Exhibit 19 to Davis Intervenors’ Opposition to Plaintiff State of Texas’ Motion for Summary Judgment

Letter from Senators Judith Zaffirini, Mario Gallegos, Juan Hinojosa, Eddie Lucio, Jr. and Carlos Uresti to Senator Kel Seliger

(May 13, 2011)
May 13, 2011

The Honorable
Kel Seliger, State Senator
Chair, Senate Select Committee on Redistricting
P.O. Box 12068
Austin, Texas 78711

Dear Chair Seliger:

As you know, each of us who were present at the May 13, 2011 meeting of the Senate Select Committee on Redistricting represents majority minority districts, while all other members of our committee represent Anglo-controlled districts. We recognize and accept our special responsibility to protect the voting rights of minority citizens in every part of Texas.

We are writing to express anew our disappointment in the process used to develop the Senate redistricting plan passed by the Select Committee on Redistricting. We also want to reiterate our strong belief that the plan fails to comply with the United States Voting Rights Act by eliminating the ability of minority voters in Senate District 10 to elect their candidate of choice and by configuring the district to ensure its control by Anglo voters.

In the weeks leading up to the committee's action on the Senate redistricting bill, some senators were allowed ongoing participation in developing the map. Their concerns were heard early, and they were allowed to view and respond to draft proposals. Other senators, however, were not allowed to see even their own districts in the map until less than 48 hours before it was laid out in committee. Their concerns were neither solicited nor given fair consideration.

Most of the Senators given access to the process represent Anglo-controlled districts. Most of those locked-out of the process represent large minority communities whose rights are protected under the Voting Rights Act. Excluding elected representatives of minority citizens is no different than excluding the minority citizens themselves.
We also are convinced that the map itself violates the Voting Rights Act in its configuration of Senate District 10 in north Texas. The current District 10 has evolved over the last decade into a majority minority district where minority citizens have demonstrated the ability to elect their candidate of choice. Under the new plan, the voting strength of minority citizens in District 10 is rolled back dramatically. In the plan, Anglos are returned as a strong majority in District 10. Cohesive minority neighborhoods are sheared into four different districts. Minority voters in SD 10 no longer would have the controlling voice in the district. In fact, they would have no voice at all.

The committee was given an opportunity to avoid violating the Voting Rights Act by accepting either of two amendments presented that would have restored District 10 as an effective minority-controlled district. The failure of the committee to adopt either of these amendments was a mistake and resulted in the adoption of a flawed plan.

The retrogression in District 10 will extend to constitute retrogression statewide. We all know that most of the business of the Senate is conducted under a two-thirds rule that typically requires at least 21 of the 31 members present to agree to allow debate on a bill before it can be considered. Currently, there are 12 senate districts in Texas, including District 10, that have large and effective minority populations and in which minority citizens have demonstrated that they can elect their candidates of choice. By reconfiguring District 10 as an Anglo-controlled district, the ability of senators who represent minority districts to form a coalition to block provisions harmful to our constituents would be reduced. At the same time, the clout of senators representing Anglo-controlled districts would be enhanced.

Should this flawed redistricting plan make its way through the process without the voting strength of minority citizens in District 10 being restored, we believe that it will draw an objection from the United States Department of Justice (DOJ) during pre-clearance review. Should Texas leaders choose to bypass DOJ review and go directly to the Federal District Court in Washington, DC, the plan likely will draw an objection from the court due to retrogression in District 10.

We are concerned that the Voting Rights Act is being ignored by some members who specifically stated their expectation that the Senate's redistricting effort would
be litigated—as if it didn't matter. It would not be litigated, obviously, if the plan were fair and legal.

Unfortunately, Texas has a long and sad history of denying minority citizens their rights under the Voting Rights Act. We fear that this history is being extended by the action taken on the Senate redistricting bill.

Very truly yours,

Judith Zaffirini  
State Senator, District 21

Mario Gallegos  
State Senator, District 6

Ted "Chuy" Hinojosa  
State Senator, District 20

Eddie Lucio, Jr.  
State Senator, District 27

Carlos Uresti  
State Senator, District 19