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To: [Senate Redistricting](#)
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Date: 2021-09-22
First Name: BRYAN
Last Name: JONES
Title: Professor of Government
Organization: University of Texas at Austin
Address: [REDACTED]
City: AUSTIN
State: TX
Zipcode: [REDACTED]
Phone: [REDACTED]

Affirm public info: I agree

Regarding: Senate

Message:
Please see the attached file.

[REDACTED]

The Problem of Correlation in Partisan Gerrymandering

I'm Bryan D. Jones, J.J. 'Jake' Pickle Regents' Chair in Congressional Studies and Director, Policy Agendas Project, Department of Government at the University of Texas at Austin. My remarks do not reflect my organization, but they do reflect my research in the history and effects of voting laws on participation.

After the Civil War, most Southern states set up systems of voter suppression designed to remove blacks from participation in politics and to restore white supremacy in Reconstruction governments. These systems never made it directly illegal for blacks to vote, as that would have run afoul of the Fifteenth Amendment to the U.S. Constitution. Rather these states established regulations that *correlated with* being Black and limited participation according to these regulated variables.

For example, states set up literacy criteria for voting. Many whites were illiterate at that time, but many more blacks were, based on percentages of their respective populations. Blacks had been denied schools as slaves, and were offered only poor schooling after the war. Hence they were less likely to be literate.

So Southern states required passing a literacy test, affecting many more blacks than whites. White supremacist governments set up many more regulations like that, including gross gerrymandering.

Today the Texas redistricting maps seem to be taking a similar path. (I say "seem" because these maps have been drawn in secrecy, so that the public cannot determine the nature of the discussions that took place behind closed doors or within interest groups influencing the process).

The sophistication of modern data analysis allows partisan interest groups to draw maps that gerrymander in a partisan fashion (which has been left to the political discretion of legislators in a recent Supreme Court decision). This allows politicians to claim that they are not gerrymandering along racial lines, which is illegal. They even openly boast of capturing seats for their party by using methods based in rank partisanship, clearly violating well-accepted non-partisan principles of representation. But partisan gerrymandering is *correlated with* race and Hispanic residential patterns, making this a distinction without a difference.

The answer given by partisans pushing gerrymandering is that racial discrimination in partisan-based gerrymandering is just a side consequence of the process. But this is quite simply, to use an academic term, baloney. The effect is clear: partisan gerrymandering dilutes the votes of constitutionally protected minorities. As a consequence, partisan gerrymandering runs counter to the intent of the 15th Amendment. Contorted legal arguments aside, this is simply wrong. Maps based on partisan considerations, as the proposed maps are, should be rejected. Final maps should be drawn to reflect well-accepted non-partisan principles of representation.