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TEXAS SENATE
COMMITTEE ON JURISPRUDENCE
PUBLIC HEARING - REDISTRICTING
JULY 1, 2003
MCALLEN, TEXAS

COMMITTEE MEMBERS:

Senator Robert Duncan, Chairman
Senator Chris Harris
Senator Todd Staples
Senator Mario Gallegos, Jr.
Senator Royce West
Senator Kip Averitt

OTHER APPEARANCES:

Senator Juan "Chuy" Hinojosa
Senator Craig Estes
Senator Jeff Wentworth

1 P R O C E E D I N G S

2 SENATOR DUNCAN: The Senate Committee on
3 Jurisprudence will come to order. The Clerk will call the
4 roll.

5 THE CLERK: Senator Duncan.

6 CHAIRMAN DUNCAN: Here.

7 THE CLERK: Senator Gallegos.

8 SENATOR GALLEGOS: Here

9 THE CLERK: Senator Averitt.

10 SENATOR AVERITT: Here

11 THE CLERK: Senator Harris.

12 SENATOR HARRIS: Here.

13 THE CLERK: Senator Staples.

14 SENATOR STAPLES: Here.

15 THE CLERK: Senator West.

16 SENATOR WEST: Here.

17 CHAIRMAN DUNCAN: Thank you. If I could have your
18 attention, please. I would call on our translator now to
19 introduce themselves to you and explain the process in which a
20 translation service will be provided to each of you and to
21 each of us who may need it.

22 Would you please address the crowd?

23 (Translator speaks in Spanish)

24 CHAIRMAN DUNCAN: Thank you very much. On behalf of
25 the Senate Jurisprudence Committee, I want to thank all of you

1 for taking the time to come here today to share your views
2 with us. Governor Perry has called the Texas Legislature into
3 special session to consider Congressional redistricting. This
4 is not a simple or casual task. And it is one that we know
5 people have strong feelings about. We want to hear what your
6 views on this important topic are.

7 These proceedings are being transcribed so that we
8 can make them a part of the legislative record and can share
9 them with the persons who are not here today. As we consider
10 this issue, we are constrained by various legal requirements
11 that you should be aware of.

12 First, any plan that we adopt must comply with the
13 Federal constitutional requirement of one person, one vote.
14 If the thirty-two congressional districts are to be equal in
15 size, they will need to have 651,619 persons each. We will
16 need to draw the districts or draw districts that will be at
17 or very near that size.

18 Second, the State of Texas is covered by Section 5
19 of the Federal Voting Rights Act. As a result, we are
20 obligated to be sure that any changes we make do not result in
21 a retrogression in minority voting strength.

22 In other words, any plan drawn by the Legislature
23 may not have the purpose or effect of worsening the position
24 of minority voters when compared to the current plan, which
25 was drawn in 2001 by a federal court.

1 Third, we need to be sure that any plan the
2 Legislature adopts ensures that minority voters do not have
3 less opportunity than other members of the electorate to
4 participate in the political process and to elect candidates
5 of their choice.

6 Finally, we need to conform the Supreme Court's
7 repeated direction over the past 10 years that redistricting
8 not result in racial gerrymandering.

9 In particular, we need to be sure that race is not
10 the predominant force in the redistricting process to the
11 subordination of traditional redistricting principles.

12 Members, with that, let me just do a little
13 housekeeping for the audience. When you speak, as we stated
14 earlier, your testimony is being taken down by a court
15 reporter who is with us today from McAllen. And that
16 statement that will transcribed into a booklet with your
17 testimony in it. It is very important for you to speak slowly
18 and clearly and distinctly so that the court reporter will
19 have an opportunity to get your testimony accurately and
20 audibly. She will not interrupt you if she does not
21 understand a word or it is too fast, so be sure and speak as
22 clearly as you can.

23 I will tell you from the beginning, members of the
24 audience and citizens and constituents of the fine area of the
25 Valley and Hidalgo County and McAllen that we are very pleased

1 to be here. We look forward to being here in your beautiful
2 city to speak with some of the greatest people in the State of
3 Texas about this issue of redistricting.

4 I am proud to be on this Committee with the senators
5 with me today. In every place that we have been, we have
6 listened. We have taken the testimony and we have enjoyed and
7 learned a lot from what we have heard. None of the members of
8 this Committee, that I am aware of, have a plan drawn. We are
9 here to hear you before any plan is drawn by any member of
10 this committee. We want to make sure that what we do is
11 responsive and reflective of what we understand the testimony
12 to be. And we appreciate your being here today to voice your
13 opinions and your concerns whether it is for or against
14 redistricting.

15 We have found in our other hearings that a time
16 limit is very important for the purpose of allowing everyone
17 an opportunity to speak. If we do not have a time limit, many
18 of you will be here for many hours and may not be able to
19 speak because we will simply run out of time. We are
20 scheduled to be in Houston tomorrow. We have found that a
21 time limit of five minutes works very well.

22 At this time, I will entertain a motion to limit the
23 time limits or limit the time for each speaker to five
24 minutes.

25 SENATOR GALLEGOS: Mr. Chairman, I make that motion.

1 CHAIRMAN DUNCAN: Senator Gallegos moves that we
2 limit the time limit for all speakers to five minutes. The
3 Clerk will call the role.

4 THE CLERK: Senator Duncan.

5 CHAIRMAN DUNCAN: Yes.

6 THE CLERK: Senator Gallegos.

7 SENATOR GALLEGOS: Yes.

8 THE CLERK: Senator Averitt.

9 SENATOR AVERITT: Yes.

10 THE CLERK: Senator Harris.

11 SENATOR HARRIS: Yes.

12 THE CLERK: Senator Staples.

13 SENATOR STAPLES: Yes.

14 THE CLERK: Senator West.

15 SENATOR WEST: Aye.

16 CHAIRMAN DUNCAN: There being six ayes and no naves,
17 the time limits will be limited to five minutes.

18 Whenever you are speaking, we will set a timer. And
19 you will hear the timer beep. And at that point in time, I
20 will signal to you that your time has expired and we will ask
21 you to wrap up your testimony as quickly as possible. Many of
22 you may find that you want to give us a little time back and
23 we certainly don't object to that. But we do ask you to keep
24 your testimony to the time limits. If you have written
25 testimony, we ask that you submit it but we also need that in

1 order for it to be a part of the record to be accompanied by a
2 card or at least if you have already turned in a card, you can
3 turn in your written testimony separately. But we do need a
4 card filled out before we can put your -- your written
5 testimony into the record.

6 With that, I have deferred to the members of the
7 Committee to make an opening statement in deference to our
8 Congressman, I wanted to allow him to welcome us to McAllen.
9 Congressman Hinojosa, would you approach and address the
10 committee.

11 U.S. REPRESENTATIVE HINOJOSA: Thank you, Chairman
12 Duncan. I wish to have this opportunity on behalf of the 15th
13 Congressional District to welcome you and this panel of
14 distinguished state senators. On behalf of the City of
15 McAllen area and the surrounding area, we thank you for having
16 selected McAllen as one of the sites.

17 There are several of us who have prepared
18 statements. And I ask unanimous consent that at the
19 appropriate time when I begin the use of the five minutes that
20 should I not be able to complete my prepared statement that
21 the entire statement be made a part of the official record.

22 CHAIRMAN DUNCAN: Thank you. We will call on you,
23 Congressman, as one of our elected officials in the beginning.
24 And I would respectfully request that when you reach your time
25 limit, that you at least try to be deferential to those others

1 in the audience who would also like to speak.

2 U.S. REPRESENTATIVE HINOJOSA: I will respect that
3 and I will bring it to a close if that is necessary. But I do
4 request unanimous consent that it be allowed in its
5 completion. And I will submit it in writing.

6 CHAIRMAN DUNCAN: Thank you. Senator Hinojosa is
7 our host here today, along with Senator Lucio. Senator Lucio,
8 as many of you know, has had a heart attack earlier and is
9 recovering well from that. But we -- and I think his doctors
10 requested him that he take it easy so that he can go fight the
11 battles for the Valley as quickly as possible. He has asked
12 me to read this letter to you and to the members of the
13 Committee. This is a letter from Senator Eddie Lucio, Jr.

14 "Dear Chairman Duncan, I hope and you other members
15 of the Senate Jurisprudence Committee have a successful
16 meeting in McAllen today and as well as in the other cities
17 you will be visiting this week. Unfortunately, due to
18 doctors' orders, I will be unable to attend any of the
19 hearings this week. No one understands more than I do the
20 importance of obtaining input from the citizens that will be
21 impacted the most by the decisions we will make during this
22 special session.

23 Though I will not be able to attend, I will be
24 tracking the committee hearings on the internet, through
25 written transcripts, and by having Mr. Paul Cowan, my chief of

1 staff, attend as many of the meetings as possible. This will
2 allow me to make the best decisions for the people of South
3 Texas.

4 I salute you and the other members of the Committee
5 for taking this time away from your families and your
6 businesses to hear what the citizens of Texas have to say
7 about redistricting and how it will affect their communities.

8 I know that the people of Hidalgo County and all of
9 South Texas, whom I have had the honor of representing in the
10 Texas Senate, are all extremely appreciative that you are here
11 today to listen to them.

12 My prayers are with you and I look forward to seeing
13 you in Austin next week. Sincerely, Eddie Lucio, Jr., State
14 Senator."

15 With a copy to all Committee members and the
16 Honorable David Dewhurst, Lieutenant Governor of the State of
17 Texas.

18 I know I speak on behalf of the Committee to say
19 that we are very proud to have Senator Lucio as a member of
20 this Committee and know that his input and -- will be very
21 well heard. And we look forward to his return to assist us in
22 evaluating the issues that we will be looking at in
23 redistricting.

24 Senator Hinojosa has been a significant help in
25 helping us put together this Committee meeting. And I

1 appreciate very much his time.

2 Senator Hinojosa, would you like to address the
3 audience?

4 SENATOR HINOJOSA: Thank you, Chairman Duncan. I
5 just want to welcome the Committee to the City of McAllen, the
6 Rio Grande Valley. I would also like to say to the general
7 public that on the Senate side we do not have a hidden agenda
8 or a map drawn already in place. But we are here to listen,
9 hear what you have to say, respect your opinions, and follow
10 the rules, the laws and protocol. And that's the way the
11 process should work. And, again, I want to welcome the
12 Committee to my home town, the City of McAllen. Thank you,
13 Senator.

14 CHAIRMAN DUNCAN: Thank you, Senator. We are sure
15 proud to have you with us today and appreciate all your hard
16 work that you have done in the Texas Senate. And we are
17 really proud to serve with you. I know all of us from all
18 different areas of the State have certainly benefited from
19 your leadership and the leadership of Eddie Lucio, who you guy
20 -- you guys really do a good job of keeping us advised as to
21 what are the important issues for South Texas. And you
22 certainly have been successful in doing a lot of great things
23 for your region. So thank you for all -- all that you do for
24 Texas and your constituents.

25 Senator Harris, do you have opening remarks?

1 SENATOR HARRIS: My name is Senator Chris Harris.

2 Today --

3 SENATOR WEST: His mic is not on.

4 SENATOR HARRIS: -- today -- today I filed a map.

5 The map which I have filed today is the current court-ordered
6 plan. Now, that is what is on file as far as the Senate. As
7 far as from my standpoint, in any way, and I stress this, in
8 any way looking at what the House has done, because there has
9 been some questions raised. I saw it in the questions that
10 people were handing. I have not looked at any plans. I did
11 not even look at the current lines when I instructed my staff
12 to file the current district as drawn by the court.

13 Now, it is imperative from my standpoint that we as
14 members of the Senate do as we are doing today. And that is
15 to get input from the people of Texas. Your input is
16 extremely valuable to me. And I am coming into this process
17 with no preconceived conceptions, with no magic number. I
18 have refused to talk to Representative King. I have never
19 talked to anyone, anyone directly or indirectly related to or
20 representing Congressman DeLay. And it will continue to be
21 that way on my part. If there is to be anything done where I
22 am involved, it will be by the Senate and by the Senate based
23 on the input of you, the citizens we represent.

24 Thank you, Mr. Chairman.

25 CHAIRMAN DUNCAN: Thank you, Senator Harris. On the

1 Committee, Senator West.

2 SENATOR WEST: Thank you very much, Mr. Chairman.
3 You know, I am not going to sit up and tell you that I am for
4 redistricting, because I am not. The fact of the matter is
5 that I am part of a committee. I respect each and every one
6 of the individuals on the Committee. And that this in fact a
7 committee process. It takes 21 votes in order to get anything
8 out of the Senate. The question remains whether or not there
9 are 21 votes in the Senate to get a redistricting plan out of
10 the Senate, Congressman Hinojosa. That's what it comes down
11 to.

12 I can tell you this, we are here to listen to you,
13 and not just allow you to talk. And there is a difference
14 between the two. If during this process I don't believe that
15 you are being listened to, you will know. And then it will be
16 up to you to decide whether or not to come to Austin to make
17 sure that your testimony before this Committee is in fact
18 heard and that your views are considered during this
19 redistricting process.

20 It is important that you understand that America is
21 watching what goes on in this state, because what goes on in
22 the State of Texas will have implications about what goes on
23 in the rest of this country. I am here to listen to you. I
24 am here to make sure that your voice is heard in Austin.

25 CHAIRMAN DUNCAN: Thank you, Senator West.

1 (Applause)

2 CHAIRMAN DUNCAN: Vice-Chairman Gallegos.

3 SENATOR GALLEGOS: Thank you, Mr. Chairman.

4 (Comments in Spanish)

5 (Applause)

6 I am -- my name is Mario Gallegos. I am from
7 Houston, Texas. And I am Vice-Chairman of this Committee.
8 And I, like my -- some of my colleagues -- am against
9 redistricting, but I do respect the process. And I do have
10 similar feelings that were aired out earlier with the --
11 especially the GI Forum, the farm workers, and several of you
12 sitting in this -- in this crowd today. But I -- what I do,
13 though, respect is the process and that we hear each and every
14 one of your voices, your input on redistricting, what you have
15 to say, no matter who you are or what your party affiliation
16 is. You know, I would like to hear what you have to say. And
17 I agree with Senator -- my colleague, Senator West. If at a
18 point that you feel that we are not listening or -- you can
19 also go to Austin and have your voices heard there.

20 I do want to say that I am glad to be here in
21 McAllen. I have several family members here in McAllen and
22 Mission. My wife was born in Mission. Our host, Senator
23 Hinojosa, and also the other elected officials that are here,
24 Congressman Hinojosa, the state Rep Aaron Pena. I think I saw
25 State Representative -- (applause). I think I saw State

1 Representative Miguel Wise. I think Miguel is here. And the
2 other state reps that I saw here earlier, and plus the local
3 elected delegation that -- from here, the mayor. And also my
4 good friend the Judge of Hidalgo County, Judge Ramon Garcia
5 that is here also that I am glad to see.

6 But with that, I, like I said, I do want to say that
7 in reference to Senator Harris' remarks, that to my knowledge
8 we have not filed any bill other than the bill that he said
9 that he filed. But I do, once again, like I did in Laredo,
10 caution the Committee that any bill that is filed that
11 violates the Voting Rights Act like we did in -- Mr. Chairman,
12 I would -- the testimony that I gave in Laredo, I would like
13 to enter it here in McAllen, the same testimony for part of
14 the record, is that if any bill is introduced in the Senate or
15 in the House that dilutes a majority/minority district similar
16 to that as Senator Whitmire that we have on transcript, U.S.
17 Senator John Cornyn and our Lieutenant Governor, then Land
18 Commissioner, saying that they went -- that the Senator went
19 to Washington and testified per transcript, we have it on
20 transcript, that if we were to dilute Senator Whitmire's
21 Senate District 15 in Houston, we would probably get a
22 Department of Justice Violation, an objection from the
23 Department of Justice. And, obviously, at that time, the
24 Legislative Restricting Board took heed. We have their
25 testimony. It's on transcript.

1 And I would -- I would ask the same of this
2 Committee. Any bill that is filed that dilutes any -- or
3 gerrymanders any -- any congressional district like was what
4 was fixing to be done to Senator Whitmire's Senate District in
5 -- in -- in 15, that we be cautious about it, number one, that
6 we object to it. And not have -- and not any gerrymandering
7 of Congressman Hinojosa's district or anybody else's
8 regardless of who they are, whether they be Republican or
9 Democrat, that those gerrymandering or diluting of majority
10 minority districts be strenuously viewed by this Committee and
11 also looked at, that the same transcripts that the LRB
12 testified to during the last Legislative Redistricting Board.

13 Mr. Chairman, that's what I have. And I am -- I am
14 glad to be here in McAllen and await your -- your input.
15 Thank you.

16 (Applause)

17 CHAIRMAN DUNCAN: Thank you, Mr. Vice-Chairman.
18 Senator Staples.

19 SENATOR STAPLES: Thank you, Mr. Chairman. It is an
20 honor to be here with you today in the Rio Grande Valley. My
21 name is Todd Staples. I represent the eastern part of
22 Texas --

23 (microphone adjustment)

24 SENATOR STAPLES: Thank you. My name is Todd
25 Staples. I represent all or part of 16 counties in east Texas

1 going up against the Louisiana border. It is honor to be here
2 with you today in the Rio Grande Valley. I know that time and
3 distance separates my part of Texas from yours, but I want you
4 to know that this is a process that works for all Texans and
5 it must do so. Because I know that I am one vote out of 31.
6 And it is an honor to work with your elected senators, Senator
7 Hinojosa, Senator Lucio, to make good policy for all Texans.

8 We are today here to listen to your concerns and
9 your voice and your input in this process. There are many
10 things that unite us, our schools, our safety, our roads, our
11 healthcare. And I -- it is important that each citizen
12 participate in the process. I think today we have seen
13 firsthand how government really works. And we have a greater
14 appreciation for the sacrifices that have been made. And we
15 look forward to your voice and your input into this process.
16 Thank you.

17 (Applause)

18 CHAIRMAN DUNCAN: Thank you, Senator. Senator
19 Averitt.

20 SENATOR AVERITT: Thank you, Mr. Chairman. I am
21 very happy to be here in McAllen today. And I am glad that
22 you-all are here as well. We have been having these hearings
23 and getting some really valuable input into this process. And
24 your comments that you will make today do mean something. We
25 are listening. And what you are telling the panel, what you

1 are telling the Senate today will be reflected in the
2 decision-making process that we go through. So I am very
3 happy that so many have turned out. And we look forward to
4 hearing your comments. Thank you.

5 (Applause)

6 CHAIRMAN DUNCAN: Thank you, Senator Averitt. We
7 have -- you have heard from each of the members of the
8 Committee. Senator Lucio you have heard from as well. We
9 also have had the pleasure and honor of being accompanied by
10 other senators throughout the hearings who are interested in
11 hearing what you have to say as well, even though they don't
12 serve on the Committee.

13 Senator of Kyle Janek of Houston has been with us on
14 each of our hearings. His son got bit by a spider yesterday
15 and so he had to go and I think everything is okay. But he is
16 having to attend to that. We've also had the pleasure of
17 Senator Jeff Wentworth from San Antonio from being here today.
18 Senator Wentworth. And then Senator Craig Estes who is also
19 with us today from Wichita Falls.

20 Members, with that, let me make one more
21 announcement. Yesterday, I gave a big lecture about not
22 having your cell phone on because it interrupts those who are
23 speaking and also those of us who would like to hear, yet I
24 forgot to turn mine off and it started going off. Let me,
25 once again, remind you, please turn off your cell phones or

1 any audible alerting messaging device that might interrupt
2 others. We want to make sure that we are not -- I don't know
3 if you have ever been talking and somebody's cell phone is
4 going off, but it really is annoying to you, the speaker, and
5 also to those of us who are here listening. So I am turning
6 mine off and if you will turn yours off, we will all be on the
7 same page. I think I just turned mine on. I already had it
8 off.

9 But we appreciate your being here today. We will
10 start with our -- our first witnesses. We will call
11 Congressman Ruben Hinojosa. Congressman, thank you for being
12 here and for your help today.

13 U.S. REPRESENTATIVE HINOJOSA: Thank you, Chairman
14 Duncan, members of the Senate. I am pleased to be standing
15 before you here today, but I wish that it was to speak on
16 another matter. Let me begin by saying that I am, without a
17 doubt, entirely against redistricting the current lines of the
18 Congressional Apportionment Map of the State of Texas.

19 I am against this action because I am a patriot of
20 Democracy, equal representation for my community. Under a
21 Democratically-elected representative government, the people
22 elect the representatives and not the other way around. Under
23 a Democracy, the people voice their concerns and their
24 representatives make it law. By taking up redistricting now,
25 current GOP representatives would be selecting their

1 constituents and ignoring the massive outcry Texans, both
2 Republican and Democrats, have expressed against
3 redistricting. In fact, I believe that of those that have
4 spoken at the redistricting hearings across the state, 75
5 percent have implored the State Legislature to vote against
6 any and all redistricting proposals.

7 Now, while I recognize that many have said that it
8 is the State Legislature's responsibility to redistrict the
9 current lines and they have not, let me remind you of a few
10 facts. In 1981, after the census count, the governor of Texas
11 called a special session to redistrict the seats of the
12 elected government, noting the arduous nature of this task.
13 In 1991, again the governor called a special session to
14 redistrict the elected seats of government. And here in 2001,
15 Governor Perry had his chance to call a special session to
16 perform redistricting in the legislature, but he decided not
17 to and let the courts decide.

18 Now, after Republican dissatisfaction with the
19 federal court's decision, Governor Rick Perry and Tom DeLay
20 finally want to redistrict, but it is too late and the work
21 has been done. To take up redistricting now is unnecessary,
22 unprecedented and costly to the tax payers of the great state
23 of Texas.

24 The case is made even worse when one looks at the
25 manner Rick Perry and Tom DeLay want to redistrict. Their

1 plans are unconstitutional and violate the Voting Rights Act.
2 Congressional Districts are drawn once every 10 years
3 following a census. And that is the normal procedure. No
4 state has ever undertaken mid-decade congressional
5 redistricting unless ordered to do so by a federal court. And
6 the Texas Legislature is under no such order.

7 Furthermore, the Texas Attorney General, on April
8 the 23rd of 2003, confirmed that the Texas Legislature is not
9 constitutionally nor legally-mandated by state nor federal law
10 to address congressional redistricting and that the current
11 Texas Congressional map can remain in effect for a decade.

12 In addition, Texas has never conducted simultaneous
13 public hearings across the state and never held such an
14 abbreviated schedule of hearings. In the past, the entire
15 House, the Senate, redistricting committees conducted hearings
16 together and hearings were never held in two or more different
17 cities at the same time.

18 The current Texas Congressional District Map is
19 constitutional. It complies with the Voting Rights Act and is
20 fair to both parties. In fact, 62 percent of the districts
21 actually favor the Republicans. Texans are simply electing
22 who they want to be their voice in Washington, which means
23 that right now voters only want 15 Republicans in Congress and
24 they want 17 Democrats. It is just that simple.

25 Finally, I believe that we are at a critical time

1 for minority representation across the State of Texas. In
2 three years, the Voting Rights Act will be up for
3 reauthorization. And, judging from the voting records of my
4 fellow Republican colleagues, Tom DeLay's plan will guarantee
5 the election of enough Republican members to ensure that the
6 reauthorization of this vitally important civil rights act is
7 defeated.

8 By defeating the voting rights act minorities,
9 Hispanics, African-Americans alike will be packed into
10 districts and their voices suppressed. Instead of having
11 eight minority congressmen and congresswomen in the Texas
12 delegation, in a few years, we could go down to two or three
13 congressmen and congresswomen. This redistricting plan is the
14 prelude to this great injustice.

15 And that is why if redistricting is undertaken
16 today, minorities across Texas will be defeated every day. We
17 lose our right to elect our representative of choice. We lose
18 our right to have our voices heard. And, for this reason,
19 plus countless others, let the message be clear. A vote for
20 redistricting is a vote against Hispanic-Americans, against
21 African-Americans, and against women.

22 To stand tall and ensure the future representation
23 of the Hispanic and African community we must vote against
24 redistricting. Ill-gotten gains today will only lead to
25 massive losses in the future. We need to move forward and not

1 backwards. And the key to this forward motion begins with
2 defeating Tom DeLay's attempts to redistrict the current
3 Congressional lines.

4 And, with that, Mr. Chairman, I yield back the
5 balance of my time.

6 (Applause)

7 CHAIRMAN DUNCAN: Thank you, Congressman. Do the
8 members have any questions. Senator West. Congressman,
9 Senator West has a question.

10 (Applause)

11 SENATOR WEST: Congressman, in terms of influence
12 districts in the State of Texas, congressional-influenced
13 districts, those districts that minorities have an influence
14 in, could you share with us what some of those districts are
15 under the current plan, if you know?

16 U.S. REPRESENTATIVE HINOJOSA: Well, I can tell you
17 that on the Texas border region, Congressman Reyes is very
18 influential, so is Congressman Ciro Rodriguez, so is
19 Congressman Solomon Ortiz. I am the fourth one along the
20 Texas border region. And, in my opinion, they, together with
21 Charlie Gonzalez and Ciro Rodriguez of San Antonio, as well as
22 Eddie "Breeze" Johnson and Sheila Jackson-Lee, are the
23 minorities who are a very strong voice and are making a
24 measurable difference in Washington.

25 SENATOR WEST: Are there any other Democrats that

1 normally vote with the minority members of congress that you
2 just mentioned?

3 U.S. REPRESENTATIVE HINOJOSA: Yes, there are.

4 SENATOR WEST: And who are those Democrats, sir?

5 U.S. REPRESENTATIVE HINOJOSA: Those Democrats,
6 especially Martin Frost, Max Sandlin, Jim Turner, Nick
7 Lampson, our friend from West Texas, Charlie Stenholm, those
8 are the ones that come to my mind. I hope I haven't missed
9 anyone.

10 SENATOR WEST: Do you know whether or not any of
11 those districts have a substantial minority representation in
12 those districts?

13 U.S. REPRESENTATIVE HINOJOSA: No question about
14 it. Charlie Stenholm is an excellent example of that, a
15 Republican-voting congressional district that had a huge vote
16 for President Bush and yet he was elected by the people.
17 Another example would -- another example would be Chet Edwards
18 from Waco.

19 SENATOR WEST: I think you misunderstood my
20 question. My question was in some of the Democratic districts
21 that you just mentioned, are there a substantial number of
22 minorities in those districts? That is for Martin Frost, for
23 Nick Lampson and some of the other Democratic senators, that
24 you just mentioned, do you know --

25 U.S. REPRESENTATIVE HINOJOSA: The answer is yes, no

1 question that in Martin Frost's congressional district up
2 around the Dallas/Ft. Worth area that there is a large number
3 of Hispanics and African-Americans. The same thing would be
4 in the case of Nick Lampson and others throughout the state.

5 SENATOR WEST: So minorities have basically chosen
6 those individuals to represent their interests. Is that
7 correct?

8 U.S. REPRESENTATIVE HINOJOSA: That is correct.

9 SENATOR WEST: And based on your observation of
10 their vote, voting pattern while serving as a congressman,
11 have they voted, I shouldn't say consistently, but most of the
12 time with the minority interests?

13 U.S. REPRESENTATIVE HINOJOSA: To the best of my
14 knowledge, they do.

15 SENATOR WEST: Okay. If those seats are
16 redistricted out, would that hamper any type of leadership or
17 influence that minorities currently have in Congress as
18 relates to those issues that those persons currently vote for?

19 U.S. REPRESENTATIVE HINOJOSA: It is possible,
20 Senator West, that that could occur. I am very concerned that
21 that could happen.

22 SENATOR WEST: Do those individuals hold any type of
23 leadership positions in Congress?

24 U.S. REPRESENTATIVE HINOJOSA: Most of those
25 individuals have seniority. In many cases they are the ranking

1 members of their respective major committee. Good example
2 would be Chet Edwards in Appropriations for the Military.
3 Another example, of course, would be a Democrat like Solomon
4 Ortiz, who is the ranking member of Military Preparedness. As
5 is Martin Frost, who is the ranking member of the Rules
6 Committee, a very powerful committee.

7 SENATOR WEST: So if there is --

8 U.S. REPRESENTATIVE HINOJOSA: There are many
9 minorities. There is at least 19 who are ranking members,
10 including myself as the ranking member of the Select Education
11 Committee, who, if removed from office, could possibly have
12 someone else who would lose that -- that seniority and
13 certainly hurt the area that they represent.

14 SENATOR WEST: Thank you very much, sir.

15 CHAIRMAN DUNCAN: Senator West. Any other
16 questions, Members?

17 U.S. REPRESENTATIVE HINOJOSA: I thank you for the
18 opportunity. And I am going to make one final request. And
19 that is that I called many of the elected officials from
20 Hidalgo County and the surrounding area, including state
21 representatives, the county judge and others. I know of their
22 very busy schedules. Some have left other meetings to come
23 and testify before you. Would you allow them to go first?

24 CHAIRMAN DUNCAN: Congressman, we usually allow
25 elected officials to -- who are elected --

1 U.S. REPRESENTATIVE HINOJOSA: Thank you. That's
2 all I have to say. Thank you.

3 CHAIRMAN DUNCAN: -- by the local people to speak
4 and set the -- at least the base for the testimony here today.

5 I would like to, once again, ask you if you cut your
6 cell phones off so that others -- I appreciate it.

7 We have former Congressman Kiki de la Garza.
8 Congressman.

9 (Applause)

10 CHAIRMAN DUNCAN: Thank you. Proud to have you
11 here. Thank you for being here.

12 Mayor Leo Montalvo. Mayor. And if you could state
13 your name for the record so she will have that in the record
14 it would be very helpful.

15 MAYOR MONTALVO: My name is Leo Montalvo. I am the
16 mayor of the City of McAllen. And, Senator, it is certainly a
17 privilege to welcome you and the Committee to our city. Also,
18 I want to express my appreciation to the GI Forum for their
19 position on redistricting and their willingness to have a
20 hearing in Corpus Christi.

21 I am here today not -- not as a Democrat, not as a
22 Republican, but as a concerned citizen who is really troubled
23 about redistricting because the plans that have been offered
24 split Hidalgo County in three ways, split McAllen in three
25 ways.

1 I don't come here to defend either Congressman
2 Hinojosa, although he is doing an excellent job. But I feel
3 that if we keep Hidalgo County whole, then we will elect
4 whoever we want to office. One of the plans that is being
5 offered slices up the county and takes it all the way to
6 Austin, Texas and Lockhart. Now, if that's not
7 gerrymandering, I don't know what is. (Applause)

8 There is -- as a matter of fact, that particular
9 district looks like a salamander. And there is nothing fair
10 or equitable about that plan or similar plans that purport to
11 slice up the county.

12 The explosive growth in Hidalgo County is quite
13 evident over the last decade. We have got over 652,000
14 people, the so-called magic number to have your own
15 congressman. And, yet, we are being sliced up, instead of
16 having one more with nearby communities, the one we have is
17 being taken away and handed to Austin, Texas and Lockhart. If
18 that's -- you know, to me that is almost criminal.

19 Now, the Hispanic population in Texas, or at least
20 the growth in Texas, is attributed to 60 percent of the
21 Hispanic population throughout the state. I haven't seen any
22 plan yet that increases the Hispanic representation in this
23 state, none at all. Quite the contrary. (Applause) Quite
24 the contrary. It dilutes that very representation that exists
25 now. And so I see nothing fair or equitable about that plan

1 either.

2 If you must redistrict, I would urge you to keep
3 Hidalgo County whole and to add another border district. I
4 think the Hispanic community in Texas not only deserves it, it
5 has earned it. (Applause)

6 You know, ironically -- ironically enough, today,
7 being the first Tuesday of the month, was foreclosure day
8 throughout every courthouse in 254 counties of this state.
9 Foreclosure as far as real estate matters were concerned. To
10 foreclose today, to foreclose our representation is an insult
11 to the Hispanic community.

12 Again, I would urge you to expand that
13 representation and not foreclose it. Thank you very much,
14 again, for being here and listening to us. (Applause)

15 CHAIRMAN DUNCAN: Thank you, Mayor, for hosting
16 this.

17 SENATOR GALLEGOS: I got a question.

18 CHAIRMAN DUNCAN: Senator Gallegos has a question,
19 Mayor. Senator Gallegos.

20 SENATOR GALLEGOS: Yes, sir. Mayor, let me ask you,
21 you said that one of the plans splits up McAllen and part of
22 Hidalgo County. Is that what you testified to?

23 MAYOR MONTALVO: It splits up -- it splits up
24 Hidalgo County in about three ways and also the city in three
25 ways. It starts --

1 SENATOR GALLEGOS: The City of McAllen?

2 MAYOR MONTALVO: Yes, sir.

3 SENATOR GALLEGOS: Okay. So -- and it is your
4 testimony that you want to keep it whole --

5 MAYOR MONTALVO: My -- my position is we want to
6 keep the entire county whole.

7 SENATOR GALLEGOS: Okay.

8 MAYOR MONTALVO: You know, we have got 669,000
9 people in this county, well over the 652,000 requirement. If
10 you look at our 1990 census versus 2000, explosive growth of
11 about 56 percent.

12 SENATOR GALLEGOS: I just -- I wanted to make that
13 clear for the record, because we heard the same testimony from
14 the mayor of Laredo, which is the splitting up her city in to
15 two ways and the county also. So you are basically almost,
16 you know, mirroring her -- her testimony in Laredo, that you
17 want to keep, number one, McAllen whole and the county of
18 Hidalgo.

19 MAYOR MONTALVO: Hidalgo County whole. And, again,
20 you know, nothing against Austin, Texas or Lockhart, but let
21 me assure you that there is very few common elements between
22 the two communities. Okay? Especially when we are 300 miles
23 away.

24 SENATOR GALLEGOS: Okay. Thank you. Thank you,
25 Mayor.

1 MAYOR MONTALVO: Thank you.

2 (Applause)

3 CHAIRMAN DUNCAN: Any other questions. Thank you,
4 Mayor, for allowing us to be here today in your great city.

5 I do have an announcement to make. Susie Luna
6 Saldana, who is here from Corpus, with those of you who
7 traveled from Corpus, has asked me to announce that the busses
8 to Corpus will be leaving in about two minutes. So if you are
9 on that bus, and you want to take it, well, it is out there.
10 And I just was advised. And then we will see you in Corpus
11 Christi next week.

12 The Chair calls State Representative Aaron Pena.

13 REPRESENTATIVE PENA: Good to see you. (Applause)
14 Senator, Duncan, senators, I also welcome you to my
15 community. We are a very proud community. We are rich in
16 culture, strong in our family ties. We are, however,
17 economically disadvantaged. We have the highest unemployment
18 rate in the state. And, to be quite frank, we -- we see
19 education as the ticket out of poverty. For many of us, we
20 are bewildered as to why we are even here when we need to be
21 taking up the issue of education financing. We have other
22 important issues that are much more important to this
23 community than redistricting. There is, to be quite honest,
24 not a groundswell of support for redistricting. In fact, it
25 is to the contrary. Each and every one of your hearings, both

1 in the House and as you will find from the Senate, will find
2 overwhelming opposition from rural Texas, from South Texas,
3 from urban Texas against redistricting.

4 And I have two primarily -- two primary objections
5 to it. One, it's inherently wrong. We don't need to be doing
6 this. But, two, and more disconcerting, is that it divides
7 Texans. It polarizes us into different communities rather
8 than uniting us. This -- this community has one -- is
9 culturally identifiable. We -- we probably have more in
10 common with Northern Mexico than we do with San Antonio or
11 Austin. And so when we see a district that -- that takes us
12 up to Austin, from the colonias of South Texas on the river,
13 we just don't see any -- any reasoning for it. And we -- we
14 with would did ask that you -- that you follow the suggestion
15 by Senator Harris, that we stay with the same plan because
16 there is simply no reason to put us together with Austin. We
17 are happy with the congressman we have.

18 As you all know, because I serve with you up there,
19 this state simply does not have the funds to invest in the
20 educational systems of our state and our children. And
21 perhaps one day and together we can do that. But we are
22 heavily dependent on our federal government for assistance to
23 pull ourselves out of poverty. Without a congressman,
24 Senators, we are not going to be able to do that. It is
25 simply wrong that we are going through this process.

1 I was particularly disturbed by a comment made by
2 John Alfred. I don't know if you-all know who he is. He is a
3 professor at Rice University. He was an expert witness for
4 Governor Perry in the 2001 redistricting process. And he
5 stated that at the time they knew full well or it was known
6 full well that the state was going to go into republican
7 control. But, rather, they waited, let the courts decide and
8 left it to us this session. Now, you-all would probably know
9 this better than I, but my suspicion is that the governor
10 simply did not have the votes to get it out of the Senate and
11 probably not the House. But we had an opportunity to go
12 through redistricting and there is no reason for us to go
13 through it again. Certainly there is no reason to be the one
14 state that is going through redistricting when no other state
15 has gone through the process outside of the census -- the
16 census year.

17 The other part that disturbs me is the polarization
18 aspect of redistricting itself. It -- it has been
19 commented -- commented by people, Richard Murray, political
20 scientist from the University of Houston, who says that the
21 current suggested map will eventually leave Texas without a
22 single non-Hispanic district represented by a Democrat. To
23 quote Mr. Murray, Professor Murray, his plan, basically,
24 envisions all democrats elected to Congress being either from
25 Hispanic, African-American majority districts, stated

1 Professor Murray. Commentors from conservative interest
2 groups have stated they would like nothing better than to have
3 Sheila Jackson Lee as a spokesperson for the democratic
4 party.

5 What bothers me about the process is that we are
6 moving apart from each other. And as we get safer districts
7 for either Democrats or Republicans, and I know there is
8 enough blame to go around, we pull each other apart.

9 It is simply wrong to have Democrats simply
10 represented by minorities. And we need to -- we need to be
11 able to create districts that give voters a choice. And I
12 would assert to you that they have a choice right now so that
13 they can elect Republican representatives but also represent
14 Democratic congressmen. And for us to gradually move to safe
15 districts is not giving the voter much of a choice and it is
16 pulling us apart.

17 So I applaud you, Senator Harris, for your -- your
18 bill that you filed, because it is the best effort, that we
19 simply leave redistricting behind us and we wait until the
20 next time comes up. It is simply not a good time to be doing
21 it. (Applause)

22 And I also applaud you, Senator Wentworth, because I
23 think we all know that the process is unhealthy. We have
24 become -- Texas has become increasingly too partisan. The
25 bi-partisanship that we enjoyed under then Govenor Bush has

1 been touted all the way to Washington. But you and I, all of
2 us all know, what has happened at the capitol in this last
3 session. It is unhealthy for us to think of ourselves as
4 either Democrats or Republicans. We need to simply think of
5 ourselves as Texans. (Applause)

6 I am going to sit down. But let me just say this,
7 historically, this community has been severely neglected. And
8 I mean all of South Texas. The reason that you see the GI
9 Forum, the Hector P. Garcia GI Forum or the Felix Longoria GI
10 Forum is because there has been a neglect by this state for
11 this area. You know, we had this country, the United States
12 and Mexico engage in a war over the Nueces strip because they
13 thought it was valuable. But after that war it was neglected.
14 We are so far behind the rest of the State of Texas in
15 infrastructure, in investment in our children. And we simply
16 want a chance. And so when you see the passions of my friends
17 from South Texas, then you can understand.

18 We have in the audience Dr. Ramiro Caso, who is
19 still with us, and understands the history of what South Texas
20 has gone through. For many of us they still remember what it
21 was like to live here. Senator Hinojosa certainly can testify
22 to that. And we have come a long way. We are dependent on
23 our voices in Washington and in Austin. And so I would ask
24 for the Senate, the Senate that has been so pragmatic this
25 session, to come to our aid and save us from ourselves,

1 because we simply do not need redistricting this year. Thank
2 you. (Applause)

3 CHAIRMAN DUNCAN: Thank you, Representative.
4 Members, any questions? Thank you.

5 REPRESENTATIVE PENA: Thank you.

6 CHAIRMAN DUNCAN: The Chair has a card from A.C.
7 Tony Garcia, who does not wish to testify, but is also a
8 former state representative. And we wanted to recognize the
9 Honorable Tony Garcia. Mr. Garcia are you in the audience?
10 Would you stand, please? He has registered a position against
11 redistricting. Thank you, Mr. Garcia. (Applause)

12 The Chair calls Michael Sandroussi, Edcouch-Elsa
13 Independent School District. Mr. Sandroussi? Okay. He is
14 not here, but he does indicate that he would like to register
15 a position against the redistricting. (Applause)

16 Eloy Garza. Mr. Garza? Mr. Garza has indicated
17 that he is an elected official and would like to testify, but
18 he also has indicated and registered a position against
19 redistricting. We will let the record reflect that.

20 (Applause)

21 I just saw Representative Miguel Wise. Miguel,
22 would you approach, state your name and. . .

23 REPRESENTATIVE WISE: I am Miguel Wise, District
24 39.

25 CHAIRMAN DUNCAN: Thank you for being here.

1 REPRESENTATIVE WISE: Thank you, Chairman Duncan.
2 Thank you, Members. I certainly appreciate the fact that
3 you-all have thought of the Valley in your public hearings.
4 And we certainly appreciate the time and effort you have taken
5 to come on down here to listen to our testimony.

6 I particularly want to thank Senator Harris for his
7 comments this afternoon in that they seem very appropriate.
8 And I know that his comments reflect the open-mindedness of
9 all of the members of this Committee.

10 One of the problems that -- that -- that I, many of
11 us in the House, many of you-all are house broken and have
12 been where we are at and probably have never seen a session
13 like we saw this last session. And I know some of the
14 members, some who happen to be on this Committee, are saying I
15 am glad in the Senate this session, this past session, and
16 wasn't in the House.

17 But I am coming to you with -- with -- with the
18 belief that many of us share that once bitten, twice shy.
19 And, with that in mind, and what we have been seeing in the
20 House, I don't want to impute that, obviously, on the Senate,
21 especially in light of some of the comments we have made, is
22 that this process, at least from my point of view, appears to
23 be nothing more than a -- than a corrupt taxpayer-funded
24 partisan power play. (Applause)

25 And I applaud Senator Harris for filing the current

1 plan. We come here with really no plan. We have the old Phil
2 King plan. So we can't even talk about hypotheticals.
3 You-all have been in Laredo and you have met in San Angelo.
4 And it seems as if 85 to 90 percent of the individuals who
5 testified testified against the plan. Many were republicans
6 and certainly most, if not all, were democrats.

7 And many folks -- I think I can speak for the GI
8 Forum who were here today, in that the belief is that public
9 testimony is being ignored. That despite the fact that
10 throughout the House hearings throughout the state and at
11 least the two hearings that you have held today that the --
12 that the testimony so far has been overwhelmingly against the
13 redistricting and yet we continue to have these public
14 hearings as if our voices are being ignored, as if regardless
15 of what is being said a plan is going to be coming out.

16 And I am confident that -- that at least the -- the
17 Democratic senators we have in the House will -- will not vote
18 to -- to let the plan out on the Senate floor, which is kind
19 of disturbing when you -- when you read the governor's
20 statement where he states that after districting he may
21 consider the RAHC and you may consider Texas Tech Medical
22 School in El Paso. To me that is offering the Democratic
23 senators from the Valley their 30 pieces of silver to sell out
24 for redistricting. (Applause) And I certainly feel confident
25 and I know that -- that at least our two senators that we have

1 here in the valley will not -- will not take those 30 pieces
2 of silver, will -- will not even give anybody the -- the
3 suggestion that they may be called Judas or Brutus or Benedict
4 Arnold. They -- they will hold the line and ensure that the
5 congressional plan remains the same.

6 One of the things I think that -- that you will
7 realize today is that a lot of the folks here are very
8 sophisticated and very intelligent despite the comments of
9 Speaker Crabb that only two members of the Committee spoke
10 Spanish and that's why they were not coming to the Valley.
11 And I applaud -- I applaud, Chairman Duncan, your commitment
12 to come down here with an open mind.

13 One of the things that -- that I feel, and many of
14 the people here feel, is that we want to make sure that the
15 public testimonies are not just pacifiers to keep us quiet, to
16 give an illusion that our voices are being heard when, in
17 fact, they are going to be ignored.

18 One of the things that really concerns us is the
19 disenfranchisement that -- that Congressman Hinojosa talked
20 about. Assuming that the Republicans redraw the congressional
21 districts but keep all the majority Hispanics and majority
22 Black districts intact, minority voters in the districts will
23 be disenfranchised. This would be the single largest
24 disenfranchisement of minority voters in the history of the
25 United States since the Voting Rights Act was passed in 1965.

1 Many of the congressional districts that are
2 currently represented by Democrats contain substantial
3 Hispanic and Black population concentrations, even though they
4 are less than the majority of the population. I will give you
5 some examples. Congressman Sandlin has 108,000 Blacks and
6 48,000 Hispanics. Congressman Turner has 92,000 Blacks and
7 57,000 Hispanics. Nick Lampson has 142,000 Blacks and 94,000
8 Hispanics. Chet Edwards has 108,000 Blacks and 107,000
9 Hispanics. Charlie Stenholm has 27,000 Blacks and 128,000
10 Hispanics. Martin Frost has 148,000 Blacks and 250,000
11 Hispanics. Charlie Bell has 148,000 Blacks and 223,000
12 Hispanics.

13 Now, here are the grades that were received by these
14 members based on their voting records from the NAACP and
15 Hispanic leadership scorecards for the 106th and 107th
16 Congressional sessions. Max Sandlin, 85 percent NAACP, 85
17 percent Hispanic leadership. Turner, 72.5 NAACP, 79 percent
18 Hispanic leadership. Nick Lampson, 81.5 percent NAACP, 85
19 percent Hispanic leadership. Edwards, 82.5 percent NAACP, 82
20 percent Hispanic.

21 Now, let's contrast that with the current Republican
22 congressmen in neighboring or adjoining districts where many
23 of the minority voters might end up in a Republican plan. Sam
24 Johnson, NAACP got a score of 21 percent and a 16 percent from
25 Hispanic leadership. Sessions, 24.5 percent from NAACP, 16

1 percent Hispanic leadership. Brady, 21 NAACP, 7 percent
2 Hispanic leadership. Congressman Bonilla, 24.5 percent NAACP,
3 16 percent Hispanic leadership. And he is Hispanic.

4 So, what -- what truly concerns us is that we will
5 see the largest disenfranchisement since the -- the Voting
6 Rights Act. One of the -- the concerns really is -- is what
7 we what we -- what we have seen to believe to be DeLay's New
8 World Order where absolute power corrupts absolutely. And we
9 certainly want to ensure that -- that the consideration of the
10 Senate will certainly be to -- to keep the course and not have
11 a new plan.

12 Currently, if -- if -- I can see why -- why Tom
13 DeLay would want a Republican majority and not a Democratic
14 majority, because it would hurt African-Americans and
15 Hispanics. Under a Democratic majority, we would have 20
16 African-Americans and 10 Hispanics as Chairmen in Congress.
17 He really wants seats he can win. He doesn't want -- he
18 doesn't want seats he can win, he wants seats he can't lose.
19 And -- and, certainly, that is not what Democracy is about.
20 And that is why -- and that is not why we are here.

21 I think -- I think Representative Pena was very --
22 was -- was -- was very -- was correct in -- in his statements
23 that the -- the folks of Texas have spoken and to do anything
24 otherwise would be to the detriment of Hispanics, to the
25 detriment of African-Americans and to the detriment of rural

1 Texans.

2 When the -- when 85 to 90 percent of Stenholm
3 Republicans testified in San Angelo against redistricting, I
4 think that sends a pretty loud signal to us legislators that
5 we should probably stay the course and not continue on with
6 trying to -- to -- to fix something that is not broken.

7 CHAIRMAN DUNCAN: Thank you, Miguel.

8 REPRESENTATIVE WISE: I would be happy to answer any
9 questions.

10 SENATOR DUNCAN: Members, any questions of
11 Representative Wise?

12 SENATOR WEST: I do.

13 CHAIRMAN DUNCAN: Senator West.

14 SENATOR WEST: I would just like to get a copy of
15 the statistics that you shared with us as relates to the
16 contiguous districts of those individual minority-influenced
17 districts that you mentioned a few moments ago.

18 REPRESENTATIVE WISE: If you'd like, I can leave
19 them with the clerk.

20 SENATOR WEST: I would like to get them as part of
21 the record.

22 REPRESENTATIVE WISE: And you can attach them and
23 make them a part of the record. I have them broken down as
24 far as the folks I just mentioned. And then I have a score
25 card for all congressmen, Texas congressmen from the NAACP and

1 from Hispanic Leadership.

2 SENATOR WEST: Mr. Chairman, I would like for that
3 to be made a part of the record.

4 SENATOR DUNCAN: Without objection, it will be
5 ordered.

6 SENATOR GALLEGOS: Mr. Chairman.

7 CHAIRMAN DUNCAN: Representative Gallegos.

8 SENATOR GALLEGOS: Yes, sir. The -- the numbers
9 that you -- that you noted on Congressman Frost, does that
10 dictate a -- a majority/minority district?

11 STATE REPRESENTATIVE WISE: Yes. Congressman Frost
12 has 147,000 Blacks, 247,000 Hispanics. That would make his
13 district about 390,000, which would be -- over half of his
14 district would be minorities.

15 SENATOR GALLEGOS: Almost 400,000.

16 REPRESENTATIVE WISE: That's right.

17 SENATOR GALLEGOS: And then what -- what -- let's
18 see. Congressman Hinojosa is not here. What -- what -- he
19 gave the number on what constitutes a congressional district.
20 What was it?

21 (UNIDENTIFIED SPEAKER): I think 641.

22 SENATOR GALLEGOS: 641.

23 REPRESENTATIVE WISE: Something like that. It is in
24 that range.

25 SENATOR GALLEGOS: So 400,000, almost 400,00 out of

1 641 are minorities.

2 REPRESENTATIVE WISE: That's correct.

3 SENATOR GALLEGOS: Okay. So --

4 REPRESENTATIVE WISE: And let me tell you what is --
5 if -- if I might interrupt you. Under the NAACP score card,
6 he scored a 90.5, NAACP, and a 91 percent with Hispanic
7 leadership.

8 SENATOR GALLEGOS: I guess what I am -- what I am
9 trying to -- the point I am trying to make, and correct me if
10 I am wrong, is that the testimony that I gave earlier on
11 Senator Whitmire's district, which mirrors Congressman Frost's
12 district, yet -- yet the majority of the minorities in that
13 district chose to elect Senator Whitmire over anybody else as
14 their representative -- as their senator, that you are saying
15 to us in testimony that -- that 400,000 that are -- that are
16 minorities in Congressman Frost's district chose to elect him
17 as their congressperson in Washington. Is that correct?

18 REPRESENTATIVE WISE: That's correct.

19 SENATOR GALLEGOS: So the testimony that I -- that
20 you heard me say that on the -- on the transcript that was
21 done between then U.S. Attorney John Cornyn, now U.S. Senator
22 John Cornyn, then Land Commissioner David Dewhurst, now
23 Lieutenant Governor Dewhurst, that to try to abolish Senator
24 Whitmire's district, which mirrors Congressman Frost's
25 district, would -- would draw an objection from the Justice

1 Department, consequently in the same transcript Commissioner
2 Dewhurst then made a motion for an amendment to Senator
3 Cornyn, at that time U.S. Attorney, Attorney General Cornyn,
4 to keep Senator Whitmire's senatorial district intact.

5 And I guess what I am saying is that both of them --
6 we are looking at the same -- at the same scenario, the same
7 facts, the same figures, the same thing that would be -- that
8 would be put before the Department of Justice on
9 majority/minority districts under the Voting Rights act, which
10 you stated, and under those numbers that were in the
11 transcripts in the LRB. Is that correct?

12 REPRESENTATIVE WISE. I agree. Yes.

13 SENATOR GALLEGOS: Okay. Thank you.

14 CHAIRMAN DUNCAN: Senator Staples.

15 SENATOR STAPLES: Thank you, Mr. Chairman. I just
16 have one quick question. I don't think this is working good.

17 (UNIDENTIFIED SPEAKER): Turn it on.

18 SENATOR STAPLES: Oh, I thought they had them on.

19 REPRESENTATIVE WISE: Just a side comment. You-all
20 had the Barbecue and Boardwalk this -- this year? The
21 Barbecue and Boardwalk event that you-all have in Pasadena --

22 SENATOR STAPLES: Oh, the Bridges Barbecue and the
23 train -- we did not have it this year. But we certainly
24 enjoyed you being present, Representative Wise. And it has
25 been an honor to work with you on legislation throughout the

1 years. I know we did this last session.

2 REPRESENTATIVE WISE: Yes, sir.

3 SENATOR STAPLES: And certainly Representative Pena,
4 you are a strong advocate. And it was good to work with you
5 on legislation as well.

6 I just was wondering the source of the composition
7 of those congressional districts so that we would know, where
8 you had the breakdown of the different minority interests in
9 those populations, what source you were citing there.

10 REPRESENTATIVE WISE: It was -- it was the Census
11 sources.

12 SENATOR STAPLES: Okay. So it is just taken from
13 the 2000 Census.

14 REPRESENTATIVE WISE: Yes, sir.

15 SENATOR STAPLES: Okay. Right. That's good. Good
16 to see you today.

17 REPRESENTATIVE WISE: Thank you. Thank you for
18 having me testify. (Applause)

19 SENATOR STAPLES: Sure.

20 CHAIRMAN DUNCAN: Thank you, Miguel. Good to see
21 you. Thank you, very much.

22 SENATOR STAPLES: Thank you, sir.

23 REPRESENTATIVE WISE: It is a pleasure to be here.

24 CHAIRMAN DUNCAN: As another matter of housekeeping,
25 I do -- the Chair will -- we have a court reporter who is

1 working very hard down there. And we will try to take breaks
2 about every hour and a half, and for the interpreters as well,
3 for about 10 minutes. Right now we have been going about an
4 hour and five minutes, so we will keep going. But I just
5 wanted to let everyone know that we will be doing that in a --
6 in a few minutes.

7 We have Ramon Garcia. Judge Garcia is here to
8 testify. Judge, would you approach, please, and state your
9 name. (Applause) Good to see you. Judge Garcia of Hidalgo
10 County.

11 JUDGE GARCIA: Yes, sir. Good afternoon, Mr.
12 Chairman and Members of the Committee, and -- well, welcome to
13 Hidalgo County.

14 CHAIRMAN DUNCAN: Thank you.

15 JUDGE GARCIA: And I know that -- I want to
16 congratulate that individual that was able to mediate the very
17 difficult circumstances that we encountered early on. But I
18 believe that that is pointed out by Representative Pena as
19 part of the passion that has resulted from these years of
20 neglect.

21 But I am Ramon Garcia, the county judge of Hidalgo
22 County. You are going to be given all kinds of statistical
23 data from some of the other speakers. I want to talk to you
24 about the effect, if that plan it is allowed to go through,
25 the adverse impact that you will have on our county. You need

1 to know what our county is like, who we are. We are the sixth
2 largest county in the State of Texas. We are -- well, the
3 Census Bureau tells us that there are 569,000 people living in
4 our county. We know different. We know there has got to be
5 anywhere between 800 to 900,00 people living in Hidalgo
6 County. We have over 250,000 registered voters. The average
7 is 25 percent. We are up there. We are at somewhere between
8 800 to 900,000 plus. We live in an area that is about 3
9 million people, because that border is not really a barrier.
10 That's no barrier to anyone. All you got to do is wait in
11 line and see how long those lines are of people wanting to
12 come across and come into the U.S. and back and forth.

13 So we have experienced tremendous growth. We are
14 the third fastest growth area in the country. Of course, what
15 that means is we have got some problems. We have got some
16 needs that need to be addressed. We depend heavily on our
17 congressmen. As we all know, the reality of politics is, you
18 know, every congressman out there is going to get so much for
19 his district. That's the way it is across the country. The
20 thing you have got, congressmen that are out there fighting
21 for these discretionary funds. We have a congressman that has
22 been out there very actively involved and he has been able to
23 get \$800 to \$900 million a year in discretionary refunds. And
24 those funds are spent, approximately 70 percent, in the
25 primary district. That is -- the dollars are being spent in

1 the area from where they are -- that they are representing and
2 where they get elected from.

3 We -- our county is the beneficiary of this type of
4 assistance from the federal government. We need it. This is
5 the time because of our explosion, the exploding growth that
6 we are experiencing, this is not the time to take away that
7 representation.

8 Now, another statistic that you need to know about
9 that is very -- not -- not as well known is that you are
10 probably -- you are in one of the most patriotic areas in this
11 country. (Applause) We have produced four Congressional
12 Medal of Honor winners. (Applause) We have more combat
13 veterans living in this area than anywhere else in the
14 country. (Applause) This area has been very well represented
15 in all of the different conflicts and wars and operations that
16 this country has been involved in. And I can say that it is
17 no coincidence that nationally we had individuals from this
18 area with names like Garza, like Espinoza, like Hernandez
19 being recognized as heroes in this latest Iraqi effort.

20 What I am really trying to point out is that, you
21 know, we have earned the right to sit at your table. We do
22 not feel that it would be proper to sit -- to treat us as
23 second-class citizens by gutting us the way that is proposed.
24 (Applause)

25 I do want to thank you for your efforts here today.

1 CHAIRMAN DUNCAN: Thank you, Judge. Any questions.

2 SENATOR AVERITT: Mr. Chairman?

3 CHAIRMAN DUNCAN: And, Members -- and also Members
4 -- oh, I am sorry. Senator Averitt.

5 SENATOR AVERITT: Mr. Chairman, the judge brought up
6 a good point. There is, in some areas, I presume a
7 significant difference between the statistical numbers and the
8 actual Census numbers. Are you advised as to what numbers we
9 are actually going to be using when drawing, if we draw a map?

10 CHAIRMAN DUNCAN: I think that I will have to confer
11 with counsel, but I believe that we would be doing the actual
12 numbers.

13 SENATOR AVERITT: Actual Census numbers.

14 CHAIRMAN DUNCAN: Correct.

15 SENATOR AVERITT: In that regard, I have heard a
16 couple of numbers today, 652,500 and something thousand. I
17 was just wondering what the --

18 CHAIRMAN DUNCAN: I think the exact number I read in
19 my opening statement is in the neighborhood of 651,000.

20 SENATOR AVERITT: But my question is what is the
21 Hidalgo County population?

22 CHAIRMAN DUNCAN: I do not know and have that right
23 before me, but. . .

24 SENATOR AVERITT: Perhaps one of our --

25 CHAIRMAN DUNCAN: 651,619 persons will be in is the

1 requirement for each district.

2 SENATOR AVERITT: That's the magic number. And at
3 some point I hope maybe someone will advise us as to the
4 actual population here, the Census population. Thank you.

5 JUDGE GARCIA: The U.S. Census in this latest census
6 return came out with 569,00, then they revised it to 581,000,
7 but reality being what it is, we have got 800 to 900,000
8 people here. (Applause)

9 CHAIRMAN DUNCAN: And, Senator, I am advised that we
10 will be using the Census count. And then, again, the ideal
11 size is 651,619. And let me also clear up one thing. And I
12 don't know that I have made this statement in other hearings
13 that we have had and held. This map that you see over here is
14 not anything other than the current map that exists that was
15 drawn by the three-judge panel. Should no action be taken by
16 the Legislature in this special session or any other, that
17 will be -- those will be the districts that will be followed.
18 Those are the current districts. Those are the districts that
19 your congressional representation is currently elected from.
20 And, so we, again, do not have any other map before us at this
21 time on the Committee.

22 The Chair calls -- thank you, Judge. The Chair
23 calls Ramiro Silva, the Mayor of Edcouch. Mayor, thank you.
24 State your -- you will need to state your name and. . .

25 MAYOR SILVA: Yes. Good afternoon, Senators, Mr.

1 Chair. My name is Ramiro Silva. I am the mayor for a small
2 community in the northern eastern part of Hidalgo County,
3 Edcouch. Welcome to McAllen. Welcome to the Rio Grande
4 Valley. Welcome to Hidalgo County.

5 But let me just say I really believe the -- our
6 county judge, our state representative, our congressmen to
7 bring the stats with them. I would like to talk to you about
8 what it is being economically depressed coming from a small
9 community, what it is being geographically disadvantaged and
10 trying to serve as mayor, trying to serve the needs of a
11 community. It is a small community but with a big heart.
12 People that are trying to get themselves out of welfare.
13 People that are trying to be proud of being who they are.
14 People that are trying to find jobs to show their children, to
15 make them proud of themselves. And, in doing so, public
16 officials like myself have to go and find ways of trying to
17 better their needs, trying to find solutions for their needs.
18 And, in doing so, I can't do that just from Edcouch alone. I
19 have to find help from our then State Representative Chuy
20 Hinojosa, from our now State Representative, Aaron Pena, and
21 certainly from our Congressman, Mr. Hinojosa.

22 These folks not only have brought some -- of course,
23 tremendous educational background, but they have brought
24 experience. Their background comes from poor people.
25 Congressman Hinojosa, he is not only, though you will find

1 that it says Congressman D-Mercedes, but yet I claim him
2 because he was born in Edcouch, though he lives -- moved on
3 about -- a few miles down south. But still, he never forgot
4 where he came from. And I am proud to say that, you know, he
5 -- we became friends and not only because I am a mayor for
6 that small community, but because he went back and home and
7 said, you know, "I am here to show you folks what we can do
8 together. I will be your voice in Washington," just like our
9 voice in Austin with Mr. Pena. And though we also have in our
10 own precinct tremendous support from our own Precinct
11 Commissioner in Silvia Handy, and together, Senators, I try,
12 and we work together trying to find solutions for our
13 communities, for our people, because they certainly want a
14 better way of life.

15 Our area is not only Edcouch. I try to say that we
16 come from a small area which we are called delta area. And a
17 delta area for many years has been somewhat geographically
18 disadvantaged since we sit out on the eastern northern part of
19 the county. The growth seems to be on the border areas, but
20 yet that is not what we have found with this type of
21 representation. And if they take that away from us, our
22 hopes, our faith, will, again, begin to crumble.

23 So all I ask is to please let us continue with the
24 efforts of our people in trying to find solutions for their
25 needs. And that is why I am here representing our community,

1 though it is economically depressed, but we have a tremendous
2 future and the support of these individuals. And allow us to
3 keep what we have so we can become a better community, a
4 working community. Because, like they say, idle hands are the
5 Devil's work. And like they say, my people aren't a thief,
6 they say, but the lack of money has made them. No, I don't
7 think so. They are proud to be who they are. And I am proud
8 to say that this is our home. And we are going to do
9 something about.

10 Thank you for your time. God bless you all.

11 (Applause)

12 CHAIRMAN DUNCAN: Thank you, Mayor. Members, any
13 questions? Thank you.

14 The Chair calls Polo Palacios, Mayor of the City of
15 Pharr. He does not wish to testify, but would like to be
16 shown as registering a position against redistricting. Thank
17 you. (Applause)

18 The Chair recognizes Miguel Castillo, Jr., the
19 former Mayor of the City of Mercedes. Mr. Castillo, please
20 approach and state your name for the record.

21 MR. CASTILLO, JR.: Mr. Chairman, Members of the
22 Committee on the Texas Senate Committee for the restricting
23 hearings. My name is Miguel Castillo, Jr. and I am the
24 immediate past Mayor for the City of Mercedes.

25 Prior to serving nine years as Mayor for the City of

1 Mercedes, I served three terms of two years each as
2 Commissioner for the City of Mercedes, giving me a total of 15
3 years of public service.

4 Let me say that the reason I am here, and I will
5 make it short, because all of the good points have already
6 been explained and there is no need to go into repetition.

7 But let me say that Mercedes is the home town of our
8 Congressman, Ruben Hinojosa. And we are all very proud. We
9 have some Mercedes citizens here in the audience, and we are
10 very proud to make sure that we come and support him and back
11 him up. (Applause) We are very proud when he was a member of
12 the State Board of Education. Prior to that, he used to be a
13 member of our local board of education in Mercedes. And then
14 now that he is a U.S. Congressman, we are extremely proud of
15 him.

16 Also, let me say that I am very proud and very
17 honored to represent the City of Mercedes. Having represented
18 not only as a commissioner and as a city mayor, but also as a
19 citizen, because Mercedes is the birth place of the previous
20 U.S. Congressman, Mr. Eligio "Kika" De La Garza. And he used
21 to live there. And then he moved to Mission. And he married
22 a beautiful lady from Edinburg, if I understand correctly. So,
23 with that in mind, I think that what I am trying to say is
24 that all I am asking on behalf of the citizens of Mercedes and
25 I am pretty sure that the commission that we have now, I

1 talked to one of the commissioners, the mayor protem, Henry
2 Hinojosa, when he was here, and he said that they are all for
3 it. All we want is to say please leave the plan alone. Leave
4 it the way it is.

5 As I understand, this opportunity comes every 10
6 years. We are happy with the way it is right now. We want to
7 leave our U.S. Congressman from our home town in the place
8 where he is. Thank you very much.

9 CHAIRMAN DUNCAN: Thank you, Mr. Mayor. I
10 appreciate it. Members, any questions.

11 SENATOR WENTWORTH: Mr. Chairman.

12 CHAIRMAN DUNCAN: Senator Wentworth.

13 SENATOR WENTWORTH: If I could add to this, Mr.
14 Mayor. I am -- I want you to know that in addition to having
15 members in the audience who are citizens of Mercedes, I too,
16 along with Kika De La Garza was born in Mercedes. I am
17 pleased to be here. (Applause)

18 CHAIRMAN DUNCAN: Commissioner Hector Palacios,
19 Hidalgo County Commissioner, Precinct Two. Commissioner
20 Palacios. Oh, does not wish to testify. I am sorry. I have
21 a card for Mr. -- for Commissioner Palacios who does not wish
22 to testify but would like to register a position against.
23 (Applause)

24 The Chair calls Commissioner Sylvia Handy, Hidalgo
25 County, Precinct One. Commissioner, please approach. State

1 your name.

2 COMMISSIONER HANDY: Yes. My name is Sylvia Handy.
3 I represent Precinct One of the County of Hidalgo. Senators,
4 you look tired. Welcome to Hidalgo County.

5 CHAIRMAN DUNCAN: Thank you.

6 COMMISSIONER HANDY: Senators, I represent, and Mr.
7 Chairman, nine cities and 10 school districts in Hidalgo
8 County. I also represent 880 colonias. The message from my
9 constituents to you is simple. "Leave things alone."
10 (Applause) My constituents oppose redistricting of our county
11 and so do I. (Applause) Let's keep Hidalgo County whole. It
12 would create the biggest chaotic situation for us.
13 Financially, we are not prepared to redistrict. It affects
14 what our elections administration can estimate as 206
15 registered voters -- 600 -- I am sorry. 206,000 registered
16 voters. Our budget is already spread very thin. We must be
17 careful when we cut lines to be redistricting. I don't think
18 any county is prepared financially for redistricting, the
19 manhours, the overtime.

20 In this county, we still input votes -- voters --
21 voter's registration manually. We are still making
22 corrections from the 2001 redistricting. We are barely able
23 to see the light at the end of the tunnel. Please, please,
24 don't cut us up. Leave Hidalgo County whole.

25 I represent, like Mayor Ramiro Silva from Edcouch

1 indicated, and the Mayor from Mercedes, I represent the
2 poorest section of Hidalgo County. When I took office in
3 1997, I was appalled at the conditions that my people were
4 living in. They were practically living in third world
5 conditions. They didn't have basic necessities. They didn't
6 have potable water. We are barely trying to pave some of
7 those colonia roads, as you well know.

8 So we need our representation. We need to keep our
9 congressman to represent our County of Hidalgo, and our state
10 representatives the way they are. Our people are so
11 comfortable with them because they can identify with them.
12 So, please, again, register me as being opposed to the
13 redistricting. Thank you very much. (Applause)

14 CHAIRMAN DUNCAN: Thank you, Commissioner. Members,
15 any questions?

16 We have a card from Theresa Navarro, the Hidalgo
17 County Elections Administrator. And does not wish to testify,
18 but Ms. Navarro would like to register a position against
19 redistricting. (Applause)

20 We also have a card from Carolyn Moon of Nueces
21 County, Precinct 48. Commissioner Moon wishes to -- does not
22 wish to testify but would like to register a position against
23 redistricting. (Applause)

24 I informed you earlier that we would try to take a
25 break about every hour and a half. It is that time for us to

1 do that right now. I am sure many of you would like to walk
2 and stretch and refresh. When we come back, though, and hang
3 on before you leave, make sure that we want to get started, so
4 we have about over 300 cards that we need to get through here.
5 And we want to make sure that everyone has an opportunity to
6 be heard. First up when we come back will be Nedra Kinerk,
7 K-I-N-E-R-K, next will be Robert Anguiano, and Gilberto Garza
8 will be our first three witnesses when we come back. The --
9 it is the intent of the Chair to convene at 6 p.m. The Chair
10 -- or the Committee will stand in recess until 6 p.m.

11 (Short break)

12 CHAIRMAN DUNCAN: All right, Members, we are back in
13 order. Nedra Kinerk, would you please approach and state your
14 name?

15 MS. KINERK: Senators, elected officials, and
16 citizens, thank you for the opportunity to speak on this
17 matter. I am Nedra Kinerk. I am a citizen of McAllen, Texas.
18 I am here to speak adamantly against any new redistricting
19 proposal. This proposed -- (Applause) this proposed
20 redistricting disenfranchises me, my family, my neighbors
21 across South Texas. And that includes Republicans and
22 Democrats. It is gerrymandering at its worst. It is taxation
23 without representation. The so-called tax cuts don't help me
24 or most people I know down here. (Applause)

25 They have only increased the fees and the local and

1 state taxes that we have to pay for everything else.

2 (Applause) So we have got, in essence, more taxes with all of
3 these, and drastic cuts in education and health services, and
4 then we lose representation. We are being disenfranchised.
5 Please, do not take away our representation in South Texas.
6 Please, do not pass any new redistricting plan. Thank you.

7 (Applause)

8 CHAIRMAN DUNCAN: Thank you, Ms. Kinerk. Members,
9 any questions of Ms. Kinerk? All right. Thank you.

10 The Chair calls Robert Anguiano. Excuse me. I
11 can't read. Mr. Anguiano, are you present? Robert Anguiano.
12 Let the record reflect that Mr. Anguiano has registered a
13 position against redistricting. (Applause)

14 The Chair calls Gilbert Garza of McAllen.
15 Mr. Garza, would you approach? Gilbert -- or Gilberto Garza.
16 Gilberto Garza. Mr. Garza, are you in the audience? Let the
17 record reflect that Mr. Garza has registered a position
18 against redistricting. (Applause)

19 The Chair calls Mr. Ralph Clark. Mr. Clark, would
20 you approach? I know Mr. Clark was here earlier. Ralph
21 Clark. Okay. Mr. Clark. Let the record reflect that Mr.
22 Clark has registered a position against redistricting. Mr.
23 Clark is from McAllen, Texas. (Applause)

24 The Chair calls Arnold Zarate.

25 MR. ZARATE: I am here.

1 CHAIRMAN DUNCAN: Thank you, Mr. Zarate. Will you
2 please approach and state your name and who you represent. And
3 let me remind all of the witnesses that you have five
4 minutes. Thank you.

5 MR. ZARATE: Mr. Chairman, my name is Arnold Zarate.
6 I was born in Rio Grande City. Our friendly congressman, I am
7 sure, is familiar with the community. And I have lived in
8 McAllen since 1979. And I recall the words of Lyndon B.
9 Johnson. In '64, '65, shortly after he was able to get the
10 civil rights law passed in our country, when he said to one of
11 his friends, "You can kiss the South goodbye." He was talking
12 about the Democratic party. He was talking about the
13 Democratic party because he knew, he had the vision that being
14 a conservative party for the South, they would turn and become
15 Republicans. The dark cloud of the Republican Party has come
16 over Texas, unfortunately.

17 I am against redistricting in this case because it
18 represents the power of the Republican Party, which is --
19 whose interests are not in the interests of the people of
20 South Texas. (Applause) It's not in the interests of the
21 people of South Texas. For the people of South Texas, because
22 many of them are, of course, coerced intellectually into
23 believing something is good about being conservative. I don't
24 know what there is to commend, to commend -- to recommend
25 about being conservative. In South Texas it represented

1 segregated schools. The Mexican kids and the so-called White
2 folks were not in the same schools. The Republican Party
3 represents conservative ideas, conservative policies.

4 When we -- when the conservatives of the South being
5 Democrats held their power, we had lynching. There was
6 lynching. There is Blacks who were lynched daily in small
7 communities across the South for nearly 80 years. And who was
8 there to stop an anti-lynching law? It was the members of the
9 congress who dominated the committee chairmen --
10 Chairmanships. They were Democrats. They were the
11 conservative racist Democrats of the South.

12 And what have we had since 1965? Well, of course,
13 now -- by the way, we -- the Democrats of the South at least
14 voted for social issues such as Social Security and farm
15 subsidies, along with the Democrats of the north, or that is
16 the liberals of the north.

17 The people of South Texas would not, would not
18 benefit at all from redistricting, which, of course, the goal
19 of it -- of that is to increase the number of Republicans in
20 the Congress. And, by the way, it might happen. It might
21 happen.

22 To be a liberal is something that is now anathema in
23 -- in the -- in the -- the public discourse, the dialogue. Who
24 was -- for example, the Republican who was a great Republican
25 president of the United States, the Republican Party, which

1 is, of course, holding itself proudly conservative, called
2 itself the party of Lincoln. What did Lincoln do? He freed
3 the slaves. The most liberal thing he could possibly have
4 done in this country. And they have the gall to call
5 themselves the party of Lincoln. They are not at all the
6 party of Lincoln.

7 If you know history, if you know the -- who is the
8 greatest single person, greatest American we ever had? And
9 that's Thomas Jefferson. Who, by the way, of course, was
10 called a Republican. We know, of course, that is the modern
11 Democrat Party. And why is he the greatest American? Because
12 he did the most liberal thing, bring to the -- to create this
13 great country of ours by doing what? By changing the system
14 from authoritarian, monarchical rule, to giving rule from the
15 people. The people's authority. The people's government.
16 Those are the enlightenment ideas, the great enlightenment
17 ideas of John Locke, and Voltaire, and Diderot. Those are
18 liberal things. That is what our country is all about, is
19 being liberal.

20 If there is this redistricting, why, of course, the
21 conservatives would dominate even more than they do now.

22 CHAIRMAN DUNCAN: Thank you, Mr. Zarate. Could you
23 you please wrap up.

24 MR. ZARATE: Yes. I thank you for -- for listening
25 to me. I respect you and I trust we are talking on the

1 political level. And I am glad that I had the opportunity.
2 Thank you. If you have any questions, I would be more than
3 glad to address them.

4 CHAIRMAN DUNCAN: We appreciate your testimony
5 today. Members, any questions of Mr. Zarate? Thank you very
6 much. (Applause)

7 The Chair has a card from Joe Martindale who does
8 not wish to testify, but has submitted written testimony in
9 favor of redistricting. Thank you, Mr. Martindale.
10 (Applause/Boos)

11 The Chair recognizes R. David Guerra. Mr. Guerra,
12 would you approach and state your name, who you represent.

13 MR. GUERRA: Thank you. My name is David Guerra. I
14 represent myself and my business interests. It is Guerra, or
15 Guererra or Guerra, however you want to pronounce it. But I
16 learned to pronounce it as Guerra.

17 Just very quickly. I want to first thank the
18 Committee for allowing me as a citizen to exercise my civil
19 liberty to protest the possible actions to be taken by my
20 government. I mean, that's what we are doing right now. We
21 are protesting possible actions to be taken by my government.
22 (Applause) I am a product of South Texas, born in Alice,
23 been here seven generations, lived in San Antonio, lived in
24 Austin, lived in Laredo. I worked for a company that was
25 founded on the border. Its name is International Bancshares.

1 We have business interests in San Antonio and Austin, Laredo,
2 Brownsville and throughout the border. And I can tell you
3 that those interests in our different markets are very
4 diverse,
5 totally different.

6 My challenges as a banker in McAllen, Texas are
7 totally different as the -- to the challenges I have in
8 Houston or the challenges I have in Austin, or, even, for that
9 fact, San Antonio. We are at the point where Hidalgo County
10 is right now divided into two sections. We prefer to have one
11 Congressional district where all of Hidalgo County is in it.
12 We have just now at this point created the critical mass that
13 gives us the political power and economic strength that you so
14 clearly see today, that we did not have 20 years ago, 10 years
15 ago, 15 years ago. Our University of Texas, Pan American
16 getting tremendous political support from the new leadership
17 in South Texas. Our South Texas Community College, growing at
18 a tremendous pace, a lot of it having to do because of the
19 critical political mass that we have now in South Texas.

20 If you look at all of the economic factors, all the
21 demographic factors that you can see -- that you can see and
22 whether it has been the democratic power in place or
23 republican power in place, the leadership of this South Texas
24 community has had tremendous success. And that's because the
25 leadership both in the business and political world are

1 working together to make things happen for the border.

2 I hear that while, "Well, you may have three
3 congressmen to represent your county, you get three for the
4 price of one." I say to you, I get zero for the price of
5 three, because my political influence or my ability to visit
6 with one congressional member on one issue, I have to go visit
7 three different congressional members that may tell me that,
8 quite frankly, they don't have time for Hidalgo County or the
9 surrounding counties because you are just a very diluted
10 amount of my voting base. (Applause)

11 They may give me all the -- they may give me all --
12 they may say all the right things, but in political reality,
13 it's a dilution. And as an individual citizen exercising my
14 right to protest the possible actions of my government, why
15 does this Committee, this Congress, this state body want to do
16 dilute my personal ability to be an effective person, citizen
17 to talk about what is important to me? You are diluting my
18 strength. Why should I accept that? Why should anyone on the
19 border accept that, only when we are at the point when we are
20 creating critical mass that allows us to be a player in the
21 State of Texas.

22 You can -- you can blame the Democrats, you can
23 blame Republicans. But why dilute me now today? Why today?
24 It makes no sense to me as a businessman, as an investor, and
25 as a father. And I ask of you, all of you, to go back to your

1 colleagues, when you go make -- when you pass those rules as
2 to how you are going to handle the state House, to really
3 search into your hearts and say are we actually doing what is
4 right for the individual citizens of South Texas or are we
5 doing what is right for my political party? (Applause)
6 That is what is so critical.

7 So, please, all I ask is that you take that into
8 account. Setting aside -- setting aside partisan politics,
9 think about that. Think about my children that are at UT, my
10 children at Pan Am, and everything else that is going on here
11 in South Texas. You will dilute us. And we will -- we will
12 not get the attention of either party. Thank you. (Applause)

13 CHAIRMAN DUNCAN: Thank you, Mr. Guerra. Any
14 questions of Mr. Guerra?

15 The Chair recognizes -- I can't read their writing.
16 I am sorry. The Chair recognizes Steve Ahleuius, we believe.
17 Steve, are you here and help us? I am sorry I don't always
18 pronounce these right. I am a bit disabled.

19 (UNIDENTIFIED SPEAKER): On the sign-in sheet, he is
20 a doctor.

21 CHAIRMAN DUNCAN: Well, we -- yeah, you are one of
22 our doctors. We are going to --

23 MR. AHLEUIUS: It is Steve Ahleuius.

24 CHAIRMAN DUNCAN: Okay.

25 MR. AHLEUIUS: And, unfortunately, my daughter is

1 going to go through life as "Miscellaneous" and so (laughter)
2 and so that is the easiest way to remember how to pronounce
3 it.

4 CHAIRMAN DUNCAN: I think that is the quote of the
5 day.

6 MR. AHLEUIUS: Mr. Chairman, my name is Steve
7 Ahleuius, and I am president and CEO of the McAllen Chamber of
8 Commerce. And I am here today probably to reiterate some of
9 the facts that have already been presented to you. But to
10 state that we are emphatically opposed to the redistricting
11 plan that is being considered by the House and possibly by the
12 Senate.

13 We find it will be detrimental to the economic
14 growth of our area and our community for a lot of different
15 reasons. But I wanted give you a real quick background about
16 some of the success that this area has achieved over the last
17 10 years. And part of that or a good part of that is a result
18 of efforts from Congress Hinojosa and also other elected
19 officials who are very focused in on dealing with issues and
20 problems for our area.

21 McAllen is the fourth fastest growing city in the
22 country. Forbes Magazine last year ranked McAllen as the
23 fifth best place to do business in the United States. Two
24 weeks ago, Visa Credit Card announced McAllen was the number
25 one city in the United States for credit transactions by

1 Mexican Nationals, beating out such cities as New York, Los
2 Angeles, Dallas, Houston and even San Antonio.

3 McAllen for the year 2002 was the sixth ranked city
4 in the State of Texas in sales tax receipts. Our economy
5 continues to out-pace other parts of the State of Texas, but
6 it -- and that success is in no part -- in a large part due to
7 the efforts of our congressional -- of our congressmen.

8 Now, there are a couple of issues that are facing
9 our community that I am going to -- I am going to list to you
10 and you will probably sit there like any other person from
11 outside this region and go, "I don't understand what that is
12 all about." We have issues such as the laser visa, exit and
13 entry controls because of Homeland Security, funding for
14 Homeland Security, the manifesto issue, staffing by U.S.
15 Customs and the Homeland Security Department on the
16 International Bridge, funding for construction for the new
17 Anzulduas International Bridge to the Expressway 83.

18 And these are issues that are impacting our
19 community. And having a congressman who is from this area,
20 who was born here, who lives here, who grew up here,
21 understands the issues of immediately. Congressman Hinojosa
22 has -- we know where he has come from. He knows what the
23 issues are. And he knows where he is going. And so we don't
24 have to spend a lot of time bringing him up to speed about the
25 issues. I think he has -- he has a grasp and understanding of

1 those issues. That if we had a representative from another
2 part of the state or from away from the border, I think it
3 would dilute our efforts.

4 And so I think it is critical to our success. I
5 will remind you, and several people have already before, that
6 we have one of the highest unemployment rates in the country.
7 It is coming down. If the congressman didn't mention this,
8 but when he took office, I think our employment rate was
9 probably at 21 percent. I think we are now hovering between
10 13 and 14 percent. We have one of the lowest per capita
11 incomes in the country. And, again, there is a lot of efforts
12 and focus in on creating jobs, creating opportunities and
13 education. But we are all pulling together in the same
14 direction. And if we -- if you dilute or split Hidalgo County
15 we lose that focus.

16 If the -- if a congressman from another part of the
17 state represents this area and you dilute the population base
18 of Hidalgo County by splitting it into two or to three, we
19 lose that focus. And when we lose that focus, we open the
20 opportunity for us not to be successful.

21 And with all of these issues that we have facing us
22 as a community, one single misstep means lost jobs, it means
23 unemployment, it means lost educational opportunities.

24 And if anybody, as you--all well know, the State of
25 Texas is for opportunity. That is why I think we have some of

1 the highest economic growth and activity going on in this
2 region, is because of the amount of economic activity and
3 opportunity we have.

4 And so I would encourage you by keeping Hidalgo
5 County whole, keeping McAllen whole, you enable us to continue
6 on the road that we started out to make this community
7 successful.

8 We have a congressman that is tenacious. I don't
9 know if you have had a chance personally to experience
10 Congressman Hinojosa getting after you about something. But
11 once he lets onto something, he doesn't let go. And you can
12 ask President Clinton, you can ask President Bush. The man is
13 a bull dog when it comes to issues. And that's what we need
14 here. That's the -- that's the type of representation we need
15 here, somebody who is extremely focused on our success.

16 So I would respectfully urge you not to split
17 Hidalgo County, not to split McAllen. We have some challenges
18 ahead of us, but I think we have made some huge strides over
19 the last several years. We want to continue that. And some
20 day, some day you are going to hear success stories about how
21 this area is leading the rest of the state in education, in
22 jobs, and health care. Thank you. (Applause)

23 CHAIRMAN DUNCAN: Thank you. Members? Senator
24 Gallegos.

25 SENATOR GALLEGOS: Mr. Ahleuius, you are here

1 representing the Chamber of Commerce?

2 MR. AHLEUIUS: Yes, sir.

3 SENATOR GALLEGOS: So if I were to come to McAllen
4 and ask you as the representative -- so you are testifying on
5 behalf of the Chamber of Commerce of McAllen.

6 MR. AHLEUIUS: On behalf of the McAllen Chamber,
7 yes, sir.

8 SENATOR GALLEGOS: So if I were to come to you and
9 want to know about your economic growth, your -- as far as
10 employment, spending power here, you would be who I -- who I
11 would go to --

12 MR. AHLEUIUS: Yes, sir.

13 SENATOR GALLEGOS: -- basically.

14 MR. AHLEUIUS: Yes, sir.

15 SENATOR GALLEGOS: And you are here representing
16 the Chamber --

17 MR. AHLEUIUS: Yes, sir.

18 SENATOR GALLEGOS: -- of Commerce of McAllen.

19 MR. AHLEUIUS: Yes, sir.

20 SENATOR GALLEGOS: I just want to make sure.

21 MR. AHLEUIUS: Yes, sir.

22 SENATOR GALLEGOS: I just want to make sure. Not
23 too many chamber of commerces come out, especially, you know,
24 where I -- where I come from, come out and -- and testify --

25 MR. AHLEUIUS: Yes, sir.

1 SENATOR GALLEGOS: -- like that.

2 MR. AHLEUIUS: Yes, sir.

3 SENATOR GALLEGOS: So -- but you are -- you are the
4 go-to person here.

5 MR. AHLEUIUS: And, Senator, that's just a
6 reflection of how important this issue is to this region. And
7 I will remind Senator Duncan, I was up in the Texas panhandle
8 back after the '91 redistricting. And, if you recall,
9 Congressman Sarpaulis had a section of Lubbock and Congressman
10 Combest had a section of Amarillo. And, for the life of me, I
11 could never figure out why they did it that way. And then --
12 what was the purpose behind it? And what we had a lot of
13 times was both of them going, go talk to the other one.

14 (Applause)

15 SENATOR GALLEGOS: Thank you.

16 SENATOR HARRIS: Mr. Chairman.

17 CHAIRMAN DUNCAN: Senator Harris.

18 SENATOR HARRIS: Would you please repeat that
19 figure, because I think that it is very material on what the
20 -- where this community stands on sales tax.

21 MR. AHLEUIUS: Yes, sir. Last year in 2002, McAllen
22 ranked sixth in the state in sales tax receipts.

23 SENATOR HARRIS: Sixth?

24 MR. AHLEUIUS: Sixth.

25 SENATOR HARRIS: So you are talking about cities

1 like maybe Dallas?

2 MR. AHLEUIUS: Dallas.

3 SENATOR HARRIS: Houston.

4 MR. AHLEUIUS: Houston, San Antonio, Austin, those
5 cities were in front of us.

6 SENATOR HARRIS. Maybe Ft. Worth.

7 MR. AHLEUIUS: Ft. Worth.

8 SENATOR HARRIS: So were probably even ahead of
9 Arlington, Grand Prairie?

10 MR. AHLEUIUS: Yes, sir.

11 SENATOR HARRIS: All of those --

12 MR. AHLEUIUS: Yes, sir.

13 SENATOR HARRIS -- highly densely populated --

14 MR. AHLEUIUS: Yes, sir.

15 SENATOR HARRIS: -- mid cities.

16 MR. AHLEUIUS: Yes, sir.

17 SENATOR HARRIS: Communities.

18 MR. AHLEUIUS: Yes, sir. And part of that is
19 because of Mexico. We have within a 150 mile radius of
20 McAllen over nine million people. Monterrey, Mexico is a city
21 of four million. We spend and advertise a great deal of money
22 to attract Mexican Nationals to come here to spend money, to
23 spend the weekend. And when you hear people talk about that
24 the river really isn't a boundary, it is just a crossing
25 point. Families are intertwined back and forth between the

1 United States and Mexico. So it is a critical component to
2 the overall success of our community.

3 SENATOR HARRIS: How -- how big a factor is it to
4 the local economy the so-called snowbirds?

5 MR. AHLEUIUS: We have -- every winter we have
6 approximately 300,000. We call them winter Texas.

7 SENATOR HARRIS: Yeah. Wait a minute. You call
8 them what?

9 MR. AHLEUIUS: Winter Texans.

10 SENATOR HARRIS: Winter Texans. Okay.

11 MR. AHLEUIUS: We adopt them for four months. Now,
12 some of these folks behind me are probably glad when they
13 leave, but we are glad they are here. They pump into our
14 economy probably close to \$300 million a winter season.

15 MR. HARRIS: That's terrific. That really is.
16 Thank you.

17 CHAIRMAN DUNCAN: Thank you, Mr. Ahleuius. Members,
18 any other questions?

19 SENATOR HARRIS: And I appreciate you straightening
20 me out. I will no longer say snowbirds. I will -- winter
21 Texans.

22 CHAIRMAN DUNCAN: At the request of Senator
23 Gallegos, I would like to call Juan Maldonado. Mr. Maldonado,
24 would you please approach and state your name and who you
25 represent.

1 MR. MALDONADO: Mr Chairman, members of this
2 committee, my name Juan Maldonado. I am the Chairman of the
3 Tejano Democrats of Texas. (Applause) We are recognized as
4 an official affiliate of the Texas Democratic party. And we
5 educate on behalf of Hispanic and Hispanic issues across
6 Texas.

7 We believe in a two-party system. We are lucky in
8 that Hidalgo County, we are so well represented. The prior
9 redistricting process, the results of those processes in the
10 past has served this area very well. The current proposed
11 process is a sham assigned to rationalize Tom DeLay's partisan
12 agenda.

13 I would like to focus my remarks on the state-wide
14 picture rather than the South Texas region because Hispanics
15 live across the State of Texas, not just in certain regions or
16 neighborhoods. Here is the deal as we see it. Hispanics
17 don't live just here on the border. Increasingly, we are
18 moving all over the state. Tom DeLay wants us to defeat --
19 wants to defeat Democrats across Texas who currently depend on
20 Hispanic voters to help in their nominations and who, in turn,
21 represent their Hispanic constituents well. These members of
22 congress he wants to defeat already represent a competitive
23 district. Consequently, the targeted Texas democrats in
24 Congress, they vote with us on major Hispanic issues 66
25 percent of the time. On the other hand, suburban Republicans,

1 who also represent us in other places like Brazoria County,
2 they vote with us less than six percent of the time. Tom
3 DeLay has a perfect zero on our issues.

4 Tom DeLay's suburban formulists strands Hispanics
5 and African-American Texans with no hope of getting anything
6 but the back of the ideological hand of Republican primary
7 votes. The way that the maps are proposed will eliminate our
8 voters' chance of being asked for their votes in the primary
9 and even in the general elections. There won't be any general
10 election opponents. The idea here is to put these -- put
11 these already competitive districts out of reach.

12 The difference is that South Texas is, frankly,
13 mostly Democratic and Hispanic for hundreds of miles. The
14 districts drawn down here fairly represent the people who live
15 here, unless DeLay gets the crayon and puts us all up in the
16 Travis County or San Antonio or somewhere which is not our
17 community of interest. His suburban-anchored districts upon
18 which these plan rely are devices which are drawn for purely
19 partisan purposes, which makes anyone but a clone of existing
20 delegation profile unelectable. This isn't redistricting as
21 designed by our constitution. This is the suburban Republican
22 quota system. This proposal proposes nothing short of the
23 resegregation of Texas. (Applause) When Tom DeLay says he
24 will run all the white Democrats out of the U.S. Congress by
25 July 4th, as we heard the other day, he sends a chilling

1 message to Hispanics who well-understand who Tom DeLay is and
2 what his politics -- politics mean for them and our children
3 and their children.

4 When talking about his redistricting plan, DeLay
5 said, in referring to us minority Texans, if they turn it
6 down, they are more Democrat than they are minority. And they
7 are representing the Democratic Party not their people. He is
8 talking down to our leaders. We can not afford to have our
9 political leaders lose the respect of young Hispanics and
10 neither can the State of Texas. (Applause) This kind of
11 patronizing racist political commentary DeLay is trying to
12 enact into law creates a Texas where there will be two
13 parties, yes, one white with a little cinnamon brown seasoning
14 on it, and the other party mostly black and brown. Why else
15 would he say he was going to get rid of all the white Democrat
16 congressmen?

17 We are not fools here in South Texas. We know as
18 well as you do what the play is and it hurts Hispanics in
19 Texas. This plan puts the Democratic Party in only the
20 barrios and the gettos and puts us there politically also.

21 CHAIRMAN DUNCAN: Mr. Maldonado, your time has
22 expired. Could you please conclude your testimony?

23 MR. MALDONADO: If Mr. DeLay wants to tell us how to
24 be good minorities by supporting his plan for us, I suggest
25 that he come down here and Tejano Democrats will have a

1 pachanga for him and he can tell us how it is going to be.

2 (Applause)

3 CHAIRMAN DUNCAN: Thank you. Members, any questions
4 for Mr. Maldonado?

5 MR. MALDONADO: For the life of me, I ask that this
6 Committee please relay to the Governor and DeLay that we
7 understand what the play is. Let's not be so polite. We
8 welcome you. We understand that you are open-minded. We hope
9 that you will vote the best interest of our state. Thank you
10 very much.

11 CHAIRMAN DUNCAN: Thank you, Mr. Maldonado. Any
12 questions? Mr. Maldonado also has written testimony that he
13 would submit, I believe. Is that correct?

14 MR. MALDONADO: Yes, I have submitted -- I have some
15 extra copies. But I think I have submitted enough copies for
16 the entire membership.

17 CHAIRMAN DUNCAN: Thank you very much.

18 MR. MALDONADO: Thank you, sir.

19 CHAIRMAN DUNCAN: We appreciate your presence here
20 today.

21 The Chair calls Sheila M. Viaz, it looks like
22 Pankratz, Pankratz. Ms. Pankratz, would you please approach.
23 State your name and who you represent.

24 MS. PANKRATZ: My name is Sheila Viaz Pankratz and I
25 thank you very much for the opportunity to speak. I am here

1 today and I have already submitted written testimony. So I am
2 going to go ahead and summarize what I have said in my written
3 testimony.

4 I am here supporting redistricting because in case
5 people have not noticed, Hidalgo County is currently divided.
6 What the judges did, three appointed judges did that wrote the
7 plan that we currently have in place is they basically divided
8 Hidalgo County. And we don't have currently a district that
9 represents the communities of interest in this county. I
10 would urge the Committee to -- to keep Hidalgo County
11 together. But I also urge the Committee to please continue
12 with the plan of redistricting. Because the fact of the
13 matter is that what the judges draw -- drew, the plan that
14 they drew results in under representation by the majority of
15 the people in the State of Texas, 56 percent of them, which
16 voted Republican, by giving Democrats 47 percent of the
17 congressional representatives in Washington. That is not fair
18 representation. That is not one man's vote equaling one man's
19 representation. And I believe that that is wrong. And it is
20 not what the intention of the Constitution was.

21 I believe also that the plan that is in place by the
22 judges underrepresents the minorities in the State of Texas.
23 And that -- that also is not fair. And I would also like to
24 point out, and I am sure the Committee is well aware, that
25 what I am telling -- about to say is a fact and it is not an

1 emotional partisan rhetoric that, according to the Center For
2 Voting and Democracy a non-partisan Washington D.C.-based
3 think tank, they have said that "Texas Democrats do the most
4 effective partisan gerrymander for Congressional elections in
5 the nation in 1991." Also, the Almanac of American Politics
6 agreed, labeling the Democrats' work in 1991 the shrewdest
7 gerrymander of 1990s. And that's not fair. That's not one
8 man's vote -- one vote, one -- I can't even talk any more. It
9 has been so long.

10 What has happened is that the court chose to protect
11 the incumbent politicians instead of working to correct the
12 horrible gerrymandering of the -- of 1991. This explains why
13 the majority of Texans are not getting what they are voting
14 for today. And that is not right, Senators.

15 In the -- even the federal court admitted its plan
16 was not intended to reflect Texans' voting behavior from -- or
17 minority population growth across the state. In other words,
18 the judges did not draw districts that reflect the changes in
19 population and the communities of interest, but, instead,
20 protected elected incumbents. In fact, the court stated that
21 creating additional minority or Republican districts in
22 accordance with population and electoral changes since the
23 last census is a quintessentially legislative decision. It's
24 not -- it should not be the decision of judges, it should be
25 the decision of the Legislature that we elected.

1 Earlier this year legislators once again had an
2 opportunity to do right by Texans and to fulfill their
3 constitutional responsibilities by passing a final restricting
4 plan. Instead, we know what happened. People ran away to
5 Ardmore, Arkansas -- I mean Oklahoma, and they shut down the
6 legislature because they were considering -- they wanted to
7 keep their artificial and unrepresented representative
8 congressional majority and they represented the national
9 Democrat party.

10 Today we have two choices. We either follow the
11 Democrats who want the Texas legislator -- legislator --
12 Legislature to do nothing on redistricting and leave the
13 current blatantly unfair map in place or members of the Texas
14 Legislature must bite the bullet, fulfill their
15 responsibilities and draw fair and compact districts.

16 Yesterday we heard people saying that this is not a
17 partisan issue. But the reality is and the truth is that many
18 Texan voices have been stifled for the political gain of
19 incumbent Democrat-elected officials. And that's not right.
20 And I would like to -- and what they have done is they have
21 allowed people to be disenfranchised. And that is also not
22 right. And if we allow that to continue, what we are doing is
23 we would be -- it would be irresponsible and it would be a
24 distortion of our democratic system.

25 As an American -- oh, I want to add one more thing.

1 I have heard a lot of people say that Hidalgo County has been
2 ignored for so many years. And I would like to point out that
3 how many hundreds -- a hundred and something years the
4 Democrat party has been in the leadership in Hidalgo County
5 and Republican -- and -- and we have been ignored all of these
6 years. And yet over the last few years, since Republicans
7 have been in -- in -- in the leadership in the State of Texas
8 both under Governor Bush and under Governor Perry, we have had
9 the greatest investment of infrastructure and into the
10 educational system (Laughter) into colonias and the greatest
11 investment in Hidalgo County that has occurred in over -- in
12 about 100 years.

13 CHAIRMAN DUNCAN: Ms. Pankratz, your time has
14 expired. Could you please conclude your testimony? (Applause)

15 MS. PANKRATZ: Okay. And what I would like to say
16 is --

17 CHAIRMAN DUNCAN: (Pounds gavel) Let the witness
18 conclude the testimony. Thank you.

19 MS. PANKRATZ: Oh, conclude. Oh, I don't have to
20 summarize.

21 CHAIRMAN DUNCAN: No. Just close your testimony.

22 MS. PANKRATZ: Okay. I just wanted to finish by
23 saying that as an American and a Texan and a minority, I want
24 one vote to count whether my group wins or loses. This is the
25 American constitutional and fair way. We need to return to

1 one man, one vote. We need fair, compact and representative
2 districts. We need legislators to do their duty. Thank you.

3 CHAIRMAN DUNCAN: Thank you. Members, any questions
4 of Ms. Pankratz. Senator Gallegos.

5 SENATOR GALLEGOS: Ms. Pankratz, I am looking at
6 your written testimony.

7 MS. PANKRATZ: Yes, sir.

8 SENATOR GALLEGOS: And it says, and I am reading
9 from your testimony here.

10 MS. PANKRATZ: Yes, sir.

11 SENATOR GALLEGOS: It says 56 percent of Texans and
12 the majority voted for the GOP Congressional candidate, yet
13 republicans received less than 47 percent of the seats. And
14 this is -- you are saying this is a travesty and not a
15 democracy as intended by our constitution. The last time I
16 looked, five of those seats that was -- that voted
17 overwhelmingly for George Bush as president, yet those same
18 people that voted for George Bush as president, voted for a
19 Democrat as a congressional representative. (Applause) What
20 -- what -- what -- let me -- let me -- let me ask you this.
21 And I am reading straight from your testimony.

22 MS. PANKRATZ: Correct.

23 SENATOR GALLEGOS: What -- so you -- I am looking on
24 the flip side. Are you saying that those five -- same five
25 seats that you are criticizing here, are you saying that --

1 that it is a travesty of democracy that those five seats voted
2 for Governor Bush as president of the United States?

3 MS. PANKRATZ: No. I think that -- I think that we
4 both understand what I am trying to say is.

5 SENATOR GALLEGOS: No, no, no, no, no. I am not --

6 MS. PANKRATZ: Well, I am trying --

7 SENATOR GALLEGOS: I am reading off your testimony.

8 MS. PANKRATZ: Yes, but I --

9 SENATOR GALLEGOS: You are saying it is a travesty.

10 MS. PANKRATZ: Well, its -- what I am talking about
11 is in the context of everything else that I am saying, that
12 each person's vote should count once. And if we have -- we
13 have 56 percent of this -- I am not just talking about -- we
14 are not talking about Bush. We are talking about state-wide
15 Republicans have every elected official position in the State
16 of Texas. And 56 percent of the population voted for
17 republican congressional representation. And yet 47 percent
18 because of the gerrymandering --

19 SENATOR GALLEGOS: I understand that.

20 MS. PANKRATZ: -- that occurred in 1991.

21 SENATOR GALLEGOS: I understand that. Last time
22 that I looked, that the people inside that district, they are
23 the ones, whether they be Democrat, whether they be
24 Republican, whether it be Independent, Green Party, they are
25 the ones, they elect their representative. That is Democracy

1 that I see it. (Applause)

2 MS. PANKRATZ: But -- I --

3 SENATOR GALLEGOS: I mean, if I am missing -- you
4 need to tell me, if I am missing something, please correct me.
5 Because the last time I looked, the people inside my district,
6 whether they are -- whatever party they are, if they choose to
7 elect a Republican, a Democrat, an Independent, Green Party,
8 Libertarian, they have -- they have spoken. Once that ballot
9 -- they go to the ballot box. They have spoken. Now, if it
10 is anything other than that, then it is not in this country.

11 MS. PANKRATZ: If I may answer you, Honorable
12 Senator. What I am trying to say is, and what everybody here
13 has been saying is that what's been -- what people are trying
14 to do is unfairly gerrymander. And what has happened in 1991
15 was that people were unfairly gerrymandered and lots of people
16 were packed into small districts so that the majority did not
17 get representation. Everybody here has been saying that we
18 are going -- that districts are going to be drawn, that
19 gerrymandering, well, that's already been done, only it has
20 been done on that side.

21 SENATOR GALLEGOS: But those same --

22 MS. PANKRATZ: And it resulted --

23 SENATOR GALLEGOS: -- five districts voted for
24 President Bush. They voted for a Republican majority
25 state-wide. And now you are saying that because they didn't

1 vote for a Republican representative, you are saying it is a
2 travesty in democracy.

3 MS. PANKRATZ: No. No.

4 SENATOR GALLEGOS: I am reading off your testimony.

5 MS. PANKRATZ: What's a travesty is gerrymandering
6 and allowing the gerrymandering to continue.

7 SENATOR GALLEGOS: Okay. Okay. All right. Thank
8 you.

9 MS. PANKRATZ: Thank you (Applause)

10 CHAIRMAN DUNCAN: Thank you, Ms. Pankratz. I
11 appreciate your appearance here today. The Chair calls -- and
12 I would, let me -- Members, we -- and audience, we -- we have
13 a lot of people that want to testify. And I think everybody
14 has been very courteous. And I think even if someone
15 disagrees with your position, allow them the courtesy of
16 completing their testimony so that the Members of the
17 Committee can hear it. And I appreciate anyone with the
18 courage to get up here and testify whether they are in the
19 majority of the opinion or in the minority. And I appreciate
20 your courtesies in allowing that to happen.

21 The Chair would like to indicate we have cards for
22 Daniel Dillard, who does not wish to testify, but would like
23 to register a position against restricting. (Applause)

24 The Chair has a card from W.S. Dondlinger who does
25 not wish to testify but would like to register a position in

1 favor of redistricting. (Applause/Boos)

2 The Chair would call Jo Jo White, Hidalgo and
3 Cameron County Irrigation District Number 9. Jo Jo White.
4 Would you please approach and state your name. Jo Jo White.
5 Are you Jo Jo White? Whenever I see somebody walking fast
6 toward the front I think it is either the witness or I have
7 said something wrong.

8 (UNIDENTIFIED SPEAKER) It may be both, Mr.
9 Chairman.

10 CHAIRMAN DUNCAN: I don't think it is. Okay. Let
11 the record reflect that Mr. White has registered as a resource
12 witness. Is there any question -- I guess we don't know if he
13 is here, so I will put his card in there and register his
14 appearance today at the hearing.

15 Members, we have about 300 cards. So indulge our
16 presence here.

17 I do have a card from Billie(sic) Jean Dondlinger,
18 who does not indicate a wish to testify, but does indicate a
19 position in favor of redistricting. And I do have written
20 testimony from Betty Jean Dondlinger. Ms. Dondlinger, there
21 you are. Come on forward. And would you please testify,
22 state your name and who you represent?

23 MS. DONDLINGER: I am Betty Jean Dondlinger. I
24 represent myself. Yes, sir. I believe I did check that.

25 CHAIRMAN DUNCAN: I checked it for you.

1 MS. DONDLINGER: I wanted to speak. All right.
2 Thank you. I am sorry. I am Betty Jean Dondlinger. I am
3 speaking on behalf of myself. I am a resident of Mission. I
4 was born in Mission. I have lived in this county more years
5 than I would like to claim. And I would like say that I live
6 in northeast Mission. Since 1991, I have been gerrymandered
7 around, my precinct. We have belonged with a group from
8 Corpus and north of Corpus. So the republicans were not the
9 first ones who started the gerrymandering. We have lived with
10 this. We were not the majority at that time state-wide, so we
11 didn't complain. Perhaps we should have complained more. We
12 did what we thought was proper.

13 I would like to thank you all for coming, first. I
14 appreciate your time. I would like to apologize for the
15 rudeness that we witnessed from many people in our area
16 earlier wasting an hour and a half of your valuable time.

17 I think there are many people that share my beliefs
18 that are not here today after having read in all of the city
19 papers about how it was to be promoted, that sort of be
20 behavior and how it was handled in Brownsville. We saw it on
21 all the news. We saw it on TXCN how it was handled in
22 Dallas. I read in the Houston papers how it was handled
23 there.

24 First, I would like to say I have not been in every
25 county in this state, but I have been to at least 60 to 70

1 percent of them. And although there are many differences in
2 everything from weather to economy to the natural resources in
3 the area, I have found that there is more sameness in this
4 state than there is differences of opinion. That is just my
5 own reflection of my travels around the state. My husband and
6 I are retired now, although I am over 50 percent of a
7 volunteer. We are helping a young couple -- a young company
8 get established, I still have had time to continue traveling
9 the last few years, more so than ever.

10 I would also like to say that I think that since
11 Sheila did say that the percent was 56 percent of the
12 state-wide elections went for the Republicans, I -- the last
13 figures I had out of several state newspapers, and it could
14 certainly be wrong, was closer to 58 percent. So I do feel
15 that we definitely have a right to have more Republican
16 districts.

17 I do feel that I as an individual do not have any
18 representation here in my county because we do not have any
19 Republicans that will listen to -- that are elected. By the
20 same token, I do not have any Democrats that will listen to
21 me. I have called them repeatedly. There are business
22 offices, not a one of the Democrats in this area that
23 represent my district here have ever had the common courtesy
24 to return a telephone call or ask their secretaries to call me
25 and notify me that they are too busy to even listen to me or

1 ask for what my opinion was.

2 I feel that I deserve better treatment than that as
3 a Texan. And I believe I do as a taxpayer.

4 Thank you so much for coming. I definitely support
5 the redistricting in every way. (Applause)

6 CHAIRMAN DUNCAN: Thank you, Ms. Dondlinger.
7 Members, any questions? The Chair also notes Ms. Dondlinger
8 has submitted written testimony.

9 The Chair calls Dr. Jerry Polinard -- or Polinard.
10 Dr. Polinard, would you approach and state your name and who
11 you represent.

12 DR. POLINARD: Senators, Mr. Chairman, thank you.
13 My name is Jerry Polinard. I teach political science at the
14 University of Texas Pan American, and I have co-authored one
15 book and several articles on the effect of redistricting on
16 Mexican-American communities.

17 I am here to join with those who already have so
18 forcibly argued that we should not redistrict until the 2010
19 Census. (Applause) I did want to say, and please convey to
20 Senator Whitworth that his proposal for redistricting has
21 occasioned a great deal of discussion in my classes and I
22 appreciate that.

23 Let me make three quick points. I appreciate
24 your-all's stamina in this. First, I must tell you I am
25 appalled at the priorities of our governor, who during a time

1 of severe budget constraint, a time in which not raising taxes
2 has become more important than providing adequate health care
3 for our state's children, has decided that the scarce money of
4 the state can best be spent on the admittedly partisan purpose
5 of redistricting.

6 Now, I have noted a trend, a disturbing trend for
7 the last few years among my students. They are increasingly
8 cynical about politics. I am certain that many of you, if not
9 most of you, have spoken on college campuses. I assume that
10 probably when you talk to college students you explain to them
11 how important their voice is, that they should get involved.
12 The majesty of our system, which I share that with you, you
13 must realize how hollow those words ring when they begin to
14 read about the nature of this special session and its focus
15 upon partisan gerrymandering.

16 And all of this to overturn a redistricting map that
17 already provides for a majority, a distinct majority of
18 districts that are predominantly Republican. As you know, 21
19 of the 32 districts under the court redistricting have
20 Republican majorities in turn for voting age population. Six
21 of the 17 districts currently held by Democrats voted
22 Republican in virtually all of the other elections. John
23 Alfred, who you have heard referenced already, is quoted in
24 this morning's New York Times saying that, "You can't have a
25 gerrymander where six of the democratic seats have republican

1 majorities."

2 Secondly, there have also been references made to
3 the Voting Rights Act. In my opinion, the House map
4 alternately packs and cracks the Hispanic population in such a
5 way as to decrease in an overall sense Latino voting power
6 across the state. The decision handed down last week by the
7 U.S. Supreme Court indicates that they are going to begin to
8 look at in this in somewhat different ways. And we may not
9 have to wait more than a term to find that out, because I
10 think they accepted a case out of Pennsylvania this week that
11 will look more directly at the question of partisan
12 gerrymandering.

13 Now, finally, though I fully understand the partisan
14 nature of redistricting, I believe there are at least two
15 reasons that trump partisanship as we consider the house --
16 proposed House plan and its impact upon Hidalgo County.

17 First, there is the history of our county, and you
18 have heard a lot about that tonight. We are a county that is
19 not just one of the largest in the state, but I found out
20 yesterday, I was told yesterday, we are larger than two of the
21 50 states in the union. For a century we have had a
22 congressional district anchored in this county, but perhaps
23 more importantly our county's demographics separate it from
24 much of the rest of the state, in part because of these
25 demographics, particularly because of the ethnic make-up of

1 the demographics we have been undisturbed in the historical
2 sense. We remain part of a region that is among the most
3 impoverished in the nation. And we are part of a region that,
4 as you have heard tonight, also is among the most rapidly
5 growing in the nation.

6 We are, in other words, a county with unique
7 characteristics and needs. We are a classic definition of a
8 community of interest. Now, there are those who have said, I
9 have been told that by dividing us into three different
10 congressional districts we actually increase, indeed some have
11 suggested we triple our influence by so doing. Senator
12 Duncan, I must say, I remember a West Texas saying that I am
13 going to clean up because I know we are a G audience, but the
14 saying says that beware of the person who urinates on your
15 boots and tells you that it is raining. (Laughter) When I
16 look at the House map, I look down and my boots have moisture
17 on them and there is not a cloud in the sky. (Laughter) So I
18 suggest to you that --

19 CHAIRMAN DUNCAN: That is only a saying, though.
20 That is only a West Texas saying. It is not a practice.

21 MR. POLINARD: But an appropriate saying, I think,
22 sir. Well, I suggest it would be indefensible to turn our
23 backs on history, on geography, on economics, and on ethnicity
24 simply to satisfy partisan designs. And I urge you to respect
25 the integrity of this important community of interest and

1 leave it as the anchor of its own congressional district.

2 Thank you very much, sir. (Applause)

3 CHAIRMAN DUNCAN: Thank you, Dr. Polinard. Any
4 questions? Thank you for your testimony.

5 The Chair would call Roque Rozales. I think. Mr.
6 Rozales. Excuse me for butchering your name. I apologize.
7 You have been waiting there patiently.

8 MR. ROZALES: Chairman, if it may please you, members
9 of the Senate Committee --

10 CHAIRMAN DUNCAN: Would you state your name, sir?

11 MR. ROZALES: My name is Roque Rozales. I don't
12 live in Hidalgo County. I come from Starr County. I come --
13 I am in -- I am in favor of redistricting for this reason. I
14 don't believe that the framers of the Constitution wanted
15 judges to decide what belonged to the people. We are
16 sovereign, this nation. I just finished reading all of the
17 Federalist Papers dealing with that. We are a sovereign
18 nation. I belong to the 28th Congressional District, Senator
19 Rodriguez. In 1991, nobody stood up when they took Starr
20 County out of the 15th and placed us with San Antonio, New
21 Braunfels area.

22 I live in the same place where my ancestors came to
23 live among the Coahuiltecans Indians 250 years ago. And we
24 are still there. We never run. We became the substitute for
25 the slavery of the south. We became share croppers. We

1 picked cotton all over Texas. I picked everything but pockets
2 in my life. I am here because of my father. He is 90 years
3 old. He never went to school because he did not belong to the
4 privileged class. He has always been a faithful Democrat. He
5 received Social Security because he earned it. He always
6 spoke of the great FDR. I was nine years old when he took me
7 to the first political rally where LBJ spoke. These are our
8 people. We built Texas with our hands. But the Democratic
9 Party has forgotten us.

10 We wake up every morning to go work, yet we are
11 taxed right and left. Do we have representation in
12 Washington? We don't. I am a veteran and I can vouch for
13 you that we don't have representation for veterans in South
14 Texas. Once you cross the Nueces river, there is a cactus
15 curtain where there are no rights for people like me who work.
16 I always supported the Democratic Party, but they have
17 forgotten.

18 My profession, 30 years as a government teacher in
19 economics. Ryan Guillen, a member of the State House, was my
20 student. This is one of the books that I used for Ryan's
21 education. We the People. Right? They learned their lessons
22 square. Somebody told me last night Ryan was named as good
23 furniture by Texas Monthly. I said, "I am a damn good
24 carpenter." I taught him right. I am -- I know that the
25 people of Hidalgo County refuses to give up what is theirs.

1 We gave ours long ago. My ancestors came from Coahuila. They
2 served with Jose Gutierrez de Lara in 1819 to free Texas and
3 Mexico from Spain. We are still fighting.

4 My students, just before we finished school, drew a
5 map right here. McAllen, Hidalgo County as the base, along
6 the Rio Grande, to Maverick County, 600 plus thousand people,
7 27th district, another 600,000 from Brownsville to Corpus
8 Christi.

9 The problem is this, Chairman, will the people of
10 McAllen accept the people from Webb County and Laredo because
11 they deal with some socio-economic factors? They deal with
12 NAFTA. They deal with foreign trade. Will the Port of
13 Brownsville and the Port of Corpus Christi live together?
14 That is the question? It is very easy to redistrict. My
15 students can do it, but we are not politicians. We are not
16 looking for the welfare of Congressman So-and-so. We are
17 looking for what is justifiable. What we learn in class every
18 day.

19 Again, I want for you to understand my message is
20 this. I am not in favor of what Representative King did. I
21 am not in favor -- I am not in favor of what Velma Luna did or
22 Kino Flores. They stood there and instead drew districts for
23 themselves as Democrats. And then they blame it on the
24 Republicans. I have all kind of maps here we got out of the
25 computer, Chairman. I have the map of Crabb, which is

1 something like the three judges did it. I have the one that
2 King -- that was the one that messed up Hidalgo County. Do
3 these people here know that Velma Luna carved a district for
4 herself?

5 CHAIRMAN DUNCAN: Mr. Rozales. Mr. Rozales, you
6 need to address through the microphone.

7 MR. ROZALES: Okay. I am sorry.

8 CHAIRMAN DUNCAN: And you need to wrap-up. Your
9 time has expired. I am sorry, but your time has expired. If
10 you could --

11 MR. ROZALES: Sir, I am sorry. My apologies. Kino
12 Flores did nothing, instead drew something for himself. I
13 have it here. Chairman, my message is this, I do not agree
14 with Congressman King or State Representative King, Flores or
15 Velma Luna. I don't agree with the Republican plan, the
16 gerrymandering. They have been doing it for years. I would
17 like for you people to take consideration. Consider
18 socio-economics. This is the social factor. Just like Dr.
19 Polinard, he was my constitutional law professor at Pan
20 American. I love the man. He took a bare-footed boy like me
21 and taught him something.

22 CHAIRMAN DUNCAN: You are going to have to wrap-up
23 real quick.

24 MR. ROZALES: Yeah. One second more. What Senator
25 Gallegos did by questioning this lady over here was this,

1 there are things that we need to understand, Senator. We are
2 a minority inside a minority due to the process of electing
3 people. We have an early vote and a mail-in. It is nothing
4 but fraud. I have to spend \$10,000 --

5 CHAIRMAN DUNCAN: Mr. Rozales, your time has
6 expired. I am going to have to ask you to sit down, please.
7 (Applause) Thank you.

8 MR. ROZALES: Okay.

9 CHAIRMAN DUNCAN: Members, any questions? Thank you
10 for your testimony. I appreciate your patience with us. I am
11 sorry your time has expired. We will be happy to consider any
12 written testimony that you have to -- you would like to
13 provide.

14 MR. ROZALES: Yes, sir.

15 CHAIRMAN DUNCAN: Thank you. The Chair calls Pete
16 Martinez, Jr. of Mercedes. Mr. Martinez, are you in the
17 audience? Approach, please. State your name. Please
18 remember you have a five-minute time limit.

19 MR. MARTINEZ: My name is Pete Martinez. I am a
20 Mercedes High School teacher. First, thank you for your
21 patience in allowing for us to practice the First Amendment.

22 It is unfortunate some people have left that wanted
23 to voice their opinion. The State Senate Committee, I state
24 that I am against redistricting of our country. This country
25 was founded on the idea -- (Applause) This country was founded

1 on the idea that all men should be represented equally in the
2 halls of our nation's capital, the Supreme Court. The quotes
3 of our founding fathers, that state, our nation would be equal
4 and fair to all. Yet we gather here today to voice our
5 opinion on redistricting representing of our Rio Grande
6 Valley. I teach my students that the one item that makes
7 everyone equal is the our nation is the power of the vote. It
8 does not matter which walk of life you travel. Each vote is
9 of equal value in the election of our leaders.

10 However, today we stand here fighting for equal
11 representation because others do not believe we should have an
12 equal vote in our government. The people of the Rio Grande
13 Valley are no longer an uneducated culture, but is producing
14 congressmen, federal judges, doctors, lawyers, teachers and
15 students seeking a higher level of education.

16 It is now an area where men running for the
17 presidency, the governorship or for our Congress stop and
18 voice their agenda for our nation and our state. It is an
19 area that needs representation by people that have roots in
20 this area and know the needs of the people. The majority of
21 our leaders in Austin stood up for the rights of our
22 representation. Those that did not will feel the power of the
23 vote in the next election.

24 We are an area that is gathering a strong educated
25 political power. And for that reason, others are trying to

1 weaken our voice in government. I am here to remind this
2 Texas Senate Committee that the Rio Grande Valley begins south
3 of the King Ranch and east of Laredo. Like the original 13
4 colonies, we do not want to be represented by people in an
5 office many miles away. We want to select people that have an
6 understanding of the needs of the people and are Valley
7 people. (Applause)

8 Abraham Lincoln once said, "A house divided cannot
9 stand." I ask you to vote not to divide Hidalgo County.
10 Thank you.

11 CHAIRMAN DUNCAN: Thank you, Mr. Martinez. Members,
12 any questions? Thank you for your testimony.

13 The Chair has a card from Carmen Awaya, who would
14 wish -- does not wish to testify, but would like to register a
15 position against redistricting. (Applause)

16 The Chair has a card from Oscar Vela of McAllen,
17 VFW Post 8788. Mr. Vela, do you wish to testify? Mr. Vela,
18 would you approach if you wish to testify? Okay. Mr. Vela
19 would like to register a position in favor of redistricting.
20 (Applause)

21 The Chair has a card from Rosa Perez who does not
22 wish to testify. Ms. Perez is from Santa Rosa and would like
23 to register a position against redistricting. (Applause)

24 The Chair has a card from Concepcion Saldarrie, I
25 believe. S-A-L-D-A-R, either I-E or U. Does not wish to

1 testify, but does -- is from Santa Rosa. Does not wish to
2 testify, but would like to register a position against
3 redistricting. (Applause)

4 The Chair has a card from Guadalupe Perez, who does
5 not wish to testify, but would like to register a position
6 against redistricting. (Applause)

7 The Chair calls Hollis Rutledge, Jr. of Mission,
8 Texas.

9 (Unidentified person speaks - inaudible)

10 CHAIRMAN DUNCAN: I told Mr. Rutledge that when he
11 returned, we would call him back. So we will put his card
12 aside and when he gets in, we will call him up.

13 The Chair calls Joshua Gonzalez or rather, sorry,
14 Joshua Gonzalez has submitted a card, does not wish to
15 testify, but would like to -- would like to register a
16 position against redistricting. (Applause)

17 The Chair also has a card from Concepcion Gonzalez
18 of Santa Rosa, who does not wish to testify, but would like
19 to -- I have already done that, register a position against
20 redistricting. Excuse me. I am sorry.

21 The Chair would recognize Joyce McCarthy. Ms.
22 McCarthy, would you approach and recall you have a five-minute
23 limit.

24 MS. MCCARTHY: Chairman and Senators, I was saddened
25 to see what happened --

1 CHAIRMAN DUNCAN: Before you do that, for the court
2 reporter, could you state your name.

3 MS. MCCARTHY: Oh, I am Joyce McCarthy. I was
4 saddened to see what happened at the beginning of the hearing.
5 It was more like mob rule or a scene out of Palestine or Iraq.
6 It was very undisciplined and very disorderly. When a group
7 uses disruptive means, escaping to another state to keep a
8 bill from being discussed or passed, when they use forceful
9 measures to keep a law needed reform -- to come into position,
10 they do not deserve to represent we the people. And punitive
11 measures should be brought against them.

12 Republicans in the majority should boldly correct
13 many of the wrongs in our present system. And I am for
14 redistricting.

15 CHAIRMAN DUNCAN: Thank you, Ms. McCarthy. Members,
16 are there any questions of Ms. McCarthy? Thank you for your
17 testimony.

18 The Chair calls Jose -- or, rather, has a card from
19 Jose. Okay. I believe he does -- Mr. Jose Pepe Saldana. Is
20 Mr. Saldana here?

21 UNIDENTIFIED SPEAKER: No esta aqui.

22 CHAIRMAN DUNCAN: Let the record reflect that Mr.
23 Saldana submitted a card and indicated his position against
24 redistricting. (Applause)

25 The Chair calls Felix M. Rodriguez. Mr. Rodriguez,

1 would you approach, state your name and who you represent.

2 MR. RODRIGUEZ: Ladies, Mr. Chairman, gentlemen, and
3 members of the public, my name is Felix M. Madrigal Rodriguez.
4 I live at 410 West David Ybarra in Elsa here in Hidalgo
5 County. I dabble in economic development.

6 I do not represent the Veterans of Foreign Wars. I
7 do not represent anybody else but myself. I am a veteran, a
8 Vietnam veteran. I am against redistricting. (Applause)
9 Ours is one of the fastest growing counties and should stay
10 that way. And it will go that way if we keep Ruben Hinojosa
11 and we stay away from redistricting. (Applause) Congressman
12 Ruben Hinojosa is one of us. He understands Hidalgo County
13 and should remain our congressman until he retires or is
14 retired by his constituency and not by somebody out of his
15 district like Tom DeLay.

16 I agree with everything Congressman Ruben Hinojosa
17 said in his introduction. I will leave the statistics to
18 others that have them available.

19 When I woke up this morning, I looked to my left and
20 was reassured that I was still home in the United States of
21 America. My Red, White and Blue is still -- was still pinned
22 to the wall. My dad is a World War II veteran. He
23 fought in the Pacific. He fought courageously. I fought in
24 Vietnam. My neighbor to the east, immediately to our left, a
25 man from my barrio, fought in Korea. My neighbor to the other

1 side fought in Vietnam. If you go down the street from the
2 corner from where I live at, go down two houses -- you go down
3 four houses, across the street, and back to the same corner,
4 you will find that there are 16 veterans that fought in World
5 War II, Korea, and Vietnam together. And now we have more.
6 We have approximately five young men fighting in Iraq and
7 Afghanistan.

8 What I hear is that redistricting should be left to
9 the legislature and not to the courts. It seems to me that if
10 the legislature cannot come to an agreement, then a legal
11 recourse is available. The Supreme Court is comprised of
12 republicans. This is a system of government that we live
13 under. We should respect that. We all do.

14 What I hear is that our delegation in Congress
15 should reflect the popular vote in Texas since all the state
16 office holders are Republican. Redistricting is not about --
17 is not about our state office holders. It is about our
18 congressional office holders. If the popular vote was the
19 determining factor in deciding who represents us, then George
20 W. Bush should not be in the White House. (Applause)

21 I understand life is not fair. And this
22 redistricting certainly is not fair. It is illegal and it
23 smacks of racism. We have men and women fighting and dying in
24 foreign lands for this? We should be setting the example and
25 the standard for which flourishing nations aspire. Chicanos,

1 Mexican-Americans, Hispanics, Blacks, whites, whoever,
2 whatever racial or ethnic group you belong to, should not
3 allow this. This is nothing but power grabbing by Tom DeLay
4 and it smacks of nothing more than institutionalized racism
5 and discrimination or a step towards that. (Applause)

6 My comrades of all ethnic groups and races did not
7 fight and die for the State of Texas and my United States of
8 America for us to regress back to the '50s and '60s. And we
9 will not put up with it. (Applause)

10 Post 911, the question frequently asked and that we
11 would hear in the media and hear in editorials, in the
12 editorial pages, was why do they hate us so much? Tom DeLay
13 and those in favor of redistricting need to wake up.

14 Gentlemen, thank you for be being here. Thank you
15 for your patience, your stamina, again. And we would like to
16 have you over for a barbecue at my house any time.

17 CHAIRMAN DUNCAN: Thank you, Mr. Rodriguez. That
18 was the most perfect timing, too. Appreciate your testimony.
19 Members, any questions of Mr. Rodriguez? Thank you for your
20 service.

21 The Chair calls Jim Darling. Mr. Darling from
22 McAllen. Mr. Darling, are you in the audience? Let the
23 record reflect that Mr. Darling has registered a position
24 against redistricting. (Applause)

25 The Chair has a card from Lucas Torres, Jr., who

1 does not wish to testify, but would like to register a
2 position against redistricting. (Applause)

3 The Chair has a card from Laura Saldana Flores of
4 McAllen, who does not wish to testify, but would like to
5 register a position against redistricting. (Applause)

6 The card has a -- the Chair has a card from Lauro
7 Saldana Jr. -- or Saldana, Jr., who would not like to testify,
8 but would like to register a position against redistricting.
9 (Applause)

10 The Chair has a card from Irma Saldana, who does not
11 wish to testify, but does want to register a position against
12 redistricting.

13 The Chair has a card from Sylvia H. Flores, does not
14 wish to testify, but does want to register a position against
15 redistricting. (Applause)

16 The Chair recognizes or has a card from Marylou
17 Ruiz, who does not wish to testify, but would like to testify
18 or register a position against redistricting. (Applause)

19 The Chair has a card from Maria Garza, who would not
20 wish to testify, but would like to register a position against
21 redistricting. (Applause)

22 The Chair has a card from Maria Garza, who does not
23 indicate a position or does not indicate whether she wishes to
24 testify or not, but has registered a position against
25 redistricting. Is Ms. Garza in the audience? We will note

1 her registration.

2 The Chair has a card from Clara B. Casas, who does
3 not wish to testify, but would like to register a position
4 against redistricting. (Applause)

5 The Chair has a card from Caridad Murillo, who does
6 not wish to testify, but would like to register a position
7 against the redistricting. (Applause)

8 I hope that we give the court reporter these cards
9 so that she can read the names and not rely on my words or my
10 pronunciation.

11 Tom Haughey. Mr. Haughey, would you approach,
12 please, state your name and who you represent.

13 MR. HAUGHEY: It is Tom Haughey. And I am executive
14 director of the Texas Republican County Chairmen's Association
15 and of the Hidalgo County Republican Party. Also I am
16 republican election administrator for this -- for this county
17 party.

18 I note, in listening to the various people give
19 testimony before me, that -- and I must say it was deja vu all
20 over again, because Leo Montalvo's testimony preceded mine two
21 years ago in the joint session on redistricting. And his
22 position was at that time the same as it is now, that he
23 wanted to see the county as a whole in one district. And that
24 was our position as well. It continues to be. However, the
25 court divided the county, basically, in half into -- into two

1 different congressional districts.

2 I have heard a lot of testimony during the last hour
3 and a half or two hours from people who want to maintain the
4 county as whole and not do any redistricting. And, yet, if
5 you want to not do any redistricting you are maintaining the
6 county divided since it is divided.

7 The Texas Republican County Chairmen's Association
8 has long been an advocate of competitive districts. We
9 opposed gerrymandering because gerrymandering, as devised by
10 Governor Eldridge Gary in early post-colonial America exists
11 for the purpose of nullifying the power at the ballot box to
12 the benefit of a political party. It produces, as you well
13 know, packed districts and puts a lot of people of one party
14 into an area, a small area so that there can be comfortable
15 wins in other areas and many areas.

16 That is precisely the system the Democrats used in
17 the redistricting during the '90s. And if you go back for the
18 last hundreds of years, this kind of gerrymandering has taken
19 place. And the districts in -- even the districts in
20 Democrats' stronghold deep South Texas, we believe should,
21 while representing and taking into consideration the
22 commonality of community interest, we would like to see as
23 many competitive districts state-wide as can possibly be
24 constructed.

25 We in Texas are well aware that voter apathy is a

1 problem. And it is going to continue to be a problem as long
2 as people conclude, and rightly so, that there is no point in
3 their voting because their candidate is either someone who has
4 virtually no chance of winning or someone is a shoe-in and is
5 going to win by a large majority.

6 We ask you to set a goal for creating a maximum
7 number of districts in this state that have no more than a
8 five to 10 percent variance between the voting strength of the
9 two major parties. If that happens, we are going to see an
10 increase in the number of voters. And that would be, in our
11 opinion, a very good thing.

12 The Texas Republican County Chairmen's Association
13 supports the creation of compact districts. My own
14 experience, as someone who ran for Congress four times in the
15 15th at a time when it extended all the way up to Dewitt
16 County, which is basically on the doorsteps of Victoria, which
17 is on the doorsteps of Houston, is that when you are driving
18 home, it is usually about 3 or 4 in the morning and you are
19 trying to keep your eyes open to keep from wrapping your car
20 around a palm tree. And somebody is going to die if we don't
21 start making our districts more compact.

22 The -- it is also -- it is also true that you guys
23 have a job that is next to impossible. To put everything
24 together in a way that makes sense and keeps communities of
25 interest undivided, that keeps the districts in compact

1 fashion and yet at the same time provides for the maximum
2 competitiveness that can be attained. I believe, though, that
3 because of the fact that there has been 100 years of
4 gerrymandering that there has to be an extra effort within the
5 limitations that are placed by law in -- in trying to come up
6 with competitive districts.

7 Now, I am not saying districts where the Republican
8 Party is going to win. I am saying districts where both
9 parties have a legitimate shot.

10 CHAIRMAN DUNCAN: Mr. Haughey, you will need to
11 conclude. Your time has expired.

12 MR. HAUGHEY: All right. Thank you very much. I
13 appreciate it. And I have -- you have my written testimony.

14 CHAIRMAN DUNCAN: We have do written testimony from
15 Mr. Haughey. Members, are there any questions for Mr.
16 Haughey? Thank you for being here tonight and thank you for
17 your testimony.

18 MR. HAUGHEY: Thank you. (Applause)

19 CHAIRMAN DUNCAN: Members, it's -- we have been
20 going about an hour and a half. I promised everyone we would
21 take a brief break. The Committee will stand in recess.
22 Before we do that, the next witness, the next witness who will
23 be on deck is Eddie Awaya. I think. Awaya. So if you will
24 be prepared to begin when we get back. And we will reconvene
25 at 7:40. We will take a 10-minute break only. We have a lot

1 of cards left to go. Thank you. The Committee will stand in
2 recess.

3 (Short break)

4 CHAIRMAN DUNCAN: Pursuant to the Jurisprudence
5 Committee will come to order from recess. We have -- the
6 first witness will be Eddie Awaya. Mr. Awaya, would you
7 approach, state your name, and who you represent. Eddie
8 Awaya. Is Mr. Awaya in the audience? Mr. Awaya has
9 registered a position against redistricting.

10 The Chair calls Stephanie Guerra. Stephanie Guerra.
11 Is Ms. Guerra in the audience? Apparently not. The Chair
12 recognized that she has registered a position against
13 redistricting.

14 The Chair calls Bob Howell. Mr. Howell, will you
15 approach and state your name. Is Mr. Howell in the audience?

16 UNIDENTIFIED SPEAKER: He had to leave.

17 CHAIRMAN DUNCAN: He had to leave. Let the record
18 reflect that Mr. Howell had to leave. But he has registered a
19 position in favor of redistricting and has submitted written
20 testimony.

21 The Chair recognizes Lydia Jeffrey, Lydia Jeffrey?
22 Ms. Jeffrey, would you approach. Are you in the audience?
23 Ms. Lydia is not in the audience. Let the record reflect that
24 Ms. Lydia or Ms. -- rather, Ms. Jeffrey is not in the
25 office -- in the audience. Let the record reflect that Ms.

1 Jeffrey has registered a position against redistricting.

2 The Chair recognizes Rene Saenz. Mr. Saenz, are you
3 in the audience? Let the record reflect that Mr. Saenz is not
4 in the audience, but has registered a position against
5 redistricting.

6 The Chair recognizes Jesus Molina. Mr. Molina, are
7 you in the audience? Mr. Molina? Let the -- Mr. Molina is
8 not in the audience. Please let the record reflect that Mr.
9 Molina has registered a position against redistricting.

10 The Chair calls Dr. Ramiro R. Casso. Mr. Casso.
11 Approach and state your name. Is Dr. Casso in the audience?
12 Let the record reflect that Mr. Casso is not in the audience
13 but has registered a position against redistricting and has
14 submitted written testimony.

15 The Chair has a card for Floresteta Rodriguez, who
16 registers a position against redistricting. Is Ms. Rodriguez
17 in the audience? Let the record reflect that Ms. Rodriguez is
18 not in the audience but has registered a position against
19 redistricting.

20 The Chair has -- recognizes Francis Rocha. Francis
21 Rocha, are you in the audience? Ms. Rocha is from Edcouch.
22 Let the record reflect that Ms. Rocha has -- is not in the
23 audience but has registered a position against redistricting.
24 Would you hold that card? I believe she indicates she might
25 be returning. Just put it to the aside. We will call it once

1 again.

2 The Chair recognizes Hector Farias, F-A-R-I-A-S.
3 Okay. Farias. By the time I get his name correct, he will be
4 in the audience. Hector Farias.

5 UNIDENTIFIED SPEAKER: There he is.

6 CHAIRMAN DUNCAN: I told you that I would do that. I
7 have correctly pronounced your name and you have responded,
8 Mr. Farias. Would you state your name, please, and who you
9 represent. And recall that you have a five-minute limit. And
10 I -- that's fine, Mr. Farias.

11 MR. FARIAS: My name is Hector Farias.

12 CHAIRMAN DUNCAN: Could I have order, please.

13 MR. FARIAS: As a former elected official, I
14 sympathize with the task you have before you. I know that you
15 have a task that is considerably great to solve. I hope that
16 by the time you get through the hearing that you will come to
17 reasonable redistricting.

18 I am here to express my desire to see that Texas
19 Legislature --

20 CHAIRMAN DUNCAN: Mr. Farias, would you speak into
21 the microphone, please. Thank you.

22 MR. FARIAS: I am here to express my desire to see
23 that the Texas Legislature fulfill their responsibilities to
24 draw their districts. I am not here -- I believe that our
25 legislators need to do their job and not give their

1 constitutional responsibilities over to the federal judges
2 who, by the way, did not draw a fair and compact district,
3 which is what we want. Democrats and -- let me go back here.
4 Judges who, by the way, who did not draw their fair and
5 compact district, which is what he we want. Democrats need to
6 stop running away from their responsibilities and simply do
7 their job.

8 I want districts drawn that considers what has
9 happened in the last 10 years. Republicans are the majority
10 and should have the majority represented in the U.S. House of
11 Representatives.

12 We minorities have always grown as a percentage of
13 the total Texas population and deserve to have the same way,
14 more congressional representatives representing that truly
15 represent our interests. This is not possible unless we have
16 fair districts. We do not want more than what we are entitled
17 to. Whether we are Republicans, Democrats or Independents, we
18 want one thing, one man, one vote. This is the promise of our
19 birthright inherited of U.S. citizens. I support
20 redistricting and respectfully request that the Texas
21 Legislature give us a fair and compact districts.

22 CHAIRMAN DUNCAN: Thank you, Mr. Farias. Any
23 questions? Thank you for your appearance today.

24 MR. FARIAS: I would also like to state, since I
25 still have a little more time, since most of the people who

1 spoke about veterans, I also happen to be a veteran of the
2 Korean Conflict. I also happen to be a representative of the
3 Texas Veterans Commission in Austin. So I do know how they
4 feel. And I also want this Honorable Committee to also
5 understand that we in the minority also need representation.
6 For too long -- I have heard a lot of statements made that we
7 are under represented and that we are not given the things
8 that we should have. But let me remind you, Honorable
9 Senators, that for the last 100 years the democrats have been
10 in charge of our government. And until the last five or 10
11 years that we have seen progress coming into the minorities.
12 For this, I ask you to reconsider. And I stand for
13 redistricting. Thank you very much for your time. And I
14 apologize for being out when my name was called. Thank you
15 very much.

16 CHAIRMAN DUNCAN: Thank you, Mr. Farias, for your
17 service to your country and to our state. Any questions of
18 Mr. Farias? Thank you.

19 The Chair recognizes Cruz Orozco, or Cruz Orozco. Is
20 Mr. Orozco in the audience? Let the record reflect that Mr.
21 Orozco has registered a position in favor of redistricting.

22 The Chair recognized Benny Benavides of Corpus
23 Christi. Mr. Benavides, are you in the audience? Mr.
24 Benavides is not in the audience, he does not register a
25 position. He is the former state Chair of the American GI --

1 GE -- GI Forum from Corpus Christi.

2 Let the -- let's see. The Chair recognizes Dr.
3 Felipe de Ortega de Garza from Kingsville. Is Mr.(sic) Garza
4 in the office -- or in the audience? Let the record reflect
5 that he is not. He has registered a position against
6 redistricting.

7 The Chair has a card or rather the Chair calls
8 Ernesto S. Silva. Ernesto S. Silva. Is Mr. Silva in the
9 audience? Let the record reflect that he is not in the
10 audience. Mr. Silva would register a position against
11 redistricting.

12 The Chair recognizes Mike Sinder or Sinder,
13 S-I-N-D-E-R. Mr. Sinder, would you please approach, state
14 your name and who you represent. Recall you have a
15 five-minute limit.

16 MR. SINDER: Thank you, Mr. Chairman. My name is
17 Mike Sinder, S-I-N-D-E-R. I am a private citizen. I come to
18 you speaking in opposition to redistricting.

19 In 1981 and in 1991 the governor, respected
20 governors at that time, when the Legislature could not come to
21 resolution on redistricting, the Senate called for a special
22 session and ultimately the courts decided what it should be.

23 In 2001 Governor Perry consciously decided to throw
24 it to the courts. He did not call for a special session. He
25 did not like -- he did not ask the Legislature to come back in

1 the special session to draw districts. He said let the courts
2 do it.

3 After the courts did it, the Republican rhetoric was
4 that in the 2002 elections we were going to see 20 or 21 or
5 even 22 Republican congressmen from Texas. When that didn't
6 happen, they decided, well, let's see if we can't get a second
7 bite at the apple. That is changing the rules in the middle
8 of the game and that shouldn't be allowed. (Applause)

9 Texans are very independent group. We go back
10 throughout history, Texans have been unafraid to split their
11 ticket. And we were known starting in the '50s as a
12 ticket-splitting state. With the sugarcrats and other groups
13 along the way, we split tickets. And in at least five
14 districts that voted Democratic, those were split-ticket
15 districts.

16 The Republicans already have a map in which they can
17 win a majority of the seats. If they field the right
18 candidates and run the right campaigns, they will win.

19 The so-called King map that we have been dealing
20 with, the Hidalgo County district that was put in there is
21 broke in so many different ways that we go all the way up to
22 Austin and take a hunk out of Austin that would be totally
23 adverse to the Supreme Court ruling last week in the Georgia
24 case where they ruled that minority impact districts must be
25 protected. And the rights of the minority in Travis County

1 are just as important as the minorities here. And by packing
2 in Travis County minorities in with the Valley, they lose
3 their impact in that district.

4 The Republican plan seems to be that the result
5 should be every congressional seat in Texas should either be a
6 white Republican or a minority. And that's segregation. We
7 -- I thought we got rid of that years ago.

8 Here in Hidalgo County, you sitting in McAllen, and
9 within five miles of where you sit, the -- we are a retail
10 center for three million people from South Texas to northern
11 New Mexico. And northern Mexico produces lots of dollars into
12 our local economy. The retail dollars coming out of Mexico
13 into the United States, one out of every six dollars, that is
14 16 percent, of Mexican retail dollars are spent in the
15 McAllen, Edinburg, Mission area. We have three bridges -- two
16 bridges and a ferry crossing the river right now, and two
17 bridges under plans, one the Anzaldua bridge, which is
18 nearing -- which is coming onto line soon. And then the
19 Donna-Rio Bravo bridge, which is farther away.

20 Under the King plan, those bridges and crossings
21 would be represented by a district based in Austin, Texas.
22 The retail center that you are in would be represented by a
23 district based in Nueces County, Texas, cutting off our life
24 blood. We were told we were supposed to be the front door to
25 the state. But you cut off our life blood when you take away

1 our representation.

2 We have experienced that before. In 1980, we lost
3 our Senate seat. It took us 20 years before we had an Hidalgo
4 County senator again. When we went to single member districts
5 in the State Board of Education, Hidalgo County got cut up.
6 And we haven't had a State Board of Education member since
7 then. We are the sixth or seventh largest county in the
8 state. And we deserve our fair share of representation. The
9 courts gave us that in the plan that went into effect for the
10 2002 elections. Don't take it away from us now.

11 And several people have apologized for the actions
12 at the start of this meeting today. I do not echo their
13 sentiments. (Applause) I am proud that the people of the
14 Valley care that much.

15 And I commend the Committee on their forbearance and
16 their tolerance to allow the people to make their expression.
17 In other parts of the world there would have been guns. Here,
18 they had their voices and you heard them and we appreciate
19 that and we thank you for that. And I thank you for your
20 time. (Applause)

21 CHAIRMAN DUNCAN: Thank you, Mr. Sinder. Any
22 questions of Mr. Sinder? The Chair hears none.

23 The Chair calls Lorraine Owens of Weslaco. Ms.
24 Owens, are you in the audience?

25 MS. OWENS: Yes.

1 CHAIRMAN DUNCAN: Thank you. Would you approach.
2 Please state your name and who you represent.

3 MS. OWENS: My name is Lorraine Owens. And I
4 represent me, but from what I have been hearing a lot of
5 people say, I think I represent more than me, and they haven't
6 exactly been saying it the way I am going to say it. So
7 listen really carefully now. I am not coming down on either
8 of the two camps you really gave us a choice to come down in.

9 I am not against this plan alone. I am not for this
10 plan alone. And I am sure as heck not neutral. I do not feel
11 neutrally about this at all. I feel tremendously strongly
12 about this.

13 When my kids and I were looking at a map of the
14 counties, which I have on my kitchen wall, a map of the state
15 of Texas, I know noticed out nice and compactly they are
16 drawn. And how we never have fights over what county should
17 have what part of the state anymore. We don't have those
18 fights. It is very reasonable, very compact, following
19 natural boundaries and other things. Those were very simple
20 to look at and very sensible.

21 And, in a way, I have to agree with an awful lot of
22 speakers that have been up here stating that boy, things were
23 really screwed up in the '80s. They were really screwed up in
24 the '90s. And now we are trying to keep them screwed up and
25 make it worse. And I am sad to see that the Republicans are

1 kind of spearheading this continuity of gerrymandering. It's
2 an ugly word. But it has been happening. I don't care who
3 did it. I don't care who started it. The point is, it is not
4 up to me or anyone who espouses things that are important to
5 me to continue it for any reason.

6 Now, then, I am getting totally off my notes. What
7 I was hoping for out of the Republican majority, even one that
8 actually won elections in the Democrat-drawn gerrymandered
9 state, was a sane map, not a continuous of the insane maps
10 that I have seen, but a sane map, a more logical, practical,
11 area-specific representative one. I know we are talking
12 population. And that will change every 10 years. We will
13 have to adjust and fluctuate some boundaries. But the unity
14 of county areas is a sensible unity and should be considered
15 very carefully and disrupted at only the most horribly
16 important reasoning, not disrupted lightly. There is a whole
17 lot of disruptions taking place. And I don't think they are
18 being taken place lightly. But I think it is wrong. I think
19 it doesn't need to be done.

20 Compact geographic voting districts are the way to
21 go, not the old map, not the new map, a better map. And I
22 know you-all can come up with one. Yes, I believe
23 redistricting needs to be done, but not this redistricting, a
24 better one, a sensible one. One that will do exactly what you
25 heard people wanting here, keeping areas together who are

1 represented in common. And then it will also provide safety
2 for the representatives running back and forth. They won't
3 have people in Dallas represented by Hidalgo people. They
4 won't have people in Hidalgo represented by people in Dallas.
5 That's just -- it's foolhardy. And why it has been going on
6 for so long, I don't know.

7 But it is time for the Republicans, who take a high
8 ground on many issues, and I am there with them, to do the
9 right thing. There is someone up there that protects us that
10 do the right thing. And we may lose a seat here and there,
11 but you have got to understand, you see this happening.
12 Neighborhoods and areas of geographic compactness fluctuate.
13 Over time you may see a Mongolian majority now, but then later
14 in time the majority will shift, perhaps, to a Swahili
15 majority, or who knows what kind of majority. It shifts and
16 changes. And we should let that happen.

17 Those in the district will elect people that
18 represent them. Compact their districts. Consolidate the
19 districts so it is reasonable and not ridiculous.

20 I sure appreciate you being here to hear us. You
21 didn't have to come down, when you come right down to it. You
22 can go up there with your majority power, or whatever, and you
23 can do whatever you want. But you bothered to listen. And
24 that is very important to me. And I am glad I had an
25 opportunity to speak here.

1 Let me check and make sure I have said everything.

2 Now, the thing that is going keep people from making
3 compact districts is fear. I am going to lose what I already
4 have. You are already losing it. Whatever we already have is
5 already being lost by this bickering and foolishness. It
6 needs to be compacted so that we won't have this exact problem
7 again. Don't be making fingers so that the Representative
8 from here also represents people on that side of the finger
9 and on that side of the finger, and in between we have got
10 somebody else's stuff. That's foolish. I cannot say that
11 enough. It has already been said enough. The fear factor has
12 got to be eliminated.

13 If you elect a congressman who has an honorable
14 spirit, and I am hoping that we will elect honorable people,
15 he will consider those people within his district, those of
16 the majority grouping, and those of the minority groupings.
17 Because, frankly, you might not consider me a minority, but
18 where I live, I am. And I don't mind, because my people that
19 I deal with around me, they treat me like a human being. They
20 deal with Lorraine. They are not interested in dealing with
21 the blonde-haired blue-eyed woman who obviously can't relate
22 to me.

23 The people I deal with consider me as a human being
24 who has the same needs that they do for education, for health
25 care, for respectful use of my money by my legislative-elected

1 people. It is amazing. I don't experience a lot of racism on
2 a daily basis. And I would like to hope that our congressmen
3 and our representatives would be just that way about all of
4 their people.

5 Compact districts is the way to go, guys. We have a
6 chance. I think that beeper was for me, wasn't it? Thanks a
7 lot. I appreciate you being here.

8 CHAIRMAN DUNCAN: Thank you for your testimony, Ms.
9 Owen. Are there any questions for Ms. Owens? (Applause)

10 MS. OWENS: I noticed a lot of questions being given
11 to a lot of people who I guess you wanted to hear a lot from,
12 but I haven't seen anybody ask anybody, "What do you mean by
13 compact districts?" I really wish there would be questions,
14 because, frankly, I believe the compact district answers the
15 problem for both the against -- in fact, the majority of the
16 ones who are against it are not so much against redistricting,
17 but they are against that redistricting.

18 CHAIRMAN DUNCAN: Ms. Owens, I think your testimony
19 was very articulate and very clear. It doesn't leave for a
20 whole lot of questions. I appreciate -- I appreciate what you
21 said. And I think that you expressed your concerns very
22 well. Thank you for being here.

23 The Chair recognizes Mario Espinoza. Mr. Espinoza
24 -- or Ms. Espinoza. Are you in the audience, please? Let the
25 record reflect that Ms. Espinoza is not in the audience, but

1 has registered a position against redistricting.

2 The Chair has a card for Catalina Mindiola, and who
3 has registered a position in opposition to redistricting.

4 The Chair calls Billy B. Wilkerson. Billy B.
5 Wilkerson. Is Mr. Wilkerson in the audience? Let the record
6 reflects -- reflect that Mr. Wilkerson is not in the audience,
7 but he registers a position against redistricting.

8 The Chair recognizes Kiovanna Rodriguez. Mr.
9 Rodriguez, would you approach. Thank you. Would you state
10 your name and who you represent?

11 MS. RODRIGUEZ: Hello. My name is Kiovanna
12 Rodriguez. And it says there on the card that -- well, I
13 represent innocence, optimism, youth, the future. And on the
14 card there it says that I am against redistricting. But I
15 have been here since 3:00 listening and learning. And I don't
16 anymore.

17 I think that I want it to be in your hands. I
18 really trust you and the system. I left the country after I
19 graduated from law school in Columbia University because I
20 was -- I was so shocked. But after being out of the country
21 for two years, coming home, you really appreciate what we have
22 got.

23 And I just want to touch upon one concern that I am
24 putting in your hands when you decide what to as far as
25 redistricting goes. I went to Stanford, undergrad, and

1 Columbia for law school. And I am from McAllen. And my
2 parents are Mexican immigrants. And there are a lot of us out
3 there. And what has happened here is called intellectual
4 exodus. A lot of us ivy leaguers that could really do a lot
5 for this community leave and we don't want to come back
6 because we think there is no opportunity for us. We think
7 that our education and training will go to waste.

8 But I was in New York on June 13th, which is my
9 birthday, I mean June 14th, on Flag Day. And I was looking
10 for a job, applying to law firms, the big law firms in New
11 York, and lo and behold on the front page of the New York
12 Times, in the business section, was an article, a huge
13 article, a two-page article on McAllen, Texas. And I said,
14 "Whoa. And I said, 'Lord, this must be a sign.' Get yourself
15 back to McAllen and plant your roots there and start investing
16 and giving back to where you came from." And I am telling you
17 this because there are a lot of me out there. My sister went
18 to Harvard and Stanford. My brother went to Princeton and
19 Stanford. We have a lot of friends, though, that went to ivy
20 leagues and they leave, and they are not coming back.

21 And I want to, as someone that is going to be
22 responsible and I want to run some day. I want you to think
23 about what you are giving us, what you are -- you understand
24 it way more than any of us here, because there is a lot that
25 goes on behind closed doors that we can't ever really know in

1 terms of what your jobs involve. And I am very aware of that
2 and I respect that.

3 But whatever -- when you decide, when you are doing
4 it, either making it better, making it worse, playing the
5 games that go on, think about what we have to look forward --
6 what we can do -- what you are going to give my generation in
7 terms of an example, in terms of an opportunity to invest, in
8 terms of a decision to come back.

9 I know you are really tired. So I hope my youth can
10 refresh you to hold on until the end. And that's all I wanted
11 to say to you, is just I really trust you and I really
12 appreciate and it is really exciting. Part of the reason why
13 I left work early to come here and be here is because I said,
14 "Wow, senators in McAllen." You know, and it is kind of on a
15 roll now after this.

16 I have the New York Times article, actually. I just
17 happen to have it on me. So I would like to pass it on over.
18 And it has a lot of the information that was mentioned today
19 about the Visa expenditures, about how McAllen has the
20 greatest amount of Mexicans spending in the entire United
21 States, beating out cities like Miami, Los Angeles, New York.
22 So I will pass it on to you guys and you can photocopy it.

23 And this is what brought me home. And now you are
24 here. And, like, all the signs are starting to pop up, that
25 there is going to be some great potential here in Hidalgo

1 County, McAllen. And I am ready to stay and I am ready to
2 invest.

3 So I hope that whatever division you make, it is the
4 best one. And that you follow your hearts and realize that in
5 the end of the day you have to -- you want to leave behind
6 something really honorable and that you can be proud of and
7 that will continue to make my generation proud. (Applause)

8 CHAIRMAN DUNCAN: Thank you, Ms. Rodriguez. I'll
9 bet you made the right decision.

10 MS. RODRIGUEZ: Do you want this article?

11 CHAIRMAN DUNCAN: Yes. If you would submit that
12 written testimony to Jennifer, she will take that and put it
13 in the record. And we will look at it before we leave.

14 MS. RODRIGUEZ: All right.

15 CHAIRMAN DUNCAN: And thank you for your decision to
16 stay in Texas and in the Rio Grande Valley. And I am sure
17 they will all be better off, and you will too, for that.
18 Thank you very much. Any of questions of Ms. Rodriguez? All
19 right.

20 The Chair recognizes Paul Conlon of Weslaco. Mr.
21 Conlon, would you approach? Please state your name and who
22 you represent.

23 MR. CONLON: My name is Paul Conlon. I am president
24 of the Weslaco Federation of Teachers, Local Number 6022. I
25 am also an executive boardmember for the Rio Grande Valley

1 Central Labor Council. I am sorry I am a tired, too.

2 Chairman Duncan, senators and esteemed guests, I want
3 to thank you, like everybody else has, for your time, your
4 concern and for considering the testimony that is given to you
5 today.

6 I am a junior high teacher. I teach English, so you
7 don't have to worry. I am not a government teacher. Okay.
8 What I do to start my class, I usually start with a journal
9 reading or else a thought of the day. And what I would like
10 to do is I would like to leave you with a thought or start off
11 with a thought. It is from philosopher Hegel. I think it is
12 apropos, after sitting here for three hours.

13 He said, "What experience and history teach us is
14 this, that people and governments never have learned anything
15 from history or acted on the principles deduced from it." And
16 it would appear that Hegel's quote might apply to some of your
17 colleagues in Austin, and, unfortunately, for some in
18 Washington.

19 As a San Antonio paper said this morning,
20 redistricting is always nearly a messy contentious process.
21 It was in 2001. You have heard about 1991, '81. Democrats,
22 Republicans couldn't agree on boundaries. The decisions were
23 made by the federal court. Did the Democrats get what they
24 wanted? No. Did the Republicans? No.

25 The important question is did anybody learn from

1 this lesson of history. And the answer is apparently not.
2 The times that I have testified before legislative committees
3 I have spoken mainly concerning educational issues and the
4 reorganizations I represent have attempted to inform, to offer
5 suggestions, and to recommend solutions.

6 Comments from our Valley delegation were always
7 positive and very supportive. Ideas like starting the school
8 year later, examining the true drop-out rates in the State of
9 Texas, and providing healthcare and a living wage for school
10 employees sometimes met with a different reaction in Austin.
11 The reply usually was something like, "Well, Mr. Conlon, we
12 feel that's something that should be addressed at the local
13 level." And needless to say, the hue and cry of local control
14 came primarily from Republican members.

15 I hope you'll understand why I found it incredibly
16 hypocritical for many of those same Republicans to back a
17 redistricting plan that had absolutely no input from me, from
18 the other voters of the State of Texas. It had no input from
19 my state senator and none from my state representative.
20 Apparently, in this instance, the mantra of local control
21 didn't suit their needs and was cast aside.

22 Any plan submitted by the Washington party elite
23 flies in the face of local control. But the saddest thing is
24 that these politicians are trying to accomplish something at the
25 expense of the citizens of Texas.

1 Along that line the press, and I believe
2 Representative Miguel Wise, my representative, also reported
3 that Governor Perry might dangle funding for the Regional
4 Academic Healthcare Center, or the RAHC, in front of senators
5 from the Valley and from Laredo in order to gain support for a
6 redistricting plan.

7 To political insiders, this might be called
8 brokering votes, but the people of Texas know what it really
9 is. It is called blackmail. The education of Valley
10 students, like the young lady you just heard, provide -- we
11 should be providing highly trained medical personnel, and the
12 use healthcare -- and providing healthcare for Valley
13 citizens. And I feel it is much too important to be used by
14 the governor as a carrot in this redistricting debate.

15 Any redistricting plan must be fair, compact, and
16 protect communities of interest if it is to stand up to the
17 scrutiny of the courts. The plan proposed by Craddick and
18 Governor Perry during the legislative session fills none of
19 these requirements.

20 Can a redistricting plan concocted behind closed
21 doors with no input from anyone, save a few Washington
22 insiders, be called fair? No.

23 Can a redistricting plan that wanders from Weslaco,
24 where I live, all the way up to south Austin, or from here in
25 McAllen up to San Antonio be considered compact? No, it

1 can't.

2 And can a plan that splits up large metropolitan
3 areas and cuts up this community, this pueblo, be said to
4 protect the community interests? I say seguro que no.

5 I said our organization offers suggestions, and here
6 they are. Number one, save the taxpayers of Texas \$1.7
7 million and call for an immediate end to the special session
8 on redistricting. The savings could be put in the CHIPS
9 program to ensure medical coverage for those who need it the
10 most. (Applause) It could also be used to help fund
11 education. Second, I would ask that you adopt Senator Jeff
12 Wentworth's Senate Bill 6 and Joint House Resolution 2, which
13 would take redistricting out of the hands of the political
14 insiders and put it where it belongs, in the hands of the
15 citizens of Texas. That's what I call local control.
16 (Applause)

17 In closing, I would like to have just one more quote
18 from one of -- as my students call them, one of the dead
19 poets, Coleridge. "If men could learn from history, what
20 lessons it might teach us. But passion and party blind our
21 eyes, and the light which experience gives is but a lantern on
22 the stern which shines only on the waves behind us."

23 I would like to thank you again. And I hope that
24 passion and party won't blind your eyes or the eyes of your
25 colleagues in the Texas Senate. Thank you. (Applause)

1 CHAIRMAN DUNCAN: Thank you, Mr. Conlon. Members,
2 any questions? We have your testimony as well in writing and
3 it will be submitted to the Committee.

4 Okay. The Chair call Hollis Rutledge, Jr. Mr.
5 Rutledge, would you approach, state your name and who you
6 represent. Welcome back.

7 MR. RUTLEDGE: Thank you, Mr. Chairman, Members of
8 the committee. I appreciate the opportunity to come before
9 this body. And I am glad that you chose my county.
10 Presently, I serve as Chairman of the Republican Party for
11 Hidalgo County. And I also serve as president of the Texas
12 Republican County Chairmen's Association.

13 For the last five years we have done quite a bit of
14 work here to try to create an atmosphere of competition. As
15 we all know, in business competition is good because the
16 consumer benefits. Politics is no different.

17 And I am glad to see that we are finally getting the
18 Legislature to finally address the issue of redistricting. We
19 are here to tell you that had it not been for the Democratic
20 leadership in the House of Representatives headed by Pete
21 Laney two years ago and their failure to address the
22 redistricting issue as they should have and it was intended
23 constitutionally, as most state legislatures did in the other
24 49 states, you and I wouldn't be here today. Had they
25 addressed that particular issue two years ago, hopefully there

1 would have been a plan that we all could have agreed to. It
2 would have been etched in stone for the next 10 years. But
3 that did not occur.

4 They relegated their responsibility to an appointed
5 three-judge panel, two Democrats, one Republican, and
6 protected the interests of the incumbents, rather the --
7 rather than the interests of the electorate of the State of
8 Texas.

9 I am here to speak on behalf of the county chairs
10 throughout the state to tell you that we applaud the governor
11 for calling this special session. We do not believe that a
12 three-judge appointed panel should be the voice of the State
13 of Texas and its voters. We want, as is constitutionally
14 intended, for this body and the House of Representatives,
15 Senate and House, to do their duty, their obligation, to draw
16 those congressional districts. We want them to be fair. We
17 want them to be compact as best as possible.

18 We are not here to choose one plan over another. We
19 are here to tell you that we favor the constitutional
20 obligation that should have occurred two years ago to draw our
21 congressional lines.

22 We also know that 57 percent of our electorate, 56
23 percent of our electorate in the last election, voted for
24 congressional -- Republican Congressional candidates. But,
25 today, because of the districts, the way they are drawn, we

1 only have, as Republicans, and I am speaking as a Republican
2 and County Chairman and Chairman of the County Chairmen's
3 Association, we only have an allocation of 47 percent of the
4 Congressional delegation. That is not parity. That's not
5 fair.

6 Fairness to me and to most of our county Chairmen
7 across the state is to reflect the majority will of the
8 people. And we are hoping that the best body that can do that
9 are the elected officials of our state, both from the House
10 and the Senate.

11 It is interesting to hear a lot of the testimony
12 before we were disrupted by mob -- by a mob earlier this
13 afternoon that do not understand that we live in a country
14 that is run by laws and by constitutional order. And I am
15 glad I finally took an opportunity to visit with you-all.

16 (Coughing from crowd)

17 Because this is the means by which our government
18 should be governed, by orderly procedures that are established
19 by rule and regulations and this proceeding is obviously one
20 of those. I would have hoped that they would have had an
21 opportunity to be able to talk about their opinions, but I
22 understand that you-all are now going to Corpus Christi. And
23 hopefully you will be able to get them to also air their
24 opinion. We live in America and all should be given that
25 opportunity.

1 But, you know, it seems to me that a lot of the
2 rhetoric that has been -- being exposed in the Valley, and I
3 am a Valleyite. I am Hispanic. I was born right here, proud
4 to be a Valleyite. But somehow we Republicans and the
5 Republican Legislature that is now Republican, it wasn't two
6 years ago, when they could have been able to carve out those
7 districts, that they would have been able to try to reflect
8 who controlled government for the last 130 years in Texas, if
9 it were not the leadership of the Democratic Party. It was a
10 one-party state.

11 Had it not been for a lot of hard work in trying to
12 be able to educate the public, we probably wouldn't have a
13 two-party state, as hopefully we do now. And we want to be
14 able to continue that momentum. But the reason why the
15 Valley, I think, has been neglected for a long time is because
16 the Democratic leadership who controlled government in Austin
17 were the ones that neglected this area and they neglected it
18 because they didn't have to work for it.

19 CHAIRMAN DUNCAN: Mr. Rutledge, your time has
20 expired. You need to close up.

21 MR. RUTLEDGE: Okay.

22 SENATOR WEST: Mr. Chairman.

23 CHAIRMAN DUNCAN: Senator West.

24 SENATOR WEST: I have questions, a couple of
25 questions of Mr. Rutledge.

1 MR. RUTLEDGE: If I -- if I could --

2 CHAIRMAN DUNCAN: Senator West, we have about 300
3 cards. That will be fine.

4 MR. RUTLEDGE: -- to remain(sic) my comments.

5 SENATOR WEST: Say that again.

6 CHAIRMAN DUNCAN: We have about 300 cards, but you
7 are --

8 MR. RUTLEDGE: Right. I would like to just say that
9 I appreciate the opportunity and I would hope that the
10 constitutional process takes place and that we ultimately have
11 fair and compact districts and that they be done by the Senate
12 and the House of Representatives, as should have been in the
13 first place two years ago. (Applause)

14 CHAIRMAN DUNCAN: Senator West.

15 SENATOR WEST: Mr. Chairman

16 CHAIRMAN DUNCAN: Mr. Rutledge, hold on a minute.
17 (Applause)

18 SENATOR WEST: Mr. Rutledge, you say that you are
19 the Chairman of the county chairs for the Republican Party?

20 MR. RUTLEDGE: That is correct.

21 MR. WEST: You say that you are the Chairman of the
22 county chairs for the Republican Party.

23 MR. RUTLEDGE: That's correct.

24 SENATOR WEST: And have the Chairs taken a vote on
25 this issue?

1 MR. RUTLEDGE: We have. And we have been discussing
2 it for.

3 SENATOR WEST: So you have taken a vote on it?

4 MR. RUTLEDGE: Well, we don't --

5 SENATOR WEST: In San Angelo yesterday the -- I
6 believe that the Chair of a local --

7 MR. RUTLEDGE: Yeah, Dennis --

8 SENATOR WEST: Excuse me, let me finish.

9 MR. RUTLEDGE: Tom Green, Dennis, he is an officer.

10 SENATOR WEST: Let me -- let me finish. Let me
11 finish, please. The Chair testified that he was not in favor
12 of redistricting. I believe that was his testimony.

13 MR. RUTLEDGE: Right. Well, I am -- let me -- let
14 me say --

15 SENATOR WEST: So I am assuming -- hold on.

16 (Applause)

17 MR. RUTLEDGE: Let me say --

18 SENATOR WEST: Mr. Chairman -- hold on for a second.
19 You need to wait and let me ask -- answer my questions. Okay?
20 I don't want to be disagreeable with you, but I have some
21 questions I am asking you.

22 So when you say that you represent the view of the
23 Republican chairs, do you represent the views -- is there some
24 dissension amongst Republican chairs in terms of
25 redistricting?

1 MR. RUTLEDGE: There might be a variation of
2 opinions, but there is no deviation to the fact that I have
3 just testified, and that is that we want this -- the
4 Legislature of the State of Texas to do the redistricting, not
5 the three-judge panel.

6 SENATOR WEST: So there is some dissension then?

7 MR. RUTLEDGE: There might be some differences of
8 opinion and variation.

9 SENATOR WEST: Okay. Now, in terms of -- in terms
10 of -- you also testified about the split 47 to whatever it is,
11 56 or whatever --

12 MR. RUTLEDGE: Fifty-six, yes.

13 SENATOR WEST: Okay. And, now, would you agree with
14 me that the districts that democrats -- that Republican
15 districts that Democrats ran in, Democratic Congresspersons
16 ran in and they won?

17 MR. RUTLEDGE: Under the present configuration, yes.

18 SENATOR WEST: Okay. So are you saying that you
19 want redistricting that guarantees a Republican winning a seat
20 or allowing people to make a choice as to whether or not they
21 want a Republican or Democrat?

22 MR. RUTLEDGE: We would like for you, Senator, to do
23 your duty as was intended under the constitution and throw
24 those districts --

25 SENATOR WEST: I am asking you, sir -- I am asking

1 you sir --

2 MR. RUTLEDGE: -- and we want the reflection of the
3 majority of will of the voters of the state.

4 SENATOR WEST: So is that the answer to my question?

5 MR. RUTLEDGE: That is correct.

6 SENATOR WEST: You characterized the people that
7 exercised their right to be here, to assemble here, as a mob.
8 I resent that characterization. (Applause) Hold on for one
9 second.

10 CHAIRMAN DUNCAN: Order. Let's have order.

11 SENATOR WEST: We wouldn't say that the people that
12 were involved in the Boston Tea Party, that they were a mob.
13 But they also gathered and had their say about taxation
14 without representation. I mean, I respect your right to be
15 able to get up here and talk and make a position. And I will
16 guarantee that right and go to war for that right. But,
17 again, I must say publicly that I resent that characterization
18 of these citizens as being a mob.

19 UNIDENTIFIED SPEAKER: Thank you. (Applause)

20 MR. RUTLEDGE: You can certainly have that opinion,
21 Senator.

22 SENATOR WEST: Thank you, Mr. Chairman.

23 MR. RUTLEDGE: I also --

24 CHAIRMAN DUNCAN: Mr. Rutledge, your time has
25 expired.

1 MR. RUTLEDGE: Thank you, Mr.Chairman. Thank you
2 for the opportunity.

3 CHAIRMAN DUNCAN: Members, any other questions.
4 Thank you, Mr. Rutledge.

5 The Chair has a card from Sylvia Zapata. Ms.
6 Zapata, would you approach, state your name and who you
7 represent. Sylvia Zapata? Ms. Zapata is not in the audience,
8 from Mission, has registered a position against redistricting.

9 The Chair calls Manuela Zapata. Manuela Zapata. Is
10 Manuela Zapata in the audience? Ms. Zapata is not in the
11 audience, but has registered a position against redistricting.

12 The Chair has a card for Merilyn Sedlacek. Ms.
13 Sedlacek has registered a position in favor of redistricting.
14 Is Ms. Sedlacek in the audience? Let the record reflect that
15 she is not in the audience, but we have noted her registration
16 in favor of redistricting.

17 The Chair recognizes Dr. Jerry Mounts. Dr. Mounts,
18 are you in the audience? Would you please approach? Mr.
19 Mounts is not in the audience. Let the record reflect that
20 Mr. Mounts has registered a position against redistricting.

21 The Chair has a card from Maria Lisa Garcia,
22 Mission, Texas. And the Chair recognizes Ms. Garcia. Is she
23 in the audience? Ms. Garcia is not in the audience. Let the
24 record reflect that she has registered a position against
25 redistricting.

1 The Chair recognizes Jaime Gonzalez, Sr. Mr.
2 Gonzalez, are you in the audience? This is Junior. I am
3 sorry. I guess it is Junior. It looks like Junior or Senior.
4 I can't tell. But why don't you approach. You have a
5 five-minute limit. And we appreciate you testifying. Please
6 state your name and who you represent.

7 MR. GONZALEZ: My name is Jaime A. Gonzalez, Jr.
8 Mr. Chairman, board members, I want to thank you for giving me
9 the opportunity to address you today.

10 As a former prosecutor, we often determine people's
11 guilt or innocence based on their acts, and sometimes based on
12 their failure to act. And we always saw an omission to act as
13 an act itself.

14 And it is important because in 2001, the legislature
15 had an opportunity to act and they failed to do so. The
16 governor had an obligation to call a special session at that
17 time so that this issue could be addressed properly in 2001,
18 like other states, and our governor failed to act.

19 In a sense he did act by not requesting a special
20 session. And, as I understand our Constitution and we see the
21 separation of powers, we see this issue starting with the
22 legislatures. We see the executive branch having some power
23 to force the legislatures to make a decision in special
24 sessions. And I have seen, at least in this occasion, a
25 failure on both their parts.

1 That leaves a third power, which is the judiciary.
2 And the redistricting issue went to the courts. I was not in
3 favor of that. I was in favor of a special session. But
4 nonetheless, the issue went to the courts and a decision was
5 made. I was not happy with the decision. I don't believe
6 Hidalgo County was happy with the decision. But a decision
7 was made. And it should be respected. And it should be
8 respected because, unlike the legislatures, unlike our
9 governor, the judges did do their job. For better or for
10 worse, they went through the system and they made a decision.

11 Now there are many courts. We have local courts.
12 We have Court of Appeals. We have Supreme Courts. We have
13 U.S. Supreme Courts. And at least as a lawyer we agree with
14 many decisions and we disagree with many others. I personally
15 disagreed with our United States Supreme Court empowering
16 George Bush to become the president. But I respected the
17 Supreme Court and I respect our president because he has
18 become.

19 So when we look at redistricting and we have seen
20 the judiciary making a decision, we now come back to this
21 body, which is the Senate. And I ask that this body exercise
22 their rights in denying our governor and Tom DeLay a second
23 bite at the apple.

24 It is your job. It is your job to respect the
25 systems of the court because it was the failure of the

1 Legislature and the Governor to act. I ask you to vote
2 against the redistricting plan, not because I like it, but
3 because that decision has already been reached.

4 Now, for the Senate, it becomes critical because
5 there are X amount of votes, 11 or 12, that are needed to
6 block this senseless session. And I ask that all of you
7 exercise fortitude and backbone and vote against this session.
8 Vote against the redistricting because it has already been
9 decided.

10 I ask you to please use your money to cover for the
11 schools. Use the money from this special session to cover for
12 the health of the children and the elderly. (Applause) I ask
13 you to protect our elderly, to protect our veterans, to
14 protect our fathers and mothers and grandparents. I ask you
15 to quit wasting our precious resources on special elections
16 like the one we are having on September 13th, when we have so
17 many elections already. I ask you to please quit wasting our
18 money on redistricting hearings when that decision has already
19 been reached by the courts.

20 We have a congressman here and his name is Ruben
21 Hinojosa. And that congressman, as you have heard today, is
22 endorsed and supported from the Chambers of Commerce to the
23 United Farm Workers, to the teachers, to the businesses
24 communities and to all citizens. A vote to allow the hearing
25 on redistricting is a vote to kill our congressman. I ask --

1 You --

2 CHAIRMAN DUNCAN: Mr. Gonzalez, your time has
3 expired. Could you please wrap it up?

4 MR. GONZALEZ: Yes, sir.

5 CHAIRMAN DUNCAN: Thank you.

6 MR. GONZALEZ: In closing, I ask you, our
7 congressman has a rags to riches story. He is a hard worker.
8 He is dedicated. And he is a great Texan and a great
9 American. We ask you, do not slaughter him. Thank you very
10 much. (Applause)

11 CHAIRMAN DUNCAN: Thank you, Mr. Gonzalea. Any
12 questions of Mr. Gonzalez. Thank you, Mr. Gonzalez.

13 The Chair recognizes Marie A. G. Leal. Ms. Leal,
14 are you in the audience? Let the record reflect that Ms. Leal
15 is not in the audience, but she registers a position against
16 redistricting.

17 The Chair has a card from Vanita R. Valdez --
18 Valadez. Ms. Valadez, are you in the audience? Let the
19 record reflect that Ms. Valadez is not in the audience, but
20 has registered a position against and has submitted written
21 testimony.

22 The Chair has a card from Maria Guerra. Ms. Guerra,
23 would you -- we would like to -- would you approach? Is Ms.
24 Guerra in the audience? Let the record reflect that Ms.
25 Guerra is not in the audience, but has registered a position

1 against redistricting.

2 The Chair has a card for Maria Salinas. Ms.
3 Salinas. Is Ms. Salinas in the audience? Let the record
4 reflect that Ms. Salinas is not in the audience, but wishes to
5 register against redistricting.

6 The Chair has a card from Dr. Jose Hinojosa. Dr.
7 Jose Hinojosa. (Applause) Dr. Hinojosa, please approach.
8 Please state your name and who you represent. And, recall,
9 you have a five-minute time limit.

10 MR. HINOJOSA: Thank you, Mr. Chairman. Members of
11 the Committee. My name is Jose Hinojosa, Ph.d., university
12 professor, a teacher of political science at the University of
13 of Texas, Pan American.

14 I have come here not representing the university or
15 my profession. I have come before you as a plain citizen.
16 You know, when the great Harry Truman was leaving the White
17 House, someone asked him, "What are you going to do now, Mr.
18 President? You going back home and you are not going to be
19 the most powerful man in the free world anymore." And he
20 said, "Ahh, but I will be the most important thing there is in
21 this country. A plain citizen."

22 So I come before you as a plain citizen. And I come
23 before you to oppose redistricting. (Applause) And I oppose
24 redistricting for one very simple reason, because it would
25 establish a very bad precedent. Can you imagine every time

1 that the Legislature changes political parties that we would
2 have to have redistricting? Can you imagine if the
3 legislatures every time that they changed party control they
4 would do redistricting? The U.S. Constitution provides for
5 redistricting every 10 years. And it is supposed to be based
6 on population, not on what party controls each Legislature.
7 (Applause)

8 Now, some people have argued that we should have
9 redistricting because a federal panel of judges set up the
10 last time. By that same argument, then George W. Bush
11 shouldn't be president, because it was a federal court that
12 ruled him president. The popular vote went to Al Gore. So
13 how come he is not president? (Applause) Now, by that same
14 logic, if every time we change party domination in the state
15 Legislature, that would mean that it would be based on party
16 redistricting every 10 years not based on the census and the
17 population changes. And if there is anybody that should be
18 protected, it should be minorities and women, not party --
19 political parties. (Applause)

20 Now, no one has come before you and argued that 34,
21 35 percent of Texans are Hispanic. So, thus, the
22 Congressional delegation should be 34 percent Hispanic. The
23 African-Americans, represent 13 percent of the population in
24 Texas. No one has come before you and argued, that, thus 13
25 percent of the congressional delegation should be

1 African-American. Now, that means together African-Americans
2 and Hispanics make up 47 percent of the Texas population. No
3 one has come before you arguing that the Congressional
4 delegation should be 47 percent Hispanic or African-American.
5 By that same argument, Texas, as we all know, is made up of
6 over 50 percent female. No one has come before you arguing
7 that, thus, the Congressional delegation should be over 50
8 percent female. That same argument, 80 percent of all Texans
9 live in urban areas. No one has come before you saying 80
10 percent of the congressional delegation should, thus, be from
11 urban areas.

12 So I come before you asking you don't redistrict.
13 It would do Texas bad, establishing a terrible precedent. And
14 then Texas would set up a bad example for other legislatures
15 if we do it based on partisan.

16 So I ask you again, don't redistrict. Leave things
17 as they are. I find myself rather uncomfortable, because I
18 come arguing to maintain the status quo, to keep things as
19 they are, when all of my life I have fought for change. But,
20 in this particular instance, I think change would be bad. So
21 again, thank you very much for hearing us and for coming down
22 to the Rio Grande Valley. (Applause)

23 CHAIRMAN DUNCAN: Thank you for your testimony, Dr.
24 Hinojosa.

25 SENATOR WENTWORTH: Mr. Chairman.

1 CHAIRMAN DUNCAN: Are there any questions for Dr.
2 Hinojosa?

3 SENATOR WENTWORTH: Mr. Chairman.

4 CHAIRMAN DUNCAN: Senator Wentworth.

5 SENATOR WENTWORTH: I would like to say to the
6 professor, before he leaves. Professor, apparently you are
7 unaware that if the Legislature does in fact redistrict we
8 would not be setting a precedent. The precedent was set in
9 the Texas Legislature in 1983. After the 1981 redistricting
10 was done in 1983, the Legislature came back under no court
11 order of any kind in order to protect an incumbent Democratic
12 congressman from being defeated in 1984 and changed the lines
13 between senate district 21 -- I mean, Congressional District
14 21 and Congressional District 23. It is not a good idea, but
15 the precedent has already been set. This would not be an
16 unprecedented act on our part.

17 DR. HINOJOSA: I stand corrected. But I agree with
18 you, it is not a good idea and, thus, it should not be done.

19 CHAIRMAN DUNCAN: Thank you, Dr. Hinojosa. (Applause)

20 All right. The Chair recognizes James Ezell. Mr.
21 Ezell, would you please approach, state your name and who you
22 represent. Mr. James Ezell. Is there a Mr. James Ezell in
23 the audience? Thanks, Mr. -- well, he is not in the audience.
24 We will register that Mr. Ezell is opposed to redistricting.

25 The Chair recognizes Ezequiel Reyna or Ezequiel

1 Reyna. Mr. Reyna or Ms. Reyna. Mr. Reyna in the audience?
2 She has gone or he has gone. He has gone. I am sorry. I
3 apologize. Let the record reflect that Mr. Reyna is opposed
4 to redistricting.

5 The Chair has recognizes Livia Reyna. Ms. Reyna,
6 are you in the audience? Let the record reflect that Ms.
7 Reyna is not in the audience. Ms. Reyna has registered a
8 position against redistricting.

9 The Chair recognizes Bertha Gonzalez. Is Ms.
10 Gonzalez in the audience? Let the record reflect that Ms.
11 Gonzalez is not in the audience, but has registered a position
12 in opposition to redistricting.

13 The Chair has a card from Walter Hochbaum. Mr.
14 Hochbaum. Is Mr. Hochbaum in the audience? Let the record
15 reflect that Mr. Hochbaum is not in the audience, but has
16 registered a position against redistricting.

17 The Chair has a card for Karl Pankratz. Mr.
18 Pankratz has registered a position in favor of redistricting.
19 Is Mr. Pankratz in the audience? His wife testified earlier,
20 I believe. Let the record reflect that he is not, but has
21 registered a position in favor of redistricting.

22 The Chair has a card for Hortensia Torres. Is Ms.
23 Torres in the audience? Let the record reflect that Ms.
24 Torres is not in the audience, but has registered a position
25 against redistricting.

1 The Chair has a card for -- the Chair recognizes Mr.
2 Ken Hawkins. Is Mr. Hawkins in the audience? Let the record
3 reflect that Mr. Hawkins is not in the audience, but has
4 registered a position in opposition to redistricting.

5 The Chair has a card from Judith Rodriguez. Is Ms.
6 Rodriguez in the audience? Let the record reflect that Ms.
7 Rodriguez is not in the audience. We do not have her position
8 stated.

9 The Chair calls Ester M. Martinez. Is Ms. Martinez
10 in the audience? Let the record reflect that Ms. Martinez is
11 not in the audience, but would register a position in
12 opposition to redistricting.

13 The Chair recognizes Michael Bloom. Is Mr. Bloom in
14 the audience? Let the record reflect that Mr. Bloom is not in
15 the audience, but would register a position in opposition to
16 redistricting.

17 The Chair has a card from Artie Kingston. Is Mr.
18 Kingston in the audience? Let the record reflect that Mr.
19 Kingston is not in the audience, but would register a position
20 in opposition to redistricting.

21 The Chair has a card for Kim Dees, Kim A. Dees. Is
22 Kim Dees in the audience? Let the record reflect that Ms.
23 Dees is not in the audience. And we -- and has registered a
24 position in opposition to redistricting.

25 The Chair has a card from Nereyda Ibarra. Is Ms.

1 Ibarra in the audience? Let the record reflect that Ms.
2 Ibarra is not in the audience, but has registered in
3 opposition to redistricting.

4 The Chair has a card for Rebecca Flores. Is Ms.
5 Flores in the audience? Let the record reflect that Ms.
6 Flores is not in the audience, but has registered a position
7 in opposition to redistricting.

8 The Chair recognizes Alonzo Cantu. Is Mr. Cantu in
9 the audience? Let the record reflect that Mr. Cantu is not in
10 the audience, but has registered a position in opposition to
11 redistricting.

12 The Chair recognizes Ricardo Ramirez. Is Mr.
13 Ramirez in the audience? Let the -- let the record reflect
14 that Mr. Ramirez is here and on his way down. Mr. Ramirez,
15 would you please state your name and who you represent. And
16 you have a five-minute time limit.

17 MR. RAMIREZ: My name is Ricardo Ramirez and I am
18 from McAllen, Texas. And I basically represent myself as a
19 veteran. I hope I don't use up my five minutes in this area
20 here.

21 Again, I would like to say that I am a proud
22 veteran. That I have served over 20 years in the U.S. Navy
23 retired. I served in Vietnam as a member of the Navy
24 (inaudible) Force. And I am against redistricting for many
25 reasons, which you already heard.

1 I would like to talk about the veterans issues here
2 in redistricting. Who would -- the redistricting -- veterans
3 will suffer a lot if you will do redistricting. They will
4 leave us out -- without representation in this area here. Who
5 knows better than a person who lives among us? A person from
6 Austin doesn't know us. You take a veteran, a group of
7 veterans from here and a group of veterans from San Antonio,
8 their needs are different. They have everything in San
9 Antonio. They have hospitals, clinics, everything. Here, we
10 don't have that.

11 A veteran has to travel sometimes 250 miles to the
12 nearest VA Hospital. That is 500 miles round trip. You are
13 talking about World War II people, 80 years old, going up
14 there for a simple test which could have been done here. Our
15 present representative from Congress is working very hard
16 trying to eliminate this so the veterans don't have to go 500
17 miles round trip. They do have a bus which travels twice a
18 week up there. But if a person, veteran does have problems,
19 either with a heart attack, there are very few hospitals
20 between here and San Antonio. As a matter of fact, there is
21 only one. There are a lot of problems in that area there.
22 Okay?

23 Without our local representative, which has been
24 working very hard, we wouldn't be having this cemetery that is
25 going to be built here in hopefully the next couple of years

1 in Mission, Texas. Or we are not going to be having the VA
2 clinic, nursing home that is going to be built here in McAllen
3 very soon. This was due to the representative, Ruben
4 Hinojosa, and local politicians.

5 As a veteran myself, I don't care if you are a
6 veteran -- you are a Democrat or Republican. My issue is the
7 veteran. Don't hurt us. We suffer enough during peace time
8 and war time. And we will continue doing that. We are just
9 asking that you protect us, you help us, and stop your
10 redistricting. Thank you. (Applause)

11 SENATOR STAPLES: Thank you for your testimony, sir,
12 and your service to our country.

13 The Chair calls Andres Rodriguez, Jr. Mr.
14 Rodriguez, are you in the audience? Let the record reflect he
15 is not here, but registers a position against.

16 The Chair calls Rita Escobedo. Rita Escobedo. Let
17 the record reflect Rita Escobedo registers a position
18 against.

19 The Chair calls Israel Garcia. Israel Garcia. Let
20 the record reflect a position against.

21 Roman Ortiz. Roman Ortiz. Let the record reflect a
22 position against.

23 Ramiro Chavez. Ramiro Chavez. Let the record
24 reflect a position against.

25 Estella Garcia. Estella Garcia. Registering a

1 position against.

2 Isabel Cruz. Isabel Cruz. Registering a position
3 against.

4 Ascencion Cruz. Ascencion Cruz. Registering a
5 position against.

6 Solema Hernandez. Solema Hernandez. Registering a
7 position against.

8 Jaime Ortiz. Jaime Ortiz. Registering a position
9 against.

10 Lirba Garcia. Lirba Garcia. Registering a position
11 against.

12 Joel Chavez. Joel Chavez. Registering a position
13 against.

14 Zina Bosman. Zina Bosman. Registering a position
15 against.

16 Ed Bormann. Ed Bormann. Mr. Bormann, please come
17 forward and state your name and who you represent for the
18 record, please, sir.

19 MR. BORMANN: Thank you. My name is Ed Bormann. I
20 am a World War II veteran. I have lived in the county since
21 1924. I have lived in the same house in McAllen for a little
22 over 40 years. I am against the present redistricting
23 program. I would like to plea that over some period of time
24 some consideration be given to having more consolidated
25 districts. My opinion is not based on numbers. But I would

1 like to see something like Cameron and Willacy, Hidalgo, Starr
2 and Zapata. Counties, areas work together by proximity,
3 economic interest and population that are more or less alike.

4 I think that the Valley is entitled to be considered
5 as a Valley area. And should not have fingers sticking way up
6 in the state. Thank you. (Applause)

7 CHAIRMAN DUNCAN: Thank you, Mr. Bormann. Any
8 questions of Mr. Bormann?

9 The Chair calls Jenny Bosman. Is Ms. Bosman in the
10 audience? Let the record reflect that she is not, but she has
11 registered a position in opposition to redistricting.

12 The Chair recognizes Jackie Bosman. Is Ms. Bosman
13 in the audience? Let the record reflect that Ms. Bosman is
14 not in the audience, but has registered a position in
15 opposition to redistricting.

16 The Chair recognizes Alicia Gallegos Gomez. Is Ms.
17 Gallegos Gomez in the audience? Let the record reflect that
18 she is not in the audience, but has registered a position in
19 opposition to redistricting.

20 The Chair recognizes Jose Noe Diaz. Is Mr. Diaz in
21 the audience? (Applause) Mr. Diaz, would you approach, state
22 your name and who you represent. (Applause)

23 MR. DIAZ: Thank God. I thought I was going to be
24 here until midnight.

25 CHAIRMAN DUNCAN: Well, we are getting there.

1 MR. DIAZ: Thank you very much. I did want to make
2 a couple of observations, Mr. Chairman. I am Jose Noe Diaz.
3 I represent myself. Also been a school board member for over
4 15 years. I did want to make an observation. It appears from
5 the Chair that people that are in favor of the redistricting
6 are getting more than the five minutes. And I did want to
7 make that point, with one exception. Okay?

8 CHAIRMAN DUNCAN: I would disagree with you, because
9 I have been keeping the time and I have let everybody go a
10 little bit over. So -- but you got five minutes. Don't let
11 me interrupt you.

12 MR. DIAZ: Okay. And I want to mention this fact. I
13 think that you-all ought to go back and close this deal and
14 save the money that you are going to do for this session.

15 Last year you gave all the teachers in Texas \$1,000
16 for health insurance. You gave paraprofessionals the same
17 thing. And this year it is being taken back.

18 I think the school district could use that money
19 that you are spending for this issue. All you got to do is
20 vote to stop this ludicrous act and put that money back in the
21 school district.

22 It is going to cost the school district where I am a
23 board member right now \$100,000 just to cover those -- that
24 money you are taking back from the insurance on the
25 paraprofessionals and the professionals. And we can use that

1 money for those teachers.

2 And you need to reconsider. There are so many other
3 issues that are more relevant to the well-being of our
4 community that really -- it is incredible what politicians do
5 with our money. It is all our money.

6 And I am just here to mention the fact that there
7 are better ways to do than what we are doing here. Your CHIP
8 program, programs for the elderly, the cut backs are
9 incredible. The budget, even on the education, it is a
10 mirror-type game. I don't know what you are going to do. You
11 are probably going to have a special session to deal with the
12 education bill. We don't have enough money. We are looking
13 to lose about 12 to 15 percent funding this year.

14 And those are the issues that I feel you-all need to
15 do. I think the courts have dealt this thing. Leave it
16 alone. Thank you. (Applause)

17 CHAIRMAN DUNCAN: Thank you Mr. Diaz. Any questions
18 of Mr. Diaz? Thank you, also, Mr. Diaz, for serving school
19 children on a school board. I know it is a tough job.

20 The Chair recognizes Manuela Rendon. (Applause)
21 Manuela, you are rather popular with the audience. Would you
22 approach, state your name and who you represent.

23 MS. RENDON: My name is Manuela Rendon. And I am
24 want to file a complaint against you, because, first of all, I
25 -- my card went in before Noe Diaz and I don't know how he got

1 up here first. Okay. (Laughter)

2 CHAIRMAN DUNCAN: You will have to take that up with
3 him.

4 MS. RENDON: Well, we are going the same way,
5 anyway. First of all, I am not a mobster. I am representing
6 myself here. I was in Brownsville where supposedly there was
7 a mob. And some of you, the people that are part of the
8 state, can maybe -- said we were physical. The most physical
9 we got was clapped our hands and said no quorum. I was there,
10 and so were a lot of other people. So we were not physical.

11 CHAIRMAN DUNCAN: Are you talking about this
12 afternoon?

13 MS. RENDON: Pardon?

14 CHAIRMAN DUNCAN: Are you talking about this
15 afternoon?

16 MS. RENDON: Is this part of my five minutes?

17 (Laughter)

18 CHAIRMAN DUNCAN: No. Well, we will stop. Were you
19 talking about this afternoon?

20 MS. RENDON: No, I am talking about Brownsville.

21 CHAIRMAN DUNCAN: Oh, okay. Okay. All right.

22 MS. RENDON: Yes. Because I have heard people here
23 say, referred to us as having been a mob or -- then I heard a
24 committee say we were going --

25 CHAIRMAN DUNCAN: Well, you haven't heard that from

1 anybody on this Committee.

2 MS. RENDON: Okay. That's fine. And for the
3 record.

4 CHAIRMAN DUNCAN: Back on the time.

5 MS. RENDON: I am not a mobster.

6 CHAIRMAN DUNCAN: I agree.

7 MS. RENDON: I am here representing myself. But,
8 you know -- and I welcome you to the Rio Grande Valley.

9 CHAIRMAN DUNCAN: Thank you.

10 MS. RENDON: Once upon a time it was the Magic Rio
11 Grande Valley. Now it seems to be the Tragic Rio Grande
12 Valley.

13 Someone was having a deja vu. I heard that word,
14 and I said, deja vu. Well, I remember sometime back, because,
15 you know, I tell my girls, "Okay, I am a senior citizen now.
16 And I am going to do what other senior citizens do, and talk
17 and do other things that I am not going to mention to you
18 here." But I remember my -- I always tell my girls, history
19 is written by who holds the pen. Okay? That's the way it is.
20 I was recalling that there was a Republican governor the day
21 after he was elected, he said, "This is the State of Texas
22 map. Consider it a piece of pie. And I am going to divide it
23 into four sections and I am going to throw one away because it
24 is no good to me." And that was South Texas.

25 And I don't want South Texas to be lost from the

1 map, because we are Texans. We have been Texans for a long
2 time. We have been Americans for a longer time, too.

3 And I am glad you are here. It is kind of late.
4 And you have been very patient with us. But there are a lot
5 of things that are wrong here that are unconstitutional. When
6 you reopen for Congressional redistricting. I am getting old
7 and my vision is getting poor. It was a lot better when I
8 came in than it is right now. But let me see if I can read
9 the few notes that I wrote to myself.

10 Okay. While the Committee is offering the
11 appearance of making -- of seeking the input of Texans around
12 the State of Texas, you know, it is just like are we going
13 through the motion or are we really listening to people? Will
14 it have an impact when we go back and vote. You have already
15 sought our opinions once and it seems now to be disregarding
16 them altogether.

17 In this everyday work -- and I deal with many, many,
18 many children and families around South Texas. And they
19 desperately need your help. They need your attention in
20 finding a better way to a more productive life. And I think
21 that's what you should be focusing on right now.

22 In Texas there are over a million children that will
23 go without health care. Let's use the money we are using to
24 go around having these redistricting hearings, or maybe you
25 are your own like we are, at our own expense. I don't know.

1 And I don't know how that works. How many people could be
2 getting health insurance, healthcare by you avoiding these
3 hearings? It has already been declared unconstitutional. Okay?

4 Any new map you pursue will do great damage to the
5 representation of the interests of South Texas, the children
6 and their families. Please stop this process and let the
7 Congressional Districts that were approved stand. Take up
8 restricting again 2011. Okay?

9 Hear our voices. I think we have been here for a
10 long, long time. We are not going until you finish. We know
11 how to respect and we know how to listen. But don't take us
12 for granted. Hear our voices. Thank you very much.

13 (Applause)

14 CHAIRMAN DUNCAN: Thank you, Ms. Rendon. Members,
15 any questions of Ms. Rendon? Thank you for your appearance
16 here. Very articulate testimony.

17 Let me ask the court reporter. How are you doing?
18 Do you need a little -- it is 9:00. I would propose that we
19 take a 10-minute break. Members, the Committee will stand in
20 recess until 9:10.

21 (Short break)

22 CHAIRMAN DUNCAN: The Committee on Jurisprudence
23 will come to order.

24 The Chair calls Susie Leanna Saldana. Susie Leanna
25 Saldana. Ms. Saldana is not in the audience. But let the

1 record reflect that she has registered a position in
2 opposition.

3 The Chair calls Bennie Benevides. Bennie Benevides.
4 Mr. Benevides, are you in the audience? Mr. Benevides is not
5 in the audience. Let the record reflect that has registered
6 -- he has not registered a position. He is from Corpus
7 Christi.

8 The Chair recognizes Rebecca Gomez. Rebecca Gomez.
9 Let the record reflect that Ms. Gomez is not in the audience,
10 but has registered a position in opposition.

11 The Chair recognizes Gilbert Oropez. Is Mr. Oropez
12 in the audience? Let the record reflect that he is not. Let
13 the record reflect that he has registered a position in
14 opposition to redistricting.

15 The Chair recognizes Rosalinda R. Hernandez. Is Ms.
16 Hernandez in the audience? Let the record reflect that she is
17 not in the audience, but has registered a position in
18 opposition.

19 The Chair has a card from James Deuger, D-E-U-G-E-R.
20 Mr. Deuger does not wish to testify and has submitted written
21 testimony.

22 The Chair recognizes J. Gerald Hebert or Hebert, I
23 believe is how that is pronounced. Is Mr. Hebert in the
24 audience?

25 UNIDENTIFIED SPEAKER: Here he comes.

1 CHAIRMAN DUNCAN: Mr. Hebert, you have five
2 minutes. Would you please approach and state your name and
3 who you represent. Thank you. It is Hebert, isn't it?

4 MR. HEBERT: It is Hebert in Louisiana. And Hebert
5 is how it is pronounced where I come from --

6 CHAIRMAN DUNCAN: That's how we say it in Lubbock. I
7 think Hebert. How do you say it? That's the most important?

8

9 MR. HEBERT: I say it Hebert. I am J. Gerald
10 Herbert. I am here on behalf of certain members of Congress,
11 Congressman Hinojosa, Congressman Ortiz, Congressman
12 Rodriguez, Gonzalez, essentially all of the Congressional
13 Democrats. I do not, however, represent Congresswoman Eddie
14 Bernice Johnson and Sheila Jackson-Lee, who have retained
15 their own separate counsel from the prior litigation.

16 I wanted to just spend a couple of minutes doing --
17 talking a little bit about some of the issues that have come
18 up today. One is that there seems to be this assertion out
19 there that the current map is a continuation of the Democratic
20 gerrymander from 1991. And I want to tell you that nothing
21 could be really further from the truth.

22 The fact of the matter is that the 1991 map that was
23 drawn by the Democratic Legislature was immediately challenged
24 in federal court by Republicans on the grounds that it was a
25 partisan gerrymander. And they lost in front of a three-judge

1 federal court, all of whom were appointed by Republicans.

2 That map stayed in effect for the 1992 and '94
3 elections. And then there was another lawsuit challenged --
4 challenging the districts again, this time on the ground that
5 it was racially gerrymandered. And this was a case called
6 Vera v. Bush, where the Republicans challenged it on the
7 grounds that it was racially gerrymandered. And eventually
8 the Supreme Court agreed that three of the 30 districts were
9 racially gerrymandered. Eddie Bernice Johnson, Sheila Jackson
10 Lee and the Gene Green district.

11 So the federal court, in that case, ordered new
12 districts for nearly half of the Congressional Districts in
13 correcting those three unconstitutional districts. And you
14 may remember they were very strange in shape. And so in order
15 to kind of pull them apart and make them constitutional, you
16 had to affect a lot of districts. Well, nearly half of them.

17 So the federal court -- interestingly enough, the
18 federal court ordered the Texas Legislature in 1996 to correct
19 and enact a new map in 1997. They ordered, the federal court
20 ordered you to do that. And the Texas Legislature failed to
21 do it. They failed to enact a new map in response to a court
22 order. And so what happened? The court order stayed in
23 effect. But the districts stayed in effect for the '98
24 elections and the 2000 elections.

25 So all of this rhetoric we hear from republicans

1 about how we shouldn't let this map go forward because it is a
2 court-ordered map, it rings very hollow because the
3 Legislature, even when ordered to do so, which it wasn't in
4 2001, even when ordered to do so, didn't enact a new map.

5 Now it turns out that in 2001, of course, a
6 three-judge court comes back in, because the Legislature
7 defaults, draws another map. By the way, one of those judges
8 was a Republican judge, very respected Judge Patrick
9 Higginbotham, two district court judges appointed by
10 Democrats. The three-judge court draws a new map. It again
11 says in its decision that in addition to drawing all of the 30
12 seats, of course they now have to fit in two new seats. So
13 now you have got 32 districts. And the federal court said,
14 when it drew the map, and I think Senator West may have
15 alluded to this earlier, they said when they drew the map that
16 they were not only required to operate on a clean slate, they
17 said the way we are going to do this is we are going to draw
18 all the minority districts first, because those are protected
19 under the Voting Rights Act. Then we are going to fit the two
20 new districts in. And then we are going to try to draw the
21 rest of the districts based on contiguity and compactness and
22 respect for political subdivisions. That's what the federal
23 court, the bi-partisan federal court said they were going to
24 do.

25 Now, it has also been claimed that the current map

1 is -- favors Democrats because 17 of the 32 members are
2 Democratic and 15 are Republican. And there is this statistic
3 often cited out there that, well, 56 percent of the people in
4 the last election voted Republican so, therefore, we are
5 entitled to 56 percent of the seats. And, of course, as
6 someone has pointed out earlier today, the fact of the matter
7 is that in at least five of those districts, and actually, it
8 is now up to six, Democratic candidates are winning even
9 though the district leans strongly Republican because you have
10 either Republicans splitting their ticket and voting for
11 Democrats or you have Independents the voting for Democrats,
12 and you have Democrats who are able to get enough of the rest
13 of the vote that they get elected.

14 And those Members, you know who they are. Charlie
15 Stenholm, who you heard a lot of testimony about yesterday.
16 Chet Edwards, Max Sandlin, Jim Turner, and Nick Lampson. Those
17 people are from districts that lean Republican but end up
18 Democratic.

19 So I think that if you are trying to undo what you
20 consider to be a Republican disadvantaged map in order to
21 ensure that those districts will automatically win, I think
22 you are really disrespecting the voters who really have made
23 choices in those districts.

24 The final point I want to make is that there is this
25 notion out there that we should take the Congressional

1 election returns, aggregate them statewide, and then say,
2 well, let's see, what proportion of people voted Democratic
3 and Republican in those congressional elections. Nothing
4 could be more unfair to Democrats, but, more importantly, to
5 minorities.

6 As you all know, from your own districts, when
7 Senator West has an election and Senator Wentworth has an
8 election on the same day, even if they are uncontested and
9 they have no opponent, there is going to be a lot more people
10 showing up in Senator Wentworth's district even though he has
11 the same number of people in his district than Senator West
12 does, because Senator West represents a population that turns
13 out less, that is historically disadvantaged and discriminated
14 against and is economically deprived and so consequently they
15 turn out less.

16 So when you aggregate statewide Congressional
17 elections you are building in a bias because most of the
18 minority districts, in fact, nearly all but one, are
19 represented by Democrats, so the vote totals are going to be
20 be a lot lower.

21 Those are the main points I wanted to make. I don't
22 know if I have any time left, but I would finish or happy to
23 answer any questions that you have.

24 SENATOR WEST: I have a few questions, Mr. Chairman.

25 CHAIRMAN DUNCAN: Senator West.

1 SENATOR WEST: Senator Wentworth alluded to what
2 happened in 1983 redistricting. Can you shed some light on
3 that?

4 MR. HEBERT: Yes. I heard Senator Wentworth say
5 that -- I think it was in response to the gentleman who said
6 this would be unprecedented. You should not do this before
7 because Texas has never done it. Senator Wentworth made the
8 statement, well, yes we did it in 1983. Actually, Senator,
9 you did it in 1983 but there was a court order. I was
10 involved in the case. The case is called Uppin v. Seaman.
11 (Applause) And so the Texas Legislature this time would be
12 doing it for the first time.

13 And I will tell you what happened there, because I
14 was in the justice department at the time. What happened was
15 that Texas drew its map in 1981 and it submitted its map to
16 the justice department for approval. While that pre-clearance
17 approval was pending, a lawsuit got filed called Seaman v.
18 Uppin in the eastern district of Texas. The federal court was
19 saying, well, come on, justice, let us know if the plan is
20 okay. And the justice department dragged its heels. Now, I
21 know, because I was working in the justice department at the
22 time. And the federal court then said, well, we have got to
23 do something. We have got to go ahead and enact a map.

24 So they drew a map. But before they put it into
25 effect, the Justice Department came in and objected. So the

1 three-judge court said, well, we will correct District 21 and
2 23 down in that area because that's where the problem was
3 cited by the justice department. But the three-judge court
4 also changed the Legislature's map up in the Dallas/Ft. Worth
5 metroplex. An appeal was taken to the supreme court. And the
6 supreme court reversed. And that's the 1982 decision of the
7 U.S. Supreme Court called Uppin v. Seaman. And they sent the
8 case back saying the federal court overstepped its bounds. It
9 should not have made the changes that it did. So the
10 Legislature was then forced to go back and take it up, because
11 at that point they had a map that was legally unenforcible.

12 SENATOR WEST: Okay. Let me just ask one other
13 question. I have read that Dr. John Alford, who served as an
14 expert witness in the 2001 litigation on behalf of then AG
15 Cornyn has recently released a report analyzing the DeLay-King
16 map and commenting on the court-drawn plan. What can you tell
17 us about this report?

18 MR. HEBERT: Well, Dr. Alford, as you may know or
19 recall, in 2001 was hired by Attorney General Cornyn and hired
20 by Rick Perry to be their expert witness in the litigation. He
21 has now issued a report very critical of the King map, the one
22 that really cuts up Hidalgo and goes all the way to Austin and
23 makes all these other crazy changes.

24 But the other thing that Dr. Alford said, which
25 relates to the issue that I am talking about, he said the

1 following, and I actually brought a copy of his report. He
2 said, "The notion that the existing plan is simply an
3 extension of an old Democratic gerrymander is simply not true.
4 The existing plan distributes voters among districts in ways
5 that give Republicans a larger share of the districts than
6 their general state-wide share of the vote would suggest.
7 When Republicans criticized the existing plan as favoring
8 democrats 17 to 15, they are looking at which party holds the
9 seat, not which party -- not which seats favor the party."

10 And then he concludes, "Some of this is undoubtedly
11 true, the fact that democrats are winning in
12 Republican-leaning districts." He said, "Some of to this is
13 undoubtedly true" -- again, I am quoting -- "to incumbency
14 advantage, but most of it comes from the quality of
15 representation combined with the lack of quality challenges by
16 Republican candidates to these incumbents at the polls, and so
17 further distorting an already unfair plan by packing and
18 artificial pairings does a disservice to and shows a lack of
19 respect for the voters of Texas." Now, that's the state's
20 expert from the 2001 litigation.

21 SENATOR WEST: Thank you, Jerry. (Applause)

22 CHAIRMAN DUNCAN: All right. Members, any other
23 questions.

24 SENATOR WENTWORTH: Mr. Chairman, I just have one.

25 CHAIRMAN DUNCAN: All right.

1 SENATOR WENTWORTH: I would just ask for your view
2 on what happened in 1971 when the Legislature then dominated
3 by Democrats attempted to eliminate half the Republican
4 members of congress from Texas by pairing them against
5 incumbent Democrat members of the congress.

6 MR. HEBERT: Well, you know, it is interesting,
7 because one of the things that came up in the litigation, and
8 I am not as familiar with the '71. I wasn't in the justice
9 department in 1971 and I didn't work on redistricting cases
10 until the '80s, so I can't really talk about the '70s map.

11 But I can tell you that in the litigation in 2000 and
12 in the litigation going back in the '90s and the '80s, one of
13 the things the federal court did find is that, yes, Texas has
14 had a history of trying to protect its incumbents when it does
15 redistricting. And, in fact, said that -- they called it the
16 bi-partisan gerrymander, where you try to protect people on
17 both sides of the aisle, so you try to protect all the
18 Republicans and all the Democrats. And, in fact, that's what
19 the court ended up doing in 2001.

20 I will be happy to look into the '71 thing. There
21 is no doubt, redistricting is a political act and people do
22 get paired under such a proposal.

23 SENATOR WENTWORTH: No, in 1971 there wasn't any
24 attempt at all to protect Republican incumbents. It was an
25 effort to eliminate Republican incumbents.

1 MR. HEBERT: Okay. I will take your assertion at
2 face value. I don't know what else --

3 SENATOR AVERITT: Mr. Chairman.

4 CHAIRMAN DUNCAN: Thank you. Senator Averitt.

5 SENATOR AVERITT: We have heard a number of times
6 the assertion that the Democratic Congressional candidates are
7 winning because they are attracting Republican voters. And
8 there is some underlying reason, then, if we change the lines,
9 and they are still campaigning with the Republican voters,
10 would they will no longer be able to attract Republican
11 voters?

12 MR. HEBERT: Well, I don't think that -- I don't
13 think that is exactly the assertion. I think what --

14 SENATOR AVERITT: What it sounded like.

15 MR. HEBERT: Well, here, let me tell you exactly
16 what it is, Senator, because you make an interesting point.
17 There is a difference, though, between taking people -- and
18 you probably know this now from being in San Angelo yesterday.
19 That if you take the people in Charlie Stenholm's district who
20 happen to be Republicans but vote for him even though he is a
21 Democrat, know that those people have a constituent/member
22 relationship. He has been representing that district for
23 quite some time. People know who he is. They know what kind
24 of service he provides. And they are comfortable with him
25 even if he happens to be a member of the political party to

1 which they vote otherwise in most other elections.

2 If you were to take that district, though, and
3 reconfigure it such that, say, Charlie Stenholm ended up with
4 all of the Dallas/Ft. Worth suburbs and run it all the way up
5 into the Parker County and Dallas suburbs, you are giving him
6 Republican voters but you are giving him more straight ticket
7 Republican voters who don't split their tickets and you are
8 giving him new territory where they don't know him. So it is
9 not really fair to go out and say, well, Charlie Stenholm can
10 get Republican votes now. We will just give him a republican
11 district that looks different and he still will be able to get
12 Republican votes. I don't think that's -- I think that is an
13 apples and oranges comparison.

14 SENATOR WENTWORTH: Well, I just was pointing out
15 the assertion that the candidate is just attracting Republican
16 voters because of his policy stance or what have you is maybe
17 not accurate as well.

18 MR. HEBERT: Well, again, I think that if we are
19 trying to switch the districts so that Charlie Stenholm no
20 longer can be in office because Republicans in his district
21 will no longer ticket split and vote for him by changing his
22 constituency, I think we are basically letting the legislators
23 choose the candidates rather than letting the voters choose
24 the candidates who get elected.

25 CHAIRMAN DUNCAN: All right. Thank you, Members.

1 Mr. Hebert, thank you. I am sure you will see you again.

2 MR. HEBERT: I am sure you will, senator. Thank you.

3 (Applause)

4 CHAIRMAN DUNCAN: The Chair recognizes Joey
5 Carrizales. (Applause) Mr. Carrizales, would you approach.
6 State your name and who you represent.

7 MR. CARRIZALES: Chairman Duncan and the rest of the
8 Senate Committee Members, my name is Joey Carrizales, and I am
9 from Brownsville. I represent myself.

10 I will make my comments brief and to the point. My
11 position deals with process and timing. The process referring
12 to what has transpired date, that is the census of 2000 coming
13 to a conclusion, there already being a redistricting hearing,
14 and a ruling by a panel of federal judges that has already
15 established Congressional Districts for the whole State of
16 Texas. For me, that constitutes a process of the people, by
17 the people, and for the people. (Applause) Why try to alter
18 it?

19 Now, the timing, of which I am leery of. Here we
20 are in McAllen on July 1, 2003 discussing redistricting. Seems
21 to me that discussing this issue well over one-third into the
22 decade is far too unacceptable and fueled by extremely unfair
23 political interests. At this point in time, of this decade, I
24 urge you to keep this redistricting plan here before us today
25 and let us not change it until the next six and a half years.

1 I thank you for your time and your patience.

2 CHAIRMAN DUNCAN: Thank you, Mr. Carrizales.

3 (Applause) Any questions of Mr. -- for Mr. Carrizales. Thank
4 you for your testimony and appearance here today.

5 The Chair recognizes Lusila Ortega. (Applause) Ms.
6 Ortega, would you please approach, state your name and who you
7 represent.

8 MS. ORTEGA: My name is Lusila Ortega and I am from
9 Rio Hondo.

10 Mr. Chairman and el publico y todo los officials
11 aqui. I wish we were here to talk about important issues that
12 face our children and our families. I kept listening to
13 everybody today and I am very proud of Senator West, that he
14 spoke for the people. I mean, because there are a lot of
15 grassroots people out here. And one of the things, that it
16 showed to me that you are very sensitive. I don't know who
17 you are. I have never met you before in my life. I just
18 talked to you a little while ago. But I was very proud of the
19 fact that you felt that.

20 SENATOR WEST: I am just a sensitive-type guy, you
21 know. (Laughter) (Applause)

22 MS. ORTEGA: Well, that is very good. Okay. Because
23 sometimes people get shrewd when they come into politics and
24 they get elected and they don't want to talk to anybody, they
25 don't defend anybody.

1 While you may think that we do not care about
2 congressional redistricting, that is wrong. What they said in
3 Brownsville last week, that I was there, is wrong. We do care
4 a great deal and we believe you are doing the wrong thing at
5 the wrong time.

6 In fact, by doing it now, you make a mockery of the
7 one person, one vote concept of the U.S. Constitution. You
8 need to remember that there are over one million children in
9 Texas who will go without healthcare this year. That is a far
10 greater tragedy than how many Republicans get elected to
11 Congress. (Applause)

12 This is an abuse of the Constitution and a tragic
13 abuse of power. You need to take care of the children in
14 South Texas, not political friends in Washington, D.C. Please
15 do not spend \$7 million of the tax payers money on the Tom
16 DeLay's redistricting plan. Seven million dollars would pay
17 for health insurance for more than now 5,000 Texas children.

18 I want to tell you that we live in a country where we
19 have a president that is advocating for another country for
20 freedom of speech and liberty and all that, and we come here
21 and we are accused of being a mob. Then what are we doing for
22 our country? Okay? I know that he is pushing the
23 administration also to dismantle Head Start and that the
24 states take over the Head Start programs. And just like you
25 see opposition now, you will see opposition, because it is all

1 over the country right now, because we don't want Head Start
2 to be Block Granted. We don't want Head Start to go to the
3 states, because for 38 years (applause) it has been from
4 federal to local and the people are working and doing their
5 thing.

6 So I oppose redistricting. And just like you see it
7 now, you will hear it. And thank you very much for your
8 patience and your time. (Applause)

9 CHAIRMAN DUNCAN: Thank you, Ms. Ortega, for your
10 testimony. Members, do you have any questions of Ms. Ortega?
11 Thank you very much.

12 The Chair calls -- or has a card for Rachel Munoz,
13 who registers a position in opposition to redistricting. Ms.
14 Munoz, are you in the audience? Let the record reflect that
15 she is not in the audience.

16 The Chair has a card from Sofia Zamora. Is Ms.
17 Zamora in the audience? Let the record reflect that Ms.
18 Zamora is not in the audience, but has registered a position
19 in opposition to redistricting.

20 The Chair has a card from Dionello Galvan from
21 Brownsville. Is Dionello here?

22 UNIDENTIFIED SPEAKER: Dionicio.

23 CHAIRMAN DUNCAN: That's not what it says here.
24 Dionello. That is a "c". Okay. Dionico. Mr. Galvan, I am
25 advised, is not in the audience. Let the record reflect that

1 he has registered a position in opposition.

2 The Chair calls Albesa Vela, Abby Vela. Will you
3 please approach. State your name and who you represent.

4 (Applause)

5 MS. VELA: Chair and board, it is an honor to be
6 here. My name is Albesa Vela. I am a registered nurse and I
7 reside in McAllen, Texas. I have been practicing nursing for
8 19 years. I didn't want to come and then I wanted to come. I
9 come to speak as a woman, as a mother, as a wife, and as a
10 professional.

11 And I called my husband and I said, "Should I speak
12 up?" I have taught my husband and my children and the people
13 around me that if they believe that if they were right for the
14 people, so we could help each other, and be united and not
15 divided. That we should stand, no matter how much it hurts.
16 And it hurts me to stand here because to me it is a disgrace
17 to Congressman Hinojosa, Ruben, that we have elected him to be
18 a voice for us but, yet, he has not been sufficient in
19 Washington, D.C. to be our voice. So you -- here we are to
20 support him and to stand because he is great in the Valley.
21 He is doing great things for our children, for the families,
22 for our professionals.

23 And I know that each one of you has been elected
24 because people have trusted you with honor and integrity, as
25 he has been. Our president, in respect, with John F. Kennedy

1 said, do not -- don't ask what your country can do for you,
2 but what you can do for your country. We are here as a voice
3 because we want to do something for Hidalgo County. We know
4 that each one of you, I ask you, that if you believe in God,
5 that he has entitled you with the wisdom and the honor to hold
6 the offices that you hold, to ask him and never, never quit
7 until you reach the right decision, because it is going to
8 fall in your hands.

9 And it is a lot of pressure for you, because you
10 have heard from both sides and you are the ones that will have
11 to come to that decision to how far this is going to go. And
12 I know it is hard for each one of you, because it is hard for
13 me as a nurse when patients have trusted me with their care
14 and trusted me with their lives. We are trusting you with our
15 lives and the decisions of the children and the families of
16 South Texas. And we are trusting you that our Congressman be
17 honored as he -- please keep him in office and do not
18 redistrict Hidalgo County.

19 And I just ask you that you, with the honor that you
20 hold, please ask, ask for wisdom. And we will be praying for
21 you, because it is all in your hands. We will come up here
22 and speak and there might be a trial and it will go on
23 forever, but it will fall on you. And I honor you for that,
24 because you have taken that decision to stand for the people
25 and that also includes for the people of Hidalgo County that

1 are crying unto you to ask for wisdom in this decision that
2 you will be making.

3 Thank you very much.

4 CHAIRMAN DUNCAN: Thank you, Ms. Vela. (Applause)
5 Members, any questions? Thank you for your testimony.

6 The Chair recognizes Glendelia Zavala. Dr. Zavala.
7 Is Dr. Zavala -- please approach, state your name and who you
8 represent.

9 DR. ZAVALA: Good evening, Senators, and welcome to
10 McAllen, Texas. My name is Glendelia Muniz Zavala. I
11 currently reside between Mercedes and Weslaco. And I have --
12 I am a former teacher here in public schools in Hidalgo County
13 and am currently the project director for a federally-funded
14 program at the University of Texas Pan American to recruit
15 more individuals into the teaching profession.

16 My purpose for testifying today is to speak against
17 the congressional redistricting of District 15. I believe
18 that this process of the redistricting should not be based on
19 what is convenient to a political party, but should be based
20 on the commonality of the community's interest. As a resident
21 of Hidalgo for 30 years, I have seen Hidalgo County grow very
22 rapidly. And the population has tripled since 1970. While
23 this is a large and diverse county made up of several small
24 rural communities, it is considered to be one community, which
25 has been represented very well over the last few years by our

1 current congressman, Ruben Hinojosa.

2 Congressman Ruben Hinojosa has lived most of his
3 life in Hidalgo County. And I am proud to say that he resides
4 in my own home town, which he has lived in for many years.
5 And I am especially proud because Mercedes is a very small
6 town on the map of Texas. Never in my wildest dreams would I
7 have ever believed that we would actually have someone serving
8 from Mercedes in Washington, D.C. And I am so proud that
9 Congressman Hinojosa was elected by the people of this county
10 to be our voice in Washington, D.C. He is a Valley-grown
11 individual and understands the border, the economy, and, most
12 importantly, the needs of Hidalgo County because he is from
13 this area.

14 Congressman Hinojosa has worked tirelessly to bring
15 resources to Hidalgo County to catch us up to other parts of
16 the state. For example, he has -- he is hailed as the
17 champion of education here in South Texas. Through his
18 efforts as a member of the Education and Workforce Committee,
19 he has enacted federal legislation to increase funding and
20 improve the quality of education for South Texas children from
21 Head Start to elementary and secondary education, higher
22 education and lifelong learning.

23 In just five short years, from the time he was
24 elected in 1996 to 2001, District 15 has received an 81.3
25 percent increase in federal funding for education.

1 Congressman Hinojosa is my voice in Washington, D.C.
2 His stellar performance has demonstrated that he cares very
3 deeply for his constituents. As the elected representative of
4 Hidalgo County, Congressman Hinojosa's high energy and 24/7
5 commitment to serve his beloved community is a reflection of
6 true public service that serves as a model for all elected
7 officials.

8 In closing, Senators, with all due respect, I urge
9 you not to redraw the map of Texas and leave District 15
10 anchored in Hidalgo County. Under the proposed redistricting
11 plan, if another congressman is elected from an area outside
12 of Hidalgo County, that individual certainly would not be in a
13 position to put forth the same energy for Hidalgo County as
14 Congressman Hinojosa has, thus resulting in an overall
15 negative impact on the great strides and tremendous growth
16 that South Texas has experienced in recent years. I
17 respectfully ask that you please allow my congressman and all
18 32 congressmen -- all current 32 congressmen to Washington,
19 D.C. to continue to represent their current districts. Thank
20 you for your time and attention.

21 SENATOR DUNCAN: Thank you, Dr. Zavala. Members,
22 any questions of Dr. Zavala? (Applause) Thank you for your
23 appearance today and your testimony.

24 The Chair recognizes Frank Plummer. Mr. Plummer,
25 please approach, state your name, and state who you represent.

1 MR. PLUMMER: My name is Frank Plummer. I am a
2 veteran. I represent myself. I see that there are still
3 quite a few of you still here.

4 My purpose for coming here today is to not to give
5 you any words of wisdom, because you have heard some very
6 eloquent people here today.

7 The pros and cons for both districting and
8 redistricting. My purpose for coming here is to talk about
9 veterans. You heard Commander Ramirez talk to you a little
10 while ago. And he told you about the veterans down here. I
11 am from Oklahoma. I was brought here. I transferred to get
12 out of the Army in 32 years of service and moved down here. I
13 was in World War II. I was in the Pacific. I spent some time
14 in Korea. And even spent a couple of years in Vietnam.

15 And I watched the demonstrators at the national
16 conventions, the political national conventions, when they
17 demonstrated, as you remember. In fact, their demonstration,
18 100,000 turned out, was one of the reasons that Nixon got us
19 out of the service, got us out of Vietnam. So the mob that
20 showed here today, congratulations, you handled it with great
21 restraint. I am just real proud of you. We fought for that
22 right for those people do that. And while I was in Vietnam,
23 they were over here demonstrating. I still supported them.

24 So what I am talking about is the veterans here.
25 When I came here in 1975, I saw a third country. It was not

1 -- for veterans, it was a third country. Veterans, Mr.
2 Ramirez said to you, we now go to San Antonio. That is 500
3 miles. That is from Washington, D.C. to New York. Just to
4 get medical care. The van that he is talking about is driven
5 by volunteer veterans. And these old men, these World War II
6 people, you know we all have little urinary problems, and we
7 have to stop by the side of the road. It is difficult to get
8 care down here for our veterans until a few years ago.

9 And then we came together with the political block
10 of power down here. They got together. The Hispanics got
11 together. And through our state legislatures and through your
12 support, some of you right here, my understanding, supported
13 this, were able to get a cemetery. Can you imagine a
14 cemetery? We have to travel, as I say, a round trip of 500
15 miles. When the cemeteries were going in other parts of the
16 state, possibly in some of your districts. Nursing homes. We
17 didn't get a nursing home. But San Antonio and other others
18 have all types of them. Big cities have them because they
19 have the power block there. The power that we need to make
20 things work. That's why you are here today, the power block.
21 We got the -- we have got the nursing home now. Can you
22 believe we have got our first nursing home?

23 All of this has happened in the last few years. To
24 break up this group into three groups here. This lady,
25 doctor, was very eloquent on the subject. You dilute our

1 power down here. All of you understand that because you have
2 your own districts. You dilute the power and take away what
3 we have gained down here. It is difficult to coordinate these
4 things. But we have a group here working to help veterans and
5 they are coordinating here at the state level and also in the
6 Washington, D.C.

7 Now, I have heard, and in talking to people, that I
8 hope this is not a power to dilute the Hispanic vote. You are
9 going to have -- as you know, they are now a large minority.
10 I am not Hispanic. I am from Oklahoma, as I told you. But
11 you dilute that, they have a way of backfiring on you.
12 Because going from here, what happens with your choice of
13 redistricting will boomerang throughout the state. It will be
14 broadcast by every Hispanic, possibly, and at least the
15 veterans, both Democratic and Republican.

16 My purpose here is to think hard and fast. I know
17 it is probably a forgone conclusion and we probably haven't
18 changed the mind of anybody that is sitting up there. I have
19 enjoyed it today. I have really heard a lot of people saying
20 things that they are hoping for. But we all know you are
21 sitting there. You are going to make some hard decisions.
22 You have got DeLay. You have got a Speaker that plays
23 hardball. And he is not going to let you off the hook. He
24 wants the power, the grab. The only thing is, when you do
25 this, and it's -- it's -- to me it is natural. It is the

1 natural political spoils that you get. This is the way it
2 goes. It has always been that way. In Oklahoma, I grew up in
3 politics. And that's the way it is. Everywhere it is this
4 way. Gerrymandering is a way of life. It is a way to get
5 power. Power you supposedly could help the people more. Who
6 knows.

7 So you are going to play hardball. You are not
8 going to change anything. So the only thing you will probably
9 understand is that it could boomerang, as far as the
10 political -- I am talking to the experts up there, I know.
11 But you will face it. Because if you take away the power down
12 here, the veterans could go back to where we were for the last
13 seven years, six, seven years, when they were able to bring
14 everybody together to work cohesively to make possible what
15 gains we have had. As you know, we are losing about 1,600 to
16 1,700 World War II veterans every day. And I hope I don't
17 drop dead today in front of you. But this is -- this is
18 something that please think about it as far as the power. I
19 don't think you are going to change your mind. But it might
20 give you thought to pause, to say that if we lose -- dilute
21 our power, we have lost, sir.

22 And thank you for listening. And, most of all,
23 thank you for still being on your -- awake at this time.

24 CHAIRMAN DUNCAN: Thank you, Mr. Plummer.

25 MR. PLUMMER: I appreciate it.

1 CHAIRMAN DUNCAN: I appreciate your testimony very
2 much. (Applause) Any questions, members. Thank you.

3 The Chair recognizes Eric Tejada or Tejada. Eric
4 Tejada. Let the record reflect that Mr. Tejada has
5 registered -- is not in the audience, but has registered a
6 position in opposition to redistricting.

7 The Chair recognizes Frances Rocha. Frances Rocha.
8 Is Ms. Rocha in the audience? Let the record reflect that Ms.
9 Rocha is not in the audience, but has registered a position in
10 opposition to redistricting.

11 Is there anyone else in the audience who would like
12 to speak or testify in favor, against, or on redistricting?
13 If so, please raise your hand. We have one in the audience.
14 Would you please approach. You will need to fill out a card.

15 MS. HUERTA-RODRIGUEZ: I did.

16 CHAIRMAN DUNCAN: You did?

17 MS. HUERTA-RODRIGUEZ: Uh-huh.

18 CHAIRMAN DUNCAN: And your name -- why don't you
19 approach and put your name in the record and we will find your
20 card.

21 MS. HUERTA-RODRIGUEZ: (Unintelligible)

22 CHAIRMAN DUNCAN: The mic wasn't working. I'm
23 sorry.

24 MS. HUERTA-RODRIGUEZ: Oh, that's okay. My name is
25 Viviana Huerta-Rodriguez. I am from Lozano, Texas. It is

1 right next to Rio Hondo. Tiny, little. Initially, I wasn't
2 going to speak, and -- but the more I listened, the more I
3 wanted to say something. I am representing myself today, but
4 I work for an organization called Job Corps.

5 I am against redistricting and after listening to
6 everything, there is a couple of reasons as to why I stand on
7 that point of view now.

8 First of all, the representatives that I know from
9 my districts, which are in Cameron County, I have seen that
10 they know the youth in this area and they know some -- a lot
11 of the obstacles that we are facing.

12 I had the pleasure of speaking to Senator West
13 earlier. And I was explaining, I am a first generation
14 graduate from college, a first generation graduate from high
15 school. And going to college was a big task. Going to
16 college was culture shock, was financial shock, you know, I
17 worked two jobs and I went to school full-time. I didn't
18 qualify for a whole lot of the scholarships, so I put myself
19 through school. And there are so many kids in this area that
20 are -- that face that challenge every day, face the challenge
21 of just finishing high school. Which is why we have that 50
22 percent dropout rate at the high school level.

23 I think if you group us with -- I am pretty sure if
24 you group us with areas like Austin and stuff, as Senator West
25 and I were talking, the deregulation of tuition would be

1 another big, big obstacle for us to be able to advance.

2 I have always told my kids, because, like I said, I
3 work with Job Corps, and I am concerned with economic
4 development in my area, because my job is to help those kids
5 get a job or higher education. It is going to be tough. It
6 is going to be tougher. We have been underrepresented. Even
7 when the census was taken we were undercounted. We haven't --
8 you know, we don't get represented as strong as we should.
9 And I think if you do split us up, it is going to get worse.

10 And so I am not asking you to take the money and put
11 it anywhere else. I am not asking you to, you know, to do
12 anything of that nature. But do take into consideration the
13 many obstacles that we already face here as a people in the
14 Valley and the many more that are going to be, because someone
15 in Austin is not going to be concerned about the tuition and
16 my economic standing and how I can pay that tuition or the
17 jobs that the kids are going to get. I mean, you get a clerk
18 in the Valley to file, answer phones, do your laundry and
19 everything else for \$5.15 an hour, you know. And I don't
20 think that someone in that area is going to really worry about
21 making that better for the -- for the kids and the other
22 people that are getting through college and stuff.

23 I wasn't really well prepared, but I thank you for
24 your time. And I am glad to see other fellow work-alcoholics
25 with me. Thank you. Enjoy your visit.

1 SENATOR DUNCAN: Well, thank you. I have seen you
2 sitting out there all day and I appreciate your attention and
3 testimony. Members, do you have any -- we did find your card.
4 Do you have any questions for Ms. Rodriguez? Thank you for
5 being here and helping us today. (Applause)

6 Is there anyone else in the audience who would like
7 to testify for, against, or on redistricting?

8 SENATOR DUNCAN: Okay. The public testimony is
9 closed. Senator Staples moves that we read the cards -- that
10 Senator Staples read the cards. Senator Staples moves that we
11 do not actually read, physically read each of these cards into
12 the record, but we do have a stack of several cards that are
13 left that will be entered into the record of this hearing.
14 And so I just want to let you know, Senator Staples moves for
15 the unanimous consent to do that. Is there any objections?

16 SENATOR WEST: No objections.

17 CHAIRMAN DUNCAN: The Chair hears none. It is so
18 ordered.

19 Members, first of all, I want to say thank to the
20 people of McAllen and the Rio Grande Valley for your
21 hospitality, for your outstanding testimony, for your patience
22 with this process for your patience with us. I know I speak
23 on behalf of each of the members that our visit here today was
24 very pleasant. It was very interesting. It started off a
25 little more interesting. (Laughter) You know, but that's

1 part of the process and we respect that and we are happy that
2 you respect it as well. We look forward to hearing from you
3 more as we go through the process.

4 Members, unless there is any other things to be
5 said, we will stand in recess until further call of the Chair.
6 We will see you in Houston in the morning.

7 (Hearing in recess)

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1 THE STATE OF TEXAS)

2

3 COUNTY OF CAMERON)

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5 I, KATHERINE J. BROOKBANK, a Certified Shorthand
6 reporter and Notary Public in and for the State of Texas, do
7 hereby certify that the facts stated by me in the caption
8 hereto are true; that the foregoing proceeding was at the
9 time stated, taken by me in stenograph, and later
10 transcribed by computer-aided transcription.

11

12 I further certify that the above and foregoing
13 proceeding as set forth in typewriting is a full, true and
14 correct transcript of the proceeding had at the time of
15 taking said proceeding.

16

17 WITNESS MY HAND, this the 10th day of July 2003.

18

19

20 KATHERINE J. BROOKBANK
21 Certification No. 2060 - Expires 12/31/04
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