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*Scott Sims is a counter designation to DOJ Bonnie Bruce designation 134:20-141:23*
State Defendants’ Congressional Counter Designations for Rafael Anchia
Other than -- so we talked about the lack of access to comprehensive high schools that were nonsegregated, talked about access to magnet schools, the generational impact of the educational system. Is there any other specific vestige of racial discrimination that, in your experience, poses an obstacle for Texas Latinos in education?

I'd have to think about it, but I'm certain there are others. It would require more time to think about it.

As you sit here now, can you think of any other specific examples of past discrimination that --

No.

As far as obstacles in housing, to your knowledge, are there any specific obstacles that are imposed by the State of Texas as opposed to, say, a private financing company?

Not as I'm sitting here right now.

I don't recall.

And you don't know whether or not those individuals were ultimately able to vote?
4 A I do not.

78:22–79:1

22 Q Do you know if those deficiencies in
23 Spanish-language material were reported to authorities?
24 Either election authorities or law enforcement?
25 A Probably not law enforcement. Probably the

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1 elections department.

174:6–175:2

6 Q So you don't have any reason to believe that
7 Gerardo Interiano intentionally discriminated on the
8 basis of race in the 2011 redisticting process?
9 A I have no basis one way or the other.
10 Q Obviously, you know Ryan Downton.
11 Was Ryan Downton's door generally open to
12 any member during the 2011 redisticting process?
13 A Generally.
14 Q Okay. Do you have an opinion about
15 Ryan Downton?
16 A No.
17 Q Do you have any reason to believe that
18 Ryan Downton would intentionally discriminate against
19 Latinos or African-Americans?
20 A I have no reason to believe that one way or
21 the other.

22 Q Okay. You've never heard Ryan Downton make a racially discriminatory statement?

23 A No.

25 Q You're not aware of any such statement by

Page 175

1 Ryan Downton?

2 A No.

175:16-176:8

16 Q Okay. And you saw this in a -- some kind of campaign literature?

18 A I don't recall, frankly.

19 Q Okay. Do you recall what the substance of this statement was?

21 A I think it was immigration-related, so I'd have to -- I'd have to go back and look, but just off the top of my head, I seem to have some recollection about that issue.

25 Q And that was a Republican primary campaign --

Page 176

1 A It was.

2 Q -- for the House?

3 A It was. After Mr. Downton had left State government.
Okay. Do you have any reason to believe that Ryan Downton intentionally discriminated against Latinos or African-Americans in the 2011 redistricting process?

No, I have no basis.

Are you familiar with that -- that method, though, on -- for larger districts where you --

Yeah.

-- take a statewide election and then put the precincts together?

Yeah. Well, yeah. Yes.

They call it "reconstituted elections," I think.

Right. Right. So I don't think I got to that level of specificity.
State Defendants’
Congressional Counter Designations for
Jeffrey Archer
Q. Just to be clear --

A. So I just want to say it wasn't much of a comparison, because I didn't -- I assumed that this is the benchmark. I don't know what the committee assumed or what the staffers involved assumed. But I was assuming that when he said, "I have a concern," it's that we're falling below the threshold for this to count as preserving a district under the benchmark.

Q. Okay. Just to be clear, the election analysis and the racially polarized voting analysis that you just mentioned, that was performed on this proposed Congressional District 23?

A. Correct.

Q. To whom did you express those concerns?

A. The only person I recall expressing them to orally was David Hanna. If I expressed them beyond that, it was either by CC'ing an e-mail or a group e-mail to whoever -- my recollection in -- like I said, I reviewed the e-mails, but did I study -- I haven't had time to study who it's to and from. My recollection is
that Doug Davis and Gerardo were probably both on, or
perhaps Ryan instead of Gerardo. But again, the e-mails
speak for themselves. Doug Davis is the person that
David said had the concern.

Q. Did you show anyone the product or the
analysis that you did?

A. No. Everything is in e-mails or was oral.

They sat in my folder until I copied them for you
last -- two weeks ago.
State Defendants’
Congressional Counter Designations for
Jimmie Don Aycock
Q. In terms of members of the House presenting like specifically about redistricting maps and plans, was any strategy discussed regarding holding those meetings earlier in the session where there would be public testimony versus later in the session when there wouldn't be as much time for public testimony, as you stated earlier?

A. Generally, those -- we were in a situation where the census data had come out, and the base map couldn't be even attempted until they had time to work on it after that, so that -- there are also rules about when you can offer plans, offer bills, in general, a plan being a bill.

And so the first part of session is never used for anything. It's more to draft bills and file bills. And then you come to the point that you file the bill, and then you come to the point that you hold public hearings on the bills. And then you cut off public testimony, typically, to the committee, and the committee then takes up amendments during the hearings, and it goes to calendars and then it goes to the Floor.

And that's pretty much typical of most
major bills. I'd say the movement of -- the movement
of the redistricting plan was probably not
significantly different from other major bills. It
was considered a major piece of legislation, clearly.

Q. A couple of days, meaning?
A. 48 hours, probably. There may not have
been. I'm not saying there was, but I'm saying that
that's typical -- if you're late in session, it may
get down to where a major piece of legislation will
have as short as 48 hours posting, pretty commonly.
Q. Are you aware of any circumstances where it
would be permissible to provide less than 48 hours'
notice?
A. Well, if you have a two-thirds vote to
suspend.
Q. Would it be unusual regarding something --
a big piece of legislation, as you said earlier, to
have less than 48 hours?
A. Not particularly remarkable. I've moved to
suspend to take something up the following day.
Q. But regarding these redistricting plans,
they were significant pieces of legislation. Is that
what you said?
A. Yeah. I've always moved to suspend for
24-hour layout on pretty significant pieces of legislation. And sometimes you get it and sometimes you don't, but --

Q. Do you do that frequently?

A. Toward the end of session, yeah.

Especially if you get -- the typical session situation where you suspend most commonly, somebody kills your bill on a point of order, you've got to take it back to committee and rework the point -- that's creating the point of order, printing error, or whatever it is. And you'll move to suspend and bring it up the following day. And you go back overnight and correct it.

Q. So that's typical for when bills are killed and you need to fix them?

A. Or let's say it's been held in committee a long time, and you're needing to get them moved.

There's a variety of circumstances in which that will be used.

Q. Are there generally special circumstances involved in why something would be posted less than 48 hours?

A. No, not necessarily. It's pretty commonly done.
12 Q. Do you recall anything about the timeline relating to the congressional redistricting plan in terms of when it was made available to the public and when the hearing was held?
16 A. Not specifically. It was made available to the public in Killeen in time that they all started calling me and said they wanted those changes made in the district, which I did.
20 Q. And that was in terms of the congressional redistricting plan?
22 A. Uh-huh.
23 Q. And did you pass that information along to anyone else?
25 A. I went down to Mr. Downton and we drew new lines.

Q. What were the constituent concerns or complaints?
4 A. They said that they wanted four items: Metroplex Hospital, Central Texas College, the new Texas A&M Central Texas University, and the new regional airport all remain in the senior congressional district.
9 Q. And those are the four things we talked about earlier. Correct?
A. That's right. They made it very clear they wanted them to stay with the senior congressional member.
State Defendants’
Congressional Counter Designations for
Sharon Barbosa-Crain
6. Q. How familiar are you with the Voting Rights Act?

7 A. Depends on what you want to know. I am familiar in that I know what it is. I'm familiar that I know where to find something if I need to know. As far as, am I conversant with it on a daily basis, in a professional way, no.

19 Q. Do you know if Danish and Associates does any work in the voting rights field?

20 A. It has not, to my knowledge.

22 Q. What type of legal work do they do? Do you know?

24 A. Yeah, general practice.

25 Q. Okay. When were you first elected to the Irving City Council?

1 Irving City Council?

2 A. 1990.

3 Q. Was that an at-large position?

4 A. It was. It was, to be accurate, it was an at-large vote and a residency-requirement position, which is -- if your not familiar with it -- a bit of hybrid between them.

8 Q. And how long were you on the Irving City
A. I served three terms. At that time, they were two-year terms. So I served six years on the Irving City Council.

Q. So until 1996?

A. Yes.

Q. All right. Do you remember the first campaign you ever worked on, either paid or volunteered?

A. No, not for sure. It would have been a long, long time ago.

Q. Roughly, the '80s, '90s?

A. Roughly the '70s.

Q. '70s, okay. And was that here in Dallas County?

A. Actually, no. The first campaigns I worked on were in East Texas where I had relatives living.

Q. Okay. And do you remember the first campaign you worked on in Dallas County?

A. No, I think it was a school board race.

Q. Do you remember approximately when that was?

A. Oh, golly, that would have been in the mid '70s.

Q. Okay. And have you been working on campaigns
13 in Dallas County ever since the mid '70s?
14 A. Pretty much so; off and on.

27:6-27:21

6 Q. Okay. And do you consider yourself to be a
7 member of a racial minority group?
8 A. Depends on how one defines it. I am myself by
9 heritage, I am Irish and American Indian. I have been
10 mistaken for being Hispanic for much of my adult life.
11 The reason being is because my former husband is
12 Hispanic, that's where Barbosa comes from. Therefore,
13 my children are Hispanic, and my grandchildren are
14 Hispanic. And I have a son-in-law who is Hispanic.
15 So by many forms of definition, I am a
16 minority, and have been treated as such much of my life.
17 Depends on what part of the country I'm in, which part
18 gets treated as a minority.
19 Q. Are you a member of any Native American or
20 Indian tribes?
21 A. I am, but I'm not enrolled.

31:3-7

3 Q. All right. And in 2010, your congressman was
4 Pete Sessions?
5 A. Yes.
6 Q. Have you ever met Congressman Sessions?
7 A. Yes.
21 Q. Do you know if Congressman Sessions is supported by Latino voters in Dallas County?
23 A. I'm sure he's supported by some.

3 Q. Same question, but for African Americans, do you know if African Americans support Congressman Sessions in his district?
6 A. Same answer: I'm sure some do.

13 Q. Okay. Is there any particular vote of his that you disagree with?
15 A. I can't think of anything right this minute.

12 For the 2011 congressional plan, do you have any information relating to the history of that plan?
15 A. I don't think so.

16 Q. Okay. Do you have any information relating to the development of that plan?
18 A. No.

19 Q. Do you have any information on how that plan was enacted?
21 A. Only to the extent that I read about the chronology of activities in the various publications
Q. And do you have any information relating to the effect of the 2011 congressional plan?
A. I do not possess any documents relating to that effect from some source that was engaged to develop them.

Q. But you may have information about how the 2011 congressional plan has affected Texans or would affect Texans?
A. Well, it appears that that's what we are talking about here. So, no.

Q. Okay. And for the 2011 legislature, did you testify at any redistricting committee hearings?
A. No, I did not.

Q. Okay. I believe earlier, when I was going over the disclosures with you about your information you may have about the 2011 congressional map, I want to make sure I've got this right since we now have it in front of us. Do you have any information about the history of this map or how it was enacted?
13 A. Only which -- that which was presented to the
14 public, the normal immediate channels.
15 Q. Okay. Do you have any knowledge about whether
16 partisan motivations were a motive on how this map was
17 drawn?
18 A. Do I have any information? No, only what was
19 presented through the media channels.
20 Q. On Exhibit 3, you indicated that minorities
21 were packed in Congressional District 6. Did you --
22 when you were having those conversations with members of
23 the Texas legislature, did you ever raise that specific
24 concern to those legislatures?
25 A. I don't remember my exact words.

70:17-71:3

17 Q. And I hate to be repetitive, but I don't think
18 I heard whether you said one way or the other in my
19 question; whether you believe voting is divided along
20 racial lines in Dallas County?
21 MS. MCLEOD: Asked and answered.
22 A. I believe "divided" is the wrong word. I think
23 for my thought process -- I guess that's what I'm
24 expressing to you. I believe people vote their
25 interests and I believe when their community of interest

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1 is deluded, then they suffer and their needs suffer.
So I -- I'm not sure I can say that that's always racial, but it is their community of interest.

19 Q. Do you remember -- the specific story you just told any -- do you remember when that was?
20 A. Oh, it was a long time ago. It was in the '80s.
23 Q. '80s. Do you remember who the candidate was, who was winning at that point and place, when you say he was running for judge?

1 A. Yeah.
2 Q. Do you remember who the gentleman or woman's name?
4 A. I'd have to think to make sure. It was a man.
5 I'd have to think to make sure that I'm identifying the correct person.

18 Q. Okay. Is there any other specific example of voting discrimination that you might testify to about?
20 A. Not at this point, because I do not want to give out information when someone -- anecdotally, that someone might have, directly.
23 Q. You just used the word "anecdotally," but anything directly that you know about?
25 MS. MCLEOD: Objection, calls for

Page 75

1 speculation.

2 Q. (BY MR. NEILL) No, I'm asking -- talking about

3 what you might testify about. I just want to know about

4 any direct examples of voting discrimination that you

5 have witnessed where it wouldn't be an anecdotal story?

6 A. Not that I can recall at this moment, in a way

7 to be specific.

75:24-76:9

24 Q. Did you hear these from Anglos, as well?

25 A. Well, not to be humorous, but the people at

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1 early voting always complain that nobody gets them stuff

2 when -- fast enough. But I really have not heard a lot

3 from the predominant -- from Anglos, as you term them.

4 What -- you asked about Dallas County, so that's what

5 I'm telling you, from areas that are predominately

6 minority. I do hear some complaints about the placement

7 of polling places; that there's not enough study done to

8 place them where they will capture the most votes in the

9 most convenient manner.

76:25-77:8

25 Q. Okay. What about employment discrimination
Page 77

1 for -- we can focus -- if you can't talk about Dallas
2 County -- if you can, please let me know -- but for the
3 Irving area, have you -- do you believe that minorities
4 in Dallas County are discriminated against in
5 employment?
6 A. I'm really not in a position to speak about
7 employment. It's much too broad based a subject to be
8 able to assess here.

79:18-80:25

18 Q. Are you aware of any campaigns in Dallas County
19 that have been racial appeals to voters?
20 A. You mean political campaigns?
21 Q. Yes.
22 A. Well, I can't think of anything right offhand
23 that base their campaign on racial -- I mean, I think
24 sometimes a lot of campaigns will say this certain thing
25 is a problem, identify a problem and it will have to do

Page 80

1 with a minority issue. And they use that as part of
2 their campaign. But I'm not sure just basing it on
3 race. I can't point to anything in particular.
4 Q. When you say, a campaign will point to an issue
5 with a minority group and consider that a problem, can
6 you identify any specific candidates or campaigns that
7 did that and how they did that?
8 A. No, not really. Not right this moment.
9 Q. Okay. Have any of the voters, in Irving or
10 Dallas County, have they ever explained to you why they
11 didn't go out and vote?
12 A. Yes.
13 Q. What are some of the main reasons they have
14 given you for not going out to vote?
15 A. I don't know anything about the race or the
16 individuals is a reason that's given a lot of times. I
17 don't know where to go. I went where I thought I was
18 supposed to go and it wasn't correct. I forgot.
19 You know, people have all kinds of reasons.
20 And I mean, just those simple things as that. I
21 couldn't get off work long enough to go. I mean, even
22 though in national elections you're supposed to be able
23 to do that, sometimes it doesn't turn out that's the
24 case. And certainly not in other elections or are they
25 obligated. And so you hear that at times.
State Defendants’
Congressional Counter Designations for
Gonzalo Barrientos
33:22–34:1

Q. Did you have any involvement in the process by which the 2013 congressional redistricting plan was adopted?

A. I don't think so. I don't remember that, participating in that.

54:23–55:10

Q. Now, I know you had mentioned -- we talked a little bit before -- very briefly about the 2013 process and whether you testified before any committee. What about as to the 2011 statewide redistricting process?

A. I don't think I did. It's possible, but I do not think that I did from my recollection.

Q. Now, focusing on --

A. You're talking about in committees or something like that. Right?

Q. In committees, that's right.

A. Okay. I can't remember.

65:16–66:4

Q. (By Mr. Bitter) When you say -- just so it's
clear on the record, when you say this is better than
that, you're talking about ...

A. One eighty-five in terms of representation is
better than this plan, C100, in my opinion (indicating).

MS. PERALES: And the witness is
indicating Central Texas.

Q. (By Mr. Bitter) I was going to ask to confirm.

A. Yes.

Q. With that statement, are you referring to

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Central Texas or to the statewide plan as a whole?

A. Central Texas only.

Q. Okay.

A. Travis County specifically.

Q. Do you know whether the Court maintained
Congressional District 35 in its form that was adopted
by the legislature in 2011?

A. I believe it did.

Q. And do you know whether in the plan, the
interim plan adopted by the San Antonio court, which is
Plan C235, whether Travis County remains in five
congressional districts in that plan?
A. Let's see.

I believe so, yep.

Q. So the Court did not make any changes to that area?

A. As far as I -- to my understanding, that's true.

Q. I am curious if you have any complaints about the process by which the statewide congressional redistricting plan was passed in 2011, the actual legislative process.

A. No.

Q. 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?

MS. PERALES: I think this question may have been asked and answered.

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.

And have you seen any maps that would accomplish that?

A. Nope.

Now, the groups that you -- that you mentioned, is it fair to say that those groups generally support Democrats?

A. Generally.
State Defendants’
Congressional Counter Designations for

Bonnie Bruce
Quesada

97:21–98:5

Q. So by virtue of this Sunday meeting, do you believe that members of the public were given a meaningful opportunity to participate in the process?

A. I have never known of a bill being heard on a Sunday before during session, that's highly unusual.

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1 It's an extraordinary step.

2 Q. Do you recall how many people were there?

3 A. I remember we were in -- I think we were in the appropriations room, which is a small hearing room, maybe 100 seats and it was not full.

157:15-159:2

15 Q. You talked about shading that district to get population statistics, and I just want to make sure that I'm clear. With regard to -- at the micro level and particular precincts are being allocated and the population in a particular precinct, did you ever see anybody have racial shading on -- in that context where you could look at the map and within a VTD see --

23 A. No. No. I mean, we were looking for clusters of population and whether or not there was
concentration of population that needed or warranted

Page 158

Q. Did you ever hear anyone discuss allocating
districting and splitting VTDs with racial shading
A. Splitting VTDs, no. I heard things --
there was a lot of education that went on among our
members. I had members who would come to me and say
-- or a republican member who wanted to remove
precincts of their district into their neighboring
representative who was a democrat, and they wanted to
get rid of precincts in their district who had
democrats and their neighboring representative was all
happy to take those precincts because they were
democrats. And I would have to explain to them the
precincts which you're wanting to move are Anglos and
you're moving them into a minority-majority
population, and that would lower the minority
population and we would have to run the data to figure
out whether or not you're harming them; and they
didn't understand that, and so we had some education
to do. So I know that there were people who looked at
precincts strictly on republican versus democrat, and
I would have to go back in and tell them, yes, but you
also have to look at your neighboring district is a minority-majority district, and what is the population ethnicity that you're moving in there and how will it affect their overall ethnicity for their population. Does that make sense?

Q. And do you recall what his advice was?
A. No.

Q. You talked about shading that district to get population statistics, and I just want to make sure that I'm clear. With regard to -- at the micro level and particular precincts are being allocated and the population in a particular precinct, did you ever see anybody have racial shading on -- in that context where you could look at the map and within a VTD see --
A. No. No. I mean, we were looking for clusters of population and whether or not there was concentration of population that needed or warranted 1 of the area district.
State Defendants’ Congressional Counter Designations for Rogene Calvert
25 Q. Are you aware of any of the debates that

1 occurred on the House or the Senate floor regarding
2 redistricting plans in 2011?
3 A. No, I don't.
4 Q. It was not something that you -- you did not
5 attend any --
6 A. I did not attend.

18 Q. Do you have any specific knowledge of
19 particular meetings that occurred among legislators?
20 A. Not specific.

22 Q. And this references that, at least in the
23 plan that had been proposed at that point, that the
24 majority of the population had been split into
25 Districts 10 and 17. Do you know where in Travis

Page 101

1 County those communities are located?

5 Q. And to the extent that it may have impacted
6 Representative Al Green, do you -- was this type of
7 proposal ever provided to Representative Green?
8 MS. SITTON: Objection. Calls for
speculation.

A. I don't recall that we talked to him about it.

Q. (By Mr. Bitter) So you're not able to say whether Representative Al Green would have supported the proposal like this?

A. I can't say.

MS. SITTON: Objection. Calls for speculation.

110:25-111:19

Q. Are you aware whether the Court, in adopting its interim congressional map, made any changes to the Harris County area?

A. Well, I think we dropped 24 district -- rep -- districts.

Q. I'm referring to the interim congressional map.

A. Oh, the congressional map.

Q. If you recall any -- whether any specific changes were made by the Court to the Harris County districts?

A. I don't recall, no.

Q. What about as to Travis County?

A. I don't recall about Travis County.

Q. So going back to the issues that were raised
in your letter to Senator Seliger, you're not aware whether either of those issues were addressed by the San Antonio Court in adopting an interim map?

A. Yeah, I would believe they were not addressed, but I'm not real sure.
State Defendants’
Congressional Counter Designations for
Francisco Canseco
Quesada

44:18-25

18 Q. Did the Republican delegation from Texas ever
19 meet together to talk about redistricting in 2011?
20 A. You know, come to mention it, yeah, we did,
21 over lunch.
22 Q. Okay. And I'm trying to think about that
23 meeting because I know that some of your neighboring
24 districts that you might have had a conversation about
25 redistricting with are democratic districts –

Rodriguez

70:20-24

20 Q. Okay. Do you know where the other new
21 democratic seat was?
22 A. I think that was 35, wasn't it?
23 Q. And that was between San Antonio and Austin?
24 A. Yes.
State Defendants’

Congressional Counter Designations for

Sergio DeLeon
Q Do you know who drew or configured the congressional districts in Tarrant County that we see here in Plan 185?

A No.

Q Okay. Do you have personal knowledge of why the district boundaries in Tarrant County were drawn as they were in this Plan C185?

A I do not.

Q Okay. All right. Let's go to page 4. Okay.

First full paragraph, the second sentence.

Are you there?

A Uh-huh.

Q Is it says, "The carving and dividing of minority neighborhoods in Tarrant County particularly constitutes a stark and brutal attack on Hispanic and African-American voters and their communities."

Did I read that accurately?

A That's correct.

Q Okay. And you don't have any personal knowledge of why District 26 and 12 and 33 were drawn the way that they are; is that right?

A I can only speculate.
8 Q Is it your -- is it your position that the
9 legislature and the members who voted for Plan C185
10 deliberately set out to harm Hispanic and
11 African-American voters?
12 A I don't know if that was their intent, but
13 that was obviously the end result.
16 Q Oh, you know what? Before we totally move on,
17 back up to the first full paragraph, the sentence that
18 begins "The carving and dividing." Do you recall who
19 wrote that sentence?
20 A I do not.
State Defendants’
Congressional Counter Designations for
Ryan Downton
Quesada

49:21-50:1

received any new information since testifying.

It's always hard for me to look at something like -- like this that's a comparison between C100 and C185 because it changed so many times in between. And at no point did I sit down and compare,

Page 50

1 prior to this case, C100 and C185.

51:6-12

Q. Okay. And you don't recall receiving a map from Congressman Canseco?

A. No. But it's my understanding that all of the congressmen -- Republican congressmen from Texas except for Congressman Barton, were working with Eric Opiela. So it's possible that any map there Eric Opiela gave me had input from Congressman Canseco, but I don't know.

53:1-20

Q. (BY MR. MELLETT) Have you had a chance to look at that?

A. Yes.

Q. All right. And, obviously, I don't have the zip file for C149 and El Paso here. The information that is contained here contains SSVR information and
the -- a percent -- well, a number next to McCain. Can you tell me what -- to you what that represents?

MS. COLMENERO: Objection to the extent it calls for speculation.

But you can go ahead.

THE WITNESS: I'm not sure. I don't know if this is for District 23 as a whole or the El Paso portion of District 23.

Q. (BY MR. MELLETT) Well, it says, "Here's the black file for the El Paso amendment." Do you recall receiving black files from --

A. Not specifically, no.

Q. Okay. But you have no reason to believe that this e-mail wouldn't have been sent to you?

54:4-9

Q. Okay. The -- but, otherwise, it doesn't jog your memory about the information provided to you by Mr. Opiela?

A. It -- it doesn't. I could have pulled all these statistics myself, so I'm not sure why he sent them to me.

57:5-13

Q. Let me step back. What was -- in terms of Congressional District 23, what was Gerardo Interiano's
role in constructing Congressional District 23?

   A. He didn't have one. But he had previously worked for Congressman Smith, and so he knew all of the people on the Washington side of things, the various congressmen, their staff members. It wouldn't surprise me if they had conversations. I wasn't a part of those conversations.

62:8-23

Q. Did that have any influence on what Eric Opiela was unhappy about?

   A. I think he was -- well, I know he didn't like that map either. He didn't like what Representative Solomons had. He didn't like what Representative Hilderbran had. He had his own map that he wanted.

Q. And when you say "his own map," I mean -- so this was the map on behalf of the Republican delegation and Lamar Smith?

   A. Yeah. Well -- and you know, they also wanted a Hispanic district in north Texas that we didn't create in the Legislature. So there were -- we've been focussing on CD23 and what the congressional delegation wanted for that. There were other areas of the map where we didn't accept the congressional delegations' ideas. It wasn't just with respect to CD23.
Q. Okay. And I know we've been down this road before as to what's in Red Apple, so I don't want to go through and repeat all of this. But my understanding on Red Apple is that you had said before that, for example, for each of the precincts that you have turnout available information?

A. No.

Q. Well, that you would -- that -- that you had it available but didn't look at it.

MS. COLMENERO: Objection, mischaracterizes his prior testimony.

THE WITNESS: No. I think my testimony has always been that I never looked at it. And I don't think Red Apple even had the capability to do it, but I don't know that.

Q. Right.

A. I never saw that in Red Apple.

Q. Well, let me -- I -- I guess the -- the question is; is that, in terms of performance, you're saying, you know, you've got the information based on performance --
Did you look at the specific election contests for the District at issue? So for example, let's say you're looking at House District 105, did you look at the actual election results that occurred under the benchmark districts?

A. No, not -- well, generally, I looked at statewide elections. In the House map, I also looked at some county-wide elections for counties such as Dallas where all of the districts stayed within those counties. I did not look at any local elections on either map, because once you change the District, you can't look at -- you can't create aggregated election results if the entire district wasn't part of the election before and after the changes.

Q. So you didn't -- you never tried to sort of piece together for, let's say in the congressional, oh, here's what one candidate received in CD20. Here's what another one received in CD23.

A. No. Just statewide races.

Q. Okay. Is there any reason why you didn't do that?
A. Well, until you just mentioned it, no one had ever suggested it before. It sounds like an awful lot of work for very questionable return because each race is different, and there may be -- especially local races. There may be local issues that predominate in a local race that I wouldn't have any knowledge of.

78:20–79:4

Q. That Congressman Smith requested changes? So do you -- in particular, is there anything that you're referencing or --

A. There's not. But the northeast --

Q. Okay.

A. -- side of District 23 borders on District 21.

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I see there are several swaps between those districts. And those may have been requested by Congressman Smith.

I do recall one specific here that Congressman Canseco's house was not in the District,

81:5–22

the yellow shading about the areas moved out of CD23.

A. I only need to look at one of these pages --

Q. Correct.

A. -- because the yellow and green is identical on both of them?
Q. That -- that's correct.
A. Okay.

Q. Those are identical. Sorry for the confusion.
A. I can't read the precinct numbers on here.
Q. Okay.
A. I think the green area, kind of north central, that was moved into CD23, it's two and a half precincts. I think that may have been where Congressman Canseco lived, but I'm not positive. I know we moved his house into it.
Q. Okay. I was going to say, we can --
A. I'm sure you have a record of where his house is.

Did -- for those changes in CD23, for any of those requests, did you say no? Did you say, "No, we can't do this"?
A. For a request for CD23?
Q. Yes.
A. Sure.
Q. And regarding the requests in terms of -- do you have any recollection in terms of precincts or areas that were requested to be in or out which you rejected?
24        A.  I don't have a specific recollection, no.
25        Q.  Okay.  Do you know if they were in Bexar

Page 83
1        County or other parts of CD23?
2        A.  Both.
3        Q.  Okay.  But you don't have a specific
4        recollection as to what those would be?
5        A.  Ector County up by Midland.  I know at some
6        point Eric Opiela requested that to be in CD23.  That
7        was rejected.  I think at one point they had requested
8        a different part of El Paso.  That was rejected.  At
9        one point they didn't want any of Maverick.  That was
10        rejected.  There were others --
11        Q.  So --
12        A.  -- that I don't recall specifically.

86:16-87:22
16        Q.  (BY MR. MELLETT)  I guess I -- I have the same
17        question, but I don't want to also waste our time if
18        we -- if you don't have a recollection in terms of VTD
19        splits, where there were splits in there.
20        Do you, as we sit here now, have any
21        recollection as to why you made specific splits there?
22        A.  I can -- I can tell you that splits were
23        rarely, if ever, requested by any of them -- by any
Perez v. Perry – State Defendants’ Congressional Counter Designations
Ryan Downton

24 congressman, with the exception of if they wanted a
25 particular house or a particular school in their

Page 87

1 district. For the most part, the splits in CD23 were
2 splits that I did on my own.
3
4 Q. Let -- let me point out, for example, down at
5 the bottom where -- it's the area that -- I'm pointing
6 to the southern part of the map. These are areas that
7 were moved out. As you can see, there are splits that
8 are down there.

9 Do you know why those areas in the south
10 in Bexar County would have been split?
11 A. Looking at it in this form, I don't recall.
12 If you had Hispanic shading at the block level on a
13 map, that may help me identify that 'cause splits in
14 23, I think, were generally done either because they
15 were requested because of some specific reason, like a
16 house, in zeroing out the District, which was done many
17 times -- so there were a lot of split for that -- or in
18 trying to comply with the Voting Rights Act and ensure
19 that your HCVAP level and your SSVR level were high
20 enough. But as far as any particular splits, I can't
21 tell you sitting here today; although, I think if you
22 had the ratio shading by block, I'm -- if I could see
that, I might be able to know some of them.

111:12-20

Q. Okay. You spoke a little while ago with Mr. Mellett about information on voter turnout in redistricting plans.

Would it be fair to say that turnout data was available for redistricting plans from the Texas Legislative Council in reports similar to -- to the types of reports that would contain HCVAP? Not the same reports but other reports.

A. I don't know.

112:15-22

Q. Did you look at reports on HCVAP?

A. I don't remember if that was in the report. Because when I'm thinking about the reports, I'm mainly thinking about the State map, not the congressional map, 'cause the State map we had more hearings and more presentations.

Q. Uh-huh.

A. So over a longer period of time.
State Defendants’

Congressional Counter Designations for

Dawnna Dukes
6 I think we agreed earlier that --
7 actually, we haven't done this yet for -- for C235. I'm
8 counting up eight districts with an HCVAP over
9 50 percent, and I'm showing Districts 15, 16, 20, 23,
10 29, 28, 34, and 35. Is that correct?
11 MR. HICKS: Just -- just for clarity,
12 you're working off Exhibit 22?
13 MS. JACKSON: Yes.
14 Q. (BY MS. JACKSON) Do you agree that there are
15 eight districts with an HCVAP over 50 percent in this
16 map?
17 A Yes.
18 Q Okay. And that's one more than the number of
19 districts in your proposed map C166. Is that correct?
20 MR. HICKS: One -- objection; vague. One
21 more than the number —
2 Q So, is eight greater than seven?
2 A Are we asking my daughter, who's in sixth
3 grade? I -- yes, ma'am.
Perez v. Perry – State Defendants’ Congressional Counter Designations
Dawnna Dukes

152:5-8
5 Q. (BY MS. JACKSON) In 2011, are you aware that
6 the idea for the district between Travis County and
7 Bexar County was proposed initially by MALDEF?
8 A In 2011, I learned that at the trial in D.C.

157:18-25
18 Q Now, you introduced C166 as an alternate map,
19 did you not?
20 A Yes; we talked about that earlier.
21 Q And you were able to develop that between the
22 Friday when the map was announced and the Monday when
23 the maps were due. Is that correct?
24 A It was -- it was worked over the entire
25 weekend, yeah.
State Defendants’
Congressional Counter Designations for
Clare Dyer
23 Q. Now, beginning with the paragraph that says
24 Subject to and without waiving these objections --
25 A. Uh-huh.

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1 Q. -- is that paragraph accurate?
2 A. That was our procedure, that we obtained the
3 initial address information when the applicant files to
4 run for office with the Secretary of State. That
5 information is on the Secretary of State's website for a
6 short period of time around the election.
7 And we pull that information and sometimes
8 we try to confirm that information with a second source
9 such as the White Pages or the County Central Appraisal
10 District information.
11 Another source is to see if the person is
12 registered to vote at their address. Because of the
13 information they fill out with the Secretary of State's
14 voter database registration, it includes their address,
15 their date of birth, and their ZIP code; and that
16 information can be used on the Secretary of State's
17 website to say am I registered to vote.
18 Q. Did you, in fact, read the response to
19 interrogatory 5 before you signed the Declaration?
20 A. Yes, I did.
21 Q. Okay. And that is still accurate today,
22 correct?
23 A. Yes. We only received responses from 10
24 members of Congress.

35:9-36:25
9 Q. (BY MR. SELLS) Ms. Dyer, have you had a chance
10 to look at Exhibit 5?
11 A. Yes, I have.
12 Q. Can you tell me what this is?
13 A. This is Dallas Central Appraisal District
14 showing Congresswoman Eddie B. Johnson as the owner
15 of -- or a resident of this 2323 North Houston Street in
16 Dallas, Texas. That's the first page.
17 The second page is from the White Pages;
18 again, a search of this address.
19 The third page is the map that we sent
20 faxed to her office showing where we thought that block
21 was.
22 I did actually research this more because
23 I understood this was a question.
24 And this map -- this is -- this is -- this
25 is what happened here: This map was from the 2009-2010,

Page 36
1 right at the -- you know, this was done in January of
2 2011, and the map appears to be the 2009 database that
3 says 2010 Census Block.
4 We were under the impression from the
5 Census Bureau that the 2009 and 2010 census geography
6 was the same, but they actually made some changes.
7 So if you look at this street here, where
8 it says Victory Avenue and then it says North Houston
9 Street on the right side of that block, in reality North
10 Houston Street it turns out is up -- up above that,
11 above Alamo Street and above North Houston Street, and
12 it is up another block or two from where it said North
13 Houston Street here.
14 So we had this address as North Houston
15 Street. This is what our system found for her residence
16 block. But in researching this further now with our
17 updated geography, it's showing that she lives two
18 blocks to the east of this.
19 Q. Okay.
20 A. So this was just a mistake on our part
21 inputting her address in the wrong block.
22 Q. So if I understand what you just said
23 correctly, you identified the wrong block of
24 Congresswoman Eddie Bernice Johnson's residence?
25 A. Yes.

42:15-44:12
15 Q. (BY MR. SELLS) Okay. Have you had a chance to
16 review Exhibit 6?
17 A. Yes, I have.
18 Q. Okay.
19 A. It's the Redistricting Issue Paper No. 1 on
20 incumbent locations from Debbie Irvine to the Lieutenant
21 Governor and the Speaker's office and staff in their
22 offices.
23 Q. Now, just for clarification, the first page
24 appears to be an E-mail --
25 A. Yes.

Page 43
1 Q. -- but I don't see your name on there. Do you
2 know --
3 A. No.
4 Q. Do you know how this came to be produced by
5 you?
6 A. I don't know how that happened.
7 Q. Did you receive a copy of this when it was
8 sent in 2010?
9 A. I apparently did.
10 Q. Does it look familiar to you?
11 A. I don't recall the E-mail. I recall the Issue
12 Paper because I wrote it, and then it was edited by
13 legal staff and Debbie Irvine before it was sent out.
14 Q. Okay. So you wrote the Issue Paper?
15 A. Yes.
16 Q. All right.
17 A. Or the first draft, yes.
18 Q. Okay. And as it exists here in Exhibit 6, is
19 the Issue Paper accurate?
20 A. Yes, I believe it is.
21 Q. And how does this Issue Paper indicate that
22 the residence location of incumbents would be attained?
23 A. That we would obtain it from the Secretary of
24 State's candidate records of permanent residence
25 addresses.

Page 44
1 Q. And does the Issue Paper explain that that's
2 how it had been done in the past?
3 A. Yes.
4 Q. And was that, in fact, how it was done in the
5 past?
6 A. Yes.
7 Q. But if I understand your testimony here today,
8 that's not how it was done in this cycle, correct?
9 A. I think we would have started with the
10 Secretary of State's candidate records of permanent
11 address and then tried to confirm that before sending --
12 before producing the map and sending the map.
13 Q. Now, you see that he's asking for all kinds of
14 information, and you've said that you could provide some
15 of it and not other stuff.
16 I'm going to put that to the side and ask
17 you about the data that's in RedAppl --
18 A. Okay.
19 Q. -- okay -- and RedAppl's capabilities.
20 Could you with the off-the-shelf RedAppl
21 software and data identify those blocks that would
22 provide Mr. Opiela's, quote-unquote, "nudge factor"?
23 A. The only way I can think to do that would be
24 to work at the block level and just add in blocks and
25 see what the statistics did as you moved along where

Page 91
1 you're raising the Hispanic and lowering the Spanish
2 surname registered voters.
3 We don't have CVAP in RedAppl. There's no
4 citizenship data in RedAppl.
5 So because the data is allocated -- as we
6 spoke about in the previous deposition -- allocated to
7 the block level, even though it isn't showing at the
8 block level because it's an allocated estimate of the
9 data down to the block level, the election data, you
10 could, I believe, go in block by block and add in blocks
11 and see, again, if your total Hispanic VOP went up and
12 your Spanish surname registered voter number went down.
13 Q. Could you also using the same method identify
14 those blocks where the Spanish surname registered voters
15 would go up, but turnout would go down?
16 A. Total turnout, but we didn't have Spanish
17 surname turnout in our -- we don't -- at this point, and
18 we did not then have Spanish surname turnout in RedAppl.

91:25–92:12
25 Q. And if one had the data that was provided to

Page 92
1 Mr. Interiano, could one also identify those blocks that
2 would provide this nudge factor that Mr. Opiela is
3 talking about?
4 A. Well, again, he asks for it on 2000 census
5 blocks, so it's not the same blocks.
6 It would be by -- the blocks are by county
7 tract block, so it would be in the same county and the
8 same -- probably the same census tract in a lot of
9 places, but not always.
10 If you had a map of 2000 census blocks,
11 you could probably create something and shade it and
12 then go to that same area with the RedAppl screen.
State Defendants’
Congressional Counter Designations for
Rodney Ellis
2 Q. Were there maps introduced that would have
3 given them that opportunity, in your view?
4 A. I'd have to go back and do the research. You
5 know, I can't even remember, off the top of my head, if
6 I even put one in because I -- I know I wouldn't have
7 had the votes but -- you know, so I don't know if I put
8 one in or not. Someone may have put one in. I just
9 don't know. I'd have to go back and do the research.
10 Q. So you're not aware of any maps that were
11 before the Legislature as proposals that would have
12 provided those opportunities?
13 A. As I said, I'd have to go back and do the
14 research. You're asking me about what happened in 2011.
15 As I told you earlier, I think I'm a relatively
16 intelligent guy, but if I didn't look at the Journal, I
17 wouldn't know that that was a Tuesday.

2 Q. What was the increase that they did receive?
3 A. I'd have to go back and look. Off the top of
4 my head, I don't know.
5 Q. And what increase were they entitled to?
6 MR. DUNN: I object to the
7 characterization of an increase. Answer if you can.
8 A. I don't know. I'd have to go back and -- I'd
9 have to go back and pull the numbers, go and do my
Q. What other facts are you aware of that leads to your belief that the 2011 Congressional map was enacted with a discriminatory purpose?

A. Off the top of my head, those are pretty big ones. I can't think of any others right off the top of my head.
State Defendants’
Congressional Counter Designations for

Charles Geren
22 Q. (BY MS. SITTON) Do you know -- did Congressman Lamar Smith ever meet with you regarding congressional redistricting?
23 A. No, ma'am, he did not.
State Defendants’
Congressional Counter Designations for
Alexander Green
DOJ Designations

45:21–46:1

Q. Assuming these maps accurately reflect Rice University as being in Congressional District 7 under C100 and Congressional District 18 under C185, would you agree that's an example of an economic engine moving from an Anglo Republican's district to an African-American Democratic's district in C185?

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1

74:12-23

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.

86:21–87:4

Q. Are you aware whether Congressman Poe himself lost his district office under C185?

A. No.
Perez v. Perry – State Defendants’ Congressional Counter Designations
Alexander Green

24    Q.  Okay.  Are you aware whether Congressman Joe
25   Barton lost a district office in Arlington under C185?

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1       A.  I was present today and heard testimony, and
2      apparently there is a contention that it was.
3       Q.  Are you aware whether Congressman Joe Barton
4    also lost a district office in Crockett, Texas, in C185?

89:4–91:9

4       Q.  Are you aware that Congressman Michael McCaul
5    has multiple offices, whether they be satellite or
6    district offices?
7       A.  Well, it would not surprise me to know that
8    every member of Congress has more than one office and it
9    would not surprise me to know that assets are more
10   concentrated in some than in others and it would not
11   surprise me to know that the one that is most cherished is
12   one that they would want to keep if it is located in a
13   neighborhood or in an area that they want to serve.
14       Q.  Are you aware whether Congressman McCaul lost an
15   office in Houston in C185?
16       A.  No, but it would not surprise me that he lost an
17   office.  I know that his main office, in my opinion, is
18   not in Houston.
19       Q.  Do you know where it is?
20       A.  Someplace other than Houston.
21       Q.  Are you aware whether Congressman McCaul lost a
district office in Austin in C185?
A. I'm not aware.
Q. Okay.
A. But it would not surprise me.

Q. Congressman Lamar Smith, I know you've referenced him before, are you aware whether he lost an office in Austin?
A. Would not surprise me to know that members lost offices. It would surprise me to know that they lost what I'm calling a district office wherein you have your preeminent assets situated.
Q. Are you aware as to the main office -- the city of the main office that Congressman Lloyd Doggett had as of the 2011 process?
A. No, I can't say where his main office was.
Q. Are you aware whether he lost his district office in Austin in C185?
A. Well, I don't know that -- I would not know whether that is his district office or not. By the definition I've given to you, I would not know whether that is his district office or a satellite office. I don't know whether Culberson's office was a satellite office, now that you bring it up, whether that was his district office or a satellite office. I will know by the time you and I see each other again.
Q. I mean, we may be able to settle that to some extent. If you look at the exhibit that I marked as Exhibit 8 with Congressman Culberson's district office location, if you turn to the first page of this, does it list any locations other than the Houston office address at 10000 Memorial Drive?

A. Well, I can't read the writing, but now that you mentioned it to me, when I looked at it, I think it was on his home screen, I think it was 10000.

Q. So that's the only office address you're aware of?

A. The only one I'm aware of, but I would not go so far as to say that's the only office address.

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.

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

Q. And your allegations also include claims
against -- or claims pertaining to Nueces County. Do you
have any personal knowledge about the issues surrounding
Nueces County?
A. I would rely on my experts to give that sort of
testimony, but I reserve the right to do so if my counsel
and I conclude that we have some appropriate relevant
material evidence.

Q. And there are some claims that have been raised
against Bexar County. Is that something you have personal
knowledge about, the issues relating to Bexar County?
A. I would say that my answer would be the same as
I've given to others in this line of questioning.

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.

97:3-8

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.

98:1–99:1

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?
11    A. No, the staffers did not make the request to
12    committees, no.
13    Q. Who did they --
14    A. Well, I don't believe they did. I did not
15    authorize that sort of activity, so I don't believe they
16    did. If they did, it's unknown to me.
17    Q. Do you know who they reached out to?
18    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
anyone.
State Defendants’
Congressional Counter Designations for
Mike Hull
95:19-96:23

19 Q Do you know Eric Opiela?
20 A I know -- sure.
21 Q And did you have discussions with him about
22 the -- about redistricting in 2011?
23 A As you've asked the question, the answer would
24 be no. And I'm not trying to be mysterious here. I
25 recall a single conversation with him.

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1 Q Can you tell me about that conversation?
2 A Yes. I had a question about data, as in how to
3 get it.
4 Q And --
5 A And then, the -- the census data didn't come
6 out until, like, either February -- there was some
7 preliminary data and then there was subsequent data. I
8 was using Maptitude, trying to use Maptitude, which is
9 a redistricting program. And whatever it was the State
10 used -- uses -- used is not the same in the --
11 Q Would that be Red Apple?
12 A I don't know -- I don't know if that's the name
13 of the -- the data program or not. But whatever the
14 data program is. And the Maptitude data program and
15 the Census Data data program were not the same, so you
had to do some -- something in some computer somehow to
switch them around. So there was a -- I remember a
conversation with Eric about that issue. "When was the
data? How does that happen? Is there another way to
do it? Can you jump-start the process?" - that
conversation. I do not recall any other conversation
with Eric after that one, which would have been before
the Census Data came out through today.
State Defendants’
Congressional Counter Designations for
Todd Hunter
Q. Okay. Let's move over to the 2010 trip to visit the congressional delegation.

A. Okay.

Q. When did you take that trip?

A. All I remember, it was after the Arlington field hearing.

Q. Okay.

A. That's all I can remember.

Q. Well, am I correct, based on the January 2011 interim report, that the Arlington field hearing was on September 21, 2010?

A. Okay.

Q. So sometime after September 21, 2010?

A. I believe you're correct. I'll rely on you.

Yes.

Q. And before the end of the year?

A. Yes.

Q. Okay. Who else traveled with you?

A. I -- I traveled by myself.

Q. Did anyone else attend the same meetings that you did with members of Congress?

A. Yes, they did.
Q. Who was that?

A. And I -- and I cannot remember everybody that was there. I think Tom Phillips was there.

Q. In what capacity --

A. I --

Q. -- did Tom Phillips attend? Sorry. If you want to complete your list of who you think attended.

A. He was one of the counsels for either the House or the Speaker's office.

Q. Okay. And who else attended?

A. I believe Lisa Kaufman.

Q. And who else?

A. And then I cannot remember. I cannot remember if there were some other members. I just can't remember.

Q. Did Aaron Pena attend?

A. He may have.

Q. Okay.

A. I cannot remember.

Q. That's fine. And Lisa Kaufman, she was at the time chief of staff to Speaker Straus; is that correct?

A. No.

Q. What was her position at the time?

A. She, I think, was policy director.
Todd Hunter

Q. Okay. Do you know what other members you informed about your trip?

A. About going?

Q. Yes.

A. I don't.

Q. Do you remember what members of Congress you met with?

A. Some, yes.

Q. Who did you meet with?

A. Lloyd Doggett, Henry Cuellar, Shirley Jackson Lee, Lamar Smith, Ron Paul, Charlie Gonzalez. I may have met more in a grouping in a hallway someplace, but those -- and then I met a couple of the congressmen from Dallas, I think.

Did you meet with any members of Congress back in Texas regarding the redistricting process, any members of Congress?

A. I probably did at the hearings, the field hearings, when they were there, but I don't remember any other ones. Now, during 2011 people came to the Capitol and I may have visited with people.

Q. Do you remember specifically who -- which members of Congress attended the field hearings?

A. I don't. I remember, San Antonio, I think
1 Charlie Gonzalez was there, and I think -- I don't
2 remember the rest of them.
State Defendants’
Congressional Counter Designations for
Gerardo Interiano
Q. Okay. Well, putting aside the testimony, do you recall having to take matters to Representative Solomons and to the Speaker from time to time?

A. Yes, sir.

Q. Okay. And why would you take matters to Representative Solomons or the Speaker?

A. Because they were the leadership of the House on the issue.

Q. And what would they do when you would take a matter to that?

A. They would make a decision.

Q. And can you recall what matters came up during the 2011 redistricting process that you took to them for a decision?

A. There was a wide variety of matters that I would have taken to them ranging from conflicts between the members on a district, who should lead a county delegation on the issue, to -- we would bring up matters to them that we, as a staff, could not determine.
Q. And as you were constructing the district, were you trying to increase Governor Perry's performance or decrease Governor Perry's performance in Representative Garza's proposed district?

A. That would have varied from race to race. In some races, a different candidate might have performed better than another.

Q. Okay. But I'm asking you specifically, as you were drawing Representative Garza's proposed district, in looking at Governor Perry's race on your screen in Red Appl, would you have been trying to increase Governor Perry's performance in Representative Garza's proposed district? Or decrease Governor Perry's performance in Representative Garza's district?

A. I think it would have varied. I don't believe that it would have been the same in that district because, for example, sometimes another candidate would have performed better in certain portions of the county, another republican candidate would have performed better in certain portions of the State. So, if you increased it for one
candidate, it might decrease it for another.

96:17-22
17    Q. Okay. How many of these summaries did
18    you receive during the course of the redistricting
19    process?
20        A. Various.
21    Q. I'm trying to get a sense of the number.
22    Can you tell me how many?

116:20-117:5
20                  Okay. Well, so my question was going
21    to be: So why would you forward this to your Gmail
22    account?
23        A. So I'll give you a little bit of
24    background on myself.
25    I came from working in a

Page 117
1    congressional office. The rules in congressional
2    offices were that: One, none of our e-mails were
3    accessible by open records, if I remember correctly;
4    but, two, we were not allowed to discuss political
5    issues on our official work account.

135:7-20
7                  Let me ask you, if you know: What do
8    you know about Hispanic-republican voters in the
area of Congressional District 23?

A. One broad thing that I know, that -- I know that rural Hispanics tend to be more conservative than urban Hispanics. I think that's something that probably applies across race. I wouldn't say that that's something that only applies to Hispanics.

But I think broadly District 23 is a district that has a large rural population and, as a result, I believe those Hispanics would probably lean more conservative than those that are inner city.

I -- In this particular instance, in regards to Exhibit 12, I don't recall whether I was aware that Archer had this concern at that point in time.

Q. Okay.

A. I don't know if it was at the end of the year or at the beginning of the legislative session, so it would have been maybe one or two months.
Q. (BY MS. PERALES) At that time, did you know what CVAP was? CVAP?

A. Probably not.

Q. Okay. Did you know what VTD was?

A. Possibly.

Q. Did you know what "RV" stood for at that time?

A. Unlikely.

Q. Okay.

So even though you had done work on some campaigns previously, the "RV" didn't stand out to you as registered voters?

A. Not in that context.

Q. Okay.

Okay. And then, "TO" --

A. Where is that?

Q. -- did you understand -- Oh, it's the second to last line.

A. Even today, I can't tell you what that stands for.

Q. Okay. Would you believe me if I said
182:1-4

1 turnover?

2 A. I believe you, but I was trying to figure out what the "O" was for.

3 Q. Okay.

183:20-25

20 Q. And you understood -- As you were making these requests, you were learning about the data, you understood what you were requesting, correct?

23 A. I wouldn't say that. I think that I understood some of these terms in a vacuum. I don't believe that at that time I would have fully understood how the data was used. Chances are, I was just starting to use Red Appl.

    When I started in the Speaker's office at the beginning of October, I wasn't even aware that I was going to be the map drawer, so that decision was not made as early as I would have thought.

Q. Okay.

9 I know that your role in crafting Congressional District 23 was more limited than that of Mr. Downton, but I'm going to ask you some
questions about what you did or didn't do as you
were assisting Mr. Downton on Congressional 23,
okay?

A. Sure.

Q. Did you do an analysis of the precincts
in Congressional 23 in which Mr. Canseco garnered
the most votes in his republican primary of 2010?
A. Just to clarify, you're asking me if I
did that?

Q. Yes.

A. I don't believe I did.

Q. Do you know if Mr. Downton did?
A. I don't.

Q. Okay. Did you communicate with the

Page 185

Bexar County Republican Party to ask them where
there might be concentrations of
Hispanic-republicans that could be included in
Congressional 23?

A. I don't recall any conversations with the
Bexar County Republican Party through the process.

Q. Do you know if Mr. Downton did that?
A. I don't.

Q. Okay. Did you ask Congressman Canseco to
send a list of precincts that he thought contained
the highest number of Hispanic-republicans?
A. I don't believe I ever made that request.
Q. Do you know if Mr. Downton did?
A. I don't.
Q. You mentioned earlier in your testimony
today that some republican candidates do better than
others among Hispanics. Do you remember that?
A. Yes, ma'am.
State Defendants’
Congressional Counter Designations for
Eddie Bernice Johnson
DOJ

16:5-18:10

Q. Okay. And that's what I want to talk with you about is this notion of economic engines because I've seen it mentioned kind of throughout this case, and you gave me a couple of examples. You gave me American Airline Center. You mentioned the arts district. You gave me Klyde Warren Park. But --

A. You could include the entire downtown Dallas.

Q. Downtown Dallas. Perfect. And I just want to ask you, what does the term economic engine mean to you?

A. It means areas that creates jobs. It also means a responsibility for helping to create those economic engines. When I -- when I was able to get assistance and redevelop an original post office into a usable building, the old Mercantile Bank, other buildings downtown. Where the American Center is now was an old closed packing house that was a very deserted and environmentally damaging area. I got Brownfield money to help to develop it. That whole Victory Park area that was developed around it, I helped to get Brownfield money to get that started.

Q. Okay. And when we're talking about economic engines, it's fair to say -- you mentioned downtown
Dallas. It's fair to say that would include large employers; would that --

A. Yes.

Q. Okay. It would also include economic engines such as corporate headquarters?

A. It had corporate headquarters, banks.

Q. Would you consider college and universities to also be economic engines?

A. Yes.

Q. Would you consider stadiums --

A. Airports.

Q. Airports. How about stadiums like American Airlines Center?

A. Yes.

Q. Okay. Hospitals, are those economic engines?

A. Yes, even Parkland, which nobody ever wants but me.

Q. And then how about historical landmarks, would you consider those to be economic engines?

A. Some are.

Q. Okay. And how about parks, are those economic engines?

A. Yes.
Q. Okay. And you mentioned one earlier in our discussion, and it was a neighborhood, such as the gay and lesbian area up in Dallas. Would you consider neighborhoods in certain cities such as Dallas to be economic engines?

A. Indeed, because where the vast majority of that population is in that area, they've done a lot of redevelopment, opened a number of restaurants to their interest, and are very active in the area. As a matter of fact, I was working on getting a post office named for one of the gay leaders in that area that was dashed as soon as the lines were changed.

Q. 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.
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Eddie Bernice Johnson

happening --

A. You know, I don't have --

Q. -- during the interim plan process?

A. Okay. Excuse me, I'm sorry to interrupt you, but I don't keep up with the Texas legislative session. We are in session year around. It was during our sessions that I had the conversation. I did not speak with the Texas legislative people. I spoke with members of Congress that we'd been directed to work out a map and that Lamar Smith was the coordinator. Had a number of conversations with him. I never spoke to the members of the Texas Legislature.

Q. Okay. And when you say you never spoke to any of the members, is it fair to say you also never spoke to any of the local legislators around Dallas?

A. Once we developed a map, I invited the African-American members to a meeting in my office to share the map and explain it because in this area, I was the only Democrat, so I didn't have anybody else to coalesce with. And it really wasn't as much party as it was minority that were getting, in my -- in my opinion, abused.
State Defendants’
Congressional Counter Designations for
Lisa Kaufman
11 Q. Did his time working for the Speaker overlap with yours?
12 A. Yes.
13 Q. Okay. So were you his supervisor?
14 A. I was not.
15 A. Okay. I assume because he was hired by the Republican delegation.
State Defendants’
Congressional Counter Designations for
Sheila Jackson Lee
20 Q. Okay. And just trying to sum it all up, it's fair to say you have -- you -- having never done any kind of analysis to determine what was lost in a certain district versus what was lost in your district?
24 A. You're correct.

33:1-11
1 Q. And who represents Congressional District 29?
2 A. Congressman Gene Green.
3 Q. Okay. And is it -- and Congressman Gene Green represents a majority Hispanic district; is that fair?
5 A. That's my understanding.
6 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?
11 A. That's correct.

38:15-40:17
15 Q. Okay. That was my next question: You never interfaced with any of the map drawers who were working on the congressional plan?
18 A. Never.

19 Q. Did you ever --

20 A. To my knowledge, unless they came in and they didn't identify themselves.

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

25 A. I had a one-time visit that I initiated which Page 39 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.

10 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?

15 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.

A. Okay.

Q. So, it was during -- it was early on in the

legislative session?

A. It might have been, yes.

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. Did you ever have those face-to-face meetings?

A. My meetings were before that. I -- I really

can't -- let me be very clear on the record. I really

can't recall whether it was before February or after,

but I didn't have those details when I was meeting with

them. It was really a courtesy visit that I was

available to engage.

Q. Okay. And after you had this initial meeting
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Sheila Jackson Lee

14 with them, it's fair to say that you didn't yourself
15 initiate any other further communication with either
16 Senator Seliger or Chairman Solomons?
17 A. No.

52:17–63:23

17 (Exhibit 4 marked)

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

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1 Q. I did not go there.

2 A. You have a big smile on your face. Okay.

3 Q. It is in -- my uncle went there.

4 A. Okay.

5 Q. But it is an internationally recognized
6 university. Fair to say?

7 A. Yes.

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
assessment of experts and members of Congress as they
look at their own district.
13 Q. Well, if Rice University was in your district,
would you consider it to be an economic engine?
15 A. I would.
16 Q. Okay. And if you -- so, page 1 of Exhibit
No. 4 basically shows where Rice University is on Google
maps; and is it fair to say that this accurately depicts
where Rice University is, based on your knowledge of the
Houston area?
21 A. Yes.
22 Q. Okay. On page 2 of Exhibit No. 4, it shows the
location of Rice University under Plan C100. Do you see
that there?
25 A. Yes, I do.

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1 Q. Okay. And it shows that Rice University under
Plan C100, which was the benchmark plan, was in
Congressional District No. 7; is that correct?
4 A. Yes.
5 Q. Okay. And Congressional District 7 was
represented by Congressman John Culberson, correct?
7 A. Yes.
Perez v. Perry – State Defendants’ Congressional Counter Designations
Sheila Jackson Lee

8 Q. And Congressman Culberson is what race, for the
9 record?
10 A. For record, Mr. Culberson is white.
11 Q. Okay. And he's a Republican, too, correct?
12 A. That's my understanding.
13 Q. Okay. And if we flip to the third page of
14 Exhibit No. 4, it shows the location of Rice University
15 under Plan C185. Do you see that?
16 A. C185? Yes.
17 Q. Okay. And it shows that under Plan C158, the
18 plan passed by the legislature in 2011, that Rice
19 University has been moved into Congressional District
20 18; is that fair?
21 A. That's what it appears to be. Again, I cannot
22 attest to these maps. I have no knowledge of whether
23 this is the 185, but on this Exhibit -- let me get
24 the correct exhibit -- 4, that's what it states.
25 Q. Okay. And in 2011 -- well, Congressional

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1 District 18 was represented by you, correct?
2 A. Yes.
3 Q. Okay. And, so, you would agree with me that
4 based on the maps we just looked at, that this is an
5 example where an economic engine was removed from an
6 Anglo Republican member's district now into a district
7 that's represented by a minority member's district?
8 A. I can't comment on it because I -- this map was
9 ruled as intentionally discriminating by the Court.
10 MS. COLMENERO: And I'm going to object as
11 nonresponsive.
12 Q. (BY MS. COLMENERO) Based on the maps that we
13 just looked at, which was Plan C100 and we looked at
14 Plan C185 in Exhibit No. 4 and we were looking at the
15 progression of Rice University through two different
16 plans, you would agree with me that under Plan C100
17 where Rice University was in Congressional District 7
18 and then was moved in Plan C185 to Congressional
19 District 18, that that is an example where an economic
20 engine was removed from an Anglo member's district into
21 the district of a minority member's district?
22 MR. BLEDSOE: And if you answer it, you
23 can just say, "That's what the document here reflects."
24 A. That's what the document here reflects.
25 MS. COLMENERO: I'm going to ask your
that -- I wasn't doing that, but she already told you several times that she couldn't agree with the authenticity of what she was looking at. And you asked the question as if she acknowledged the authenticity. I was just going back to what she had already said. I wasn't telling her how to answer the question.

MS. COLMENERO: And I appreciate that. I only had asked the question again because I believe her first answer was nonresponsive so -- which is why I asked it.

MR. BLEDSOE: Okay. I -- I will make sure I don't do that.

(Exhibit 5 marked)

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?

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.
Q. And would you consider Texas Memorial Hermann -- or Memorial Hermann Texas Medical Center to be an economic engine?

A. Well, I indicated in your long list that it certainly is. Again, I restate the point that there are communities of interest which C185 completely abolishes; and it removes the central business district. It implodes the Third Ward/MacGregor continuity. And, so, if the map drawers drew this map, on what premise, I don't know, but certainly the hospital generates -- is an economic engine, but so is St. Joseph's Hospital that is in the central business district which got removed.

And then this map, again, among other things besides the economic engines, implodes, again, these communities of interest, but it is, in Plan 185, it appears under this Exhibit 5 that Memorial Hermann is in the 18th Congressional District.

MS. COLMENERO: Okay. And I'm going to object to the nonresponsiveness of that answer.

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.
24 A. Okay.

25 Q. And Exhibit No. 6, on page 1, shows a map that

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1 depicts the location of the University of Texas Health
2 and Science Center as well as the location of the MD
3 Anderson Cancer Center. Do you see that on the first
4 page of Exhibit No. 6?
5 A. Yes, I do.

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

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

18 Q. Which is represented, once again, by
19 Congressman Culberson, correct?
20 A. Again, my "yes" is based upon the exhibit that
21 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. Okay.

A. Again, based upon this exhibit without knowledge of its accuracy, yes.

Q. So --

A. But may I just say, again, it is important to emphasize what this does to communities of interest and it's also important to look at it holistically of what impact you have on the opportunity district in -- it's a majority minority district Latino -- and the 18th and the 9th district, which are districts that are majority that have the opportunity to elect African American, what happens to those districts through this map and through this process.
20 Q. Okay. And just --
21 A. And for every -- for this being where it is,
22 the question is: Since I don't have the whole map, what
23 communities of interests have literally been now
24 separated from their traditional relationships and their
25 sense of the district that they had been in, the

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1 18th Congressional District, because that's what
2 redistricting is supposed to be about, the people who
3 are in the district.
4 Q. Okay. Focusing here on Exhibit No. 6, would
5 you agree with me that UT Health and Science Center and
6 MD Anderson Cancer Center would -- are both economic
7 engines?
8 A. They are hospitals and we went over this and,
9 yes, they represent a part of a very historic entity,
10 which is the -- the Texas Medical Center.
11 Again, what happens to the 18th impacts
12 negatively on another majority minority district, a
13 protected voting rights district. As the 18th is a
14 protected voting rights district, and the map is cut
15 off. It doesn't show the, with the additions of this
16 area, the dilution of the 18th Congressional District as
17 a majority minority district. That's what I think is
tragic about this or difficult about this, is: What does it do to the constituents in the district, minority, having ability to vote for a person of their choice.

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

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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. Okay. And then under Plan C185, all three appear to have been moved into your congressional district, correct?

A. That is correct. Without -- without the consideration of the negative impact of losing the central business district, our expert analyzed that very well, and the negative impact on taking away communities
Q. And it's fair to say, looking at -- if you just look at what's been marked as Exhibit No. 6, looking at the map that's labeled Plan C185 which shows where UT Health and Science Center at MD Anderson is located, if we just look at the area now part of Congressional District 18, which is your district, you would agree with me that you have a sizable portion of the Texas Medical District now -- or -- or you had that portion on Plan C185? That is correct?

A. On this map -- I'm sorry, under this exhibit and the map that's in this exhibit, that's what it shows.

Q. Okay. And included within that portion of the Texas Medical District as depicted in Plan C185, you have Rice University, you have Memorial Hermann, you have UT Health and Science, you have MD Anderson and you have -- you would agree you have all of those -- those points of interest, correct?

A. While I'm looking at this map here, I do not see Rice University. I see some streets. And so all I can say is that I see as its been pointed out in Exhibit 6, the dots that show me the University of Texas
and MD Anderson and then there's -- but I can't really see Rice University. Again, what I will say according to this exhibit, the one that I'm looking at, the University of Texas is there, MD Anderson is there. It does not show me the other communities of interest that are now different in the 18th Congressional District or split in the 18th Congressional District or the impact on another majority minority interest that loses its economic engine such as the 9th Congressional District and maybe the 29th Congressional District.

74:12-76:2

12 (Exhibit 11 marked)

13 Q. (BY MS. COLMENERO) So, this is Exhibit No. 11 I've handed you. And I'll represent to you that the first page of it is something that I printed out from the internet, and it shows the office location of Congressman John Culberson. Do you see that?

14 A. Yes.

15 Q. Okay. It shows his Houston office location on this page. Is that -- is that fair? Is that what it appears to depict?

16 A. That's what it appears to depict.

17 Q. Okay. And we turn to the second page of Exhibit No. 11 -- this -- this map is actually using the
DistrictViewer tool -- and shows the district office location of Congressman Culberson in Plan C100. And it appears that it's within his district, which is Congressional District 7. Do you see that?

A. Okay. I don't see -- where is --

Q. I'm on page 2.

A. All right. So, you have it up here.

Q. Yes.

A. Again, I have no clue what this is. Again, based upon the exhibit and what I'm looking to, I can't attest to its authenticity, but what I see here is district office location, Congressman Culberson. It looks like it's in -- it looks like it's in 7.

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

A. I do.

Q. Okay. And it shows that -- the Houston office address for him, and it shows that his district office with that address is now located in Congressional District 2 under Plan C185. Is that what this map
23 appears to show?

24 A. This map appears to show that; but, again, I

25 have no way of knowing whether Congressman Culberson was

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1 engaged or that he was aware, whether he seated over the

2 district, whether he was moving. I can only speak for

76:13-18

13 Q. Okay. And just looking at this visual, you

14 would agree that if this visual is, in fact, accurate,

15 that this is an example of where a district office that

16 was originally in an Anglo member's congressional

17 district, that being CD 7, under Plan C100 was, in fact,

18 moved out of their district under Plan C185?

99:2-100:18

2 Q. And I'm going to ask my question again because

3 I don't feel as though you answered it.

4 This statement that you submitted to the

5 legislature on June 2nd, 2011, it doesn't specifically

6 state that in the plan that the legislature is

7 considering, Plan C125, that your district office was

8 left out?

9 A. Well, I'll answer it again. I was in the midst

10 of US Congressional business. This was a panic response

11 based upon the representation, generally speaking, that
this was a map that distorted the 18th Congressional District, violated the Voting Rights Act, impacted major communities of interest. The Central Business District is a community of interest carved out of the district. And I wanted to have -- and I'm glad I did -- a statement of opposition. I think the question that I could ask -- and I'm not asking questions, but I'll make it a rhetorical question, opposition to the recently submitted plan -- if this was a redistricting process, where was the outreach to now ask for a more detailed response from me as a constituent of my own district or maybe going back and reviewing any testimony that had been given by individuals from my district? It did not occur.

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This is, I think, a solid statement of opposition in a speedy process. I was watching it during the regular session; and my recollection was that I had gone to these chairmen and this other chairman of the House, again, gracious. Our conversations were not extensive. And this was the special session that also was speedy, and I offered opposition to the recently submitted Republican plan. The difficulty is I would have to, every
other day, probably send a letter because there
obviously was another plan, another plan, another plan.
But if the plans all were as this one seemed to have
been, then I think I made an appropriate, forceful,
obvious, conspicuous and clear statement of opposition
as to what would happen to the people of this district,
their ability to vote for someone of their choosing, the
retrogression aspect and the, again, dividing and
imploding of major communities of interest.

102:13-103:19

Q. Were you -- so, during the 2011 session, after
the plan was unveiled and the bill was filed for
Congressional redistricting, is it fair to say that you
weren't following the different amendments that were
happening in committee, the changes being made to your
district and those changes that also happened on the
floor of the House and the Senate?
A. Well, I think it's fair to say that the
legislative process in the House and Senate and the
State is known to State legislators. And even State
legislators who were in the State House and now are in
Congress might say that their memory fades them on the
preciseness of that process. It was a rapid process.
1 I'm a legislator that was working in
2 Washington; and therefore, the nuances of the plan, each
3 amendment, it would be difficult -- as I'm looking at
4 these three sheets and I see any number of amendments,
5 it would be very difficult to see the various ins and
6 outs of this process.
7 Q. Are you available (sic) of the tool called
8 District Viewer that's --
9 A. Pardon me? I'm sorry.
10 Q. It's called District Viewer. It's available
11 through Texas Legislative Council.
12 A. Again, I will say, I am a legislator in
13 Washington, D.C. Maybe some of those persons that I
14 were working with may have taken advantage of something
15 called the District Viewer, but I could not in the midst
16 of my Congressional work -- and I have not polled other
17 members, whether Republican or Democrat, who were in
18 front of a District Viewer watching the nuances of this
19 redistricting plan. The State knew the law.

21 Q. Okay. So, there was an interim plan process
22 and then ultimately the legislature considers
23 Congressional redistricting again in the 2013
24 legislative session and they consider Plan C235, once
25 again, during a special session. Did you participate at

Page 116

1 any of the committee hearings that were held during the
2 2013 legislative session?
3 A. I think there were community hearings.
4 Q. Uh-huh.

160:18-161:11

18 Q. In reference to that answer, Congresswoman, I
19 want to read a quote to you and see if you acknowledge
20 this quote and what your response is. This comes from
21 the panel of judges in Washington, D.C.
22 It says: According to the 2010 census,
23 Texas population was 25,145 -- 545,561 (sic). If this
24 population were divided equally between the state's
25 36 Congressional districts, each district would have

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1 698,488 individuals. Plaintiff's Exhibit 12 and 2,
2 benchmark Congressional District 9 has a surplus of
3 35,508 people or 5.05 percent of the district's
4 population. CD 18's surplus was 22,503, for instance,
5 3.22 percent. And CD 30's is 7,891, for instance, 1.14
6 percent. Defendant's Exhibit 347 and 29.
7 So, with --
8 MS. COLMENERO: Gary, what are you reading
9 from? I didn't hear what you were reading from.
10 MR. BLEDSOE: Oh, the -- the -- the
11 three-judge panel, page 39, Footnote No. 30.

164:5-10
5 Q. (BY MR. BLEDSOE) The -- another point made by
6 the judge: The United States and the Intervenors
7 convincingly argue -- and Texas does not dispute -- that
8 removing district offices from the minority ability
9 districts but not from Anglo districts has a disparate
10 impact on the minority districts.

NAACP
28:20-24
20 Q. Okay. And just trying to sum it all up, it's
21 fair to say you have -- you -- having never done any
22 kind of analysis to determine what was lost in a certain
23 district versus what was lost in your district?
24 A. You're correct.

33:1-11
1 Q. And who represents Congressional District 29?
2 A. Congressman Gene Green.
3 Q. Okay. And is it -- and Congressman Gene Green
4 represents a majority Hispanic district; is that fair?
5 A. That's my understanding.
6 Q. Okay. So, it would be fair to say that the
7 downtown area in Houston, which was in your district in
8 Plan C100, has been moved into the district of a member
9 who represents a majority Hispanic district; is that
10 correct?
11 A. That's correct.
12
13 Q. Were you -- so, during the 2011 session, after
14 the plan was unveiled and the bill was filed for
15 Congressional redistricting, is it fair to say that you
16 weren't following the different amendments that were
17 happening in committee, the changes being made to your
18 district and those changes that also happened on the
19 floor of the House and the Senate?
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21 legislative process in the House and Senate and the
22 State is known to State legislators. And even State
23 legislators who were in the State House and now are in
24 Congress might say that their memory fades them on the
25 preciseness of that process. It was a rapid process.

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2 Washington; and therefore, the nuances of the plan, each
3 amendment, it would be difficult -- as I'm looking at
4 these three sheets and I see any number of amendments,
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13 Washington, D.C. Maybe some of those persons that I

14 were working with may have taken advantage of something

15 called the District Viewer, but I could not in the midst

16 of my Congressional work -- and I have not polled other

17 members, whether Republican or Democrat, who were in

18 front of a District Viewer watching the nuances of this

19 redistricting plan. The State knew the law.
State Defendants’ Congressional Counter Designations for

J.M. Lozano
5 Q. And so it was just a matter of the number of representatives, that was your concern?
6 A. Yes, sir, that they still have the same strength and voice, you know. Like I said earlier in terms of Congressional, if you can get one extra House seat anchored out of Hidalgo, that's one more voice in congress. And that is my opinion on that.

24 Q. (By Mr. Freeman) And did the document in front of you refresh your recollection regarding how you voted on the 2011 Congressional plan? If you look at the last page.
25 A. I voted against it.
26 Q. And why did you vote against it?
27 A. I'm assuming because it didn't -- I'm assuming -- I just don't remember the -- I don't have the map in front of me, but it didn't create another Congressional seat in the Rio Grande Valley.
State Defendants’

Congressional Counter Designations for

Trey Martinez-Fischer
179:17–181:1

Q. Did you have access to redistricting software during the 2011 session?

A. Yes.

Q. Did Mr. -- was Mr. Golando, was he also your chief of staff at that time?

A. Yes.

Q. Was he -- was he involved in the map drawing efforts during that redistricting session?

A. In 2011?

Page 180

Q. Correct.

A. Yes.

Q. Did you have access to Red Apple during that session?

A. Yes.

Q. Okay. Did you work with the Texas Legislative Counsel during the 2011 session regarding redistricting issues?

MR. GARZA: Objection. Again -- and if I could have your courtesy of running -- of having a running objection to all questions that have already been covered in trial.

MR. SWEETEN: I'll agree to a running objection.

MR. GARZA: I appreciate it.
MR. SWEETEN: We'll discuss when we think it's over.

MR. GARZA: All right. That's right.

A. I'm sorry. Mr. Sweeten, the question again.

MR. SWEETEN: I'm going to have to ask her to ask it.

(Record read.)

A. I personally did not.

Q. (BY MR. SWEETEN) Okay. Did Mr. Golando, to your knowledge?

A. To my knowledge, I think he did.
State Defendants’
Congressional Counter Designations for
Rene Olivera
2 Q Okay. Just in general, do you view minority 
3 voter registration and participation as being different 
4 in the 1960s than it was in 2011? 
5 A Are you talking about turnout? 
6 Q Yes, sir. 
7 A Oh. I don't know the answer to that. I'd 
8 have to -- to think about it. Voter ID, I guess, was 
9 not implemented yet. That certainly would have 
10 concerned me about turnout. 
11 We certainly are a greater percentage of 
12 the population, so we should have more turnout, but I -- 
13 at this point, I don't have any hard-and-fast opinions 
14 about it. 
15 Q Okay. And I assume the same is true if you 
16 compared Texas in the 1960s to 2013, comparing voter 
17 registration and then the turnout, correct? 
18 A Well, let me -- let me back up. If you're 

1 So, yes, I would say that in different 
2 ways, the errors were different, but, you know, I -- I'd 
3 have to think about that question a lot more than just 
4 answering it right now, because it's -- you have all 
5 those historical landmarks that -- and I remember times
when I could not date an Anglo woman or an Anglo schoolgirl or be with Anglo children. So there certainly was a lot of discrimination and suppression, and pioneers had to fight for rights, even as we still have to do today.

Q Okay. Would you agree with me, though, comparing the 1960s to today, that there's considerably more minority office holders in Texas --

A Yes.

Q -- than there were back then?

A Yes, I would.

Q Yeah. In fact, back then, there were almost none in the valley; is that correct?

A Again, the '60s would be hard for me to say, because I was so young, but I remember in certain parts of the valley, it was difficult to elect a Hispanic despite significant Hispanic members.

A Government is what I got my degree in.

Q My memory in the Valley in the '70s and '80s is there were no local Republican candidates for office.

17 There were some statewide, but no locals in the Valley.

18 Is that your memory also?
20 Q So if the person wanted to vote, for example,
21 for any office holder locally, they would have to vote
22 in the Democrat primary or not have a say if they were a
23 Republican?
24 A In terms of primary vote?
25 Q Yes, sir.
26:13-19
13 Q Okay. In terms of local elections, did white
14 Anglo Republicans vote in Democratic primary?
15 A Some would. I think it's like -- it's the
16 definition of how much of a Democrat or how much of a
17 Republican you are. For me, it's quite easy. I've
18 never voted for a Republican. I may not have voted for
19 a Democrat, but I've never crossed the line.
28:2-30:14
2 Q Okay. I'm going to hand you Exhibit No. 3,
3 which is the general election report.
4 And let me ask you if you've ever seen
5 this document before?
6 A No.
7 Q Okay. Again, this comes off the 2010 census.
8 This is the Red Apple 226 Report.
9 And on the 2012 general election, do you
see the state rep 37 race there at the bottom?

A Yes.

Q And that shows that you garnered 22,076 votes in the 2012 general election; is that correct?

A I wasn't familiar with the number, but that's -- I think that's probably right.

Q Okay. And if we look, Mr. Oliveira, at the top for Romney, he drew in that same election 8,786, and President Obama drew 20,458. Do you see that?

A Yes.

Q And so if you look down at the bottom, the last line where it has "turnout," and it's showing that 29,577 people voted in that election, correct?

A Yes.

Q And yet, some 7,000 did not vote for you in the state rep 37 race; is that correct?

Page 29

A Well, they couldn't have because I don't run countywide. Or is this just the district?

Q This is District 37.

A I'm sorry. So it's just my legislative district.

Q Yes, sir.

A Yeah. That's probably accurate, then.
8 Q So what happened to those 7,000 voters? Why
9 do you think they didn't vote?
10 A Well, there's multiple, multiple reasons.
11 There was a lot of people that, you know, only vote in
12 the presidential race. You can see the difference, and
13 numbers decline as you go down the ballot.
14 There are a lot of people that do not
15 vote when you're uncontested. They don't bother
16 circling the dot. We've learned that from surveys. We
17 have the ballots where you have to fill in the little
18 circle.
19 So I haven't looked at all of these, but
20 I think if you start going down for statewide races, the
21 numbers drop significantly. You can look at the Supreme
22 Court race -- races, and all of those with multiple --
23 with three total, close to what Senator Lucio and I got
24 in that district.
25 We have seen voter trends where -- well,

Page 30

1 I think I've just mentioned it. That's the -- one of
2 the most important, that if you're not opposed -- and I
3 have to say I've done this too; I maybe not fill in the
4 bubble.
5 Q You don't just vote the Democrat party ticket?
6 A I have before, but not always, because there
7 may be a particular Democrat that I cannot support.
8 Q Okay. If you had voted the straight party
ticket, then we would have had the 29,000 votes if
9 everybody did that, correct?
10 A Yes. Something like that. And there are
11 other reasons, you know, as you go -- go down.
12 Q Okay. I'd like to hear them if you know of
13 any others that we haven't talked about.
14
22 different reasons why you might see some races filled in
23 and some not filled in.
24 Q Would you consider those 7,000 people who
25 didn't vote in your election to be disenfranchised?

Page 31

1 A Not necessarily. I really have to think about
2 that.

34:7-15

7 Q Okay. How do you define a community of
8 interest when you're talking about voting districts?
9 MR. GARZA: Are you talking in the legal
10 sense or in sort of his practical experience sense?
11 MR. DEANE: Well, I guess we can start
12 with the legal sense if he has a definition.
13 MR. GARZA: Objection. Call for a legal conclusion.
14 You can go ahead and answer.

37:21-25
21 Q Let's move to 2011. And I noted that you were not designated to testify, so it may shorten some of this. If you don't have opinions on it, I won't ask you. But I need to ask you just enough to see if there's a chance you're going to have an opinion.

39:10-20
10 Q Okay. And I'm trying to get to which of these three groups did it, and I guess we need to start with the map drawer.
13 Who did you recall were the map drawers for the House, State, and then the congressional representative?
16 A Historically, I've always assumed that the map drawers would be independent and neutral people from Legislative Council. But, as you know, there were hundreds of maps drawn, so it's really hard for me to say who drew what map.

47:18-25
18 Q (By Mr. Deane) Okay. Is there anything in Exhibits 4 or 5, the maps, that could not also be
20 explained by partisanship, Republican versus Democrat?

21 MR. GARZA: Objection. Argumentative.

22 A Yeah. I'm -- I can't answer that question with the way you've premised it.

24 Q (By Mr. Deane) Okay. What part of the question needs to be broken down?

48:11-17

11 Q Okay. In 2011, there were 101 Republican seats and 49 Democrat, correct?

12 A That sounds right.

14 Q So the Republicans have substantial control of the House as far as the rules and implementation of these maps, correct?

17 A Yes.

55:21-25

21 Q Okay. Did you talk with Chairman Solomons in the 2011 session about the maps, these maps?

23 A Yes, I'm sure I did, but I wasn't as involved in 2001 as I was in 2013, because, again, I wasn't on the committee.

56:6-13

6 Q Okay. I want to be clear because I thought you said 2001, and I was asking about 2011 --

8 A I'm sorry.
9 Q -- Chairman Solomons.

10 A Okay.

11 Q Is that your answer?

12 A No. I apologize. I get my -- I get -- '11

13 with Solomons, that seems like it was so long, long ago.

57:3-7

3 Q Okay. Did he always have an open door towards

4 you? In other words, could you go and see him when you

5 needed to?

6 A Yes. We had that arrangement. We'd served

7 together a long time.

69:20-70:17

20 Do you have any opinions or evidence of

21 racial block voting as to the House plan 2013?

22 A I'm sorry. Which page are you talking about?

23 Q Page 4 --

24 A Is it B?

25 Q -- of what we were just -- the next page of

Page 70

1 what we were just looking at.

2 A Oh, okay. I'm sorry.

3 I'm not sure exactly what that phrase

4 means. If it means, as my understanding to be, that

5 Hispanic and African-American will vote by significant
6 majorities in favor of a Hispanic or African-American.

7 I -- I think that was not recognized by the

8 redistricting committee.

9 I think that if you're going to allow

10 Hispanics to elect Hispanics and African-Americans to

11 elect African-Americans and blacks and Hispanics to

12 elect a minority member of either race, the population

13 and the mathematics allowed that, and that should have

14 been done.

15 Q Okay. Do you have any evidence of that that

16 you've observed other than just the number of districts

17 that you told us about?

18

19 I'm actually pleased that there's been

20 some -- some prosecution for those rare and few

21 individuals that would try to violate the integrity of

22

23 the election.

24

25 Q Okay. And, Mr. Oliveira, you being a lawyer

26 experienced in criminal law, you know that frequently

27 people that are charged with voter fraud will plead to a

28 lesser offense, so a lot of times the conviction doesn't

29 show up as voter fraud, correct?
105:6-25

6 Q Okay. If there was a way to divvy out just
7 the entities that have had difficulties with Section 5
8 preclearance objections, say, in the past ten years and
9 have only them subject to preclearance, would you be in
10 favor of that, or do you still think the entire House
11 District 37, every municipality, county government, city
12 government, and water district should still have to
13 comply for the next ten years?
14 A Well, I don't have an opinion on that. I'd
15 like to think about that and study that some more. You
16 just never know where the hydra-head of discrimination
17 is going to appear.
18 And if, historically, we didn't need it,
19 and currently we still didn't need it, but it's
20 obviously in that building that's just a few hundred
21 yards away from us, we still need it.
22 So I might be willing to look at some
23 modifications of the -- of the alleged burden of the
24 rule, but for now, I think it's a rule that has to
25 stand.
Q. Okay. If there was a way to divvy out just the entities that have had difficulties with Section 5 preclearance objections, say, in the past ten years and have only them subject to preclearance, would you be in favor of that, or do you still think the entire House District 37, every municipality, county government, city government, and water district should still have to comply for the next ten years?

A. Well, I don't have an opinion on that. I'd like to think about that and study that some more. You just never know where the hydra-head of discrimination is going to appear.

And if, historically, we didn't need it, and currently we still didn't need it, but it's obviously in that building that's just a few hundred yards away from us, we still need it.

So I might be willing to look at some modifications of the -- of the alleged burden of the rule, but for now, I think it's a rule that has to stand.
State Defendants’
Congressional Counter Designations for

Eddie Rodriguez
13 Q Okay. And would you agree with me that the
14 stated goal of CD35 in Plan C185 was to try to create a
15 district that would be predominantly Hispanic?
16 A Correct.
17 Q Okay. And if you look at the next page on --
18 of Exhibit 7, which shows the American Community Survey
19 Special Tabulation, and if you look on the second page
20 of that document and you look at the data set for CD35,
21 you'd agree with me that the Hispanic CVAP for that
22 district is at 52.1 percent Hispanic. Correct?
23 A Yes, I do.
24 Q Okay.
25 A Yeah.

**Page 75**

1 Q That would be a district that is over
2 50 percent plus Hispanic. Correct?
3 A Correct.
4 Q Okay. And -- and just so we can kind of go
5 through this like we did for Plan C166, you would --
6 looking at the data set here, would you agree with me
7 that District 15 is a district that's 50 percent plus
8 Hispanic? It's on the first page of that data.
9 A 71.6; yes.
10 Q Yes.
11 District -- District 16 is at
12 73.4 percent. Correct?
13 A Correct.
14 Q District 20's at 63.4 percent. Correct?
15 A Correct.
16 Q Okay. District 23 is at 59.8 percent.
17 Correct?
18 A Yes.
19 Q Okay. And District 28 is at 68 percent.
20 Correct?
21 A Correct.
22 Q Twenty-nine's at 59 percent. Correct?
23 A Yes.
24 Q And District 34 is at 74.6 --
25 A Correct.

Page 76

1 Q -- percent. Correct?
2 A Uh-huh.
3 Q Okay. And so those are all districts that
4 would also be 50 -- 50 percent plus HCVAP. Correct?
5 A Correct.
6 Q And so if we count up those districts -- the
7 number of those districts that were in Plan C185 and --
8 we would get eight Hispanic districts. Would you agree with that?

10 MR. HICKS: Objection; that --

11 Q. (BY MS. COLMENERO) Or eight 50 percent plus HCVAP districts. Correct?

12 A Correct.

14 Q Okay. And so if we look and compare that to Plan C166, it would appear that C185 creates one more 50 percent plus HCVAP district than Plan 166. Correct?

16 A I guess just looking at those two maps, that's correct.

17 Q Okay. Are there any that you contend in either Plan C185 or Plan C235 who intended to discriminate against African Americans in the passage of those plans?

19 A I don't know.

21 Q Okay. You mentioned Burt Solomons. Are you saying that you believe he intended to discriminate against Latinos?

24 A You sounded -- sounded like you were trying to get at a specific person. I was telling you who the chairman of that committee was, and --
2 Q Okay.

3 A That's all that that means. That's what I meant to say --

5 Q Okay.

6 A -- he chaired that committee. So I -- you know. . .

8 Q It's fair to say you don't know?

9 A I -- it's fair -- it's fair to say that I don't know.

11 Q Okay.

12 A Yeah.
State Defendants’

Congressional Counter Designations for

Jose Rodriguez
Q. Is there a specific plan that you can point to that you believe that you supported as an alternative plan to C185?

A. No, I was not -- I was not involved with the litigants that are -- MALC or the Latino redistricting task force or the NAACP. This was just my own observations from my own reading and conversations and knowledge generally of the political landscape in Texas.

Q. Okay. Now, one of the issues I think you discuss in your last deposition was CD 23 and Representative Canseco, correct?

Q. Okay. But with respect to specific precincts, you're not able to tell us right now --

A. No.

Q. -- which precincts you felt were drawn --

A. No.

Q. -- for improper reasons?

A. No, sir.

Q. Okay. If I were to ask you what is particularly wrong with the way CD 23 is drawn, you don't know -- you can't say other than what you've said thus far which is sort of a general criticism,
Jose Rodriguez

17 right?

18 A. That's correct.

19 Q. You haven't studied that map?

20 A. No.

21 Q. You haven't studied the parts that were

22 of that -- of the former district that were put in

23 other places and you don't know one way or the other

24 what was put in and what was put out?

25 A. Right.

Page 82

1 Q. Okay. Now, you said in your testimony

2 that you felt like what was done to CD 23 was done

3 for the protection of Representative Canseco.

4 A. That's correct.

82:19-83:1

19 Q. You say "concern." Do you have any

20 evidence that that occurred?

21 A. Well, specifically on 23, as I've

22 already testified here, no, I don't have any

23 specific opinion based on having viewed precinct --

24 certain precincts or studied the map.

25 Q. Okay. With respect to the -- hold on
Q. Is it your testimony -- is there any senator or legislator that you can point to that you believe had the intent of discriminating against Latinos or African-Americans?

A. Individually, no.
State Defendants’

Congressional Counter Designations for

Kel Seliger
14:12-16

12 Q. (By Ms. Perales) And did you ask those
13 questions of your staff and the lawyers?
14 A. Uh-huh.
15 Q. And did you rely on their answers?
16 A. I did.
State Defendants’
Congressional Counter Designations for
Scott Sims
Q (By Ms. Sitton) And again, it's a chain of e-mails, beginning with one from you to Clare Dyer on Page 2 and sent on March the 1st, 2011; and ending with an e-mail from Jeff Archer to David Hanna and Clare Dyer on March the 2nd as well -- on March the 2nd. I take it from your e-mail to Ms. Dyer that you were requesting -- "incumbent listing" is the term that you use, and you're asking if they're available publicly and hoping to import them into Maptitude, based on this e-mail; is that correct?
A Yes.
Q And then, the discussion among the folks at the TLC is whether they can provide -- provide you. And I -- and I take it, when you say "incumbent listings," it would have been residence addresses that you were seeking?
A I'm not saying addresses specifically, but their geographic census plot that they live in.
Q Okay. Which is what generated the discussion among the folks at the TLC about whether they -- addresses were publicly available, and they decide, then, it appears to provide you with the census to the
information; is that correct? If you'll read the

e-mail from Mr. Archer to Mr. Hanna and Ms. Dyer, I

1 believe it indicates what -- how they decided to -- to
2 respond to your request.
3 A This top e-mail is what you're referencing?
4 Q Correct. And also, actually, two e-mails
5 below, on the e-mail from to Mr. Archer to Ms. Dyer, at
6 2:57, where he says, "I think we have to provide the
7 block locations of incumbents," in the middle of the
8 page.
9 A Okay.
10 Q And do you recall getting the -- that
11 information from the TLC?
12 A I don't recall. It wouldn't have done me any
13 good, I never was able to get aptitude to work.
14 Q Do you remember -- so you -- if you got the
15 information, you certainly never imported those
16 residence addresses into Maptitude?
17 A No, ma'am, I did not.

22 Q This e-mail indicates that you had spoken to
23 him yesterday, which would have been Tuesday, March the
24 1st, the day before this e-mail was sent. Why would
25 you have spoken to Mr. Opiela?

**Page 49**

1 A Mr. Opiela has a Maptitude system, and having
2 one with Mr. Hull, we were trying to get information
3 from Legislative Council's data out of the census
4 bureau to put in the Maptitude.
5 Q Did you contact Mr. Opiela to ask about getting
6 this data?
7 A I don't recall. I knew that he was a user of
8 Maptitude. And as I told you, I was never able to
9 actually get it to work. So I was calling him for
10 technical help on that.
11 Q And did you call him for technical help on
12 Maptitude only or did you make other requests to
13 Mr. Opiela?
14 A That's the only time I talked to him in that
15 recall.

**62:24-63:9**

24 Q We earlier talked about your Red Apple account,
25 and then I also asked a few questions about your

**Page 63**

1 personal e-mail. I don't believe I ever asked: Did
2 you ever draw redistricting plans on your personal
3 computer or was it always on the State's Red Apple
4 computer system?

5 A I would have had to use Maptitude on my personal computer, and I was never able to get it to work, so.

8 Q Okay.

9 A No -- no personal ones.
State Defendants’
Congressional Counter Designations for
Burt Solomons
Q. Can you tell me about -- about that?
A. I think -- I think Congressman Barton wanted Cowboy Stadium in his district. And that was on the floor of the House, where he was trying to get -- I think Representative Zedler was -- tried to file a couple of amendments trying to get Joe Barton's district "fixed."

Q. So it was through Representative Zedler that you became aware of what Congressman Barton wanted?
A. Yes. Through the amendments on -- and I think the staff told me, too, when we were having a congressional bill on the floor and some of those -- those amendments had been filed along Joe Barton's district. I kind of recall that one.

But that was -- that was not -- that was during the process of actually trying to pass the bill on the House floor, not -- the other one I mentioned before, that was previous to doing the bill. It wasn't by amendment.
Quesada

50:23–51:2

Q. So I'm trying to -- I'm trying to understand whether Ryan Downton, for example, ever said to you: Mr. Chairman, I got a call from Representative So-and-So and he or she wants this little change. Is that okay? Kind of thing.

Page 51

1 and he or she wants this little change. Is that okay?

2 Kind of thing.

52:10–12

Q. And that's the only request that you can specifically remember?

11 A. That's the only one I happen to remember.

53:3–12

3 A. Yes. Through the amendments on -- and I think the staff told me, too, when we were having a congressional bill on the floor and some of those -- those amendments had been filed along Joe Barton's district. I kind of recall that one.

8 But that was -- that was not -- that was during the process of actually trying to pass the bill on the House floor, not -- the other one I mentioned before, that was previous to doing the bill. It wasn't by amendment.

55:24–56:4

24 You know, for me -- just to elaborate, which I don't really need to elaborate too much. For
me, it's about: Can we do it? Is it something that --
do they want it? Is it something we can do? How does
it -- is it all right? I mean, it's basically me asking
staff: Does this work by the numbers?
out. Then we found out towards the end, we weren't
going to have time. If we were going to do it at all,
it was going to be based on Governor Perry calling a
special session, if he wanted to, about this issue or
any other issue.
A. Well, I think they were watching. I think they
were watching. And I think at one point TLR endorsed
our map versus another version of a map. Other than
that, no.
Q. Okay. Did you ever have occasion to solicit
advice from any of the attorneys at Baker Botts who were
working on redistricting matters?
State Defendants’
Congressional Counter Designations for
Sefronia Thompson
157:12-16

12 Q. He represented CD9, 12, and 13 as well, right?
13 A. Yes.
14 Q. Congressman Green is an African-American Democrat, correct?
15 A. Yes.

157:23-158:6

23 So I'm going to show you one more of these -- actually, I'm going to show you two more. I have two more to go. Memorial Hermann, Texas Medical Center. Memorial and Hermann, when did they join
24 because when I was growing up, Memorial was on its own?
25 A. I don't know. They got so big; and they are all over the place, everywhere.

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1 Center. Memorial and Hermann, when did they join
2 because when I was growing up, Memorial was on its own?
3 A. I don't know. They got so big; and they are all over the place, everywhere.
4 Q. All right.
5 A. Big cities, little cities, everywhere.

159:14-18

14 (Exhibit 19 marked.)
15 Q. (BY MR. SWEETEN) All right. So I've handed you four pages that have been marked at Exhibit Number 19; and these are maps of William Hobby Airport, right?

160:15-161:1

15 Q. And Congressman Gene Green is a Hispanic Democrat?
No, he's Anglo.

Okay. He represents a Hispanic Opportunity District, correct?

He does.

Okay. Would you agree that Hobby Airport remains in CD29 in this last map, C235?

It does.

And so Gene Green continues to represent CD29 today; is that right?

Yes, he does.
State Defendants’

Congressional Counter Designations for

Jeff Travillion
Because virtually identical portions of Mr. Travillion’s testimony were incorporated in the 2011 House designations, the State Defendants incorporate by reference their previous counter-designations as found in the exhibits to Docket No. 1113 (June 25, 2014).

28:16-23

16 Q. Okay. Have you ever personally studied
17 election returns to analyze whether those groups vote --
18 tend to vote for the same candidates or for different
19 candidates?
20 A. Have I looked at data before? Yeah. Have I
21 studied them to see exactly how -- you know -- you know,
22 not at -- you know, not as a scientist would but
23 certainly as an activist would.

34:14-36:14

14 I've had instances where we sued the
15 Austin Independent School District, LBJ High School.
16 The principal was African-American and we asked him --
17 okay. When the TAAS tests were put into place --
18 Q. Uh-huh.
19 A. -- the State Administrative Code provided that,
20 if a -- if a child failed any one of the three portions
21 of the exam, they had to be put into a remedial program
22 immediately. They were not put into a remedial program.
23 We sued so that that program would be put into place.
24 We deposed the principal. And that
25 principal admitted on -- on the stand at the -- at the
1 threat of perjury that they did not have a program
2 for -- to address the needs as defined by the
3 administrative code. He was fired. He was
4 African-American. He was fired.
5 When we tried to help him to get another
6 job it helped find him another job at TEA. The
7 superintendent of the Austin Independent School District
8 called the -- the director of TEA and said do -- do not
9 hire him, I don't want him working here. And he did not
10 get hired.
11 Q. When you say we are you referring to --
12 A. The --
13 Q. -- yourself --
14 A. -- NAACP.
15 MS. JACKSON: Okay. Thank you.
16 THE WITNESS: I'm -- I'm sorry. It's --
17 to me to destroy somebody's career in that way is a
18 tragedy. I mean, you know, it -- and it -- and it's
19 race, race. James Fox had that done to him and it was
20 race.
21 Q. (BY MS. JACKSON) Now you mentioned earlier that
22 he admitted or that the person in this lawsuit admitted
23 that they didn't have the necessary programs in place.
24 Do you think that could have possibly
25 played a role in why he was terminated from his
1 position?

2 MR. BLEDSOE: Objection to form, assumes facts not evidence. You can answer.

3 MS. JACKSON: You can answer.

4 MR. BLEDSOE: Speculation.

5 A. Yeah. I -- I would have to speculate but --

6 you know, because the superintendent did not tell me.

7 But it was clear that he was upset that -- that he didn't -- that -- with the answer that he gave.

8 It was -- it was clear that he wanted him to say that there was a program that was -- that would adhere to the administrative code.

9 MS. JACKSON: Okay.

10 A. And there was not.

10 Q. (BY MS. JACKSON) Comparing CD 25 in plan C100 to District 35 in plan C185, if we look at District 25 in plan C100, it covers part of Travis, all of Hays, all

12 of Caldwell, part of Bastrop, Gonzales, Fayette, Colorado and Lavaca Counties.

14 Is that right? So there's actually eight counties --

16 A. LaGrange.

18 Q. -- in that part of --

19 A. And LaGrange.
20 Q. Yes.

21 A. Travis, Hays, Bastrop, Caldwell.

22 Q. Yeah.

23 A. Uh-huh.

24 Q. And CD 35 in contrast covers part of Austin, part of Hays, part of Caldwell, part of Comal and then downtown San Antonio and Bexar County.

2 A. Uh-huh.

3 Q. Is that correct?

4 A. Yes. Yes. I believe that's correct.

53:19-54:25

19 MS. JACKSON: Okay. I'd like to look at some of the demographic profile of CD 25 if you'll turn to the last page of that Exhibit 5 with me. And if we -- and if --

23 THE WITNESS: You guys really write small.

24 MS. JACKSON: I know. I'm going to need bifocals or trifocals by the end of this case.

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1 THE WITNESS: Yeah.

2 MS. JACKSON: If you look with me in the left-hand column labeled district for number 25?

4 THE WITNESS: Okay.

5 MS. JACKSON: And we go across to -- to the column labeled Hispanic CVAP, CVAP stand --
7 THE WITNESS: Hispanic CVAP?
8 MS. JACKSON: Uh-huh.
9 THE WITNESS: Is that 23.3?
10 MS. JACKSON: It -- 25.3.
12 MS. JACKSON: Then the next column over is
13 for --
14 THE WITNESS: Sorry.
15 MS. JACKSON: The next column over is --
16 THE WITNESS: Do you have a magnifying
17 glass of any sort?
18 MS. JACKSON: I don't.
19 Q. (BY MS. JACKSON) The next column over is for
20 percent black alone. And what is that -- that
21 percentage?
22 A. Nine percent.
23 Q. And if you look at the column labeled white
24 alone, what is that percent?
25 A. White alone is 63.1 percent.

61:15-22

15 at unemployment, for example, in city of Austin and it's
16 five percent, maybe a little lower. Look at it in the
17 African-American community and it's 25 percent.
18 And it's -- you know, and those are things
19 where communities of interest can work together because
20 the same thing's true in Latino communities. And those
are issues where those communities of interest can work

and say we need help.

Q. (BY MS. JACKSON) Okay. Do you know what the
relative unemployment rates are in San Antonio?
A. I don't study San Antonio.
Q. Okay. Do you know whether the Latino community
in San Antonio faces similar types of economic issues as
Latinos and African-Americans in Travis County?
A. You know, I -- I am -- I am not sure of the
problems that they -- the problems or how the
communities work together all the time. But they have
separate institutions that address the problems in that
area as they understand them.

Q. (BY MS. JACKSON) Okay. How long does it take
to drive to -- from Austin to San Antonio?
A. Probably an hour and a half, maybe two. Well,
with traffic --
Q. With traffic?
A. -- maybe two or three. It's --
Q. Okay.
A. It's terrible traffic.
Q. Looking at Exhibit No. 5, plan C100, how long
does it take to drive from the inner section of Hays,
Travis and Blanco County to the intersection of Austin,
Colorado and Wharton County?

MR. BLEDSOE: Objection, form, calls for speculation on the part of the witness.

A. I'd have to get in my car and go.

MS. JACKSON: Yeah.

Q. (BY MS. JACKSON) Do you --

THE WITNESS: Hays, Travis and Blanco, that's way out in the Hill Country?

MS. JACKSON: Uh-huh.

THE WITNESS: And -- and to where?

MS. JACKSON: To the far eastern edge of Colorado County.

MR. BLEDSOE: Objection to speculation.

A. To be honest, I have no idea. I've never driven there.

Q. (BY MS. JACKSON) Would you agree with me that the eastern edge of Colorado County is roughly two-thirds of the way to Houston?

A. Well, I wouldn't dispute you.

Q. Okay.

A. I don't know.
State Defendants’
Congressional Counter Designations for
Chris Turner
22 Q. We can. I've got some transcripts, and
23 we'll -- we're going to go over some specific comments,
24 but I guess as a general matter. Maybe a better
25 question is what did you do to prepare yourself for the

Page 47
1 2013 redistricting session?

53:19-54:7
19 Q. You also had access to -- Did you talk with
20 Mr. Hebert during the 2013 session? I think you've
21 indicated that you had.
22 A. Yeah. I believe we did, yes.
23 Q. Did you ask -- without asking about any
24 specifics of what you communicated about, did you have
25 the benefit of his counsel during the redistricting

Page 54
1 session?
2 A. Yeah. I think if I -- if I needed something
3 specific, I knew that I could call Mr. Hebert.
4 Q. Did you utilize any other legal resources
5 during the course of your -- of the redistricting
6 session?
7 A. No, not that I can recall. No.
83:22-25

22 Q. So with respect to the April 17th, 2013
letter, the Texas House Democratic Caucus letter, first
of all, you signed that letter. Correct?

25 A. Yes.

96:10-13

10 Q. Do you know if Mr. Lozano -- do you know the
facts behind 2011, how that district changed?

12 A. No. As I stated previously, I wasn't here in
2011.

112:16-113:7

16 So it's a true statement that the 2013
Legislature did not, in regular session, take up the
issue of redistricting other than to have a committee
hearing. Correct?

20 A. During the regular session?

21 Q. During the regular session.

22 A. I'm not even aware of a committee hearing.

23 Q. Okay.

24 A. Perhaps there was one. I'm not disputing.

25 Q. I think the State Senate Affairs may have had

Page 113

1 a -- an initial meeting.

2 A. That -- that sounds familiar --
3 Q. Okay.

4 A. -- that perhaps there was a Senate hearing. I don't recall any action in the House other than the bills being filed on the last day that House bills could be filed.

130:11-17

11 Q. But it's a true statement, isn't it, that during his introductory remarks that Chairman Darby asked that if there are specific problems with specific districts that he wanted those addressed with specificity at those hearings? That's what he said; right?

17 A. He did say that, yes.

140:6-141:22

6 Q. Were you present -- do you know if Chairman Darby obtained legal counsel?

8 A. I believe he did.

9 Q. Okay. And do you know who his legal counsel was?

11 A. I -- I knew at one time. I've forgotten the name.

13 Q. Do you know if he offered to make his -- the legal counsel available to the remainder of the committee?
A. He may have. I'm not -- I'm not positive.

Q. Do you know if other members of the committee, Mr. Martinez Fischer being one of them, objected to using committee -- to using the attorneys that mister -- that Chairman Darby had retained?

A. I do remember in the Dallas field hearing in which I was present there was a discussion and I believe an objection over the redistricting committee's counsel and that the counsel, I believe, was asked to leave the proceedings.

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Q. And you were there when they left -- were asked to leave. Is that correct?

A. Yes.

Q. And who raised the objection to them being there?

A. I believe it was Mr. Martinez Fischer.

Q. Okay. And they left after he raised the objection. Correct?

A. That is my recollection.

Q. And do you recall specifically if Chairman Darby at that committee hearing offered to allow Mr. Martinez Fischer and the remainder of the committee to utilize that resource?
14 A. Being that attorney?
15 Q. The attorneys, Mr. Quinn and Mr. Morrison.
16 A. Mr. Morrison was his name. He may well have,
17 but I don't -- I don't specifically recall. And I think
18 as a member -- as a legislator who was not a member of
19 the committee, I also knew that the discussion didn't
20 really apply directly to me because I'm not a member of
21 the committee. So I don't recall the specifics of that
22 conversation.

142:25-143:20

25 Q. Now, we've already discussed sort of the
Page 143

letter exchange that occurred in the spring of 2013.
2 Right?
3 A. Yes.
4 Q. You had not since that time yourself,
5 Representative Turner, in a Democratic caucus -- and
6 you're the chairman of the Democratic Caucus. Correct?
7 A. I am, yes, which is the number-two position in
8 our caucus.
9 Q. Under Representative Davis?
10 A. Yes. Representative Davis is our Democratic
11 leader.
12 Q. And you had not written yourself a letter to
the AG asking for specific information regarding a legal position?

A. No.

Q. Okay. You -- you also indicated that you didn't do that at a later time, that you did not reach out to the Attorney General's office and ask for specific information?

A. That's correct.
State Defendants’
Congressional Counter Designations for
Royce West
Q. (By Ms. Jackson) Do the physical locations of the neighborhoods that constitute the community and the physical location of the economic engine change as lines are drawn around?

A. No.

Q. Is it just the district that changes?

A. Yes.

Q. Okay. What is the function of a Congressperson?

MR. BLEDSOE: Objection to form.

A. To represent their constituents.

Q. (By Ms. Jackson) Okay. And wouldn't any Congressperson have an interest in bringing money to their district? Is that a legitimate function of a Congressperson?

MR. BLEDSOE: Objection, calls for speculation.

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.

103:5-104:2

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?

A. As I said earlier today, yes. I'm pretty certain we had conversations about it, but I can't independently recall.

Q. And you had conversations -- I'm sorry, have you had conversations with the Congresswoman about those engines?

A. No, no, I haven't, I can tell you that. But in general, in terms of assessing the impact of the redistricting.

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?

A. Yes.