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To: [Senate Redistricting](#)
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Regarding: Senate

Message:
September 25, 2021

To the Texas Senate Redistricting Committee:

Introduction

Historically having the Legislature draw the legislative boundaries has done nothing but produce litigation and great expense-- more than \$5.7 million in legal fees was paid by the State of Texas to its own lawyers after the 2011 redistricting. Texas will soon owe additional fees after the federal district awards the soon to MALDEF and perhaps others that Texas must pay as a result of the last decade's redistricting battles. Texas redistricting has consistently and needlessly generated personal and partisan acrimony. The redistricting process has historically been marred by secret decisions with maps sprung on the public and even many legislators without meaningful opportunity for input. This sordid back room process has excelled in producing loss of faith in government, hyper-partisanship, and expensive litigation after every Texas redistricting for decades.

Not one map that this Legislature has drawn since the Voting Rights Act ("VRA") was passed in 1965 has been in compliance with that law. Whether Democrats or Republicans were in charge, the votes and voices of communities of color have continued to be marginalized. Democrats and Republicans must turn their backs on the obvious and documented racism of the past and refuse to rubber stamp racist maps. If you are a Republican: stop racial and partisan gerrymandering. If you are a Democrat: do not to approve racist maps to protect your seat.

Personal and partisan gerrymandering creates many serious problems for our Republic

Fair Maps Texas has summarized well the problems gerrymandering causes (fairmapstexas.org):

"Under the current redistricting process, legislators and political parties meet behind closed doors to draw election maps that keep themselves and their party in power. They draw "safe" districts for themselves, and as a result, voters

cannot
hold legislators accountable at the ballot box.

This practice of drawing district maps to favor one party or group of people over another is called gerrymandering, and it has created a legislative system that has little accountability.

Extreme Gerrymandering creates:

Uncompetitive districts where legislators are ultimately elected in the primary, oftentimes by less than 10% of the district's population;

District maps that have the effect of discriminating against voters of color;

Elected officials that are unresponsive to the people's needs because they know their re-election is a sure thing;

Representatives that are afraid to vote against the party position out of fear of being "primaried", meaning they are challenged in the primary by a more hard-lined candidate. This ultimately leads to discriminatory and very extreme legislation being passed;

Divisive rhetoric and inaction, not solutions."

Defending the current redistricting process has been enormously expensive as pointed out above. Texas House Redistricting Committee Chairman Todd Hunter in 2020 correctly characterized the current system as an "annuity plan for lawyers." We should use these taxpayer funds to improve the lives of Texans rather than paying lawyers to defend the indefensible.

The current redistricting system generates hyper-partisan polarization and gridlock. When lines are drawn to ensure that legislators have "safe districts," the "real election" often moves from where it should be-- the general election-- to the primary election. This in turn means that there are no, or fewer, compromises between the political parties to attempt to garner votes. That leads to polarization and hyper-partisan legislators who represent only a small part of the people in their district (please Exhibit A at the end of this letter for an example). When legislators have drawn safe districts for themselves, recruiting a competent challenger from the other party is difficult, and races either go uncontested or are contested only by a weak candidate. This means there is little or no real choice at the ballot box, which in turn generates low voter turnout. Fewer Texans participate in our supposed democracy. Lines should be drawn so that voters choose who represents them. Lines should not be drawn so that legislators choose who their voters are so they may continue their legislative careers more easily.

Most importantly, the current system where legislators with personal and partisan conflicts of interest draw the lines robs that system of all credibility in the eyes of the public. Our state government especially needs credibility now after it so massively failed with our electrical system disaster in February 2021.

In July 2019 a three judge federal district court panel put an unmistakable shot across the bow of the Texas Legislature regarding 2021 redistricting. The court stated that the last time the Texas Legislature redrew the boundaries for the Texas House and Senate, it did so in a racially discriminatory way, including in seven populous Texas counties. See "Perez Ruling" at 1-15 (Perez v. Abbott, SA-11-CV-360; Western District of Texas; Document No. 1632). The Court noted that race "was used as a proxy for party affiliation, and that this was done intentionally to dilute minority voting strength." Id. at 16, see 18. The Court ruled that the redistricting plans initially drawn up by Texas based on the 2010 Census violated the Fourteenth Amendment, and this was a sufficient basis to potentially trigger "bail in," whereby

Texas

could be required once again to have “pre-clearance” because Texas engaged in purposeful discrimination affecting voters statewide. *Id.* at 17, 21. The Court stated that it “has grave concerns about Texas’s past conduct. During the 2011

legislative session, Texas engaged in traditional means of vote dilution such as cracking and packing in drawing districts,

and also utilized newer methods of dilution and suppression such as using the ‘nudge factor’ and passing voter ID requirements. The existence of high levels of racially polarized voting across Texas cannot be disputed, nor is there any

indication that the levels of racially polarized voting are decreasing.” *Id.* at 25.

The Court expressly warned this Legislature that “given the record produced in 2011, the State must implement a [redistricting] process that, by any reasonable definition, is ‘fair and open.’” *Id.* at 26 (emphasis added). The Court sent a

second very clear shot across the bow of this Legislature regarding the current redistricting when it stated that “Texas

must still comply with the requirements of the Fourteenth Amendment and §2 of the VRA in the upcoming redistricting

cycle, and undoubtedly its plans will be subject to judicial scrutiny. Texas would be well advised to conduct its redistricting process openly, with the understanding that consideration of bail-in is always an option for whatever federal

court or courts may be tasked with review of future legislative actions.” *Id.* at 26-27.

Most regrettably, the September 18 2021 proposed Senate map (Map S2101; the “Senate Map”) from the Senate Redistricting Committee (“SRC”) shows that the SRC has chosen to defy the clear directive from the federal district court in its July 2019 ruling where it unequivocally stated that the Legislature in redistricting “must implement a process

that, by any reasonable definition, is fair and open. To date the SRC has done little that is meaningful to show that it will

follow the court’s unambiguous directive. If you continue ignore the legal obligation to have a “fair and open process”

when redistricting, you will have no one but yourselves to blame when the next federal court ruling subjects Texas to the

“bail-in” remedy, which would require that all changes to election laws and procedures in Texas undergo federal preclearance before they can potentially become effective.

The 2021 Legislature has clearly failed to do what the federal court clearly told it what it must do: have a fair and open

redistricting process. This Legislature has unwisely chosen to defy the federal district court. I will discuss below the ways the process to come up with the Senate Map does not satisfy the “fair and open” requirement.

First, to have a “fair and open” process, you must HAVE a clearly specified process. The Legislature has failed to

adopt such a process. Every part of the process has been disorganized and ad hoc. No rules were published at any time

about how the process would work. Everything was left to the discretion of two Chairs of two Redistricting Committees of

the same political party as the Governor. For example, on Friday, September 24, 2021 the Chair of the SRC announced

that the time to submit proposed amended maps would end two days later on Sunday, to be followed by a vote in the SRC

on all map proposals the following week. No prior notice was apparently given of this deadline, or why it was so short.

The failure to have rules governing the redistricting process was willfully deliberate. House Bill 3112 would have established a clear and transparent redistricting process. It was referred to the House’s Redistricting Committee, but this

bill never even received a hearing. No similar bill was apparently even introduced in the Senate, although adoption

of the procedures in HB 3112 was requested in hearings before the SRC before the Census data was released in mid-August 2021.

The SRC held hearings that gave Texans the opportunity to testify virtually via Zoom before the Census data was released. But without Census data, all the comments were unavoidably only conceptual. After this data was released, and the SRC came up with the Senate Map, there were only two hearing opportunities to discuss it, and the opportunity to testify virtually was taken away although its continuation had been requested. No credible reason was given for barring Texans from continuing to give testimony virtually after maps were proposed. Had the SRC been interested in a genuine “fair and open” redistricting process, it would have had more hearings after maps were released than before, with virtual testimony being a testifying option. And there would have been enough time given to study each map, which is unavoidably a complex undertaking. Instead the SRC chose to limit the opportunities to comment on the Senate Map, which was prepared behind closed doors with public involvement (see the comments by the Chair of the SRC, Senator Joan Huffman, at the SRC’s September 24 hearing). Clearly the SRC’s goal was not a “fair and open” redistricting process.

No rule was enacted to prevent “committee substitute” or similar shenanigans last minute maps as has happened in the past. Senator’s Huffman filed a proposed map filed about 9:00pm on September 23, 2021 (Map S2108; “September 23 Map”) when the only hearings before the SRC were the next day and the day following. This September 23 Map was dropped at the last minute so as to prevent informed and nuanced analysis of it. Fairness and openness require that every proposed map satisfy necessary notice and comment procedures. This must include at least 10-14 days to study something as complex as a redistricting map.

Merely releasing a map is not enough to meaningfully evaluate it. Just as a doctor would never tell a patient to “figure it out yourself” when showing him an MRI image, so each proposed map should disclose to the “patient”—here the citizens of Texans—sufficient information so they can meaningfully evaluate “what are we looking at”. In summary, the points below require disclosure of common sense partisan and demographic information regarding each proposed district and an explanation of why it is a good map. The Senate Map provides far less than this necessary information.

A fair and open process required the Legislature to reject any “wish lists” from groups or politicians about what maps should look like that are not disclosed in a public session before the relevant redistricting committee.

Similarly there should be no non-public communications about maps. Such communications should be disclosed by indicating from whom they came and the communications published on each redistricting committee’s web site within a business day of being made.

In addition, all of the following data should have been made available at the time the Senate Map and the September 23

Map were released:

1. All of the data on which the maps were based so citizens who are not demographers can run simulations on these maps. A Texan should be able to easily find his or her district on each proposed map, and be able to move the boundaries around so one can see how it changes the district. When a boundary is moved the software should populate the revised district with partisan and demographic data so one can easily prepare an alternative district map that may be superior.

2. Disclose the names of the individuals who created each map and require the authors to submit a 3-5 page summary stating how this map promotes fair elections and does not harm communities protected by the VRA.

3. Provide all the data the authors considered when creating each proposed map.

4. The following information should be provided for each district for each map released: (a) ethnic information (this is provided in District Viewer on the Texas Legislative Council's web site, but it is not enough); (b) partisan breakdown of the proposed district (even if this information is not from the Census; if such data was used in creating the map, the data must be disclosed); (c) is the district for the 2022 election projected by the map's proponents to end up Democratic or Republican or is it competitive? (and if designated "competitive," clearly state the criteria used to draw that conclusion (and disclose all the underlying data to draw that conclusion)); (4) the confidence level of the prediction (for example, the map's proponents project that "in 2022 there is a 70% probability that the district will be won by a Democrat," etc.); (5) the map's voter "efficiency" rating (see this article for a helpful and concise summary of this concept: <https://www.washingtonpost.com/graphics/2017/politics/courts-law/gerrymander/>); (6) designate what the map's proponents believe are minority opportunity districts under the VRA; (7) the partisan primary vote in the last three election cycles of the proposed district; (8) the underlying data used to draw a proposed map must be made available to the public and not merely the maps themselves (otherwise it will not be possible, or at a minimum very difficult, to know if the conclusions drawn that are reflected in each map are legitimate).

If the Legislature continues to fail to make this data available, and to follow the above procedures, the public input will only be abstract and will have been just a show to try to present a good face in a lawsuit to follow. If you do not follow this process—adequate time for public input before any specific map is voted on by a redistricting committee, and access to all the data used to draw the maps--the Legislature will just be figuratively patronizingly patting Texans on the head. "Thank you for your input. Now we are going to go to the closed committee room to horse trade among ourselves and do what we want." This part of a song from the musical "My Fair Lady" comes to mind: "Listens quite politely, then goes out and does precisely as she pleases."

The SRC is further not giving Texans a fair and open redistricting process by needlessly rushing that process.

Senator

Huffman stated on Friday, September 24 that any map must be filed by Sunday, September 26 at 10:00am. This is no

legitimate reason for this great rush. The maps drawn now will last for the next ten years. Senator Huffman is a lawyer. She knows that if any judge set such a deadline on something so important her client would not be receiving due process of law. Her rushed process denies Texas due process of law and the fair process the federal court told the Legislature it must have when redistricting. Legislators being in a hurry is not a legitimate reason to deny Texans a fair and open redistricting process.

If any House approved map, and the correspondingly Senate approved map, are not the same, the conference committee appointed to resolve the differences must follow the same timelines and data production requirements outlined above for each map the conference committee proposes.

The redistricting committees have been meeting for about eight months but they have not told Texans what their real goals are for redistricting. What are they trying to achieve? The public believes these are the goals of those who control these committees: (1) give each current legislator a safe seat except for those the Republican leadership dislikes; and (2) draw all the lines to advantage the Republican party as much as possible but not so egregiously that a credible case could be made that the VRA or the Constitution has been violated. The Senate Map indicates these assumptions about what the “real goals” are is correct. Indeed, in her opening remarks on September 24 at the SRC hearing Senator Huffman admitted that the first goal listed above is an explicit goal of this process (with limited exceptions).

This should be the overriding goal: Draw the lines so that all Texans are fairly represented regardless of their party or ethnicity. Regrettably this is clearly not the goal of the Senate Map or the September 23 Map.

The table immediately below based on the 2020 Census provides the latest evidence that Texas’s legislative representatives are not genuinely representative of the people of our great state.

Comparing 2020 Texas Census data to Texas legislators (all numbers are percentages)

	Census Congress			Senate		House	
Anglo	39.7	67	71	68			
Hispanic	39.3	19	23	26			
African American		11.8	14	6	5		
Asian	5.4	0	0	1			
Other	3.8	0	0	0			

The 2020 Census indicates Anglos make up less than 40% of our population but they have 67% of the Congressional seats, 71% of the Texas Senate, and 68% of the House. Very clearly Anglos are way overrepresented, and everybody else is way underrepresented. Any fair map must reflect the diversity of our state. This means there should be more districts where people of color can choose elected officials who share their background and values. Any map —like the Senate Map-- that does not do that is a bad map because it is simply not representative of Texas.

The Senate Map and the September 23 Map (collectively the “Maps”) clearly are racially discriminatory because it is designed to keep in place the gross mismatch between what the Senate looks like and what Texas looks like. You cannot hide such discrimination by cloaking it with the transparent fig leaf of “incumbent protection.” After federal

employment

anti-discrimination legislation was passed, employers and sometimes unions tried to keep their employees overwhelmingly white by saying that only relatives of current employees could be hired (or were given preferential treatment)—“we want to hire people whose families know our business; this has nothing to do about race.” That argument was quickly struck down by the courts as racially discriminatory. The same applies here where the Maps are designed to keep the same people in their Senate seats.

In some of her opening remarks at the SRC hearing on September 24, 2021, Senator Huffman stated that she came up with the Senate Map by herself after getting input from Senators, and that with a few exceptions she tried to make each Senator happy with his or her lines (with few exceptions “every effort was made to accommodate member requests”). This of course is backwards. Voters should choose their representatives, not representatives choose who their voters are. Even worse, the Senate’s current ethnicity (71% Anglo) is so radically unlike the ethnicity of Texas (less than 40% Anglo), her conduct in drawing the Senate Map to “make the current Senators happy” very clearly is designed to intentionally produce a racially discriminatory outcome. That is a violation of the 14th and 15th Amendments to the Constitution and the VRA.

The 2020 Census indicates that Texas’s population increased 4 million in the past ten years, and more than 95% of that growth was from minority communities. Accordingly there is no credible way the two new Congressional seats allocated to Texas for 2022 should not be minority opportunity districts. One of these minority opportunity districts should be in Harris County and one in Dallas County since these two counties had most of the relevant growth in the past ten years. And of course the Maps should also reflect this growth.

Senator Huffman at the SRC’s September 24, 2021 hearing made two apparently inconsistent statements. First, she stated that the Maps were drawn entirely “race blind”—no racial data was supposedly used when drawing her two proposed Senate maps. Yet she also stated that all the data used to draw the maps has been disclosed to the public, which is almost certainly not true, because there is no partisan data (Democratic or Republican information) in DistrictViewer (<https://dvr.capitol.texas.gov>), where mapping information is made available to the public. If racial data truly was not used by Senator Huffman in drawing her two maps, she clearly was using partisan data to move lines around the maps. And that data is apparently not available to the public. Therefore clearly there has not been a fair and open redistricting process that the federal court in 2019 told this Legislature to have in 2021. The actual data to draw Senator Huffman’s maps has been hidden from the public.

Furthermore, it is not a legally valid excuse to say in response to a contention that a map violates the US Constitution or the VRA that “I used partisan data but not racial data when drawing my map.” That may work in a state like New Hampshire that has few minority citizens. But not in Texas where we are blessed to have a population of many ethnicities, none of which has a majority. In Texas, given its history of polarized racial voting, drawing lines based on partisan information is in effect drawing the lines with racial motivations and impacts. As the federal district court told the State of Texas in its 2019 ruling, the “existence of high levels of racially polarized voting across Texas cannot be disputed, nor is there any indication that the levels of racially polarized voting are decreasing.” One of the premier redistricting lawyers

in the country, Michael Li, told the SRC on September 24, 2021 that legal requirements applicable to redistricting require a “searching and nuanced analysis” of a proposed map to see how it impacts minority communities. He said that Texas has a legal obligation to not dilute minority voting power or prevent minority communities from electing representatives of their choice. The Maps were not based on any such analysis, and they do dilute minority voting power. They therefore violate the VRA and the Constitution.

Robert Notzon, the attorney for the NAACP who spoke to the SRC on September 24, 2021 (video at 1:59-2:02) provided compelling testimony about why the Senate Map violates the VRA because of the way it packs minority communities. For example, there are four Senate districts where the minority population is 80% or more. There is no 80% Anglo district. Such packing needlessly squanders the votes of minority voters, which is especially reprehensible given that 95% of Texas’s growth over the last ten years has come from minorities.

Neither is the partisan divide of Texas accurately reflected. In the 2020 Texas Congressional elections Republicans collected only 53% of the vote but they got 64% of the seats. That is not representative of how Texans vote. These numbers were not a fluke. In the 2018 Texas Congressional elections, 47% of the votes went to Democrats, but they only have 37% of the Congressional seats. Republicans received 50.4% of the 2018 Congressional votes, but got 63% of the seats. Democrats when they had power in the Texas Legislature acted similarly. It is almost surely impossible to draw lines that have the percentage vote for a particular party equal the percentage of members of Congress from Texas from that party, but certainly Texas can do much better than these these dismally unrepresentative results.

Your goal should be that our legislators are truly representative of Texans both by party and ethnicity. Texans will then believe they are much better represented than they are now. That will greatly reduce the current very corrosive distrust of government that makes it very difficult to get important work done for the benefit of Texas.

There must be no more ridiculous partisan gerrymandering such as the last Congressional map where although Austin is heavily Democratic, Austin citizens were “cracked” so severely that six members of Congress have a portion of Austin in their district, and five of those six are Republican. That is not at all properly representative of one of the great cities in the nation.

Texas needs an independent redistricting commission (“IRC”) to draw the maps for the 2024 and later elections

The Governor’s call of this special session says the Legislature must address “legislation relating to the apportionment of the State of Texas.” The Governor’s call does not say how the Legislature is to “apportion” based on the 2020 Census—no method is specified-- just that it be done. Texas should apportion with an independent redistricting commission (“IRC”) just as many other states have done. The current system where legislators with unfixable personal and partisan

conflicts of interest draw the lines has no credibility in the eyes of the public.

Chairman Todd Hunter of the House Redistricting Committee ("HRC") in 2020 at a public meeting very accurately described redistricting as an "annuity plan for lawyers," and wisely said that a redistricting commission is the way to go.

Regrettably no committee vote in was held in the HRC on any of the IRC bills that Chairman very commendably set a hearing on in the HRC on April 20, 2021. Specifically these are HB 282, 1025, and 3094 related HJR's 59, 121, and 127 from Representatives Anchia, Gonzalez, and Goodwin. Any of these bills would produce a massive improvement in how Texas is governed. Even more regrettably, no hearing was even held on any IRC bill in the SRC.

The effective dates of these IRC bills should be changed from 2031 so that an IRC in 2023 draws the lines for the 2024 and later elections for the Texas House and Senate, Congress, and the State Board of Education. Texans should be given this choice at the ballot box in November 2022: Do they want to have the lines that govern them drawn by independent people--as at least 14 others states have done--or do they want to continue to have them drawn by people with personal and partisan stakes in the outcome and that has consistently been mired in controversy and nearly endless and very costly litigation? Let's find out by asking Texans this question in November next year.

If Texas had an IRC now there would be no need for the Legislature to be in session in September 2021. If Texas adopted an IRC Texas legislators would not have to waste their very valuable legislative time on redistricting anymore since drawing the lines would be someone else's job.

Regrettably there is not enough time for an IRC to draw the 2022 lines, so for 2022 the transparency in redistricting procedures in HB 3112 should have been adopted, and then the proposed 2022 maps drawn. Have any bills setting the 2022 lines expire on December 1, 2022 if Texans in November 2022 approve an IRC.

Specific problems with certain proposed Senate Districts ("SD") in the Senate Map

It appears that with one exception (SD 10), the Senate Map was drawn so that the 31 Senators would have a "safe" district. That should not be any part of the line drawing process even if it was legally permissible. The benchmark should not merely be "is it legal?" That is a bare minimum. The Legislature's true guide star should be "How can we set boundaries so that our Texas's State Senators best represent all the people of our state?" I will address problems with some of the current SDs proposed in the Senate Map.

SD 17

A perfect example of personal gerrymandering (which is even more reprehensible than partisan gerrymandering) in the Senate Map to aid an incumbent Senator is proposed SD 17. Its current occupant is Senator Joan Huffman, the Chairwoman of the SRC. This proposed District cuts across western Houston to include Senator Huffman's house in Houston in a significantly rural district that has little in common with the urban area where she lives in order to make her re-election safer. SD 17's proposed boundaries contain a narrow sliver that was included to capture Senator Huffman's home. This is the tail wagging the dog: This district has been drawn not to best represent the people in it but rather to best serve the interest's of the district's incumbent. Who happens to be in charge of drawing Senate district lines.

For more information on this point see the Texas Tribune article at <https://www.texastribune.org/2021/09/18/texas-senate-redistricting-map/>. This article states that “Huffman, whose [current] district narrowly voted for Biden, is also trying to shore up her district. Senate District 17 runs through Brazoria, parts of Fort Bend County and parts of Harris County. The proposed map keeps parts of Harris, Fort Bend and Brazoria, but also adds GOP-leaning counties like Colorado, Wharton, Matagorda and Jackson, as well as a part of Waller County” (emphasis added). Even if the boundaries of SD 17 were not improper because they have been drawn in part for Senator Huffman’s personal benefit, its boundaries are nonetheless improper. The Senate Map divides western Harris County and adjacent Fort Bend County, which prevents (or a minimum unfairly dilutes) new high growth communities of color from having an effective voice in SD 17. For example, the proposed SD 17 splits apart new Asian American Pacific Islander communities of interest, thereby impairing their ability to elect candidates of their choice.

Northern Dallas and Fort Worth area

Although the population growth in this area in the last ten years was driven by communities of color, the Senate Map splits these communities into five different SDs, four of which jump out to rural predominantly white counties. This is classic “cracking” to dilute the voting power of minority Texans. Hispanics are the most numerous ethnic group in this area, but there is no Latino minority opportunity district in this area in the Senate Map. Most numerous, but no representation in the Senate. Shameful.

Tarrant County Senate districts

The Senate Map splits Tarrant County into five districts. Four of the districts extend far off into rural counties, creating majority white districts, which improperly dilutes the voting power of a county that has a 17.9% African American population and a 29.5% Hispanic population. Each of the five splits is made to break apart Tarrant County’s communities of color. The Senate Map splits in half Fort Worth’s Hispanic community, which is currently largely contained in SD 10. Another clear “cracking” to dilute the voting power of minority Texans.

SD 10

This district is proposed to expand to include Johnson and Parker Counties. This district was a part of the last round of redistricting litigation. A federal court ordered Texas to redraw this district so that communities of color in Tarrant County could elect their candidate of choice (currently Senator Beverly Powell). With the proposed addition of these two rural counties, the proposed SD 10 dilutes the voting power of minority communities in Tarrant County. The Senate Map moves about 318,000 voters out of SD 10 (most of them minority voters) and moves in about 328,000 mostly Anglo voters. Who is moved out of SD 10 by the Senate Map? 46% of Asians, 34% of Hispanics, and 23% of African Americans (see the testimony of Michael Li at approximately 1:32 in the video of the SRC’s September 24 hearing; Mr. Li is one of the premier redistricting lawyers in the country). SD 10 now is a performing minority district. The Senate Map is a clear very aggressive attempt to end that, which is a clear racially discriminatory red flag.

Prison gerrymandering makes things worse

The Senate Maps' intent to divide up urban areas where most of Texas's minority citizens live is further exacerbated by how Texas law counts people who are incarcerated in Texas. Prisoners are not counted based on where they are from, but where they are incarcerated. Since most prisoners are from urban areas, and prisoners are disproportionately from minority communities, this unfairly empowers more Anglo rural areas over urban areas where there is a larger percentage minority population.

Corpus Christi and Nueces County

Apart from the border, Corpus Christi is the anchor of South Texas. Currently Corpus Christi and Nueces County now have a single SD (#20). We are well represented by Senator Juan Hinojosa. The Senate Map proposes to split Corpus Christi in two, making part of Corpus Christi in SD 20 and part in SD 27. It divides the similar very communities of south Corpus Christi and Padre Island (both of which are in the city of Corpus Christi). There is absolutely no reason to divide up Corpus Christi or Nueces County. The total population of both is less than the apportionment requirement of just over 940,000 per Senate district. Also San Patricio County is in SD 27 but downtown Corpus Christi across the Nueces River is in SD 20. These two adjacent areas share many strong interests, such as Corpus Christi's wonderful port, and they should be represented by a single district: SD 20.

For the above prudential reasons Corpus Christi and Nueces County should kept in SD 20. But there is also a compelling legal reason not to divide Corpus Christi and Nueces County into two districts. The Senate Map's placing heavily Anglo areas of Corpus Christi along with Anglo dominated San Patricio County in SD 27 will negatively impact the ability of voters in SD 27 to elect a minority candidate. The division of Corpus Christi and Nueces County is clearly an attempted racially motivated power grab, and is therefore illegal.

Conclusion

What type of politics we end up with in Texas, and therefore to a large extent for the Nation, for the next ten years is in your hands. Please do the right thing for our State and Nation even if that is the wrong thing for you personally or your political party. Much has been made of "election integrity" in Texas recently. But election integrity begins with fair maps transparently drawn. What the SRC has proposed is unfair maps cloaked in secrecy.

Texas legislators are capable people who have other jobs. It will not be a big deal for you personally if you lose the next election. But it will be a very big deal if we continue to have a largely dysfunctional democracy with so much partisan strife, strife that is fueled in large part by racially discriminatory and partisan gerrymandering. We cannot get another democracy if you continue to do your job poorly and unfairly when drawing the boundary lines for our democracy. We will have not kept our Republic. Let us not disappoint Founding Father Benjamin Franklin. Let us keep our

Republic. Keeping it begins with rejecting both racially discriminatory and partisan gerrymandering, starting with the Maps.

Sincerely yours,

Timothy P. Dowling

Gerrymandering can produce awful legislators: Exhibit A: Texas District 27 Congressman Michael Cloud

Bad line drawing can very easily produce terrible legislators. A living example of the horrible results that gerrymandering can produce is Congressman Michael Cloud (TX—27; R), who I have the misfortune to have as my Congressman. Mr. Cloud is from Victoria although the major urban area in the District is Corpus Christi. Prior to the 2011 redistricting, the “Corpus Christ district” went south from Corpus Christi, which was very much in line with communities of interest in South Texas. After 2011, however, this District had Corpus Christi at the south, leaped north a long way, and then took a deep jump into Central Texas to ensure a very safe Republican district. In November 2020 Representative Cloud got 63% of the vote against a very weak Democratic opponent. That result did not happen without a very deliberate decision having been made to create an extremely safe Republican district. Then in turn means that recruiting a credible Democratic opponent is very difficult. Representative Cloud’s only current risk regarding not getting re-elected is drawing a primary opponent. So that means he operates at the far right of the political spectrum because partisans rule primaries. So how does Congressman Cloud spend his an inordinate amount of his time? Instead of focusing all of his time in trying to improve the lives of his constituents, he has recently engaged in the following hyper-partisan grandstanding:

He sent a letter to former Attorney General William Barr challenging his supposed lack of diligence in ferreting out supposed fraud in the Presidential election that would have been sufficient to deprive Mr. Biden of 270 Electoral College votes. General Barr did not find, and nor have dozens of courts found, any such fraud. It is very fair to say that Mr. Barr was not reticent in defending Mr. Trump’s interests. Representative Cloud did not disclose what evidence HE had that neither the Attorney General nor Mr. Trump’s lawyers had. He just tossed off this red meat fact-free hyper-partisan allegation to try to score political points.

Mr. Cloud followed this up by signing off on the constitutionally absurd lawsuit filed by Texas’s own Attorney General in the United States Supreme Court contending that Texas could somehow have a legitimate say in how other states conduct their presidential elections (consider the converse: Would you as a Texan not be offended if Pennsylvania’s Attorney General filed suit alleging that the results of Texas’s election for president should be ignored?). Even a former Attorney General of Texas, and now Texas’s senior Senator, John Cornyn, stated that he could discern no legal basis for this suit.

Even after insurrectionists shamefully overran our Nation’s Capitol on January 6, 2021, Representative Cloud voted to not

accept the Electoral College's lawfully certified votes from Arizona and Pennsylvania under the law of each of those states although of course he still had no evidence that there was sufficient irregularities or fraud to overturn the results of the election in either state. Why would Representative Cloud engage in such conduct? Because he is afraid of drawing a primary challenger to his right in 2022. If the 27th Congressional District had been drawn in a less partisan way, the citizens of that District would not have to be subject to such hyper-partisan stupidity that is so dangerous to our Republic.

During the January 6, 2021 rioting at the Capitol, when Representative Cloud was hunkered down in close quarters with many other members of Congress in an inside space, he was offered a mask. He refused it. No person with any respect for the safety of his colleagues would do so. Yet Representative Cloud did so. Perhaps because at the time he did so he was apparently within feet of two of the nuttier members of Congress, Representatives Paul Gosar and Marjorie Taylor Greene (a QAnon promoter), and he did so presumably to maintain his apparent friendship and credibility with these right wing nut cases who also refused the proffered masks.

In 2021 please do not again draw any hyper-partisan gerrymandered lines. After the 2022 election no Texan should be subject to being represented by atrocious legislators like Michael Cloud. Please let us be governed by people more within the reasonable range on the political spectrum rather than by partisans who can freely ignore many of those who live within their districts because all they need to do to get re-elected is be chosen by dedicated partisans in the primary election.

