

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LULAC, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Case No. 3:21-CV-00259-DCG-JES-JVB
[Lead Case]

**REPLY IN SUPORT OF PLAINTIFFS' *EMERGENCY* MOTION TO REOPEN RECORD
AND TAKE ADDITIONAL TESTIMONY**

Defendants' opposition brief reiterating its defense that the maps were drawn blind to race (and recounting prior discovery in the case) is insufficient to ensure the integrity of the proceedings in this case. The relevant witnesses involved in the drawing of the congressional map need to appear under oath and testify as to which is true: (1) their prior statements that the maps were drawn without consideration of race or (2) the DOJ letter's citation to evidence that the 2021 congressional was racially gerrymandered to create minority coalition districts. The DOJ letter is not merely "a legal argument by [DOJ] . . . about changes to redistricting case law in 2024." Opp. at 2. Rather, DOJ claims to be aware of "record[s]" that show that Houston congressional districts were drawn "along strict racial lines to create two new coalition seats" and that the 2021 legislature drew CD-33 along racial lines. Mot. Ex. B at 2.¹ Moreover, the three witnesses—which include

¹ The DOJ letter mischaracterizes the genesis of CD-33, which was ordered by the *Perez* court (and thereafter adopted by the legislature) to remedy intentional racial discrimination. That it would be targeted for dismantling again *because of its racial composition* would be a daring act of intentional discrimination redux.

the primary national mapdrawer and redistricting strategist for the Republican Party—may have been involved in the genesis of the DOJ letter’s call for Black and Latino majority districts to be dismantled *because of their racial composition*, in contradiction to their prior testimony. The extent to which that is the case is highly probative evidence.

It is irrelevant that the DOJ letters comes “four years after the Legislature passed the current maps.” Opp. at 2. That is precisely the point. Just after the trial ended in which race-blindness was the number one defense, the Governor has called a special session to redistrict the map in light of DOJ’s assertion that evidence exists to show that the 2021 map was drawn with race as its predominant consideration. This evidence either means that the witnesses provided false testimony or it means that the premise of the special session regarding redistricting is false. Plaintiffs are entitled to inquire via sworn testimony about the truth in light of this about-face.

Moreover, Defendants’ suggestion that holding an expedited hearing next week would necessitate moving deadlines is wrong. It should be held next week precisely to *avoid* the need to move deadlines and to minimize the burden on Senator Huffman.

CONCLUSION

Plaintiffs’ emergency motion should be granted.

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CERTIFICATE OF SERVICE

I certify that the foregoing was served on all counsel of record on July 12, 2025 via the Court's CM/ECF system.

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