
7 A. I wouldn't necessarily say that, no.

36:15–38:8

15 (EXHIBIT NO. 9 WAS MARKED)
16 Q. (By Ms. Colmenero) And just to help you because
17 I know it's -- sometimes looking at pictures are easier
18 for me, too. I'm going to hand you what I'm going to mark
19 as Exhibit No. 9, which I'll represent to you -- I'll
represent to you is a map that shows the Congressional
Plan C235 with VTDs that are at least 50 percent Hispanic
or African-American population. I'll represent to you
that this just shows total population. We're not looking
at voting population or citizen voting age population.
A. Okay.

Q. And so if you look in the upper left-hand corner
of this map that I've shown you, it shows a blowup of
Dallas/Fort Worth.
A. Yes.

Q. And the blue represents 50 percent or more
Hispanic. Do you see that?
A. Right, yes.

Q. And the green represents 50 percent or more
African-American. Do you see that?
A. Yes.

Q. And just so to help us visualize this, at least
according to this map that I'm showing you, it does tend
to show that at least in the Dallas County portion of
Congressional District 33, which is outlined in red
there --
A. Right.

Q. -- the precincts tend to be a little bit more
18 Hispanic than African-American, correct?

19 A. Yes.

20 Q. Okay. And then if we look over in Tarrant County, you see a little bit more -- well, you see more African-American precincts than you would in Dallas County?

23 A. That is correct.

25 Q. Okay. And so this is just -- the reason I wanted to ask you is because you told me that you believed it was the turnout of African-Americans that kind of helped you win the runoff between Domingo Garcia in 2012. If that is true, as you said, is that because of the large turnout you must have had within Tarrant County of African-Americans that helped you prevail in that primary runoff?

2 A. That would be one of the reasons, yes.

39:16-40:16

16 Q. (By Ms. Colmenero) So after round one of the primary when you got to the runoff election with Domingo Garcia, how would you describe that contest between you and Domingo Garcia? Was it a friendly race?

20 A. It was a very competitive race.

21 Q. Okay. Why would you describe it as being a very
22 competitive race?

23 A. Because, you know, for me, I mean, I was -- you know, I didn't have nearly as much money as my opponent, and I didn't have -- come close to having nearly as much name ID as my opponent. That made the race very, very competitive.

Q. Okay. And Domingo Garcia, he's a former state representative, correct?

A. Yes, he is a former state representative.

Q. And he was also involved in local politics here within Dallas County for some time, correct?

A. Yes. He served on -- he served on the Dallas City Council and, you know, is an attorney that pays a lot of money to put billboards up all around town. So because of that, he has an extremely high name ID and he has a lot of money.

Q. And so when you ran against Domingo Garcia in the 2012 primary election, did you consider him to be a formidable opponent?

A. Very much so

Q. And you said it was a very competitive race, you know, for those reasons that were specific to Domingo...
Garcia, his money and his name recognition. But were
there also some -- I know sometimes races can get
competitive in terms of the remarks the candidates trade
back and forth. Were there some remarks that were traded
back and forth between you and Domingo Garcia?
A. Yes. We had -- there were several candidate
forums, television interviews, yes.
Q. Okay. And I'll just -- I saw this article, and
so I just wanted to ask you about it. And this is an
article from the Burnt Orange Report. I'll hand this to
you, which I'm marking as Exhibit No. 10.
(EXHIBIT NO. 10 WAS MARKED)

Q. (By Ms. Colmenero) Okay. I'm sorry. This is
an example of a remark that Domingo Garcia used about you
during the runoff election?
A. That is correct.
Q. Okay. And was this a remark that you, yourself,
personally found offensive by Domingo Garcia using it to
describe yourself?
A. Yeah, very offensive.
Q. Okay. And why did you believe this to be an
offensive remark?
2 A. Well, you know, being from Texas and, you know,
3 being part of the South, my family being long-time Texas
4 residents, the use of the word "boy" to describe an adult
5 black male is considered very offensive.
6 Q. And this is, you know, an Hispanic candidate
7 using this against yourself, who is an African-American
8 candidate in this contested primary election, correct?
9 A. That is correct.
10 Q. Okay. And, I mean, would you -- well, when you
11 served as a member of the Texas Legislature, did any of
12 your fellow legislative members ever make such a remark to
13 you?
14 A. I do not recall that, any remark like that being
15 made to me.
16 well, you also prevailed in the general election, correct?
17 Q. You had a Republican challenger; is that correct?
18 A. Not in 2014.
19 Q. I'm sorry, in 2012.
20 A. Yes, in 2012, yes.
21 13 Q. So you knew that there would be kind of -- the
22 14 minority population would kind of vote together in the
23 15 general election to support the Democratic candidate,
16 correct?

17 A. Yes.

18 Q. But you knew that those two different minority
19 groups, if they were faced with their own preferred
20 candidates of choice, that that's where things could be
21 somewhat competitive in a primary?

22 A. Correct.

49:3-50:7

3 (EXHIBIT NO. 11 WAS MARKED)

4 Q. (By Ms. Colmenero) I'll hand you what I'm
5 marking as Exhibit 11, which is going to be a copy of the
6 map of C238, which is the Anchia plan, and a copy of the
7 Red 116 report, which is the American Community Survey for
8 Plan C238 that shows the different demographic figures in
9 there. Let me get one for the lawyers.

10 So, Congressman Veasey, is this -- would you
11 agree with me that Plan C238 is a -- what I'm showing you
12 is a statewide version or statewide map of the Anchia
13 plan?

14 A. Yes.

15 Q. Okay. And I want to focus, if you're looking at
16 the map, which is part of Exhibit No. 11, and we look in
17 the far right-hand corner, it shows the blowup of DFW. It
18 looks like there are a couple of districts over there in
19 that area that we want to focus on. I want to look at
20 District No. 3, District 33, and District 30. Do you see
21 those?
22 A. Yes.
23 Q. So we turn to the Red 116 report, and we look at
24 the demographics for Congressional District 3 in this
25 proposed plan.

1 A. Yes.
2 Q. It would show that the Hispanic CVAP is at
3 44.1 percent, correct?
4 A. Yes.
5 Q. Okay. And then the black CVAP is at
6 14.7 percent, correct?
7 A. Yes.

17 Q. Would you
18 agree with me, then, that Congressional District 3 is
19 attempting to provide an opportunity for Hispanics to
20 elect their preferred candidate?
21 A. Yes.
22 Q. Okay. And if we look down at Congressional
23 District 30, this would be Congresswoman Johnson's
24 district, correct?
25 A. Correct.

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1 Q. Okay. And if you look at the Hispanic CVAP numbers, that is at 14.5 percent, correct?

2 A. Correct.

3 Q. And if you look at the black CVAP numbers, that is at 48 percent, correct?

4 A. Correct.

7 Q. Okay. So this district in this proposed plan is attempting to create a district that would provide the opportunity for African-Americans to elect their candidate of choice?

11 A. Yes.

12 Q. Okay. Now, if you look at Congressional District 33 in this proposed plan, it shows the Hispanic CVAP numbers at 17.0 percent, correct?

15 A. Yes.

16 Q. And 37.3 percent -- I'm sorry, 37.3 percent for the black CVAP numbers. Do you see that?

18 A. Yes.

19 Q. And this is -- Congressional District 33 in this proposed plan, this would be the district that you would serve in; is that correct?

22 A. If the voters gave me the opportunity, I would
23 hope so.

24 Q. But you're the incumbent in this proposed
district?

Page 52

1 A. Yes.

2 Q. Okay. So looking at both just the CVAP numbers
for both Hispanic and black in each of these proposed
districts that we just looked at, you would agree with me
that no one single demographic group gets above 50 percent
CVAP in either the Hispanic category or the
African-American category; is that correct?

8 A. According to this, that seems to be correct.

52:14-53:2

14 Q. (By Ms. Colmenero) I'm sorry. Congressional
District 3, we see it at 44.1 percent, and it's still not
cresting 50 percent for HCVAP; is that correct?

17 A. That is correct.

18 Q. Okay. And the same for both of the two
districts, CD 30 and CD 33, neither of those reach
50 percent black CVAP; is that correct?

21 A. That is correct.

22 Q. Okay. So at the end of the day, at least in the
Dallas/Fort Worth area, none of those three proposed
districts that are in the Anchia plan provide citizen
25 voting age population over 50 percent for any demographic group?

A. That is correct.

53:18-25

Q. Okay. Have you done any analysis in terms of the compactness for this district or looked at any of those reports?

A. I would say that to me, the district, you know, appears to be as compact as the one that I'm currently serving in. But as far as being able to answer a compactness question because I'm not that kind of an expert, I would need to refer to my attorney on that.

54:8-55:18

Q. (By Ms. Colmenero) So if we look at the compactness scores, I'll represent that this is Red Report 315 from the Texas Legislative Council for Plan C238. If we look at the compactness scores for those three districts in DFW we were just talking about, it shows that for Congressional District 3, the compactness score is at 0.333. Do you see that for area rubber band?

A. In 238?

Q. Yes.
18 A. You're looking at 238?
19 Q. Correct.
20 A. Okay.
21 Q. And then for proposed Congressional District 30, the compactness score is at 0.595, and if we look at Congressional District 33, the compactness score is at 0.575; is that correct?
25 A. Yes.

1 Q. And I'll represent to you that the closer these scores -- as the report reflects down at the bottom, the closer that the scores get to one, that signifies the district is more compact.
5 A. Okay.
6 Q. So if we compare these scores -- well, I'm sorry, before we look at Plan C235, if we look at Plan C238 again, you would agree with me that out of all of the scores for all the congressional districts in Plan C238, that Congressional District 3, which is what the Anchia plan is -- what's being proposed in the Anchia plan that has roughly 44.44 percent HCVAP, that that district has the -- is the least compact out of all of the congressional districts proposed in that plan?
15 MR. HEBERT: Compact as measured on this
16 chart?
17 MS. COLMENERO: Exactly.
18 A. Yeah.

55:22-24

22 Q. (By Ms. Colmenero) So it has the lowest area rubber band scores?
23 A. According to what I'm looking at, yes.

58:8-22

8 Q. Okay. Have you done any analysis with respect to the Anchia plan to determine whether or not these would be districts where African-Americans and Hispanics would vote cohesively such that they would be able to elect their candidates of choice?
9 A. In -- are you referring to a general election or a primary election?
10 Q. Let's talk about primary first.
11 A. Okay.
12 Q. Have you done any analysis to determine whether or not in any of these districts that African-Americans and Hispanics would vote cohesively such that they would have the opportunity to elect their candidates of choice?
13 A. I have not done any analysis of these districts.
59:1-4

1 Q. So it's fair to say that when you're looking at
2 the Anchia plan, you're kind of just analyzing it using
3 demographic data; is that fair?
4 A. That is correct.

59:20-60:5

20 Q. (By Ms. Colmenero) Congressman Veasey, we're
21 back on the record after a short break. I want to shift
22 gears, and I want to talk about one of the other issues
23 that you raised in your complaint.
24 In particular, it seems to be focused a little
25 bit on Congressional District 30 and your contention that
Page 60
1 certain economic engines and historically active
2 communities that were important to voters within that
3 district were removed from that district in the current
4 Plan C235. Is that a fair statement?
5 A. That's correct.

63:2-16

2 Q. Okay. And why is it important from a
3 congressperson's perspective to have an economic engine
4 within your district?
5 A. A lot of congressmen and congresswomen like to
6 have those things in their districts for a variety of
7 different reasons. Some people like to have those things
8 in their districts so they can raise money. Some people
9 like to have those things in their district because if any
10 of those economic engines need assistance in Washington
11 D.C., then they are the person that the representatives
12 from those companies go to to ask for help. So
13 sometimes -- so generally speaking, the congressman and
14 congresswoman that has those economic engines in their
15 district, if something big is going on, they have to go to
16 them first to seek that assistance.

66:16-67:20

16 Q. (By Ms. Colmenero) Sure. Let me ask you this
17 question, Congressman Veasey: Do you have any personal
18 knowledge regarding the claims regarding the loss of
19 economic engines from CD 30?
20 A. I mean, yes. I mean, the Oak Lawn/Turtle Creek
21 area would be the one that jumps out at me.
22 Q. Sure.
23 A. Not only do you have, you know, residents like
24 you talked about in your questioning earlier, but you also
25 have lots of, you know, businesses in that area that a

Page 67

1 person would want to have in their district.
2 Q. And so let's take that as an example. You
3 mentioned Oak Lawn/Turtle Creek.

4 A. Yes.

5 Q. Why specifically would you consider that an economic engine?

6 A. You have a very -- it's a very affluent -- most people consider it a very affluent area. You have a lot of high-rises in the area. You have areas that are very -- well, like the Crescent, which is a very high-end area, that's where lots of -- where the business community come together to meet quite often. Like everyone -- I say everyone. Most people that do business in downtown Dallas know that the Crescent and places in the Oak Lawn/Turtle Creek area are places where businesses come together to meet and make deals and make things happen in the city.

17 Q. Okay. And is there a particular business that comes to mind when you mention Oak Lawn/Turtle Creek area?

19 A. I would say the one that jumps out at me would be the Crescent.

68:6-69:25

6 Q. Okay. And focusing in on CD 30, are there any other areas that you have personal knowledge of where there were economic engines that were left out of CD 30 in Plan C235?

10 A. The -- I know that one of the areas that we
talked about was the Cityplace Market, and I know the
Reverchon Park is a huge, huge deal. So, I mean, those
areas would be -- yeah, that would be a very big deal.
And then we talk about, again, neighborhoods of affluence.
I know the Swiss Avenue and the M streets, again, very
prestigious areas of the community where, again -- like, I
think one of the things I mentioned in my -- earlier in my
testimony was fundraising.
You know, one of the things that people like to
have are these kinds of areas in their district so they --
some congressmen want these kind of things in their
district so they can fundraise. That's one of the areas
that have been kind of -- especially for Congressional
Black Caucus members, that's always a really big concern
is because usually members -- African-American members of
Congress don't have the same ability to raise large sums
of money as white members of Congress.
So whenever you start taking, you know, things
like a Turtle Creek out of a district or a Swiss Avenue
out of a district, then you're making it even harder for
yourself to raise money. And so much of Congress in both
parties is, you know, being able to raise money.
Oftentimes, you know, African-American members of
9 Congress, or as we normally refer to ourselves in -- I
10 guess the official title would be Congressional Black
11 Caucus members, CBC members -- oftentimes have difficult
12 times raising money much more than our white peers.
13 Having things like that in your district makes a
14 big -- it's a big deal because, again, as I mentioned in
15 my earlier testimony, when you have those places in your
16 district, those people come to see you and ask you for
17 guidance and assistance, and you -- and you build and make
18 relationships with them. Then when you're done with that
19 and it comes time for you to be able to raise money, then
20 you've established those relationships. And sometimes CBC
21 members are very sensitive about things being taken out of
22 their district because generally speaking, we -- and I
23 mean we collectively as CBC members -- have a harder time
24 raising districts than our white counterparts, whether
25 they be Democrats or Republicans.

76:6-13

6 Q. Okay. So I guess it's fair to say, then, that
7 you haven't necessarily done any analysis to determine
8 whether or not the removal of these economic engines just
9 happened to Congresswoman Johnson or whether they also
10 happened to some Anglo Republican members?
11 A. Yeah, I would say that my -- obviously my focus
12 has been on fair representation for minority communities.
13 So that's what I would know, you know, more about.

76:18–77:4

18 (EXHIBIT NO. 14 WAS MARKED)
19 MR. HEBERT: For the record, I'm going to
20 object on the grounds that he's testified that he has not
21 studied any of the Republican districts or their economic
22 engines and that he's focused on the African-American and
23 Latino communities.
24 MS. COLMENERO: Okay.
25 MR. HEBERT: I think we're asking him to

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1 verify something that he's already said he doesn't know.
2 You may proceed, and we'll see where we go.
3 Q. (By Ms. Colmenero) Okay. And what I handed to
4 you was Exhibit No. 14 –

85:14–87:23

14 Q. (By Ms. Colmenero) Okay. So another example I
15 just wanted to talk to you about, we talked about
16 universities, and you said universities, that you consider
17 them to be economic engines. So what about Texas Wesleyan
18 University, do you consider that to be an economic engine?
19 A. Yes, I do.
20 Q. And why do you consider it to be an economic
21 engine?

22 A. For that area in particular, which is a very, you know, low income area, to have one of the metroplex's oldest universities in that area where people come every day, people -- you know, students buy things, professors buy things, people that work in administration buy things, yeah, I would consider it an economic engine.

23 Q. Okay. So I'm going to hand you what I'm going to mark as Exhibit 15 of this deposition.

24 (EXHIBIT NO. 15 WAS MARKED)

25 Q. (By Ms. Colmenero) And I'll represent to you what I've handed you is a Google Maps -- the first page is a Google Maps showing where Texas Wesleyan University is located. And if you flip to the second page of Exhibit 15, it shows where Texas Wesleyan University was located under Plan C100. There's a little signifier up in the top left-hand corner that says Plan C100. I'll represent to you that these are screen shots taken from District Viewer with the Texas Wesleyan address typed in. It shows that Texas Wesleyan University was in Congressional District 26. And if you look to see where the little icon is down where the address for Texas Wesleyan is, it shows a two and a six. Do you see that
19 there?
20 A. Yes.
21 Q. Okay. And then if we kind of see the
22 progression of where the university went to -- wait,
23 before I go on, Congressional District 26, do you recall
24 who represents that district?
25 A. That would be Congressman Burgess.

Page 87
1 Q. Okay. And is he a Republican member of
2 Congress?
3 A. Yes.
4 Q. And just for the record, what is his race?
5 A. White.
6 Q. Okay. And if we look at Plan C185, which was
7 the original legislative plan that never went into effect,
8 we see that Texas Wesleyan University was moved into
9 Congressional District 12. Who represents Congressional
10 District 12?
11 A. That would be Congresswoman Kay Granger.
12 Q. And she is a Republican?
13 A. Yes.
14 Q. Okay. And just for the record, is her race
15 Anglo?
16 A. Yes.
Q. Okay. And then we flip to Plan C235, which is the last page of Exhibit 15. It shows the Texas Wesleyan University and the address for it, and it shows that this university was moved into which congressional district?

A. That would be Congressional District 33.

Q. And that's the one that you represent, correct?

A. That is correct.

9 Q. And I understand. But if we just look at kind of the progression of where Texas Wesleyan University ended up beginning with Plan C100 all the way up to Plan C235, you would agree with me that Texas Wesleyan used to be an Anglo Republican member's district and was then moved into your congressional district, correct?

A. That is correct.

92:2-93:10

2 Q. (By Ms. Colmenero) Congressman Veasey, I just want to talk to you about another subject area that you've raised for purposes in your most -- in the most recent complaint filed by the Quesada Plaintiffs, and that's regarding whether or not Plan C235 had a discriminatory purpose when the legislature considered it. So Plan C235 was considered and passed by the legislature during the 2013 special legislative session; is that fair?
Q. Okay. And during that 2013 legislative session, you were not a member of the Texas House of Representatives, correct?
A. That is correct.
Q. Okay. And you were not even serving as part of the Texas Legislature during that time? You were a member of Congress, correct?
A. That is correct.
Q. Okay. So your knowledge regarding the 2013 session and the process that was used by the legislature to consider the congressional plan is really based on you as kind of an outsider looking in; is that fair?
MR. HEBERT: I guess I object to the form of the question because at the beginning of it, you were suggesting that -- he has admitted he was not in the legislature, but I'm not sure exactly that there's any clarity as to what you're asking him about what he was able to observe, if I'm understanding.
Q. (By Ms. Colmenero) And you can answer the question, if you can.
A. I mean, yeah, it's hard to -- I guess an outsider looking in, I was no longer in the legislature,
8 so I guess if that makes me an outsider looking in by no
9 longer being in the legislature, I guess that would be
10 correct.
11
12 Q. Okay. And you said the legislature shouldn't
13 have voted the map in again. During the 2013 session, you
14 would agree with me that the legislature took up the issue
15 of redistricting in this special session, correct?
16 A. They did.
17 Q. And during the special session, they held
18 committee hearings regarding the House plan, which they
19 considered, as well as the congressional plan, which they
20 also considered, correct?
21 A. That is correct.
22
23 Q. Okay. And so when the legislature considered
24 the congressional plans during the special session, you
25 agree with me they held public hearings during that
26 special session?
27 A. They did.
28
29 Q. (By Ms. Colmenero) Well, just so the record is
30 clear, I'm going to hand you a copy of Exhibit 16 to your
16 deposition. This is a copy of the public hearings that
17 were held, a copy of all the notices of the public
18 hearings that were held in 2013. I just want the record
19 to reflect or these exhibits reflect the fact that at
20 least with respect to the House committee, there appears
21 to have been -- if you look on page 1 and page 2, there
22 were two hearings that were held in Austin. In fact, one
23 of those hearings was held on a Saturday, correct?
24 A. Correct.
25 Q. Okay. And then if you look at the third page of
Page 102
1 Exhibit 16, it shows that there was a redistricting
2 hearing that was held at the DART headquarters here in
3 Dallas, correct?
4 A. That is correct.
5 Q. Okay. And the DART headquarters -- DART is the
6 public transportation system for Dallas, correct?
7 A. That is correct.
8 Q. Okay. And the DART headquarters is actually
9 located kind of in downtown where a lot of the -- a lot of
10 the DART trains intersect, correct?
11 A. That's correct.
12 Q. Okay. So at least this Dallas hearing would
13 have provided a public transportation option for
14 individuals to attend the hearing?

A. For individuals that lived in Dallas.

25 Q. Okay. So that was the 20 -- the 2010 interim hearing process. And then we're now fast forwarding over to the 2013 hearing process. You would agree with me that when the legislature did hold these hearings in 2013, they had -- they actually had census data available, right, as compared to when they were holding these hearings back in 2010?

A. You know, you're asking me to comment on something when I was no longer in the legislature.

Q. Okay.

A. So I'm not sure exactly what all materials they brought to the hearings. I did not attend the hearings.

Q. You didn't attend any of these 2013 hearings?

A. I did not.

Q. Okay. You didn't even attend any of the ones here in Dallas?

A. No. I believe we had votes. I was in Congress already at the time. I believe we had votes on the day that the hearings were held, and I did not attend them.
20 Q. Which were the 2013 hearing notices. We had
21 just kind of gone through the House hearings. But you
22 would agree with me that the Senate also held hearings to
23 consider the congressional plans as well, correct?
24 MR. HEBERT: According to Exhibit 16?
25 Q. (By Ms. Colmenero) According to Exhibit 16.

Page 108
1 A. Let me look through here.
2 Q. We can just go through them. It looks like the
3 House held one in San Antonio?
4 A. Uh-huh.
5 Q. And then the House held another hearing in the
6 University of Houston on June 12, 2013, correct?
7 A. Okay.
8 Q. And then it looks like the House held another
9 hearing -- well, held one in Austin on June 17?
10 A. Okay.
11 Q. And then it looks like the Senate held one on
12 April 18 here in Austin.
13 A. I see that.
14 Q. Except we're not here in Austin. We're here in
15 Dallas. And it looks like the Senate held one on May 30
16 in Austin; is that correct?
17 A. That is correct.

18 Q. Okay. And then looks like the Senate held
19 another one on June 6 in Austin, and then they held a
20 field hearing in Corpus Christi on June 7. Do you see
21 that?
22 A. I see that.
23 Q. And they held one in Houston on June 8, correct?
24 A. I do see that.
25 Q. Okay. And then they also held one again in
Page 109
1 Austin on June 12?
2 A. I do see that.
3 Q. Okay. Do you believe that more field hearings,
4 other than the ones -- when I say field hearings, I mean
5 those held outside of Austin -- should have been held
6 other than the ones that the legislature held?
7 A. I believe that because of the fragmentation that
8 took place in Tarrant County that there should have been
9 field hearings in Tarrant County.
10 Q. Okay. So you believe that because one -- well,
11 one more should have been held in Tarrant County?
12 A. In my opinion, at least one -- at least one more
13 should have been held in Tarrant County. I can't speak
14 for the rest of the state.
15 Q. Okay. So if one had been held in Tarrant County, that would have been sufficient to kind of ease your concerns?
16 A. That would have helped ease my concern had there been one in Tarrant County.
17 Q. And I know you said you told me you didn't attend these hearings?
18 A. I did not attend the 2013 hearings.
19

117:20-118:4

20 Q. (By Ms. Colmenero) You would agree with me that Plan C235 was implemented and adopted -- well, it was put into place by the federal court in San Antonio as an interim plan in 2012, correct?
21 A. Yes.
22 Q. Okay. And that the federal court in San Antonio issued an order regarding the congressional plan and their reasons for putting that plan into place as an interim plan, correct?
23 A. Yes.
24

131:19-132:7

19 Q. And I just want to clarify that although Plan C235 -- you'll agree with me Plan C235 was, in fact, adopted by the San Antonio court back in 2012, correct?
22 A. That is correct.

23 Q. And then the legislature, in fact, considered, adopted, and enacted the same exact plan that the court did, correct?

Page 132

1 A. That would be correct.

2 Q. Okay. And so the plan that was, in fact, passed and considered by the legislature is Plan C235, correct?

4 A. Correct.

5 Q. Okay. So the Texas -- there was some action by

6 the Texas Legislature to adopt Plan C235, correct?

7 A. Yes.
State Defendants’
Deposition Designations for

Royce West
5:7-11
7 Q. My name is Jenny Jackson, and I'm here from the
8 State of Texas representing the state and the state
9 officials who are defendants. Can you please state your
10 name for the reporter?
11 A. Royce West.

17:24-18:7
24 Q. (By Ms. Jackson) Do you believe you have an
25 obligation to vote against a bill if you believe it would

Page 18
1 violate federal law?
2 MR. BLEDSOE: Objection, form.
3 A. Yes.
4 Q. (By Ms. Jackson) And why do you believe you
5 have that obligation?
6 A. Because it violates the Constitution and we take
7 an oath to uphold the Constitution.

19:21-20:3
21 Q. (By Ms. Jackson) Okay. In -- let's start with
22 2011. In the 2011 cycle relating to the House map, did
23 you provide any input on the maps?
24 A. Not at all.
25 Q. And given the arrangement where the Senate deals
1 with the Senate and the House deals with the House, was there input that you wanted to give but chose not to?

3 A. No.

27:8-28:8

8 Q. (By Ms. Jackson) Can you please describe for me the coalitions?

9 A. In terms of 2011, 2013, or what?

11 Q. Let's start with the broader political environment in Dallas/Fort Worth.

13 A. It kind of depends in terms of what the race is.

14 It depends upon the race.

15 Q. Okay.

16 A. In terms of what the coalition is.

17 Q. All right. Do voters in the Dallas/Fort Worth area tend to vote similarly or differently? Let's say, do Anglos in the Dallas/Fort Worth area tend to vote similarly with Hispanics, have similar interests?

20 similarly with Hispanics, have similar interests?

21 A. No.

22 Q. Okay. And what about Anglos and African-Americans?

23 A. It kind of depends upon the race.

25 Q. Okay. And what are the factors that would make
1 it go one way or the other?

2 A. The race. I mean, what a person is running for.

3 And I answered the question a few minutes ago, you asked did Anglos and -- I think the first one, Anglos and Hispanics? It kind of -- I said they don't vote together.

4 It kind of depends upon the race. I mean, the coalition is predicated pretty much on what the race is, what office is being considered.

57:1-58:21

1 Q. Okay. And did you feel like you had adequate advice of counsel as it related to the 2013 redistricting process?

2 A. No.

3 Q. And why not?

4 A. Because I didn't have -- I never had meetings --

5 I don't recall having meetings with legislative counsel or the counsel that was appointed to the committee.

6 Q. And did you request those meetings from leg counsel?

7 A. I don't think so.

8 Q. Did you approach anyone from leg counsel about the redistricting bills in 2013?

9 A. I don't recall off the top of my head whether I
15 did or not.

16 Q. Have you used legislative counsel in connection
17 with other bills in the past?
18 A. Yes.

19 Q. And so if you wanted the advice of counsel, why
20 didn't you approach legislative counsel about the
21 redistricting process?
22 MR. BLEDSOE: Objection, argumentative.
23 A. Committee counsel would have been the
24 appropriate counsel to approach, not legislative counsel.
25 Q. (By Ms. Jackson) And did you approach Heath

Page 58

1 Bickerstaff, the counsel, in connection with
2 redistricting?
3 A. I don't recall that I did.
4 Q. Looking at this March -- I'm sorry, May 30
5 transcript -- actually, it's not in here. I'm going to
6 hand you what I'm going to mark as Exhibit 6.
7 (EXHIBIT NO. 6 WAS MARKED)
8 Q. (By Ms. Jackson) If we look at the page that's
9 got No. 7 in the top center --
10 A. Okay.

11 Q. -- about halfway down, the chairman says,
12 "There's a memo on your desk notifying members that
13 committee counseling is from Bob Heath with Heath Bickerstaff." And so on June 6, the chairman notified everybody that Heath Bickerstaff was the counsel -- the committee counsel; is that correct?

17 A. Yes.

18 Q. And so at that time or at any time between then and the end of the special session on redistricting, did you contact Heath Bickerstaff for their advice?

21 A. I don't recall whether I did or not.

61:11-20

11 Q. Okay. Let's go back. On June 6, I believe that's the transcript we're looking at as Exhibit 6, you requested a hearing -- that the Senate hold a hearing in Dallas; is that correct?

15 A. That is correct.

16 Q. And did the Senate, in fact, hold a hearing in Dallas?

18 A. No.

19 Q. The Senate did hold other field hearings, right?

20 A. Yes.

63:2-66:21

2 (EXHIBIT NO. 7 WAS MARKED)

3 Q. (By Ms. Jackson) And if we'd turn to the third page. I'm sorry, there aren't page numbers on here. This
5 is the notice for the House Redistricting Committee
6 hearing, and if you look at place, it was held at the DART
7 headquarters in Dallas; is that correct?
8 A. That's correct.
9 Q. On June 6. And the notice lays out multiple
10 bills that were up for consideration including House
11 Bill 1, which addresses the Texas House and United States
12 Congress; House Bill 3, which is just the Texas House of
13 Representatives; and House Bill 4, which is the United
14 States House of Representatives; is that correct?
15 A. Correct.
16 Q. And then the subsequent bills, there's one, two,
17 three, four -- two from Yvonne Davis, one from Coleman,
18 and one from Anchia that are amendments to the
19 redistricting bills; is that correct?
20 A. They are amendments? I don't know whether they
21 are amendments or not.
22 Q. But this notice states that they are all related
23 to the composition of districts?
24 A. Yes, all of them are House bills.
25 Q. Okay. And I'm going to hand you what's being

Page 64

1 marked as Exhibit 8.
2 (EXHIBIT NO. 8 WAS MARKED)
3 Q. (By Ms. Jackson) And these are minutes from the House Redistricting Committee's meeting on June 6 in Dallas; is that correct?
4 A. They appear to be.
5 Q. And it says in the middle paragraph that the meeting was called to order at 2:07 p.m.?
6 A. That's correct.
7 Q. And on the last page it concluded at 8:41 p.m.; is that correct? The very last line before the signature.
8 A. Yes.
9 Q. So that's over six and a half hours of hearing time; is that correct?
10 A. For the House?
11 Q. Uh-huh.
12 A. Yes.
13 Q. Did you tell your constituents about the Dallas House hearing?
14 A. I don't recall whether I did or not.
15 Q. Okay. Was the fact that the House had a hearing in Dallas sufficient to meet your concerns about Dallas area constituents being able to give input on the maps?
16 A. No.
17 Q. No? And why not?
A. Because historically it's never been done that way. The House -- in terms of the normal process as I recall is that either the House -- the House has a set of hearings, and maybe at the same locations or areas the Senate separately has hearings, or that you have combined hearings where both committees are meeting at the same time.

Q. Okay. So had this instead been a joint hearing of the two chambers, would that have satisfied your desire for a Dallas hearing?

A. Yes.

Q. Did you ask either leg counsel or Heath Bickerstaff whether the Senate could consider testimony from the House hearing?

A. I asked the chairman.

Q. And what response did the chairman give?

A. He said that he thought that it could but that -- actually, he said that he thought that it could, but frankly had not read nor been briefed on the transcript of the House hearing in Dallas to make a determination as to whether or not he would support my amendment for a new Congressional seat in the Dallas area for Hispanics.
24 Q. Okay. Did you contact anyone from leg counsel
about whether or not the Senate could consider testimony

Page 66

1 from the House hearing?

2 A. No.

3 Q. And did you contact anyone from Heath
Bickerstaff about that question?

4 A. Just contacted the chairman.

5 Q. Do you feel that more field hearings should have
been held?

6 A. Yes.

7 Q. And how many more field hearings do you believe
should have been held?

8 A. I think that there should have been an agreement
amongst the senators in terms of where we want to have
field hearings. Let me give you an example. I think this
may have been back in 2003. We had hearings across the
state of Texas on redistricting. I think that process
should have been -- it should have been the same process.

9 Q. Okay. So are you saying that 11 hearings in two
and a half weeks was not enough in 2013?

10 A. Eleven hearings in two and a half weeks?

11 Q. Uh-huh.

12 A. I would say yes, is not enough.
4 Q. Okay. So you don't have any personal knowledge
5 of anybody in the legislature making a conscious decision
6 to say I want to discriminate against minorities, so I'm
7 going to vote for this map?
8 A. You're talking about in 2011?
9 Q. Let's start with 2013.
10 A. I have no personal knowledge.
11 Q. What about 2011?
12 A. Well, I have no personal knowledge of someone
13 saying I want to discriminate, no.

18 Q. Okay. We talked earlier about your district,
19 Senate District 23. Did you have any requests that
20 certain areas be included or excluded from your district
21 during the redistricting process?
22 A. I'm pretty certain I did, but I just can't
23 recall what they were. I know that I wanted to make
24 certain that I kept the Uptown and Turtle Creek area of
25 the district.

1 Q. Were those requests accommodated?
2 A. No.
3 Q. Do you recall if any of your requests for
4 certain areas in the district were accommodated?
5 A. Probably in the southern part of the district.
6 Q. In the southern part of the district? And what
7 requests might those have been?
8 A. Making Cedar Hill whole and -- Cedar Hill and
9 the southwest sector of the district, and I think also
10 bringing in the lake down there.
11 Q. Okay. Do you -- I'm going to hand you what's
12 being marked as Exhibit 16.
13 (EXHIBIT NO. 16 WAS MARKED)
14 Q. (By Ms. Jackson) And this is testimony of Doug
15 Davis from the Section 5 trial. And between lines 14 and
16 20, he recalls requests that you had made for your
17 district specifically relating to downtown Dallas. Do you
18 believe the areas of downtown Dallas that you talked about
19 were included in your district?
20 A. Where?
21 Q. Line 14 to 15.
22 A. I don't recall this conversation.
23 Q. Okay. Does your current district incorporate
24 the areas of downtown Dallas?
25 A. Yes.
2 portion of Cedar Hill that you wanted?

3 A. It does.

4 Q. Okay. What is an economic engine?

5 A. Economic engine is a business within your -- my
6 definition of it, and I don't know what the legal
7 definition is, but I would consider economic engine a
8 business in your area, a thriving business in your area
9 that can employ people, that is maybe a Fortune 100, 500
10 company. So airport, a health science center, things like
11 that.

12 Q. Okay. What is the significance of an economic
13 engine for voters in a district?

14 MR. BLEDSOE: Objection, form.

15 A. Well, what I would say is it is the ability to
16 be able to have someone that has a direct relationship
17 with those economic engines for a multitude of purposes.
18 Number one and most importantly, employment.

19 Q. (By Ms. Jackson) Okay. And what -- so what is
20 the significance of the economic engine for a voter?

21 A. That's what I just said, to make certain that --
22 what ends up happening is that you -- American -- AT&T is
23 in my Senatorial district and should also be in Eddie's
24 Senatorial district. I have a relationship with the
25 people in that particular business. As a result of having
a relationship, I'm able to contact them to make certain that if they have job fairs and things like that, I can let my constituents know. All right? So that enables my constituents to go to a job fair maybe that they are having and things of that nature. And frankly, they listen to you a little bit more if they know that you are their representative also.

MS. JACKSON: Objection, nonresponsive.

Q. (By Ms. Jackson) Why does it hurt voters to lose an economic engine from a district?

A. In order to have an effective district, you need to have a combination of resources. If you have an economic engine in the district along with educational facilities and those types of things, then you have a well-rounded district that enables you to better represent your constituents on a whole host of issues including the distribution of resources, helping those constituents in a whole host of different areas. It's just like having -- it's just like having a community that is just a bedroom community. You don't want to just have a bedroom community. What you want to do is have a mix of institutions within those communities, be they economic, social, religious, or otherwise, in order to make certain
24 that you have a viable community. If you decide to take
25 certain components out of those communities, then I think

Page 100

1 you negatively impact the quality of life and the
2 viability of the community.

100:16-102:19

16 Q. (By Ms. Jackson) Do the physical locations of
17 the neighborhoods that constitute the community and the
18 physical location of the economic engine change as lines
19 are drawn around?
20 A. No.
21 Q. Is it just the district that changes?
22 A. Yes.
23 Q. Okay. What is the function of a Congressperson?
24 MR. BLEDSOE: Objection to form.
25 A. To represent their constituents.

Page 101

1 Q. (By Ms. Jackson) Okay. And wouldn't any
2 Congressperson have an interest in bringing money to their
3 district? Is that a legitimate function of a
4 Congressperson?
5 MR. BLEDSOE: Objection, calls for
6 speculation.
7 A. You'd have to talk to the Congresspersons about
that.

Q.  (By Ms. Jackson) Okay. If there's an institution in a district that gets federal funding, wouldn't any Congressperson have an incentive to get money for that economic engine?

MR. BLEDSOE: Argumentative.

A. You'd have to ask a Congressperson that.

Q.  (By Ms. Jackson) Okay. Let's take Dallas Cowboys Stadium as an example. I would imagine that's a venue that brings in a lot of tax revenue, that employs a lot of people, and is really important to whoever represents that district. Would you agree with me?

A. I would.

Q. Why does it matter who represents that district?

MR. BLEDSOE: Object, assumes facts not in evidence, inappropriate hypothetical, and goes beyond his designations in the disclosures.

A. It would matter from -- it would matter from the standpoint that as relates to issues on a federal level, as an example, that impacts the Dallas Cowboys, they would go initially to their Congressperson. It would matter as relates to the -- that's normally what would happen.

Q.  (By Ms. Jackson) Wouldn't any Congressperson
who had Dallas Cowboys Stadium in their district have an incentive to do their best for Cowboys Stadium?

MR. BLEDSOE: Argumentative, calls for speculation.

A. Again, it calls for speculation, but in all probability.

Q. (By Ms. Jackson) If Dallas Cowboys Stadium were in your Senate district, wouldn't you do your best to develop a relationship with the folks who run Dallas Cowboys Stadium?

A. And I would want to keep it in my district, right.

Q. So you would do everything you could --

A. Because it's an economic engine.

Q. (By Ms. Jackson) Okay. We talked a little bit about Congresswoman Johnson and her district and the economic engines that were removed. Do you know -- how do you know that engines were removed from her district?

A. Based on the court decision, the 2011 court decision in D.C. court.

Q. That's the only source of your knowledge that districts were removed from her -- engines were removed from her district?
14 A. As I said earlier today, yes. I'm pretty certain we had conversations about it, but I can't independently recall.
15 Q. And you had conversations -- I'm sorry, have you had conversations with the Congresswoman about those engines?
16 A. No, no, I haven't, I can tell you that. But in general, in terms of assessing the impact of the redistricting.
17 Q. Okay. And so the only source of your knowledge about engines being removed from her district is from the federal -- the D.C. Circuit Court opinion in the Section 5 case; is that correct?
18 A. Yes.
19 Q. Is there any reason why a different Congressperson would not support each of the economic engines we've talked about?
20 MR. BLEDSOE: Object, speculative.
21 A. I mean, I assume not, unless there's some personal issue between them and the particular business.
22 Q. Okay. Then what is the basis of your knowledge about the issues in Travis County?
A. Listening to other legislators.
Q. Which other specific legislators, if you're not invoking legislative privilege?
A. You said what other legislators?
Q. Yeah.
A. I'm going to invoke legislative privilege on that.
Q. Okay. Did you personally look at any of the statistics about the Travis County districts?
A. I don't recall whether I did or not.
Q. Are you personally familiar with Travis County politics?
A. No.
Q. And have you studied any voting patterns or other electoral trends in Travis County?
A. I have not.

Q. Okay. Do you have any personal knowledge of the issues with Nueces County, or is it all based on conversations you had with other people?
A. It may have been based on reports of things we received at the hearing also and witness testimony.
Q. Have you ever studied voting trends or voting patterns in Nueces County?
9       A.   I probably looked at them but not studied them.
10       Q.   And have you -- are you personally familiar with
11   Nueces County politics?
12       A.   No.
13       Q.   Did you attend the 2013 Senate hearing in Corpus
14   Christi?
15       A.   No.
16       Q.   Okay.

109:1–10
1       Q.   Okay. So you don't have any personal knowledge
2   of the issues related to District 23?
3       A.   No, I do not.
4       Q.   Are you familiar with Bexar County politics?
5       A.   No.
6       Q.   West Texas politics?
7       A.   No.
8       Q.   Have you ever studied voting patterns in these
9   areas?
10       A.   I have not.

114:15–25
15       Q.   Would you -- do you know whether Latinos and
16   African-Americans in the DFW area vote cohesively?
17       MR. BLEDSOE: Objection, calls for a legal
18   conclusion.
19 A. When you say cohesively, what do you mean?
20 Q.  (By Ms. Jackson) Do they tend to choose the same candidates?
21 A. In general elections?
22 Q. Yeah, any election. Do African-Americans and Latinos tend to vote for the same candidates in this area?
23 A. Yes.

115:14-19

14 Q. They vote together? Have you ever studied primary voting results in Dallas County?
15 A. I haven't studied them, no.
16 Q. Have you ever studied racially polarized voting analyses in Dallas County?
17 A. No, I haven't studied them.

117:5-9

5 (EXHIBIT NO. 17 WAS MARKED)
6 Q. (By Ms. Jackson) And again, what we've got here is a map followed by some pages from the Red Apple report.
7 Does this look like the Plan C248 that you introduced on the floor of the --

117:13-15

13 Q. (By Ms. Jackson) Who came up with the idea for this Plan C248?
14 A. Who came up with the idea? I did.
118:16-18
16 Q. Okay. What is Plan C248 intended to accomplish?
17 A. To create another minority district in the state
18 of Texas and North Central Texas.

122:25-123:4
25 Q. Okay. I want to look a little bit at
26 Page 123
27 1 Exhibit 17, the Red 116 report, which is the horizontal
28 one again, the last two or three pages. Is there -- are
29 there any districts in this list that contain Hispanic
30 CVAP over 50 percent?
31
123:9–22
32 9 Q. Are there any districts with a black only
33 10 percent CVAP over 50 percent?
34 11 A. No.
35 12 Q. And looking back at the C235 map, Exhibit 16, I
36 13 think is there -- maybe it's -- it's Exhibit 10, I'm
37 14 sorry. If we flip back to this chart, I think it's the
38 15 last two pages there.
39 16 A. Uh-huh.
40 17 Q. District 30 on this chart has a black only CVAP
41 18 of 53.5 percent; is that correct?
42 19 A. That's correct.
43 20 Q. So on your plan, that drops down to 48.0; is
21 that correct?
22 A. That's correct.

126:4-15
4 Q. -- you talked about districts having odd shapes.
5 I was wondering if you could explain to me how you came up
6 with the shapes for the districts in Plan C248?
7 A. Well, it's one of those deals, what's good for
8 the goose is good for the gander.
9 Q. Okay.
10 A. I mean, there were odd shapes in the plan, and
11 so I figured, well, if there's going to be odd shapes in
12 the plan, the overall state map, then this is consistent
13 with what's being done across the state. And so this
14 particular shape maximizes the ability of having a
15 district with an Hispanic.

127:6-14
6 Q. Okay. Do you feel like this is the best -- your
7 Plan C248 is the best possible configuration for the
8 Dallas/Fort Worth area?
9 MR. BLEDSOE: Object, vague, misleading,
10 speculative, assumes facts not in evidence.
11 A. Do I feel this is the best possible? Absent --
12 for the objective that I was attempting to achieve, absent
13 anyone else coming up with something that would do a
better job of achieving that objective, yes.

Q. (By Ms. Jackson)  Okay. So you -- as you were
drawing this, you weren't drawing it with an eye towards a
required district under the Voting Rights Act?

MR. BLED SOE: Object, argumentative,

mischaracterizes testimony.

A. I was drawing this district to maximize Hispanic
participation.

Q. (By Ms. Jackson) Yeah. You talked a couple of
times about stranded population. What is stranded
population?

A. Populations that are used for filler in areas
that don't -- in districts where the representative
doesn't represent their interests nor is there a community
of interest.

Q. Okay. And do you believe it's possible to draw
a district where nobody is stranded?

A. No.

MR. BLED SOE: Object, calls for a legal

conclusion.

A. No, I do not. I think you try to minimize the
number of people that are stranded.
Q. (By Ms. Jackson) When you're trying to minimize the number of people who are stranded, how do you know when you've gotten as far as you can?

A. Just like beauty, it's in the eye of the beholder, I guess. And so from that vantage point, if you can take individuals that have the same community interests and put them in a district where their representative is responsive to them, then I think that that's what you should do. And individuals are stranded when they don't have the ear of their representative. When they don't have the ear of their representative, that means that representative is not voting their interests and they have no ability to impact the electability of that representative.

Q. Is stranding a concept that relates only to minorities and differences of interests with their representative?

A. I think it's more pronounced amongst minorities where individuals -- it appears that ethnic minorities are being used as filler.

Q. Okay. Is there a certain threshold percentage of the population where you can look at the statistics and say, ah, this district, these people are being used as
22 filler?
23 A. I don't think there's a particular threshold.

144:8-145:10

8 Q. Okay. Do you have any complaints about the
9 process by which the 2011 Senate map was -- Congressional
10 map was adopted?
11 A. Yes.
12 Q. Okay. And what are your issues with the
13 process?
14 A. The issues with the process is, again, if you
15 look at the votes, ethnic minority legislators, as I
16 recall, were kind of left out of the process as relates to
17 the districts, drawing of the districts and what should be
18 included or taken out of the districts and whether
19 additional districts would have been proper.
20 Q. Okay. Did you request any meetings with the
21 chairman of the Redistricting Committee to discuss those
22 issues?
23 A. I don't recall at the particular time.
24 Q. Did you seek out the advice of legislative
25 counsel on those issues?

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1 A. No, not legislative counsel.
2 Q. Did you talk to committee counsel about any
issues in 2011?

A. Yes.

Q. And was that Heath Bickerstaff again?

A. Right.

Q. And were you satisfied with the advice you received from counsel on those issues?

A. Frankly, I can't even recall the advice I got from counsel.

145:24-146:10

Q. Okay. So other than the lack of input from minority Senate members, were there any other concerns that you had about the process by which 2011 maps were adopted?

A. Nothing I can remember at this time.

Q. Okay. Did you have access to Red Apple during the 2011 session?

A. I did.

Q. Do you know who Gerardo Interiano is?

A. No, I do not.

Q. And do you know who Ryan Downton is?

A. No, I do not, not by name.