

FILED

October 17, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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

BY: Diego Cesena
DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
AMERICAN CITIZENS, ET AL §
V. § 9:02 A.M. TO 1:04 P.M.
GREG ABBOTT, IN HIS §
OFFICIAL CAPACITY AS §
GOVERNOR OF THE STATE OF §
TEXAS, ET AL § OCTOBER 1, 2024

**PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
DAY 1 (MORNING SESSION) OF 9 DAYS**

APPEARANCES:

FOR THE PLAINTIFFS LULAC AND MALDEF:

Ms. Nina Perales
MALDEF
110 Broadway Avenue, Suite 300
San Antonio, Texas 78205
(210) 224-5382
nperales@maldef.org
and
Mr. Javier Silva
MALDEF
100 North LaSalle Street
Suite 1900
Chicago, Illinois 60602
(312) 427-0701
info@maldef.org

FOR THE GONZALES PLAINTIFFS:

Mr. David Fox
Mr. Richard A. Medina
Elias Law Group
250 Massachusetts Avenue NW
Suite 400
Washington, DC 20001
(202) 987-5010
dfox@elias.law
rmedina@elias.law

1 **APPEARANCES: (continued)**

2 **FOR THE PLAINTIFF MEXICAN AMERICAN LEGISLATIVE CAUCUS:**

3 Mr. Sean McCaffity
4 Mr. George (Tex) Quesada
5 Sommerman, McCaffity & Quesada, LLP
6 3811 Turtle Creek Boulevard, Suite 1400
7 Dallas, Texas 75219
8 (214) 720-0720
9 smccaffity@textrial.com
10 quesada@textrial.com

11 **FOR THE PLAINTIFF TEXAS NAACP:**

12 Ms. Lindsey Cohan
13 Dechert LLP
14 515 Congress Avenue, Suite 1400
15 Austin, Texas 78701-3516
16 (512) 394-3027
17 lindsey.cohan@dechert.com
18 and
19 Mr. Robert Weiner
20 Mr. Jeremy Lewis
21 Mr. David Rollins-Boyd
22 Ms. Jennifer Nwachukwu
23 The Lawyers Committee for Civil Rights Under Law
24 1500k NW
25 Washington, DC 20005
(617) 893-1322
rweiner@lawyerscommittee.org
drollins-boyd@lawyerscommittee.org
jlewis@lawyerscommittee.org
jnwachukwu@lawerscommittee.org
and
Mr. Carroll Rhodes
Law Offices of Carroll Rhodes
P.O. Box 588
Hazlehurst, MI 39083
(601) 894-4323

26 **FOR THE BROOKS PLAINTIFFS:**

27 Mr. Chad W. Dunn
28 Brazil & Dunn
29 1900 Pearl Street
30 Austin, Texas 78746
31 (512) 717-9822
32 chad@brazilanddunn.com

33

1 **APPEARANCES: (continued)**

2 **FOR THE BROOKS PLAINTIFFS:**

3 Mr. Mark P. Gaber
4 Mark P. Gaber, PLLC
5 P.O. Box 34481
6 Washington, DC 20043
7 (715) 482-4066
8 mark@markgaber.com

9 and

6 Ms. Molly Elizabeth Danahy
7 Molly E. Danahy, Esq
8 P.O. Box 51
9 Helena, Montana 76112
10 (406) 616-3058
11 danahy.molly@gmail.com

12 and

10 Ms. Sonni Waknin
11 Sonni Waknin, Esq
12 6417 N. Figueroa Street, #10
13 Los Angeles, California 90042
14 (732) 610-1283
15 sonniwaknin@gmail.com

16 and

13 Mr. Jesse Gaines
14 Jesse L. Gaines Attorney at Law
15 6015 Meadowbrook Drive
16 Fort Worth, Texas 76103
17 (817) 714-9988
18 gainesjess@ymail.com

19 **FOR THE CONGRESSIONAL INTERVENORS:**

17 Mr. Gary L. Bledsoe
18 The Bledsoe Law Firm
19 6633 East Highway 290, Suite 208
20 Austin, Texas 78723-1157
21 (512) 322-9992
22 garybledsoe@sbcglobal.net

23 gbledsoe@thebledsoelawfirm.com

24 and

21 Mr. Robert Notzon
22 Law Offices of Robert Notzon
23 1502 West Avenue
24 Austin, Texas 78701
25 (512) 474-7563
robert@notzonlaw.com

1 **APPEARANCES: (continued)**

2 **FOR THE STATE DEFENDANTS:**

3 Mr. Ryan G. Kercher
4 Mr. William Francis Cole
5 Mr. William D. Wassdorf
6 Mr. Steven Loomis
7 Ms. Ali Thorburn
8 Mr. Zachary Berg
9 Mr. David Bryant
10 Mr. Anthony Rodregous
11 Office of Texas Attorney General
12 P.O. Box 12548
13 MC 009

14 Austin, Texas 78711
15 (512) 936-2613
16 ryan.kercher@oag.texas.gov
17 william.cole@oag.texas.gov
18 will.wassdorf@oag.texas.gov
19 steven.loomis@oag.texas.gov
20 ali.thorburn@oag.texas.gov
21 zachary.berg@oag.texas.gov
22 david.bryant@oag.texas.gov
23 anthony.rodregous@oag.texas.gov

24 and
25 Mr. William Thomas Thompson
26 Lehotsky Keller Cohn LLP
27 Special Litigation Unit
28 408 W. 11st Street, 5th Floor
29 Austin, Texas 78701
30 (210) 286-0806
31 will@lkefirm.com

32 Also in Attendance:
33 Mr. Richard Rienstra

34 Court Reporter:
35 Laura Wells, RPR, RMR, CRR
36 601 Rosenberg, Suite 615
37 Galveston, Texas 77550

38 Proceedings recorded by mechanical stenography.
39 Transcript produced by computer-assisted transcription.

40
41
42
43
44
45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**DAY 1
(PRELIMINARY INJUNCTION HEARING)**

	Page
October 1, 2025	
Announcements.....	6
Rule Invoked.....	6
Reporter's Certificate.....	178

ALPHABETICAL

WITNESSES

Page

SENATOR CAROL ALVARADO

Direct Examination By Mr. Dunn	9
Cross-Examination By Mr. Loomis	146
Redirect Examination By Mr. Dunn	170
Recross-Examination By Mr. Loomis	176

EXHIBIT INDEX

PLAINTIFFS' EXHIBITS

EXHIBIT NUMBER	OFFERED	ADMITTED
Brooks Exhibit Numbers 253 through 268 and 270 through 282 and 300 through 517	8	8

1 (Call to order of the Court.)

2 JUDGE GUADERRAMA: Good morning, everyone.
3 Please be seated.

09:02:38

4 MR. VELEZ: Civil Cause Number 3:21-CV-259. This
5 is *LULAC, et al v. Abbott, et al.*

6 JUDGE GUADERRAMA: For purposes of the
7 preliminary injunction hearing, how do you call?

8 MR. DUNN: Plaintiffs are ready, Your Honor.

9 MR. KERCHER: State defendants are ready.

09:02:52

10 JUDGE GUADERRAMA: Who will be your first
11 witness?

12 MR. KERCHER: Your Honor, if we could approach,
13 lead counsel from all parties. I have previewed this for
14 some of them. If we could have a brief discussion off the
15 record concerning witness safety.

09:03:04

16 JUDGE GUADERRAMA: Yes, sir.

17 (Discussion off the record.)

18 JUDGE GUADERRAMA: Be seated, please.

19 MR. DUNN: Plaintiffs call Senator Carol

09:09:59

20 Alvarado.

21 JUDGE GUADERRAMA: So is either side invoking the
22 Rule?

23 MR. DUNN: I don't think anybody has discussed
24 that. Somebody is going to invoke the Rule, so I'll do
25 it.

09:10:46

1 JUDGE GUADERRAMA: Okay. So the Rule has been
2 invoked. I'll make it your obligation to notify your
3 witnesses as to what the Rule means.

4 MR. DUNN: Absolutely, Your Honor.

09:10:57 5 Your Honors, while we bring up the witness, I need to
6 move the admission of some exhibits. Let me know when you
7 are ready, Your Honor.

8 JUDGE GUADERRAMA: These are joint exhibits or
9 are you are going to move in your own?

09:11:29 10 MR. DUNN: The exhibits I'll be moving in at this
11 point are Brooks exhibits, and Brooks and MALC are sharing
12 the same exhibits for the purposes of this proceeding.

13 JUDGE GUADERRAMA: Tell me what they are, please.

14 MR. DUNN: Yes, sir. It's Brooks 253 through
09:11:51 15 268.

16 JUDGE GUADERRAMA: Okay. Is that all?

17 MR. DUNN: No, sir. Then 270 to 282.

18 Are you ready for the next batch?

19 JUDGE GUADERRAMA: Yes, sir.

09:12:22 20 MR. DUNN: And then 300 to 517.

21 And I proposed to counsel this morning that we admit
22 these exhibits subject to any objections. The parties can
23 make those in filings with the Court or at the appropriate
24 time.

09:12:33 25 So at this time, I move for admission of those

1 exhibits.

2 (Brooks Exhibit Numbers 253 through 268 and 270
3 through 282 and 300 through 517 offered into evidence.)

09:12:43

4 JUDGE GUADERRAMA: Okay. And is Ms. Thorburn the
5 keeper?

09:12:52

6 MR. KERCHER: Ms. Thorburn is absolutely the
7 keeper of exhibits on behalf of State defendants. I would
8 say that due to the compact timeline here, we have only
9 just received many of plaintiffs' exhibits. We are still
10 reviewing. We will alert the Court to the extent that we
11 have objections. We assume the Court will treat
12 objections as it did during trial where it will carry them
13 and just deal with the exhibits as they are demonstrated
14 to the Court.

09:13:08

15 JUDGE GUADERRAMA: Absolutely.

16 MR. KERCHER: If we have a fire alarm with any
17 exhibits, we will let the Court know as soon as possible.

18 JUDGE GUADERRAMA: Perfect. So those exhibits
19 are admitted subject to any of the State's objections.

09:13:17

20 (Brooks Exhibit Numbers 253 through 268 and 270
21 through 282 and 300 through 517 admitted into evidence.)

22 MR. DUNN: Thank you, Your Honor.

23 JUDGE GUADERRAMA: You can provide them to us in
24 your filings.

09:13:24

25 MR. DUNN: Have we sworn the witness? I was

1 setting up technology.

2 JUDGE GUADERRAMA: Senator, if you would stand,
3 please. Raise your right hand to receive the oath.

4 Do you solemnly swear or affirm that the testimony you
09:13:32 5 give in this proceeding will be the truth, the whole
6 truth, and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 JUDGE GUADERRAMA: Thank you, ma'am. Have a
9 seat, please. And if you will do us a favor. If you will
09:13:43 10 roll into that microphone. The closer you get to it, the
11 louder your voice will get.

12 **SENATOR CAROL ALVARADO,**
13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

09:13:50 15 BY MR. DUNN:

16 **Q.** Good morning, Senator. Tell us your name.

17 **A.** Carol Alvarado.

18 **Q.** Can you introduce yourself to the Court? Where you
19 grew up and where you're from, that sort of thing.

09:13:59 20 **A.** Sure. Good morning. My name is Carol Alvarado. I
21 serve as a State Senator for Senate District 6. I live in
22 Houston's East End community. That's where I was born and
23 raised. I am a native Houstonian.

24 I graduated from the University of Houston, graduate
09:14:18 25 and undergrad. Worked in Congress on Capitol Hill as a

1 staffer. Worked later for Mayor Lee Brown. I served on
2 Houston City Council for six years. And then in the Texas
3 Legislature in the House for 10. And was elected in a
4 special election in December of 2018 in the Senate. And I
5 currently serve as the chair in the Senate Democratic
6 Caucus.

09:14:41

7 **Q.** And you were present during the proceedings this
8 summer over the redistricting?

9 **A.** Yes, sir.

09:14:51

10 **Q.** We'll turn to that in a moment, but just a little bit
11 more about yourself.

12 Tell us about your neighborhood in Houston.

09:15:04

13 **A.** Well, the neighborhood of Houston's East End is a very
14 working class neighborhood, predominantly Latino. Home to
15 a lot of industry, the petrochem industry. The oldest
16 part of Houston's Latino community. When Mexican
17 Americans first came to Houston, that is mainly where they
18 settled. A very proud neighborhood. And, like I said,
19 it's very working class, lower income to middle income
20 neighborhood. And very centered in its culture and its
21 history.

09:15:26

22 **Q.** You mentioned a number of posts you've held in public
23 service. Were those posts all related to representing
24 your neighborhood?

09:15:40

25 **A.** Yes, sir. Working in Congress I was one of the first,

1 I guess, staffers to work in that newly created 29th
2 Congressional District. And then serving on Houston City
3 Council, I was a single member district councilmember, so
4 very centered in the East End. And then representing
5 District 145 in the House also very centered in the East
6 End as well as in the Senate.

09:16:04

7 **Q.** Well, for the purposes of our written record, how
8 would you describe what you are calling the East End in
9 Houston in terms of, you know, roadway boundaries or other
10 natural landmarks?

09:16:20

11 **A.** Sure. I would say the north boundary is 610 North.
12 South would be kind of the Hobby, just a little bit above
13 the Hobby Airport area. West would be just a little bit
14 close to downtown, what we call east downtown now. And
15 then the Houston Ship Channel would be the eastern border.

09:16:44

16 **Q.** Now in the course of your public service have you been
17 exposed to redistricting before?

18 **A.** Yes, sir. I served on redistricting when I was in the
19 House in 2010. And I also served in the Senate in the
20 last regular redistricting process. And then currently in
21 the decade process.

09:17:03

22 **Q.** Well, in the redistricting process, is it fair to
23 describe it as contentious?

24 **A.** Contentious? Yes.

09:17:18

25 **Q.** Difficult?

1 **A.** Difficult? Absolutely.

2 **Q.** Maybe doesn't always bring out the best in folks?

3 **A.** Possibly.

4 **Q.** Well, I wanted to call your attention now to

09:17:30

5 this -- well, one last thing on your background, if you
6 don't mind.

7 Could you identify your race or ethnicity for our
8 record?

9 **A.** Latina.

09:17:39

10 **Q.** And transitioning to this, to what occurred this
11 summer, in late spring, early summer, I want to start off
12 and show you something that's been admitted as Brooks
13 Exhibit 335.

14 (Video played.)

09:17:54

15 **MR. TAPPEER:** The Texas Tribune reports that in
16 June you told Texas Republicans delegation of Congress
17 that you were reluctant to add redistricting to the
18 legislative agenda in Austin. The Tribune says that
19 President Trump then called you to discuss redistricting,
20 and you agreed to put it on the special session agenda.

09:18:11

21 Would you have gone forward with redistricting if
22 President Trump had not personally got involved and asked
23 you to do this?

24 **GOVERNOR ABBOTT:** To be clear, Jake, this is

09:18:26

25 something that I have been interested in for a long time.

1 First of all, I have been involved in redistricting
2 litigation for more than 20 years now.

3 Second, one thing that spurred all this is a federal
4 court decision that came out last year, by the way, a case
09:18:38 5 that was filed by Democrats. The federal court decision
6 that came out last year said that Texas is no longer
7 required to have coalition districts. And as a result, we
8 had drawn maps with coalition districts in it. Now we
9 wanted to remove those coalition districts and draw them
09:18:56 10 in ways that, in fact, turned out to provide more seats
11 for Hispanics. For example, four of the districts are
12 predominantly Hispanic. It just coincides it's going to
13 be Hispanic Republicans elected to those seats.

14 One thing that's happened in the state of Texas is the
09:19:14 15 Hispanic community, a lot of it, have decided they are no
16 longer with the Democrats who believe in open border
17 policies, who believe in going against our law
18 enforcement, who believe that men should play in women's
19 sports. And they instead align with Republicans.

09:19:28 20 What we want to do is to draw districts that give
21 those Hispanics and African Americans in the state of
22 Texas the ability to elect their candidate of choice.

23 MR. TAPPER: But that's not really -- I mean, you
24 are doing this to give Trump and Republicans in the House
09:19:42 25 of Representatives five additional seats, right? I mean,

1 that's the motivation, is to stave off any midterm
2 election losses.

09:19:55 3 GOVERNOR ABBOTT: Again, to be clear, Jake, the
4 reason why we are doing this is because of that court
5 decision, Texas is now authorized under law that changed
6 that was different than in 2021 when we last did
7 redistricting. Under new law, as well as new facts that
8 served us in the aftermath of the Trump election, showing
9 that many regions of the state that historically had voted
10 Democrat that were highly Hispanic now chose to vote
11 Republican and vote for Trump as well as other Republican
12 candidates. Districts where the electorate voted heavily
13 for Trump, they were trapped in a Democrat congressional
14 district that have every right to vote for a member of
09:20:30 15 congress who is a Republican. We will give them that
16 ability.

17 (Video concluded.)

18 MR. DUNN: For the record, that was 3 minutes and
19 2 seconds to 5 minutes and 41 seconds.

09:20:39 20 BY MR. DUNN:

21 **Q.** Senator, what does the governor say is the reason,
22 quote, he is doing this, referring to redistricting?

23 **A.** Well, he is saying that he had been thinking of this
24 for a time and that he was doing it to create more
09:20:57 25 Republican seats.

1 Q. Well, Mr. Tapper asked him specifically: Are you
2 doing this to deliver five seats? And what was his
3 response? Was it about coalition districts?

4 A. Yes. It was about coalition districts.

09:21:12

5 Q. In fact, he didn't say "yes," did he?

6 A. That's correct.

7 Q. Is it consistent with your experience in -- sitting
8 through the redistricting process that this discussion
9 about getting rid of coalition districts was one of the
10 purposes?

09:21:24

11 A. Yes.

12 Q. Now, there was -- you were on the committee, as you
13 mentioned, in the 2021 redistricting?

14 A. Yes.

09:21:36

15 Q. Is that fair to say?

16 A. Yes.

17 Q. And that committee was set up how? Do you recall?

18 A. Well, it was established early in session and the
19 lieutenant governor made appointments to it. And, as you
20 know, it's a very long, drawn-out process that occurs.

09:21:53

21 Q. And the committee hearings were on the floor during
22 the 2021 session; is that true?

23 A. Yes, sir.

24 Q. And all the senators participated; is that right?

09:22:07

25 A. I don't know if all of them, but most, yes.

1 Q. Well, they were eligible to participate?

2 A. Yes.

3 Q. Were you a participant in those hearings?

4 A. Yes, sir.

09:22:15 5 Q. Now, there was -- who was the sponsor of the bill that
6 passed the legislative maps and the congressional map in
7 that session?

8 A. Senator Huffman.

09:22:27 9 Q. Do you recall Senator Huffman gave a number of
10 presentations and answered questions generally?

11 A. Yes.

12 Q. And is that the normal process, a senator brings forth
13 a bill and the other members sponsor the amendment?

14 A. Yes.

09:22:37 15 Q. Was there one talking point or sort of one thing that
16 you recall Senator Huffman emphasizing over and over about
17 her maps?

18 A. Yes. That the maps were drawn "neutral to race" or
19 maybe sometimes she used "racially blind."

09:22:58 20 Q. I want to show you a few excerpts of this. This is
21 Exhibit 4259, which was previously admitted in the trial.

22 (Video played.)

23 SENATOR HUFFMAN: I will say, Senator Whitmire,
24 it's my understanding that the congressional delegation's
09:23:14 25 map was drawn blind to race as my map attempted.

1 (Video concluded.)

2 MR. DUNN: And another presentation.

3 (Video played.)

09:23:28

4 SENATOR HUFFMAN: Senator Miles, I drew -- the
5 maps were drawn both from the congressional delegation, as
6 I told you, that map was given to me. It was drawn race
7 blind. Any work we did on it was race blind. But they
8 have been determined to be compliant under the Voting
9 Rights Act.

09:23:47

10 SENATOR MILES: Okay.

11 SENATOR HUFFMAN: All the race neutral objectives
12 were used, as I said, in drawing the maps that were drawn
13 blind to race and then submitted. And then our attorneys
14 gave us -- we were advised that they did not violate the
15 Voting Rights Act. They were legally compliant.

09:24:09

16 (Video concluded.)

17 (Video played.)

18 SENATOR HUFFMAN: So, again, Senator Hinojosa,
19 the maps were drawn blind to race. So adjustments were
20 made for population. Sometimes for partisan shading and
21 so forth. But those were the priorities that we used. We
22 have been advised that the maps were legally compliant.

09:24:24

23 (Video concluded.)

24 (Video played.)

09:24:45

25 SENATOR HUFFMAN: Senator Powell, I have stated

1 it, and I'll state it again. We drew these maps race
2 blind. We have not looked at any racial data as we drew
3 these maps. And to this date, I have not looked at any
4 racial data.

09:24:57

5 (Video concluded.)

6 MR. DUNN: Just a few more.

7 (Video played.)

09:25:09

8 SENATOR HUFFMAN: Our approach to this process
9 was informed by the redistricting jurisprudence from the
10 United States Supreme Court, as well as other applicable
11 precedent. Several key cases are worth highlighting.
12 *Abbott v. Perez*, 2010 Supreme Court case. *Cooper v.*
13 *Harris*, a 2017 Supreme Court case. They made clear that
14 any redistricting decision that is made upon the basis of
15 race must be narrowly tailored to achieve compliance with
16 the Voting Rights Act.

09:25:30

17 In *Cooper v. Harris*, Justice Kagan, writing for the
18 majority, "When the State invokes the VRA to justify
19 race-based districting, it must show (to meet the
20 narrow-tailoring requirement) that it had a strong basis
21 in evidence for concluding that the statute required its
22 action."

09:25:46

23 That was *Cooper v. Harris*, a 2017 Supreme Court case
24 quoting *Alabama Legislative Black Caucus v. Alabama*, a
25 2015 case.

09:26:03

1 Based on this warning against race-based
2 redistricting, I drafted all the proposed maps totally
3 blind to race. Once I drafted the maps, I ensured that
4 they underwent a legal compliance check to ensure that
5 there were no inadvertent violations of the law, including
6 the Voting Rights Act. Thank you.

09:26:16

7 (Video concluded.)

8 MR. DUNN: One last excerpt. This one is from
9 Exhibit 4262.

09:26:27

10 (Video played.)

11 SENATOR POWELL: All right, then. You claim that
12 this map was drawn blind to race; is that correct?

13 SENATOR HUFFMAN: That is the absolute truth, as
14 God as my witness.

09:26:42

15 (Video concluded.)

16 BY MR. DUNN:

17 **Q.** Was that what you were referring to when asked if
18 there was a consistent sort of talking point or phrase
19 Senator Huffman used during the 2021 session?

09:26:51

20 **A.** Yes.

21 **Q.** And was that the consistent position of her on each of
22 the maps that were passed in 2021?

23 **A.** Yes.

24 **Q.** Now, contrast that with the 2025 session. Was the
25 discussion of race on the mouth of the governor, other

09:27:00

1 leaders in the legislature from the word "go"?

2 **A.** No.

3 **Q.** The discussion of coalition districts and the
4 destruction of coalition districts --

09:27:17

5 MR. LOOMIS: Your Honor, at some point the
6 leading questions have -- it just goes too far.

7 MR. DUNN: Sure.

8 BY MR. DUNN:

09:27:25

9 **Q.** What do you recall -- well, actually, let's do it this
10 way. I'll show you what has been previously admitted as
11 Exhibit 253.

12 Let me show you this. I'll try to zoom in here on the
13 screen.

14 Have you seen this before?

09:27:44

15 **A.** Yes.

16 **Q.** What is it?

17 **A.** Well, it's a letter from the Department of Justice
18 from Ms. Harmeet Dhillon.

19 **Q.** Had you seen this prior to today?

09:28:00

20 **A.** Yes.

21 **Q.** What is the date of the letter?

22 **A.** July 7th, 2025.

23 **Q.** And if I could call your attention to the first
24 paragraph of the letter. What does it say? You don't

09:28:10

25 need to read it, but what does it identify?

1 **A.** I don't have my glasses.

2 **Q.** Oh.

3 **A.** Let's see if we can -- okay. Do you want me to read
4 it?

09:28:28

5 **Q.** Please.

6 **A.** Okay. It reads [as read:] This letter will serve as
7 a formal notice by the Department of Justice to the State
8 of Texas of serious concerns regarding the legality of
9 four of Texas's congressional districts. As stated below,
10 Congressional Districts TX9, TX18, TX29, TX33 currently
11 constitute unconstitutional, quote, coalition districts,
12 and we urge the State of Texas to rectify these race-based
13 considerations from these specific districts.

09:28:43

14 **Q.** Now, I'm focusing on the district numbers for a
15 moment. Where are those districts?

09:29:09

16 **A.** Well, three of them were in Houston.

17 **Q.** Is that 9, 18, and 29?

18 **A.** Yes. 9, 18, 29.

19 **Q.** And what significance does Congressional District 29
20 have to you, if at all?

09:29:26

21 **A.** Well, I go back quite a way with this. This was
22 created as a Latino opportunity district. I was a young
23 student and advocating for a Latino opportunity district.
24 And then later, once it was created, I went to work for
25 that member of congress.

09:29:45

1 Q. Who was that?

2 A. That was Congressman Gene Green.

3 Q. And so did you, in the course of that work, become
4 familiar with the district and its neighborhoods?

09:29:55

5 A. Yes.

6 Q. Even beyond your experience growing up?

7 A. Correct. Yes.

8 Q. What is your understanding about the population in
9 Congressional District 29 under the old map? Is it

09:30:08

10 majority Hispanic? Is it a coalition district?

11 A. Yes. Majority Latino.

12 Q. So do you understand why the Department of Justice
13 labeled it as a coalition district?

14 A. No. I was surprised to learn that.

09:30:20

15 Q. Now, the -- I want to call attention to a few other
16 parts of the letter. First, at the bottom in the
17 conclusion, the Department of Justice gives the State a
18 deadline.

19 Do you see that?

09:30:38

20 A. Yes.

21 Q. What was that deadline?

22 MR. QUESADA: May I approach? (Tendering reading
23 glasses.)

24 THE WITNESS: Thank you.

09:30:50

25 A. Okay. It asked to respond to the letter by July the

1 7th, 2025.

2 BY MR. DUNN:

3 **Q.** And that's the date the letter was sent; is that
4 right?

09:30:58

5 **A.** Correct.

6 **Q.** How did you interpret that deadline?

7 **A.** I thought it was one of the many errors that were in
8 that letter.

09:31:09

9 **Q.** Did you interpret it to mean a different date? You
10 know, say August 7th or another?

11 **A.** Yes. I thought perhaps it meant August the 7th.

12 **Q.** And were there other people at the Capitol that were
13 also operating off of there being a deadline in this
14 letter of August the 7th?

09:31:23

15 **A.** Yes, sir.

16 **Q.** And that's something you ultimately raise, and we'll
17 show some of this in a bit, in your activities in the
18 Senate; is that true?

19 **A.** Yes.

09:31:31

20 **Q.** Now, calling your attention to the middle paragraph on
21 page 2 of the letter. What is stated there?

22 **A.** It reads [as read:] It is the position of this
23 department that several Texas congressional districts
24 constitute unconstitutional racial gerrymanders under the
25 logic and reasoning of *Petteway*. Specifically, the record

09:31:55

1 indicates that TX9 and TX18 sort Houston voters along
2 strict racial lines to create two coalition seats, while
3 creating TX29, a majority Hispanic district.
4 Additionally, TX33 is another racially-based coalition
5 district that resulted from a federal court order years
6 ago, yet the Texas Legislature drew TX33 on the same lines
7 in the 2021 redistricting. Therefore, TX33 remains as a
8 coalition district.

09:32:19

9 **Q.** So, in gist, what is the letter asking the State to
10 do?

09:32:37

11 **A.** To go back and change these district lines.

12 **Q.** Now, turning your attention to admitted Brooks
13 Exhibit 254, I'm showing on your screen the transmittal
14 letter to the Secretary of State from the governor.

09:32:55

15 What is this?

16 **A.** This is the governor's proclamation for the
17 redistricting that's on the call.

18 **Q.** This was for the first called session this summer,
19 late spring?

09:33:07

20 **A.** The first special.

21 **Q.** And if I call your attention to the second page, what
22 is the -- what is the topic regarding congressional
23 redistricting there? Second paragraph.

09:33:25

24 **A.** Okay. It reads [as read:] Legislation that provides
25 a revised congressional redistricting plan in light of

1 constitutional concerns raised by the U.S. Department of
2 Justice.

3 **Q.** And so based on this, what is your understanding of
4 why the governor put this on the call?

09:33:39

5 **A.** Because of the letter that came from the DOJ dated
6 July 7th, 2025.

7 **Q.** And as the special session begins, is that your
8 belief, that the reason that you are there doing
9 redistricting is because of the DOJ letter?

09:33:53

10 **A.** Yes.

11 **Q.** Now, the session, you know, begins and the record
12 reflects -- I don't think there is a dispute -- July 21st,
13 just to get you in the place. There was a Senate debate
14 that begins on redistricting that day.

09:34:08

15 Do you recall that generally?

16 **A.** Yes.

17 **Q.** What was the purpose of that debate?

18 **A.** That was the resolution, I believe, that was
19 introduced by Senator King.

09:34:18

20 **Q.** And what was the purpose of the resolution?

21 **A.** To establish that we would be taking up redistricting,
22 to establish the existence of the committee because there
23 had not been a committee in the regular session.

24 **Q.** Why was there not a committee, if you know? What was
25 your opinion?

09:34:35

1 **A.** Well, because we weren't going to do any
2 redistricting. It was mid-decade. So that's why it was
3 never established as a committee during the regular
4 session.

09:34:45 5 **Q.** And so the DOJ letter comes out, the call comes out,
6 and it becomes necessary to appoint a committee?

7 **A.** Yes.

8 **Q.** And at the end of -- we're going to show some of this
9 debate on this rule; but at the end of that day,
10 July 21st, was the rule enacted or passed?

11 **A.** I'm sorry?

12 **Q.** Was the rule passed?

13 **A.** Yes.

14 **Q.** All right. I would like to, if I can, take you to a
15 bit.

16 MR. DUNN: This is a Brooks Exhibit 300.

17 (Video played.)

18 SENATOR ALVARADO: Do you have a map?

19 SENATOR KING: I do not have a map.

09:35:50 20 SENATOR ALVARADO: Who is drawing the map?

21 SENATOR KING: I'm not drawing a map. I don't
22 know of anyone here today. They may be, others may be
23 trying to draw a map. I'm not aware of that.

24 But, traditionally, the way it's happened in the past
09:36:02 25 is the Congressional Republican Caucus has presented a

1 map. But I haven't seen anything to date. But I'm very
2 confident, at some point, I will.

3 SENATOR ALVARADO: Do you know when you'll have a
4 map?

09:36:16

5 SENATOR KING: I do not. I would not even plan
6 on looking at a map myself until after we got through the
7 information-gathering phase, which is the first hearings
8 that are on -- with the hearings on the subject of the
9 call. After that, that would be the earliest time that I
10 would even think about a bill.

09:36:36

11 SENATOR ALVARADO: Okay. So the last maps, it
12 was revealed in I think one of the court cases perhaps,
13 that a gentleman by the name of Adam Kincaid drew the
14 maps.

09:36:50

15 Do you know him?

16 SENATOR KING: Yes, I --

17 SENATOR ALVARADO: You've heard --

18 SENATOR KING: -- do know --

19 SENATOR ALVARADO: -- the name?

09:36:52

20 SENATOR KING: -- Adam Kincaid.

21 SENATOR ALVARADO: Is he drawing the maps?

22 SENATOR KING: You probably want to ask him that.

23 SENATOR ALVARADO: And where does Adam live?

24 SENATOR KING: I don't know.

09:37:04

25 SENATOR ALVARADO: Does he live in Texas?

1 SENATOR KING: No. I don't believe he does.

2 SENATOR ALVARADO: I think it's Virginia. Okay.

3 So I just wanted to make sure everybody knows who drew the
4 maps last time and who might be drawing them again.

09:37:18

5 SENATOR KING: I think he is the chair or the
6 CEO. I think it's called the Redistricting Project.

7 (Video concluded.)

8 BY MR. DUNN:

09:37:26

9 **Q.** So why were you asking these questions of Senator
10 King?

11 **A.** Well, since we were doing mid-decade redistricting,
12 which was strange, I wanted to know the reasoning, the
13 logic behind the drawing of the maps and who was drawing
14 them.

09:37:41

15 **Q.** Was there any information forthcoming at this stage?

16 **A.** No, not at all.

17 **Q.** Now, did you have any way to know if somebody actually
18 was drawing a map? That it would be supported? I mean,
19 did you have any sense of where a map might come from?

09:37:56

20 **A.** No.

21 MR. DUNN: I should have said that. That was
22 page 19, line 10 to page 20, line 24.

23 Turning to page 24, line 2 to 24, line 19.

24 (Video played.)

09:38:19

25 SENATOR ALVARADO: And do you know what sparked

1 the governor to want to put this on the call? Because I
2 don't remember, unless I'm just, you know, forgetting; but
3 I don't recall us having any conversations during the
4 regular session that we just finished not too long ago.

09:38:37

5 Did redistricting ever come up?

6 SENATOR KING: Not in my personal discussions.

7 But if you are referring to the call itself, it does say

8 legislation that provided a -- provides a revised

9 congressional redistricting plan, in light of

09:38:53

10 constitutional concerns raised by the U.S. Department of
11 Justice. And so, as we proceed forward, I know we will be
12 discussing such things.

13 But again, for the purposes of today, it is just the
14 resolution establishing a committee so that we can get
15 into the redistricting process.

09:39:10

16 (Video concluded.)

17 BY MR. DUNN:

18 Q. Does Senator King there reference the Department of
19 Justice letter?

09:39:17

20 A. I'm sorry?

21 Q. Did Senator King there reference the Department of
22 Justice letter?

23 A. It may have been in something that he said.

24 Q. When he referenced the call?

09:39:26

25 A. Yeah. The call. Because I think he is reading from

1 what was in the letter that was put into the call.

2 **Q.** So on this very first day of session as this process
3 begins, is it your opinion that the DOJ call or the DOJ
4 letter was the central issue to be addressed with respect
5 to the issue?

09:39:41

6 **A.** Yes.

7 MR. LOOMIS: He is still leading, Your Honor.

8 JUDGE GUADERRAMA: Sustained.

9 MR. DUNN: Now, on the same exhibit, Exhibit 300,
10 117:6 to 117:20.

09:39:52

11 (Video played.)

12 SENATOR ECKHARDT: So this private law firm will
13 be doing the scrubbing of the map with regard to its
14 compliance with the Voting Rights Act?

09:40:13

15 SENATOR KING: That hadn't been determined yet,
16 who would do that. I can tell you that I just -- I don't
17 want to know any facts about it. I just want someone to
18 bring me -- before we look at it, I just want them to tell
19 me the conclusion, their conclusion. Under law, does it
20 conform to the Voting Rights Act? And if it doesn't, then
21 I don't want to take it up.

09:40:27

22 SENATOR ECKHARDT: So you just want the
23 conclusion. You don't want any of the arguments that led
24 them to that conclusion?

09:40:40

25 SENATOR KING: Well, I'm just -- this is the only

1 way I know to avoid -- I don't want to look at race data.

2 I want to remain color-blind, as you framed it.

3 (Video concluded.)

4 BY MR. DUNN:

09:40:53

5 **Q.** And so what was Senator King's position on whether he
6 was going to analyze the compliance with the Voting Rights
7 Act?

8 **A.** It looked like he just wanted to get the end result,
9 the final map.

09:41:03

10 **Q.** What is your response to that?

11 **A.** I thought it was unusual. It is usually done
12 different.

13 **Q.** Now, during this time period, I want to show you this
14 interview that's been admitted as Exhibit 325.

09:41:20

15 JUDGE GUADERRAMA: Mr. Dunn.

16 MR. DUNN: Sir?

17 JUDGE GUADERRAMA: You identified previously
18 Exhibit 117. So you are referring to Trial Exhibit 117
19 now?

09:41:33

20 MR. DUNN: That was the page number from the
21 transcript. I beg your pardon.

22 JUDGE GUADERRAMA: It's not an exhibit page
23 number?

24 MR. DUNN: The exhibit was 300.

09:41:39

25 JUDGE GUADERRAMA: Okay.

1 MR. DUNN: And the page was 117, line 6 to 118,
2 line 20.

3 JUDGE GUADERRAMA: Okay. Thank you.

4 MR. DUNN: This is Exhibit 325.

09:42:08

5 JUDGE GUADERRAMA: Yes, sir.

6 (Video played.)

7 GOVERNOR ABBOTT: So let me be clear. I stand in
8 favor of doing all we can to protect the lives of our
9 children, while also protecting the liberty of adults. So
10 the structure of what I'm looking for is this --

09:42:27

11 (Video concluded.)

12 MR. DUNN: I'm playing just an excerpt, because
13 he talks about other policy issues, which begins at
14 3 minutes, 15 seconds and goes to 3 minutes, 48 seconds.

09:42:40

15 (Video played.)

16 GOVERNOR ABBOTT: So there is -- since the last
17 time that we did redistricting, the law has changed. And
18 under the law that changed and the lawsuit that was filed
19 by Democrats and the that decision came out last year, it
20 says that coalition districts are no longer required. And
21 so we want to make sure that we have maps that don't
22 impose coalition districts while, at the very same time,
23 ensuring that they will maximize the ability of Texans to
24 be able to vote for the candidate of their choice.

09:42:53

09:43:15

25 Sure. And as they rightly should have, because the

1 map that was drawn was drawn before this recent court
2 decision that said coalition districts were not required.
3 And the map, I believe, as drawn could be upheld.

09:43:35

4 That said, we are no longer compelled to have
5 coalition districts. And as a result, we can draw maps to
6 not have coalition districts and through that process
7 maximizing the ability of Texans to be able to vote for
8 the candidate of their choice.

09:43:53

9 And here is one thing about this also. And that is
10 this is a national-based issue. Don't think that Texas is
11 the only state that is doing this. Texas is the first in
12 line because our primaries are earlier. Our filing
13 deadline is a few months away here in December. There are
14 other states and Democrat states across the country where
15 their election process begins much later and they have
16 been talking about it and doing this very same thing. So
17 this is a national-based issue as well.

09:44:12

18 (Video concluded.)

19 BY MR. DUNN:

09:44:21

20 **Q.** Now, the governor talks about his focus on the method
21 to draw the map and refers to coalition districts.

22 What is he saying there?

23 **A.** Well, he is saying that the law has changed and that
24 coalition districts are no longer something that is in
25 order.

09:44:40

1 Q. Did that line up with what you had seen in the
2 Department of Justice letter?

3 A. Yes.

4 Q. Now, after the rule passes out, there was a series of
5 Senate hearings from the redistricting committee.

09:44:50

6 Can you tell us how those were set up?

7 A. In this special -- in the special session, they were
8 set up, at least in the Senate, virtually.

9 Q. And how was -- was that normal to have virtual
10 hearings?

09:45:06

11 A. No. Typically, we have regional hearings in person.

12 Q. Is that true on just redistricting or on other
13 matters?

14 A. We have hearings in person all the time, regular
15 committee business.

09:45:20

16 Q. Had there been some controversy in the past in the
17 Senate about holding virtual hearings?

18 A. Yes. During the pandemic.

19 Q. And what was that controversy?

20 A. Well, mainly folks on the other side of the aisle
21 didn't want to just have virtual hearings.

09:45:32

22 Q. And so what was your reaction when you learned that
23 these hearings would be held virtually?

24 A. I was surprised. Something as important as
25 redistricting, and certainly being done in mid-decade, I

09:45:50

1 felt like we needed to have regional in-person hearings.

2 **Q.** So in -- I understand they were held virtually. But
3 where were the senators physically when the committee
4 hearings took place?

09:46:05 5 **A.** In Austin.

6 **Q.** Now, did these committee hearings also sort of have a
7 regional focus, despite being virtual?

8 **A.** Yes.

9 **Q.** How was that divided up, if you recall?

09:46:16 10 **A.** I don't recall specifically how it was divided up.

11 **Q.** Now, roughly, from listening to the testimony, was it
12 a small amount of testimony over the course of these
13 hearings? A medium amount? A lot?

14 **A.** Small.

09:46:32 15 MR. LOOMIS: Objection. Vague and conclusory.

16 JUDGE GUADERRAMA: I'll overrule that objection.

17 BY MR. DUNN:

18 **Q.** What are you --

19 MR. DUNN: I'm sorry for having spoken over you.

09:46:39 20 Excuse me.

21 JUDGE GUADERRAMA: That's all right.

22 BY MR. DUNN:

23 **Q.** What is your opinion, if you have one, about why this
24 was a small hearing?

09:46:48 25 **A.** I think people just, especially on something like this

1 topic, just prefer to come in person.

2 **Q.** Do you recall how the House committee held its
3 hearings?

09:47:00

4 **A.** They held theirs in person and in various places. I
5 attended the one in Houston.

6 **Q.** How would you describe the turnout at those?

7 **A.** It was standing room only, long lines, over a thousand
8 people.

09:47:14

9 **Q.** And on balance, what was the opinion of the people who
10 testified? I mean, was there a clear viewpoint expressed?

11 **A.** Probably 98 percent opposed to mid-decade
12 redistricting.

13 **Q.** Were there also opinions expressed about what
14 the -- well, strike that.

09:47:28

15 Let me take you then to the first Senate hearing. And
16 you attend that hearing, is that right, of the
17 redistricting committee?

18 **A.** Yes.

09:47:41

19 **Q.** And I'm going to go to Exhibit 304, page 25, line 2 to
20 page 26, line 9.

21 (Video played.)

09:48:08

22 SENATOR ALVARADO: Mr. Chairman, I sent a letter
23 earlier this week asking for some legal experts to
24 testify, and thank you for accommodating that. I
25 appreciate you and your team helping to coordinate that.

1 I did want to follow-up on a specific individual that
2 I asked about. Will Mr. Harmeet -- I'm sorry --
3 Ms. Harmeet Dhillon, the DOJ attorney who wrote the July 7
4 letter, be called to testify in front of the committee at
09:48:31 5 today's hearing or any of the following hearings?

6 CHAIRMAN KING: Thank you. And, yes, we're
7 happy, for any of the members, if you have anyone specific
8 that you would like to have testify, we'll -- if they want
9 to register, we'll be happy to accommodate and put them up
09:48:50 10 early.

11 She has not. I have not invited her. I do not know
12 her and have not had any contact with the DOJ before or
13 since that letter was issued. And I have not issued a
14 specific invitation to her.

09:49:06 15 Frankly, I am not sure how to approach that. My
16 only -- the only thing I know about the DOJ letter is I
17 read it, just as you did. I do not know any of the -- I
18 haven't seen any of the facts or data that purports to
19 support it.

09:49:25 20 And though I have read the litigation team, the
21 attorney from the Office of the Attorney General of Texas,
22 I read their response to the Court that was written
23 and that was filed in response to that letter. And, of
24 course, I read the Court's order, and I have not had any
09:49:47 25 other role or have no other knowledge of that.

1 And, at this time, I don't have any intention to
2 invite her to testify. I think that's -- that's something
3 that's before the courts and something that needs to
4 remain there.

09:50:03

5 (Video concluded.)

6 BY MR. DUNN:

7 **Q.** And so as expressed there, what was Senator King's
8 opinion about inviting the Department of Justice lawyer?

9 **A.** He didn't seem interested in inviting her.

09:50:12

10 **Q.** What was your opinion on the subject?

11 **A.** I thought we needed to invite the person that wrote
12 the letter that sparked the whole redistricting process.

13 **Q.** All right.

09:50:25

14 MR. DUNN: I'm going to now go to the same
15 exhibit. This one is page 30, line 8 to 39, line 1.

16 JUDGE SMITH: Mr. Dunn, when you present these
17 videos, I know that it's in the record somewhere, but I
18 think it would be helpful if the transcript would reflect
19 the date of the interview.

09:50:44

20 For example, Exhibit 325, the interview with the
21 Governor, I don't believe it was identified. It's not
22 extremely important, but it would help on the record, I
23 think.

09:50:54

24 MR. DUNN: I will do that from here on out, Your
25 Honor. Exhibit 325 was on July 22nd.

1 JUDGE SMITH: Thank you.

2 MR. DUNN: The hearing that we're playing here is
3 Brooks Exhibit 304. It's a hearing that occurred on
4 July 25th. And if it also helps the Court -- I could have
5 announced this -- I'm going in date order on these
6 materials.

09:51:07

7 BY MR. DUNN:

8 Q. All right. There was a discussion, was there not,
9 that involved you and Senator Miles about considering a
10 subpoena to the Department of Justice.

09:51:20

11 Do you recall that generally?

12 A. Yes.

13 Q. I'm going to take us to that now.

14 MR. DUNN: I want to -- this one is about
15 8 minutes long. It's an extensive discussion that we're
16 going to play here. Again, it's Exhibit 304, page 30,
17 line 8 to 39, line 1.

09:51:29

18 (Video played.)

19 SENATOR MILES: Respectfully, then, is it okay if
20 I make a motion from the dais for this -- for this body --

09:51:51

21 CHAIRMAN KING: We --

22 SENATOR MILES: -- this committee, to subpoena
23 Ms. Dhillon?

24 CHAIRMAN KING: Yes, certainly. We would
25 certainly, if you wish to make that motion --

1 SENATOR MILES: Yeah.

2 CHAIRMAN KING: -- you can bring it up at this
3 time.

4 SENATOR ALVARADO: And I'll second it if you need
5 a second.

6 CHAIRMAN KING: You second. Let's --

7 UNIDENTIFIED SENATOR: Can we get some discussion
8 on that before we -- I understand -- I didn't want to
9 interrupt you. I have a question. Before we vote, I just
10 have a question. I don't want to interrupt. I'll wait to
11 be recognized. I'm sorry.

12 CHAIRMAN KING: Just that -- just --

13 UNIDENTIFIED SENATOR: Is it -- is this the
14 appropriate time, Mr. Chairman, to --

15 CHAIRMAN KING: All right. So we've had them --
16 we've had a -- so could you formally state your motion?

17 SENATOR MILES: My motion is that this body, this
18 committee, subpoena -- issue a subpoena for Ms. Dhillon to
19 appear before this body.

09:52:35

20 CHAIRMAN KING: Ms. Dhillon being the -- the
21 signor of the DOJ letter --

22 SENATOR MILES: Correct, sir.

23 CHAIRMAN KING: -- that was discussed
24 previously --

25 SENATOR MILES: Yes, sir.

1 CHAIRMAN KING: -- in the case, that's the motion
2 before the committee. And a second?

3 SENATOR ALVARADO: I second it.

09:52:52

4 CHAIRMAN KING: And we have a second. Is there
5 any discussion on that motion? Senator Hughes?

09:53:01

6 SENATOR HUGHES: Mr. Chairman, thank you. And I
7 -- and I have a question. I don't know the answer to
8 this, but it might be relevant for us to know. I do know
9 that the Committee on State Affairs has used this subpoena
10 power recently. The power is there. It is important.
11 And it's important we have that as a tool. This is a
12 question -- and maybe legislative counsel or somebody can
13 tell us -- I don't know if our subpoena power extends
14 beyond Texas. At least in the case of state affairs,
15 we've -- and it may. I just don't know the answer. It
16 may. But I just want to throw that out there while we
17 have this discussion.

09:53:18

18 SENATOR MILES: And we won't know unless we
19 subpoena her.

09:53:25

20 SENATOR HUGHES: What I mean is that it's
21 probably -- it's probably in the law. It's probably in
22 the rules or the statute. I just don't know off the top
23 of my head whether we have subpoena power for folks beyond
24 Texas. We may. I generally don't know, and someone may
25 know. That's all I wanted to -- that I wanted to point

09:53:34

1 out. Thanks.

2 CHAIRMAN KING: Senator Hinojosa.

3 SENATOR HINOJOSA: Thank you, Mr. Chairman.

4 I -- maybe a better way to do it, I'm just suggesting,
09:53:43 5 is send an invitation. Give her a time limit, and then if
6 she refuses to respond, then --

7 SENATOR MILES: Well, that's what we requested
8 earlier.

9 SENATOR HINOJOSA: Okay.

09:53:53 10 SENATOR MILES: That was our first request that
11 wasn't followed through with. So at this time, I'm asking
12 that we may please subpoena. Because we did, Senator
13 Hinojosa, ask for an invitation to be sent to her.

14 SENATOR HINOJOSA: Have we sent an invitation?

09:54:09 15 SENATOR MILES: Mr. Chairman?

16 CHAIRMAN KING: I'm -- I'm sorry?

17 SENATOR MILES: He is wanting to know if you sent
18 the invitation for her to appear.

19 CHAIRMAN KING: So we certainly discussed that.

09:54:19 20 I -- what I would like to do with regard to the motion
21 is --

22 SENATOR MILES: No. Senator Hinojosa was asking
23 if you sent an invitation for her to appear per our
24 request earlier.

09:54:33 25 CHAIRMAN KING: I have not sent one. That is

1 correct. And I would prefer not to send one. Because I
2 think, again, we're stepping into the litigation that's
3 going forward, and I just think we're confusing two
4 different issues.

09:54:50 5 We're here today simply gathering, taking public input
6 on the topic of congressional redistricting, not
7 specifically on the DOJ letter. And that, as I
8 understand, is a matter that's currently before the Court.
9 And so, I would be very reluctant to invite her.

09:55:10 10 There is a -- I would also would ask that -- I don't
11 recall the question on the motion, because I would like
12 the opportunity to consult with the parliamentarian,
13 because there is some suggestion on our own rules that we
14 cannot do this, at least not where we're at today.

09:55:41 15 So with your permission, if you would not mind
16 withdrawing that motion and then give us time to consult
17 with the parliamentarian with regard to subpoena power and
18 of the committee. What's been pointed out to me is
19 that --

09:56:10 20 SENATOR MILES: Well, why don't we table this
21 motion for us to discuss --

22 CHAIRMAN KING: Yeah.

23 SENATOR MILES: -- maybe on a break?

24 CHAIRMAN KING: What I believe I'm reading is the
09:56:15 25 fact that we don't have any power to --

1 SENATOR MILES: Where are you reading from, sir?

2 CHAIRMAN KING: -- issue a subpoena. And so, if
3 you wouldn't mind not --

09:56:30

4 SENATOR PAXTON: Mr. Chairman, where are you
5 reading from?

6 SENATOR MILES: Where are you reading from?

09:56:46

7 CHAIRMAN KING: All right. In S.R. 5 that we
8 passed on Monday, in Rule 2, Subsection F, states
9 [reading] the committee may not consider or take formal
10 action on a specific bill, resolution, or other
11 nonprocedural matter during a regional hearing, except for
12 the adoption of permanent rules and at an initial meeting
13 held in the Capitol.

09:57:07

14 So your motion could be made at a future time, but not
15 during the regional hearings, which we're conducting over
16 the next four days.

17 SENATOR PAXTON: Okay.

18 SENATOR MILES: Future times as? Can you speak
19 to what future time may be?

09:57:19

20 CHAIRMAN KING: Yeah. And I need to consult with
21 the parliamentarian, but I think they probably --

22 SENATOR MILES: So why don't we just table this
23 motion until we get all that worked out --

24 CHAIRMAN KING: That's what -- that's --

09:57:25

25 SENATOR MILES: -- respectfully?

1 CHAIRMAN KING: That would be my request.

2 SENATOR MILES: Thank you, Mr. Chairman.

3 SENATOR ALVARADO: Mr. Chairman, and that -- that
4 is fine. I'm -- I'm agreeable to that.

09:57:32 5 How about in the meantime? Can we take up what
6 Senator Hinojosa suggested, that we send --

7 SENATOR HINOJOSA: A letter.

8 SENATOR ALVARADO: -- a letter invitation asking
9 her to appear in the meantime while we try to figure out
10 the subpoena part?

09:57:47 11 I know Senator Hughes asked about inviting someone
12 that was out of state; is that right? Didn't the State
13 Affairs Committee invite the CEO of BlackRock, Mr. Larry
14 Fink?

09:58:04 15 SENATOR CREIGHTON: So, we -- so we -- the way
16 State Affairs did it, once the decision was made in the
17 right setting, invitations were issued. And then for
18 those folks who said -- who didn't want to come that way,
19 then the threat of subpoena was there. So whether we have
09:58:17 20 the authority to subpoena someone out of state, I said, "I
21 don't..." that's what I said, "I don't know the answer
22 to." But that's -- that was our experience over in State
23 Affairs.

24 SENATOR MILES: So to move it along, why don't
09:58:26 25 we --

1 CHAIRMAN KING: I think I can clean it up here
2 real quickly.

3 SENATOR MILES: Yeah.

09:58:36

4 CHAIRMAN KING: I think I am fine with sending an
5 invitation.

6 SENATOR MILES: Thank you.

7 CHAIRMAN KING: I do wish to consult legal
8 counsel about that.

9 SENATOR MILES: Okay.

09:58:40

10 CHAIRMAN KING: Because I am concerned that --

11 that we do have the cases Senator Hinojosa referenced
12 going on in El Paso. They are in the post-trial briefing

13 stage. This letter was written. There was a -- that

14 generated a motion by the -- by the plaintiffs to reopen

09:58:55

15 for additional testimony. The Court, the AG's office, the
16 litigation team, filed a response to that, which I have
17 referenced. And then the Court issued an order on that.

18 So, right now, this letter is now, as I see it, a part
19 of that litigation. And so we, before I issue an

09:59:14

20 invitation, I would want to consult with legal counsel.

21 SENATOR MILES: All right. So I'm confused. You
22 said that you would go ahead and issue the invitation, and
23 then as we're doing that --

24 CHAIRMAN KING: I said I think -- I said I think

09:59:26

25 I'm fine with -- with issuing an invitation.

1 SENATOR MILES: Okay.

2 CHAIRMAN KING: But I want to consult with legal
3 counsel.

4 SENATOR MILES: On the subpoena?

09:59:32

5 CHAIRMAN KING: At the same time, I don't
6 want -- I don't want us to get drug in or to get that
7 lawsuit drug in -- drug into what we are doing here today.
8 And so I just want to talk to legal counsel about that.

09:59:49

9 But I think issuing an invitation, if that's what the
10 committee desires, I think that's something we could do.

11 SENATOR MILES: Thank you, sir. So we're going
12 to issue an invitation, and then you're going to consult
13 with --

10:00:01

14 CHAIRMAN KING: I'm going to consult with legal
15 counsel. And, unless there is a really good reason for
16 not doing that, then I'll come back to the committee and
17 ask the committee if that's what you wish me to do. And
18 if you do, then I'll -- we'd be -- we would be happy to
19 issue an invitation.

10:00:11

20 Senator Alvarado.

21 SENATOR ALVARADO: Mr. Chairman, do you have
22 legal representation now?

23 CHAIRMAN KING: I -- I hope I will by the end of
24 the weekend.

10:00:20

25 (Video concluded.)

1 BY MR. DUNN:

2 **Q.** All right. You saw some mention there of BlackRock.

3 What was that issue?

10:00:31

4 **A.** The State Affairs Committee subpoenaed, I believe it
5 was a subpoena, to the CEO of BlackRock who lived in New
6 York.

7 **Q.** And why did that come up in this discussion?

10:00:48

8 **A.** Well, because the chair of State Affairs was stating
9 whether or not we could subpoena someone that was from out
10 of state when he, as a chair of that very committee, State
11 Affairs, issued the subpoena to the CEO of BlackRock out
12 of state.

13 **Q.** At the end of this hearing it sounds like there was an
14 agreement to send an invitation; is that fair?

10:01:03

15 **A.** Yes.

16 **Q.** Was that invitation sent?

17 **A.** Yes.

18 **Q.** Now, also in the lead-up to this hearing, were you
19 given an opportunity to suggest witnesses that the chair
20 could call to the committee?

10:01:14

21 **A.** Yes.

22 **Q.** Did you submit some suggestions?

23 **A.** Yes.

24 **Q.** And did Chair King's office extend those invitations?

10:01:22

25 **A.** Yes.

1 Q. Was one of the persons you asked to include Professor
2 Katz from University of Michigan?

3 A. Yes.

4 MR. DUNN: On Exhibit 304, page 51, line 10 to
10:01:34 5 64, line 13. This is still the July 25th hearing.

6 (Video played.)

7 CHAIRMAN KING: Thank you. Chair calls Ellen
8 Katz. Ms. Katz, are you with us? There you are.

9 PROFESSOR KATZ: Yes, sir. Yeah. Hi.

10:02:03 10 CHAIRMAN KING: We can hear you fine. And,
11 again, I watched your testimony yesterday as well. So
12 please proceed. And if you would, just -- I know you know
13 the drill, but tell us your name and who you represent.
14 And please limit your testimony to two minutes.

10:02:16 15 PROFESSOR KATZ: Okay. Thank you.

16 My name is Ellen Katz. I'm a law professor and
17 Associate Dean at the University of Michigan Law School.
18 I am speaking here on my own, in my personal capacity, not
19 on behalf of the school.

10:02:26 20 I would like to thank the committee for the
21 opportunity to be here and to Senator Alvarado for the
22 invitation.

23 I'll be discussing what you've already been
24 discussing, which is the July 7th letter from the Justice
10:02:37 25 Department, the formal notice that gave the State of Texas

1 serious concerns about these four districts that it calls
2 coalition districts.

10:02:50

3 Coalition districts, which it doesn't define, but are
4 generally districts in which the combined population of
5 two minority groups constitutes a majority of the
6 district.

7 I'm going to make three, I hope, quick points today.

10:03:06

8 First, the letter asserts that the districts violate
9 the Voting Rights Act. They don't. There is a recent
10 judicial decision that you have already mentioned that
11 holds that the effects-based prong of the Voting Rights
12 Act, Section 2 of the Voting Rights Act, doesn't require
13 Texas to draw these districts, but there is no authority
14 whatsoever. There is no claim that the very existence of
15 these districts violates the Voting Rights Act.

10:03:20

16 The second claim the letter makes is that the
17 districts are unconstitutional. And here, the gist of
18 that claim is that the districts were drawn or otherwise
19 reflect impermissible race-based considerations. They
20 don't.

10:03:34

21 Again, Attorney General Paxton's letter on July 11th
22 cites the sworn testimony from the prior litigation -- of
23 an ongoing litigation that race was not considered
24 whatsoever in drawing these four districts. They can't be
25 unconstitutional, racial gerrymanders, or otherwise

10:03:46

1 involving unconstitutional discrimination for that reason.

2 And my last point is, and I want to say is, what I
3 think is, the most important one, and that is what this
4 letter is instructing Texas to do, were Texas to do it,
10:04:02 5 would be illegal. The letter targets what it understands
6 to be effective coalition districts, and then it calls on
7 Texas to alter their racial composition to render them
8 ineffective.

9 The Supreme Court has made clear that dismantling
10:04:17 10 districts in this manner is constitutionally problematic.
11 And were Texas to do what this letter instructs, it would
12 now be injecting race-based considerations into what it
13 says was a race-neutral process; but in so doing, it would
14 be intentionally drawing district lines to destroy
10:04:32 15 effective coalition districts. It amounts to intentional
16 race-based discrimination, and I urge Texas to refuse to
17 take such action.

18 (Video concluded.)

19 BY MR. DUNN:

10:04:41 20 **Q.** Had you had any relationship with Professor Katz
21 before this?

22 **A.** No.

23 **Q.** Did you find -- and I'll just note for the record she
24 goes on and speaks a number of minutes additionally.

10:04:50 25 Did you find her credible?

1 **A.** Yes.

2 **Q.** Now, at that hearing, again focused on the July 25th
3 hearing, there were other experts and lawyers who
4 testified; is that right?

10:05:03 5 **A.** Yes.

6 **Q.** And was there public testimony?

7 **A.** Yes.

8 **Q.** Now, the next hearing, I think the record reflects,
9 was on July 28th. And I take you to that now, which is
10:05:16 10 Exhibit 306.

11 MR. DUNN: Page 21, line 15 to 24, line 2.

12 (Video played.)

13 SENATOR ALVARADO: Okay. So then it seems like
14 your response has been consistent. You said before what
10:05:36 15 your only interaction with the DOJ was, but when you
16 reviewed the letter dated -- their July 7th letter and
17 then the letter of invitation that was emailed to the
18 Assistant Attorney General on Friday; is that correct?

19 CHAIRMAN KING: That's correct.

10:05:52 20 SENATOR ALVARADO: Okay. So those would be the
21 two. And I think you said that you have not received any
22 response from the Assistant Attorney General's Office?

23 CHAIRMAN KING: So we -- of course we -- we
24 recessed our hearing and I went back to the office and
10:06:10 25 wrote up a letter right then, sometime after 5:00 p.m. I

1 got one of those automatic responses from the --

2 SENATOR ALVARADO: And that's been it?

3 CHAIRMAN KING: -- from their office saying it
4 had been received.

10:06:21 5 SENATOR ALVARADO: Okay. And that's been it?

6 CHAIRMAN KING: That was Friday evening; and, of
7 course, today is just Monday.

8 SENATOR ALVARADO: Okay. And then we did some
9 research and under our Senate rules and State law, issuing
10:06:36 10 a subpoena that has been considered a procedural matter,
11 not a nonprocedural or substantive matter, it's clear
12 that, if the committee chooses to do so, we could issue a
13 subpoena to the Assistant Attorney General Dhillon during
14 today's regional hearing or tomorrow. But I think he said
10:06:57 15 that we're going to do that on Wednesday; is that right?

16 CHAIRMAN KING: So my understanding --

17 SENATOR ALVARADO: Did I hear that correctly?

18 CHAIRMAN KING: My understanding of the Senate
19 resolution we passed, it specifically said that we cannot
10:07:10 20 issue subpoenas during regional hearings but -- and I'm
21 still not clear on if we can issue a subpoena to a federal
22 officer.

23 However, I will ask leg. counsel to research that for
24 us all. And I will also take up a motion Wednesday from
10:07:34 25 the committee to issue a subpoena if anyone cares to bring

1 that, and you obviously do. Hopefully before then we will
2 have heard and have already begun to make arrangements for
3 someone from the DOJ to come and testify.

10:07:54 4 SENATOR ALVARADO: Okay. And, again, I just, you
5 know, keep bringing this up because the reason that we're
6 here is because of this letter. And they have given some
7 pretty quick deadlines. I think it's August the 7th that
8 they have --

9 CHAIRMAN KING: Which I'm not sure what that is a
10:08:11 10 deadline to.

11 SENATOR ALVARADO: Well, I just think if they are
12 giving us some pretty tight deadlines, it's okay for us to
13 give them a tight deadline to respond to us.

14 CHAIRMAN KING: I don't disagree. I think -- and
10:08:22 15 that's why I said Wednesday we'll take a -- we'll be happy
16 entertain a motion. I'll be -- but always we need to bear
17 in mind, as well, the governor could have put
18 congressional redistricting on call regardless of whether
19 he received that letter.

10:08:39 20 (Video concluded.)

21 BY MR. DUNN:

22 Q. Now, at that hearing you mentioned that -- just to be
23 clear on our record, was there a map out of something to
24 consider, you know, as a new proposal for the
10:08:49 25 congressional districts?

1 **A.** I'm sorry. Is there a what?

2 **Q.** At the time of this hearing where you were talking
3 about obtaining the testimony of the Department of Justice
4 lawyer, was there any map to consider?

10:09:00

5 **A.** No.

6 **Q.** You still -- all you knew was that -- is that set of
7 exchanges you had with Chairman King that we've shown
8 here?

9 **A.** Correct. Yes.

10:09:08

10 **Q.** Was any -- was there any testimony given by experts or
11 attorneys, for example, from the Attorney General's Office
12 at this stage about their position?

13 **A.** No. No.

10:09:22

14 **Q.** And how would you describe, of the experts who showed
15 up and the experts on voting rights, you know, what was
16 their -- what was the general gist of their opinions, if
17 there was one?

10:09:37

18 **A.** That what we were about to engage in was
19 unconstitutional, illegal. And these were experts that
20 had testified at previous redistricting hearings in the
21 normal redistricting timeline.

22 **Q.** And also at that hearing you ultimately made a motion
23 about the trial transcripts from this Court.

24 Do you recall that?

10:09:51

25 **A.** Yes.

1 Q. What were you doing there?

2 A. Making sure that members of the committee had access
3 to the documents.

4 Q. Documents from where?

10:10:07 5 A. From the court case that was going on at the time.

6 Q. Does that include the trial transcripts?

7 A. Yes, sir.

8 Q. And what was the response to your request?

9 A. It was allowed.

10:10:17 10 Q. And how is it that members of the committee shared
11 materials?

12 A. For that, I believe it was the Dropbox.

13 Q. And so was the transcript and records from this -- the
14 trial in this proceeding ultimately placed in that Dropbox
15 for all the members?

10:10:34

16 A. Yes.

17 Q. And who had access to the Dropbox?

18 A. All of the committee members and their staff.

19 Q. All right. And we'll cover this with other witnesses;
20 but while you were having the Senate hearings, the House
21 is also having some hearings; is that true?

10:10:46

22 A. Yes.

23 Q. You saw at the beginning of Professor Katz' testimony
24 Senator King referenced having heard her testimony the day
25 before?

10:10:59

1 **A.** Yes.

2 **Q.** Was that the House hearing, as far as you understand?

3 **A.** Yes.

4 **Q.** Now, the next hearing, I think according to the

10:11:06

5 record, is July 29th, the Senate committee. And I'm going

6 to take you to page 204 -- excuse me. This is

7 Exhibit 307, July 29th committee hearing, page 204,

8 line 18 to 204, line 23.

9 MR. DUNN: Excuse me a second, Your Honors.

10:12:33

10 (Video played.)

11 SENATOR ALVARADO: Thank you, Mr. Chairman.

12 I have a series of questions I'd like to ask and then

13 I want to talk a little bit about the redistricting

14 process in general.

10:12:44

15 So, again, you go back to why are we here? What is

16 the purpose, Mr. Chairman, of the public hearings? If

17 it's to assess whether to conduct congressional

18 redistricting, the testimony from last week and today have

19 been overwhelmingly not to conduct mid-decade

10:13:05

20 congressional redistricting under the current

21 circumstances.

22 Whether you agree with that or not -- well, with the

23 position of individual witnesses, you would agree, though,

24 that most of the -- overwhelmingly most of the testimony

10:13:25

25 has been not supportive of this redistricting process in

1 mid-decade.

2 Would you agree with that?

3 CHAIRMAN KING: So the reason the committee was
4 created and convened initially was because the -- Governor
10:13:43 5 Abbott added to the special session the following charge.
6 It says, the governor's special session to parliament
7 states, "Legislation that provides a revised congressional
8 redistricting plan in light of constitutional concerns
9 raised by the U.S. Department of Justice."

10:14:04 10 The purposes of the public hearings has been to gather
11 public information on the subject of congressional
12 redistricting. The -- there -- I -- there has
13 been -- there is no map currently before the committee.
14 The committee can consider a map at any time one is filed.
10:14:31 15 I am confident one will be filed at some point.

16 But the purpose of the committee hearings is the same
17 reason that we have done all hearings in the past before
18 bills were filed and that is to simply solicit testimony
19 on the subject matter.

10:14:49 20 (Video concluded.)

21 BY MR. DUNN:

22 **Q.** So what was your sense at this point, based on that
23 and the other proceedings you witnessed?

24 Did you view the map as a certainty or did you believe
10:14:58 25 it was really open for consideration at this point?

1 **A.** I'm sorry. I didn't get the last part.

2 **Q.** Did you believe it to be an open, you know, question
3 whether this would happen? Or you believed it was a
4 certainty based on what you had observed there?

10:15:11 5 **A.** Oh, I did not believe it was open.

6 **Q.** And what gave you that impression?

7 **A.** Well, I mean, we still hadn't seen a map. And the
8 overwhelming response to the -- of the testimony, it
9 didn't seem like it was taken into consideration.

10:15:39 10 **Q.** Just based on nonverbal communication or --

11 **A.** Yes.

12 **Q.** Now, at the same hearing, at page 207, line 7 to 207,
13 line 25.

14 (Video played.)

10:16:04 15 SENATOR ALVARADO: My next question is: Is it --
16 is it already decided that we will redraw the
17 congressional lines from this session? Is there an option
18 that, based on the testimony and what the outcome of the
19 maps look like, that maybe this body says, you know what,
10:16:26 20 we're just -- we're not going to do it this time?

21 CHAIRMAN KING: I don't think anything is
22 predetermined. I think that I'm very confident there will
23 be one or more maps filed here and in the House. We will
24 take those through the process. It will be this

10:16:41 25 committee's decision as to whether they want to adopt a

1 map and recommend it for favorable consideration by the
2 full Senate.

3 The committee, of course, it will go through the
4 normal process of possible committee amendments. But at
10:17:01 5 this time, there is no map before us. I do expect one to
6 be before us. And when it does, we'll immediately make it
7 available to the public and begin public testimony on
8 that, just like we would any matter that comes before any
9 committee.

10:17:21 10 SENATOR ALVARADO: Do you know who is drawing the
11 map?

12 CHAIRMAN KING: I know we mentioned -- we talked
13 about this the other day on the floor. I understand that
14 the -- you mentioned the name earlier Adam Kincaid. I
10:17:36 15 understand he is drawing a map on behalf of the
16 Redistricting Trust. I think that's on behalf of the
17 congressional -- Republican congressional delegation, but
18 I'm actually not sure of that. But I haven't seen any map
19 yet. No one has presented a map to me, and I haven't been
10:17:51 20 trying to draw one myself.

21 (Video concluded.)

22 BY MR. DUNN:

23 Q. Now, you had asked about Mr. Kincaid prior during the
24 rule debate on the very first day of session; is that
10:18:02 25 right?

1 **A.** Yes.

2 **Q.** Is this the sort of next acknowledgement that he might
3 be involved in the process in some way?

4 **A.** Yes.

10:18:08 5 **Q.** And if I could take you down to page 208, line 1
6 through line 11, Exhibit 307.

7 (Video played.)

8 SENATOR ALVARADO: Do you know who is drawing the
9 map?

10:18:24 10 CHAIRMAN KING: I know -- we talked about this
11 the other day on the floor. I understand that the -- you
12 mentioned the name earlier --

13 (Video concluded.)

14 MR. DUNN: I beg the Court's pardon. That was
10:18:38 15 included in the last excerpt you had already seen.

16 BY MR. DUNN:

17 **Q.** Now, at some point, you had a discussion in this
18 committee about whether the Department of Justice letter
19 was going to be part of the consideration for drawing a
10:18:49 20 map.

21 Do you recall generally raising that issue?

22 **A.** Yes.

23 **Q.** On page 208, line 18 to 209, line 12.

24 (Video played.)

10:19:05 25 SENATOR ALVARADO: Okay. Will the redraw focus

1 be on districts across the entire state like we typically
2 do in redistricting, or is it just specific ones?

10:19:24

3 CHAIRMAN KING: You know, I can't state that. I
4 said I believe if there is any interest on the Republican
5 side, it would be in trying to create more Republican
6 districts to add support to the Republican majority in the
7 U.S. Congress so that some of the really good policies
8 that we have seen implemented in the last seven months
9 could continue and be furthered.

10:19:44

10 SENATOR ALVARADO: Okay. I'm just curious,
11 because the DOJ letter, which was included in the
12 governor's call, very specifically about those four
13 districts, if that is going to be the desire of the
14 leadership here, that it is just focused on those four
15 districts, or if it's the entire state?

10:19:58

16 CHAIRMAN KING: Well, it's my hope that anything
17 that the committee takes up, that we'll take it up from a
18 race-blind perspective. And I don't have any intention of
19 looking at racial data myself.

10:20:15

20 (Video concluded.)

21 BY MR. DUNN:

22 **Q.** All right. Did you also ask, you know, some sense of
23 when the map might come at this hearing?

24 **A.** Yes.

10:20:21

25 **Q.** To page 209, line 13 to 210, line 6.

1 (Video played.)

2 SENATOR ALVARADO: Okay. Do you have any idea
3 when these maps may come down? We hear, you know, out
4 there in the rumor mill that possibly the end of this
5 week?

10:20:48

6 CHAIRMAN KING: Like I said, I haven't had one
7 presented to me. If one is presented to me, I'll make a
8 decision on whether I want to file it. And if I file it,
9 it will be available to everyone immediately.

10:21:01

10 (Video concluded.)

11 BY MR. DUNN:

12 **Q.** Now, I don't think it's in dispute, but ultimately a
13 map was filed first in the House side by representative --
14 Chairman Hunter; is that true?

10:21:09

15 **A.** Yes.

16 **Q.** I want to show you an exhibit, Brooks Exhibit 259.
17 This is a table of data that was produced for the Plan
18 2308.

19 Do you see that here at the top?

10:21:53

20 **A.** Yes.

21 **Q.** You'll note the upper left-hand side, it's a little
22 bit hard to read, but could you read the date here and the
23 time?

24 **A.** July 29, 2025. It looks like -- is it 23?

10:22:26

25 **Q.** I think it says 8:23:40.

1 **A.** Yeah. 8:23:40 p.m.

2 **Q.** And then it has another date and time with a TLC stamp
3 on the right-hand side, do you see that, July 30th?

4 **A.** Yes.

10:22:41 5 **Q.** At 9:41 a.m.?

6 **A.** Yes.

7 **Q.** So right after you were asking Chairman King about
8 when the timing of the map is, does this record reflect
9 that it was filed in the House just right after that?

10:22:54 10 **A.** Yes.

11 **Q.** Now returning to the hearing of that day, which,
12 again, for our record is Exhibit 307, the July 29th
13 hearing. You asked some more questions about the process.

14 And I want to call your attention to page 212, line 1
10:23:16 15 to 212, line 16.

16 (Video played.)

17 SENATOR ALVARADO: Okay. Let's just say
18 hypothetically that the maps come out on Friday. How soon
19 do you think after that that the next hearing, which you
10:23:41 20 said would be in person and here at the Capitol, when do
21 you anticipate that will occur?

22 CHAIRMAN KING: That's a really good question;
23 and I was trying to work through a timeline mentally last
24 night. You know, the Senate may desire to wait and see

10:23:56 25 what the House passes out. I think, because of the

1 shortness of the special session, it's probably certainly
2 wise. Even if we just -- we're waiting on a House map,
3 it's still wise to go ahead and have a hearing.

10:24:17

4 So I would want to talk it over with Senate leadership
5 and with members of the committee and -- but I would think
6 at some point in the near future, after that bill is
7 filed, we would want to have a public hearing or hearings
8 on it.

9 (Video concluded.)

10:24:25

10 BY MR. DUNN:

11 **Q.** Was there any indication that the map would be, at
12 least an initial draft of the map, would be filed in the
13 next 24 hours?

14 **A.** No.

10:24:33

15 **Q.** And you also followed up on some questioning about
16 hiring legal counsel.

17 Do you recall that generally?

18 **A.** Yes.

10:24:47

19 **Q.** And this is, again, Exhibit 307, page 222, line 19 to
20 223, line 18.

21 (Video played.)

10:25:03

22 CHAIRMAN KING: I did want to mention, Senator
23 Alvarado, you asked me a couple of times if I had hired
24 legal counsel yet. I am hoping I can tell you in a couple
25 of hours that I will have. You know, leg. counsel manages

1 the contracts between outside counsel. And we did find a
2 law firm and they are negotiating a contract. And I
3 thought it would have been signed and worked out by now,
4 but I'm hoping it will be by the end of the day. And I'll
5 email each member of the committee and let them know who
6 the counsel is that we've hired to represent me in the
7 process.

10:25:24

8 SENATOR ALVARADO: Is that -- okay. So you said
9 to represent you. So is that --

10:25:33

10 CHAIRMAN KING: So it would be --

11 SENATOR ALVARADO: -- law firm going to be --

12 CHAIRMAN KING: -- representing --

13 SENATOR ALVARADO: -- representing you, the
14 committee, Republicans only, or --

10:25:39

15 CHAIRMAN KING: It would be representing just me
16 in the position of chairman of the committee.

17 SENATOR ALVARADO: Okay. And is that something
18 that the Senate absorbs those costs?

19 CHAIRMAN KING: I think they are actually paid
20 through leg. counsel so --

10:25:56

21 SENATOR ALVARADO: Okay.

22 (Video concluded.)

23 BY MR. DUNN:

24 Q. Now, you recall we showed some excerpts from Senator

10:26:02

25 Huffman in 2021 and how she submitted a map to the

1 Attorney General's Office for review.

2 Do you recall those generally?

3 **A.** Yes.

4 **Q.** What is changing here, if anything, from 2021 to 2025
5 based on this?

10:26:13

6 **A.** It appears that the Attorney General's Office is not
7 involved.

8 **Q.** In the redistrictings that you have been involved in,
9 has the Attorney General's office been involved?

10:26:22

10 **A.** Yes.

11 **Q.** Every single one?

12 **A.** Yes.

13 **Q.** Now, you also -- that hearing adjourns, after some
14 discussion of course, and another Senate committee hearing
15 takes place on July 30th. And there, there was a
16 discussion, again, about the subpoena, this time to Adam
17 Kincaid.

10:26:39

18 Do you recall that generally?

19 **A.** Yes.

10:26:50

20 **Q.** This is Exhibit 308, July 30th, Senate committee
21 hearing page 25, line 8 to 31, line 16.

22 (Video played.)

23 CHAIRMAN KING: I know that the House has filed a
24 bill today. I have already asked the counsel that we've

10:27:18

25 engaged -- that I have engaged to take a look at that map

1 and let me know if it does or does not in all ways comply
2 with the Voting Rights Act, the Fourteenth Amendment, and
3 any other appropriate law.

10:27:42

4 And it doesn't seem that it would matter what the
5 motives were for the document or the methodology used to
6 construct it. It really seems that all that matters is
7 what -- what is in the four corners of that document, what
8 are within the parameters of each district on that map.

10:28:09

9 And so I don't really see any purpose that his
10 testimony -- I don't see any -- how his testimony would
11 provide any relevant information to the committee's
12 decision of do we like that map. First off, is it legal,
13 and do we like the way it's drawn?

14 (Video concluded.)

10:28:32

15 BY MR. DUNN:

16 **Q.** Now, this is a discussion about subpoenaing Kincaid.
17 What was your opinion on the subject of whether he ought
18 to be heard from?

10:28:41

19 **A.** I thought as the map drawer I wanted to ask him how he
20 came about drawing each district, what was his rationale,
21 what data was he using.

22 **Q.** All right. And continuing to the last half of that
23 same page and line that I provided.

24 (Video played.)

10:28:58

25 CHAIRMAN KING: Well, if the point is to

1 determine their methodology and their thoughts behind it
2 and all that, I just -- I just think those are irrelevant
3 in the unique situation of a redistricting map because
4 what really matters to us is first determining
10:29:10 5 independently is it legal in every respect, and then
6 determining ourselves is it good policy for the State of
7 Texas and what their mental state was in drawing the map
8 or their methodology. I don't think really matters
9 because I think the methodology gets wiped out by our
10:29:29 10 legal scrub and the mental state gets wiped out by our
11 policy decisions.

12 (Video concluded.)

13 BY MR. DUNN:

14 **Q.** Now, there were a number of discussions from various
10:29:45 15 senators about the issue of subpoenaing Kincaid. There
16 was a debate, it's fair to say?

17 **A.** Yes.

18 **Q.** Was there a vote?

19 **A.** Yes.

10:29:50 20 **Q.** How did the vote come out?

21 **A.** Strictly on party lines. It went down. It was
22 defeated.

23 **Q.** In other words, there would be no subpoena to
24 Mr. Kincaid?

10:30:01 25 **A.** Yes.

1 Q. Also, I note here in the video that you are in a
2 different space than you have been for the other committee
3 hearings. Where is that?

4 A. This is in the Betty King Room.

10:30:13 5 Q. Why were you meeting there as opposed to where you
6 were regularly meeting?

7 A. I don't recall why we were in there.

8 Q. Fair enough.

9 This was -- this hearing, though, was upon adjournment
10 of the floor session?

11 A. Yes.

12 Q. And is that a normal way to take up the subpoena
13 issues in committees?

14 A. No.

10:30:35 15 Q. On a special hearing just for it?

16 A. No. Sometimes when committees meet there upon
17 adjournment, it's to quickly take action on something in
18 a, you know, timely manner.

19 Q. Aside from the discussion about the subpoena issue,
10:30:54 20 which we discussed, do you recall there was a discussion
21 from Senator Miles about, you know, when are we going to
22 see a map, move a map generally on the Senate side?

23 A. Yes.

24 Q. Going to page 31, line 18 to page 33, line 7. Again
10:31:12 25 of Exhibit 308.

1 (Video played.)

2 SENATOR MILES: Mr. Chairman, one clarification.

3 You just stated that we don't have a map. Is it your
4 intent -- just for clarification -- is it your intent to
5 use the House map after you have had them scrub it?

10:31:22

6 CHAIRMAN KING: I honestly haven't decided.

7 SENATOR MILES: Are you going to file an
8 additional map, as a point of clarification?

9 CHAIRMAN KING: Okay. I haven't decided. I want

10:31:30

10 to watch -- I think there is several things for us to do,
11 and I don't think there is a rush. I'd like to understand

12 -- the House just posted a hearing from Friday -- for

13 Friday. I'm assuming they have already begun a legal

14 analysis of the map. I'm really eager to hear all the

10:31:48

15 testimony on the map with regard to its legality and
16 policy implications and see how their hearing goes.

17 I want to see if it looks like it's moving forward and

18 getting it out to the committee soon and then when they

19 might begin to bring it to the floor, because we could

10:32:06

20 just wait and see if the House sends a map over and then
21 take up that map when it arrives.

22 I might also decide they are moving a little slowly.

23 I might -- if we get a good report on the map from

24 counsel, then I might take that map and file it.

10:32:29

25 But at the same time, other members of the committee

1 or the Senate may file other maps as well that we need to
2 take a look at.

3 So, again, I looked at the map for probably 20 minutes
4 today, pulling it up on the screen and just overlaying the
10:32:45 5 new lines with the old map. And there is a lot of
6 adjustment in a lot of districts. And I don't know
7 initially if they're -- I have no idea what the legal
8 implications are, if they -- if it meets the VRA and other
9 requirements. I suspect it does and -- but I want to
10:33:07 10 check that before I look at it.

11 And also I'm just going to have to spend a lot of
12 time, as everybody else will, trying to decide if it's
13 good policy, the way the maps are drawn. So I don't know
14 if I'm going to file that bill or not. I don't know if
10:33:22 15 I'm going to file another bill. I don't know if other
16 members are going to file bills, "bills" being maps. And
17 -- but I -- certainly I'm not going to make a decision
18 until I kind of see how things are moving in the House.

19 (Video concluded.)

10:33:37 20 BY MR. DUNN:

21 **Q.** What impression did you take from that as to whether
22 Senator King was in the loop with the construction of the
23 map being considered at that point in the House?

24 **A.** He seemed -- I thought he was in the loop.

10:33:50 25 **Q.** Did he profess having any involvement in the drawing

1 of the map or the filing of it on the House side?

2 **A.** No.

3 **Q.** And with regard to the individual lines in the map,
4 had he made a decision, at least in terms of what he was
10:34:05 5 expressing publicly, as to whether he was going to support
6 the House map?

7 **A.** No.

8 **Q.** Now, the final issue for that hearing. There was a
9 renewed discussion, you might recall, over hiring
10:34:20 10 BakerHostetler.

11 Do you recall that generally?

12 **A.** Yes.

13 **Q.** And this is page 34, line 18 to 35, line 8.

14 (Video played.)

10:34:34 15 CHAIRMAN KING: You have also asked me on a
16 number of occasions who the legal counsel is that we were
17 pursuing. We actually talked to a number of firms. I
18 mean, normally you would have -- I would have done this
19 earlier, but we didn't get started until a couple weeks
10:34:50 20 ago. We interviewed a number of firms that had already
21 been hired by other parties and ran into some conflicts.

22 As of this evening, we have hired the firm of Baker --
23 the firm of BakerHostetler. Their, I believe, home office
24 is out of D.C., but they have offices in a number of
10:35:10 25 locations, including Texas. They have a very good

1 background in redistricting and similar issues.

2 And I have, as I mentioned, already asked them to take
3 a look at the map that was filed in the House today and to
4 just do an independent review of it and let me know if
5 they believe, as I suspect it does --

10:35:29

6 (Video concluded.)

7 BY MR. DUNN:

8 **Q.** And so at that point --

9 (Video played.)

10:35:36

10 CHAIRMAN KING: -- that it complies with the
11 requisite legal requirements.

12 (Video concluded.)

13 BY MR. DUNN:

14 **Q.** At that point it was your understanding that Hostetler
15 had been hired and would be moving forward as counsel for
16 the Senate side?

10:35:46

17 **A.** Yes.

18 **Q.** All right. Now, the record reflects at Brooks
19 Exhibit 310 that on August 2nd the State House committee
20 took up the map and had an extensive debate, which we will
21 talk about with other witnesses; but shortly after the
22 bill passes out of the House committee and it's ripe for
23 consideration on the House floor, a quorum break starts.

10:35:55

24 Do you recall that?

10:36:07

25 **A.** Yes.

1 Q. What were you doing when the quorum break started off?
2 What did your schedule that week look like?

10:36:27

3 A. We were in session. We were -- I don't recall who
4 were on the floor at that exact time, but we were in
5 session. We were -- we were there.

6 Q. And -- fair enough. And after you learned about the
7 quorum break, did you make a decision to travel to the
8 National Conference of State Legislatures?

10:36:41

9 A. Yes. That was something that had been previously
10 planned and then canceled and then planned again.

11 Q. So why did you plan it again?

10:37:00

12 A. Well, because we knew that it was -- we were going to
13 be in another special since the House had broken quorum.
14 We would eventually be back. So I could use my time more
15 wisely at the National Conference of State Legislators.

16 Q. And why did you think the National Conference of State
17 Legislatures is a wise use of your time?

10:37:18

18 A. There were legislators from all over the country,
19 other states, that were possibly even going to be next to
20 deal with the redistricting, the decade redistricting.
21 And we wanted to highlight what was going on in Texas.

10:37:41

22 There were, as you know, the horrific floods in
23 Central Texas that had occurred. So there was some panels
24 on flooding that was -- there were two panels that were
25 very interested -- I was very interested in. One was the

1 redistricting standing committee of the conference, of the
2 organization, that we wanted to attend. And then there
3 was a second panel, coincidentally it was titled
4 "Redistricting: A Mid-Decade Glance." And then there was
5 a subtitle about not being too soon to look at
6 redistricting. And I was even more curious because one of
7 the panelists was from the firm that was representing
8 Senator King.

10:38:03

9 **Q.** Did you also attend some political events while in
10 Boston?

10:38:20

11 **A.** Meetings with the governor, yes.

12 **Q.** Now, while the record reflects at Exhibit 311 and 312
13 that the Senate held a hearing on August the 6th and
14 another one the following day on August the 7th -- and it
15 sounds like you were not at that. You were in Boston. Is
16 that fair?

10:38:36

17 **A.** Yes.

18 **Q.** Now, with regard to the August 6th hearing, did you
19 ultimately, you know, follow-up and check into what had
20 taken place in your absence?

10:38:47

21 **A.** Yes. With staff.

22 **Q.** And what was that generally?

23 **A.** Well, it was a pretty, you know, standard hearing. It
24 was virtual, I believe. One was virtual and one was in
25 person.

10:39:05

1 Q. Ultimately there were witnesses who testified, none of
2 whom who showed up for the hearing, right?

3 A. That's correct.

4 Q. And do you have an opinion why that was so?

10:39:12 5 A. Well, we knew it was a waste of time. That we would
6 be doing it all over again once the House returned.

7 Q. All right. And the following day was -- the Senate
8 held another hearing and invited public testimony.

9 Do you recall that?

10:39:26 10 A. Yes.

11 Q. I'll get to that in just a minute. But in this
12 interim period when this quorum break is happening, I
13 would like to call your attention to Brooks Exhibit 331.

14 (Video played.)

10:39:52 15 GOVERNOR ABBOTT: Four of the five districts we
16 are drawing, they would be Hispanic districts. They
17 happen to be Hispanic Republican districts. One is going
18 to restore Barbara Jordan's district in Harris County.

19 (Video concluded.)

10:40:04 20 BY MR. DUNN:

21 Q. Do you hear Governor Abbott in this interview talking
22 about what is going to be accomplished by the
23 redistricting?

24 A. Yes.

10:40:11 25 Q. And does he refer to racial makeup?

1 **A.** Yes. Hispanic specifically.

2 MR. LOOMIS: We need to establish the date that
3 was said.

4 MR. DUNN: Sure. That was August the 5th.

10:40:23 5 Never was good at juggling, but I'm going to get
6 better at it as we get into this case.

7 BY MR. DUNN:

8 **Q.** In terms of that interview, you hear Governor Abbott
9 talk about Barbara Jordan?

10:40:33 10 **A.** Yes.

11 **Q.** Us Texans and probably many others know who that was;
12 but for the purposes of our record, would you tell us a
13 little bit about her?

14 **A.** She was an African American elected -- served in the
10:40:43 15 Senate, first African American woman. And then she later
16 became a member of congress for the 18th Congressional
17 District.

18 **Q.** Was that the 18th Congressional District that you
19 mentioned earlier in Houston?

10:40:53 20 **A.** Yes, sir.

21 **Q.** So she served from a district even then in Houston.
22 18 was her district?

23 **A.** Yes.

24 **Q.** And what significance does that district have in
10:41:04 25 Houston, if anything?

1 **A.** Well, that district, since she left office, continued
2 to elect African Americans, the late Sheila Jackson Lee,
3 and then the late Sylvester Turner.

10:41:20

4 **Q.** Was it in danger in terms of not electing an African
5 American candidate of choice, based on your experience?

6 **A.** No.

7 **Q.** And so what do you make of the governor referencing
8 saving the Barbara Jordan district?

9 **A.** I was surprised.

10:41:33

10 **Q.** Now, also on August the 5th, Brooks Exhibit 334. This
11 is a news recording of the Department of Justice attorney,
12 Harmeet Dhillon.

13 (Video played.)

10:41:54

14 GREG KELLY: And once upon a time, you were kind
15 of in sync with the Kennedy administration. You know,
16 these are civil rights. It's almost amusing how you have
17 been so falsely portrayed.

18 MS. DHILLON: Well, you are right. I mean, look,
19 people have invested their entire careers. I mean, all
20 these folks who fled from Texas to Illinois comically,
21 which is a very gerrymandered state itself, racially
22 gerrymandered state itself, their careers are due to a
23 system of racial spoils.

10:42:08

24 And, you know, to be clear, the Civil Rights Act and
25 all the different voting rights laws were passed to remedy

10:42:23

1 past acts of discrimination in our country but I mean way
2 past. It's 2025 today.

3 And this concept of using this sort of Marxist group
4 awarding of spoils to people by group as opposed to
10:42:39 5 individual merits is illegal. And the Supreme Court has
6 struck down affirmative action plans and struck down
7 Students for Fair Admissions, discrimination against
8 Whites and Asians in Harvard and UNC and other schools.

9 And that's the law of the land today. And there are
10:42:57 10 still Democrats and, you know, liberals in academia, and
11 people who draw the lines and people like Jasmine Crockett
12 who owe their seats to racist line drawing, who, you know,
13 they have a lot at stake in that system.

14 And so it's not going to be dismantled easily. And
10:43:13 15 there -- quite frankly, in past administrations, there
16 have been Republicans who shy away because they don't want
17 to be called names.

18 We're not afraid of that in this administration. I'm
19 not afraid of it. I am very committed to our Federal
10:43:23 20 civil rights laws, and they lead to a specific conclusion.
21 And so one by one, every day we are intaking complaints.
22 We are analyzing facts and the law. We are taking action
23 every day.

24 And it is actually exhilarating to see America slowly
10:43:36 25 return to the center, to a race neutral, to a fair and

1 equal opportunity system. That is what the founders
2 envisioned. And that is, frankly, what the writers and
3 drafters of the Civil Rights Act also envisioned.

4 (Video concluded.)

10:43:51

5 BY MR. DUNN:

6 **Q.** Do you view the district you serve from as a result of
7 a racial spoils system?

8 **A.** No.

9 **Q.** Do you view CD 29 that way?

10:44:01

10 **A.** No.

11 **Q.** Do you view CD 18 that way?

12 **A.** No.

13 **Q.** Do you view CD 9 that way?

14 **A.** No.

10:44:08

15 **Q.** Now, recall that we have some testimony and recordings
16 today of your efforts and others in the Senate to obtain
17 the testimony of Ms. Dhillon.

18 Do you recall that?

19 **A.** Yes.

10:44:26

20 **Q.** An invitation was sent.

21 Do you recall that?

22 **A.** Yes.

23 **Q.** At the point in time that Ms. Dhillon is on the
24 television and talking about her views, has the Senate

10:44:34

25 received a response to this invitation?

1 **A.** No.

2 **Q.** Was there a follow-up attempt by the chair of the
3 committee or other members in light of her public
4 statements to follow up with her?

10:44:44

5 **A.** Not that I'm aware of.

6 **Q.** On August the 6th, Brooks Exhibit 322, this is another
7 media statement from Ms. Dhillon.

8 (Video played.)

10:45:05

9 JOHN SOLOMON: The big brouhaha in Texas at the
10 State House where the Democrats have basically absconded,
11 won't do their job, actually was triggered by a letter you
12 sent Texas telling them that some of the districts were
13 illegal. Tell us about that.

10:45:17

14 MS. DHILLON: Well, yes. So I mentioned that the
15 courts are beginning to percolate these decisions that are
16 striking down portions of the precedence that have -- some
17 would say required, but certainly enabled race-based
18 redistricting. And so there was a recent decision in 2023
19 that struck down this concept of coalition districts but
20 left alive what is now being -- going to be considered by
21 the Supreme Court a sort of majority-minority district but
22 you have to have a single minority that composes a
23 majority of that district. I know that's a lot but this
24 is a very convoluted area of the law.

25 So we took a look at Texas and we found that four of

1 their districts in Texas are comprised of these so-called
2 coalition districts. In other words, to get to a special
3 minority district you have to add together multiple
4 minorities or count on a certain percentage of a crossover
10:46:40 5 White vote and this is too complex, too weird, and too
6 inconsistent with equal protection.

7 And so we wrote to Texas telling them that even though
8 that law had been struck down a couple of years ago, their
9 districts are now not in compliance with the federal
10:46:50 10 voting rights laws and so they needed to take action to
11 fix them. That is what triggered the Texas legislature
12 and the Texas governor to call the legislature into
13 session to put new maps together.

14 (Video concluded.)

10:47:03 15 BY MR. DUNN:

16 **Q.** She mentioned the word "triggered," what triggered the
17 session. Just to be clear, what does she claim triggered
18 this session on redistricting?

19 **A.** Well, her letter but also the court case.

10:47:18 20 **Q.** Now, on August the 7th there is that committee
21 hearing, the second of the two, that took place on the
22 Senate side during the quorum break.

23 But before we get to the events there at the
24 committee, I want to show you Brooks Exhibit 332. And
10:47:36 25 this is dated August the 7th, if I didn't make that clear.

1 (Video played.)

2 GOVERNOR ABBOTT: So most people know that at the
3 beginning of a decade, all states go through the
4 redistricting process based upon what the new census
10:47:51 5 shows. Since that redistricting process took place, two
6 things have changed: One is the law. The other is the
7 facts.

8 The legal change was actually catalyzed by the
9 Democrats. The Democrats filed a lawsuit in 2022 that was
10:48:03 10 decided last year where courts decided that Texas is no
11 longer required to have what are called coalition
12 districts and, as a result, were able to take the people
13 who were in those coalition districts and make sure they
14 are going to be in districts that really represent the
10:48:19 15 voting preference of those people who live here in Texas.

16 And then the fact that has changed, we saw in the
17 aftermath of the Trump election that an overwhelming of
18 number of Hispanics and Blacks, as well as others, chose
19 to vote for Trump. Four of the five districts that we are
10:48:38 20 going to create are predominantly Hispanic districts that
21 happen to be voting for Republicans as opposed to
22 Democrats.

23 Democrats think they have an ownership right to voters
24 who are Hispanic or Black. They are now learning the hard
10:48:50 25 way those voters are supporting Republicans.

1 (Video concluded.)

2 BY MR. DUNN:

3 **Q.** Is it fair to say the governor is focused on race when
4 describing the map he hopes to pass?

10:49:01

5 **A.** Yes. Again --

6 MR. LOOMIS: Your Honor, it's speculation based
7 on his statements made well after the maps were drawn.

8 JUDGE GUADERRAMA: I'll overrule the objection.
9 That's the opinion of the senator.

10:49:15

10 BY MR. DUNN:

11 **Q.** Now, turning to the August 7th hearing and
12 Exhibit 312, there is a discussion where Senator Miles is
13 there asking again Chairman King about the Department of
14 Justice letter. Page 207, line 16 to 208, line 24.

10:50:43

15 (Video played.)

16 SENATOR MILES: And last question. I'm assuming
17 you were reporting to lieutenant governor on this,
18 correct? That's who you got your --

10:50:54

19 CHAIRMAN KING: Well, the lieutenant governor is
20 the presiding officer of the Senate.

21 SENATOR MILES: Uh-huh. Yeah.

22 CHAIRMAN KING: And he asked me if I would be
23 interested in chairing the committee. And so I have
24 interacted with him in the same manner that every chair
25 interacts with the presiding officer.

10:51:05

1 SENATOR MILES: Yeah. Did you express any
2 concern about potential of racial gerrymandering or
3 intentional discrimination while attempting to comply with
4 the DOJ letter to the lieutenant governor? Did you-all
5 have any discussion in that manner? Gerrymandering?

10:51:19

6 CHAIRMAN KING: I think I mentioned to him that I
7 thought the DOJ letter unnecessarily confused this
8 process.

9 SENATOR MILES: You thought the DOJ letter
10 confused the process?

10:51:34

11 CHAIRMAN KING: Yes. I --

12 SENATOR MILES: You expressed that with him?

13 CHAIRMAN KING: I -- yeah. I think in discussing
14 it with him, I've mentioned that the DOJ letter, I
15 thought, unnecessarily confused the redistricting process.

10:51:44

16 SENATOR MILES: And can you share his response
17 with us?

18 CHAIRMAN KING: To be honest, I don't recall it.

19 SENATOR MILES: You don't recall.

10:51:55

20 (Video concluded.)

21 BY MR. DUNN:

22 **Q.** Now, on August the 8th, the quorum break is still
23 happening. There's some more media statements. Drawing
24 your attention to Exhibit 323.

10:52:19

25 (Video played.)

1 MS. DHILLON: We kicked off the week celebrating
2 one of our -- [inaudible].

3 (Video concluded.)

4 THE WITNESS: I can't understand that.

10:52:35

5 MR. DUNN: Sure. I will try to turn it up a
6 little louder.

7 (Video played.)

10:52:56

8 MS. DHILLON: We kicked off the week celebrating
9 one of our very important Federal Civil Rights Statutes,
10 the Voting Rights Act, which turned 60 this week; and we
11 have had a long and storied history of this law and that
12 kind of takes us into the first big project that we did
13 this week that was in the news, which is our involvement
14 in the Texas redistricting that is happening now.

10:53:14

15 We sent a letter last month in July to Texas, noting
16 that under a Fifth Circuit precedent that was passed in
17 2024, several of Texas's districts are no longer legal
18 under Voting Rights Act analysis because they constitute
19 illegal coalition districts.

10:53:31

20 And so, that caused the Texas legislature to be called
21 into session by the governor and in turn that caused a
22 bunch of Texas legislators to flee the jurisdiction into
23 Illinois to try to avoid having a quorum in Texas.

10:53:47

24 That is very interesting for us to watch from the
25 outside. We're not involved in that. That's state law

1 stuff. But the bottom line is that the Voting Rights Act
2 is a very important law and we are charged with enforcing
3 it and where states have used racial gerrymandering that's
4 illegal under the Voting Rights Act or are otherwise
5 violating that law we are committed to taking action to
6 make sure that every American feels confident in their
7 ability to vote equally and fairly and have their vote
8 counted along with other American citizens in federal
9 elections.

10:54:14 10 (Video concluded.)

11 BY MR. DUNN:

12 **Q.** So was it the opinion of the Assistant Attorney
13 General for several --

14 JUDGE GUADERRAMA: Do you have a transcript of
10:54:19 15 that? I think the court reporter was --

16 MR. DUNN: I can get somebody to --

17 JUDGE GUADERRAMA: Okay. I believe she was
18 having a hard time understanding what she said.

19 MR. DUNN: We'll see to that.

10:54:30 20 BY MR. DUNN:

21 **Q.** Was it the opinion of the Assistant Attorney General
22 for Civil Rights in the Department of Justice that it was
23 her letter that triggered Texas to redistrict? She
24 mentioned the subsequent quorum break.

10:54:43 25 **A.** Yes, sir.

1 Q. And then on August the 9th, Exhibit 324.

2 (Video played.)

3 ERIC BOLLING: So tell us about this idea of the
4 government getting involved -- the federal government
5 getting involved. Senator John Cornyn of Texas has asked
6 the FBI if you can locate some of these folks, the
7 Democrats from Texas, arrest them and bring them back.

8 What are you -- tell us the plan.

9 MS. DHILLON: Okay. So, first of all, I mean, I
10 don't have a political plan in this regard at the
11 Department of Justice. We are not focused on the
12 politics. We are focused on what are the Federal civil
13 rights laws.

14 And the Voting Rights Act has laws that govern -- has
15 opinions that govern and interpret this law that require
16 equal access to the ballots. And so for many decades the
17 Voting Rights Act has been interpreted to require in some
18 instances and certainly to permit racial gerrymandering to
19 allow minority groups to have carved-out districts.

20 Now, that concept is at direct tension with both this
21 administration's DEI policies but, more importantly, with
22 equal protection under the law.

23 And Justice Thomas has written about this in a very
24 recent opinion, a dissent from kicking the can down the
25 road on one of these Voting Rights Act cases and

1 otherwise.

2 And so I think you are going to see the Court actually
3 confront and determine that case. And the case in this
4 next term involves a Louisiana District that is 250 miles
10:55:49 5 long and it is a complete gerrymander. A very narrow, a
6 very long carve out of a majority-minority district.

7 The letter that I sent to Texas took issue with four
8 of its districts, because there is a recent opinion from
9 the Fifth Circuit Court of Appeals last year that said
10:56:03 10 that it is illegal under the Voting Rights Act to use
11 multiple minority groups or a minority group plus
12 predicted crossover White votes to make up an argument for
13 a majority-minority district. So unless you have a true
14 majority-minority district, you can't just sort of fake
10:56:16 15 and paste and cobble one together.

16 So we told Texas it is in violation of Federal law and
17 Texas needs to fix that. To its credit, Texas has
18 responded to that call by calling a special session of the
19 legislature that is required for redistricting. And that
10:56:26 20 is where the Democrats on the lamb come in. They have
21 attempted to prevent a quorum by going to other states and
22 they got their cronies --

23 (Video concluded.)

24 BY MR. DUNN:

10:56:35 25 Q. In this excerpt does the Assistant Attorney General

1 also again mention these four districts that were in her
2 letter?

3 **A.** Yes.

10:56:49

4 **Q.** And on August 11th is when Exhibit 335 aired. And
5 this is the exhibit of Governor Abbott's interview with
6 Mr. Tapper at CNN that I played at the beginning here.

7 Can you see that on the screen?

8 **A.** Yes.

10:57:00

9 **Q.** I'm just mentioning it -- and I won't play it again,
10 but I'll mention it again now, that that's where it fits
11 in the timeline of events.

12 On August the 12th, the Senate floor convenes. And do
13 you recall Senator Zaffirini making some comments about
14 debating the redistricting bill on the floor that day?

10:57:16

15 **A.** Yes.

16 **Q.** Exhibit 313, August 12th, page 12, line 21 to page 13,
17 line 11.

18 (Video played.)

10:57:28

19 SENATOR ZAFFIRINI: As I explained to you that I
20 ordinarily ask as few questions as possible, but because
21 of my strong opposition for this bill, just as I strongly
22 opposed the congressional redistricting plan in 2021, that
23 I was going to ask many, many, many more questions, did I
24 not?

10:57:41

25 CHAIRMAN KING: Yes. You gave me ample warning.

1 SENATOR ZAFFIRINI: In fact, Senator, I have a
2 12-page document of questions that I was prepared to ask
3 you today; but, frankly, having understood, because of our
4 discussions earlier this morning, that we will take up
10:57:55 5 redistricting anew in the next special session, I'm going
6 the reserve those questions until next session. So I will
7 not be asking you questions today. Thank you, though, for
8 your courtesy in expecting them.

9 Thank you, Mr. President.

10:58:08 10 (Video concluded.)

11 BY MR. DUNN:

12 Q. So why didn't -- you know, you didn't ask any
13 questions that day either, did you?

14 A. No.

10:58:13 15 Q. None of the other Democratic members did either?

16 A. No.

17 Q. Why not?

18 A. We knew we would be back pretty soon to take it up
19 again in the next special call session.

10:58:24 20 Q. And then I think the record reflects, it's not in
21 dispute, that on August the 15th the first special session
22 adjourned the same day and immediately thereafter a second
23 session was held.

24 Is that your recollection?

10:58:37 25 A. Yes.

1 MR. DUNN: This might be a good opportunity to
2 take a break and to just have mercy for Lawyer Dunn for
3 the restroom.

10:58:48

4 JUDGE GUADERRAMA: Well, it's three minutes
5 early. We can do that.

6 MR. DUNN: We can go to --

7 JUDGE BROWN: Three minutes.

8 MR. DUNN: I'll go three more.

9 BY MR. DUNN:

10:58:54

10 Q. All right. Let's turn our attention to the
11 August 21st Senate committee hearing. And this is in the
12 new session, to just get us oriented. And you begin to
13 ask some questions about the map C2333 that had passed out
14 of the House. We'll take that up with different
15 witnesses.

10:59:13

16 And do you remember having a discussion about CD 9?

17 JUDGE SMITH: What exhibit is this?

18 MR. DUNN: This will be Exhibit 317.

19 JUDGE SMITH: 317.

10:59:24

20 MR. DUNN: 317. Page 8, line 17 to page 9,
21 line 31.

22 (Video played.)

23 CHAIRMAN KING: Senator Alvarado.

24 SENATOR ALVARADO: Thank you, Mr. Chairman.

10:59:35

25 Chairman King, you know, this map had some significant

1 changes. And there was not a public hearing in the House
2 committee. There is not one here. And I'm just going to
3 focus on now what is my Congressional District 9. It has
4 split up the East End community and has paired us with
5 Liberty.

11:00:00

6 What we have in common with Liberty, I don't know.
7 And I don't know how that decision was based, but it seems
8 like -- well, no. You said it very plainly. The goal was
9 to create more opportunity for Republican wins in these
10 districts. And I just -- I wish that, especially my folks
11 in the East End, would have been able to come and give
12 public testimony.

11:00:18

13 You talked about one of the goals being to keep
14 districts compact. But if you look at CD 9, by extending
15 all the way out to Liberty, it's not compact.

11:00:34

16 Can you talk about that a little bit?

17 (Video concluded.)

18 BY MR. DUNN:

19 **Q.** Why are you raising these issues here at the
20 committee?

11:00:48

21 **A.** In the last plan, I was still in the 29 -- I believe I
22 was still maybe in the 29th. But the map, the CD 9
23 changed dramatically. It split up the East End community,
24 which had all been in one congressional district, and
25 paired us with Liberty County to the far east of us.

11:01:09

1 This was something that was just thrown together, it
2 seemed like, pretty quick. There had not been a public
3 hearing in either chamber. And for something that
4 drastic, those significant changes deserved to have public
5 input. And there was very little, if any, discussion.

11:01:35

6 And I wanted to know what the rationale for those
7 significant changes were.

8 **Q.** Did you ever get it?

9 JUDGE GUADERRAMA: Mr. Dunn, it's 11:00 if you
10 want to take your break.

11:01:50

11 **MR. DUNN:** May I just finish that last point?

12 **JUDGE GUADERRAMA:** Sure.

13 **BY MR. DUNN:**

14 **Q.** Did you ever get this explanation?

11:01:56

15 **A.** No.

16 **MR. DUNN:** Thank you, Your Honor.

17 **JUDGE GUADERRAMA:** We're in recess for 15.

18 (Recess from 11:02 a.m. to 11:19 a.m.)

19 **JUDGE GUADERRAMA:** Be seated, please.

11:19:43

20 Senator Alvarado on the witness stand. Mr. Dunn.

21 **MR. DUNN:** During the break the Wi-Fi stopped
22 connecting. If the Wi-Fi is not connected, I can't
23 connect to the screen, so I'm going to reset that now.

24 **JUDGE GUADERRAMA:** Please remind me. Is that

11:20:02

25 something IT is covering?

1 MR. DUNN: This is definitely a courtroom. We
2 asked for an HDMI connection, and they couldn't do that.
3 I don't know the situation. But that's why I'm working
4 this way.

11:20:15 5 JUDGE GUADERRAMA: I got you.

6 MR. DUNN: There is some chance I have resolved
7 it.

8 JUDGE GUADERRAMA: Okay. All right. Thank you.

9 BY MR. DUNN:

11:20:54 10 **Q.** All right. Senator, just to orient us back to what we
11 were discussing before the break, we're at the August 21st
12 Senate committee hearing. You had made some comments to
13 Chairman King about CD 9 we were discussing.

14 Do you recall that generally?

11:21:07 15 **A.** Yes.

16 **Q.** One of the things that you note -- I'm just going to
17 read it from the transcript --

18 MR. LOOMIS: Your Honor.

19 JUDGE GUADERRAMA: Yes, sir.

11:21:11 20 MR. LOOMIS: We were in the middle of that video
21 transcript. And he played questions, but never gave
22 Senator King's answer. Since optional completeness is a
23 very important rule, I request that Senator King's answers
24 to the questions be given.

11:21:28 25 MR. DUNN: I'm happy to do that.

1 JUDGE GUADERRAMA: All right. Thank you,
2 Mr. Loomis.

3 MR. DUNN: I'm going to start a few lines back.
4 So I'll begin this. This is, again, Exhibit 317,
5 August 21st, Senate committee hearing, on page 7, line 18.

11:21:46

6 (Video played.)

7 SENATOR ALVARADO: -- districts compact. But if
8 you look at CD 9, by extending all the way out to Liberty,
9 it's not compact.

11:22:05

10 Can you talk about that a little bit, CD 9?

11 CHAIRMAN KING: Well, as you mentioned, CD 9
12 moved into Liberty County. It made it a better performing
13 Republican district, which was one of the objectives.

11:22:32

14 From a compactness perspective -- and compactness,
15 there is different measurements for that. But even
16 looking at it visibly, it -- it's obviously contiguous.
17 It still is amazingly more compact than many of the
18 congressional districts that are on this map across the
19 state of Texas.

11:22:54

20 I can tell you that, as you mentioned, it was not in
21 the original S.B. 4 configuration, but it still meets the
22 goals that I have for the legislation and that's why I
23 brought H.B. 4 before us today.

24 (Video concluded.)

11:23:10

25 MR. DUNN: Paused at page 8, line 8. Does that

1 solve the completeness objection?

2 MR. LOOMIS: Absolutely, sir. Thank you.

3 BY MR. DUNN:

11:23:18

4 Q. Now, you reference in the part I played, but also in
5 the answer that was just given, Senator King references
6 partisanship. Is that fair to say?

7 A. Yes.

8 Q. And was that a regular comment that Senator King made
9 throughout the process?

11:23:27

10 A. Yes.

11 Q. And was it also the case that Senator King would
12 mention compactness on occasion?

13 A. Yes.

11:23:37

14 Q. And you were asking about the Department of Justice
15 letter, and you weren't going obtaining any answers on
16 that. Is that fair to say?

17 A. Correct.

11:23:49

18 Q. Now, how would you describe the House's role with
19 regard to this bill? I mean, was it in the lead? Taking
20 the charge? Was it falling behind? How would you
21 describe it?

11:24:04

22 A. It seemed like they were in the driver's seat. He
23 sometimes deferred to wait and see what the House does.
24 They filed the map, and so it seemed like they were in
25 charge. They were in the lead, the driver's seat.

1 Q. There were some changes to the map in the House.

2 Do you recall that just generally?

3 A. Yes.

4 Q. Were there any changes to the map in your body, in the
5 Senate?

11:24:16

6 A. Not that I'm aware of.

7 Q. And now I'd like to call your attention to
8 Exhibit 316, which is the August 20th House floor debate
9 over the map we're here today arguing about. And I'm
10 going to look at page 29, line 19 to 31, line 18.

11:24:32

11 (Video played.)

12 SPEAKER: -- five districts for partisan
13 purposes. It's important to note -- please note,
14 Members -- four of the five new districts are
15 majority-minority Hispanic, what we call CVAP districts.
16 That's a Citizen Voting Age Population.

11:25:17

17 Each of these newly-drawn districts now trend
18 Republican in political performance. While there is no
19 guarantee of an electorate success, Republicans will now
20 have an opportunity to potentially win these districts.

11:25:40

21 The five new districts we have, CD 9, 50.15 percent
22 what we call Hispanic Citizen Voting Age Population.
23 That's HCVAP.

24 CD 28, which is approximately 86.72 percent HCVAP.

11:26:09

25 CD 32 remains a nonminority district.

1 CD 34, 71.93 percent HCVAP.

2 CD 35, 51.57 percent HCVAP.

3 This also improves political performance for
4 Republicans in Districts CD 2, 8, 9, 17, 22, 38.

11:26:37

5 Some data points. Comparison to 2021. In 2021 there
6 were nine Hispanic majority age districts. In this plan
7 there are ten Hispanic majority age districts. In the
8 2021 plan there were seven Hispanic citizen voting age
9 districts, and under this plan there are eight.

11:27:00

10 There are no Black CVAP districts under the 2021 plan.
11 In the proposed plan there are two majority Black CVAP
12 districts.

13 CD 18, 50.71 percent Black CVAP compared to
14 38.99 percent in 2021.

11:27:22

15 CD 30, 50.41 percent Black CVAP. 46 percent in 2021.

16 In the Harris County Houston area there are currently
17 what they call two coalition districts and one Hispanic
18 CVAP district.

11:27:44

19 In the proposed plan, CD 18 becomes a new Black CVAP
20 district.

21 CD 9 becomes a new HCVAP district.

22 And CD 29 becomes a majority Hispanic VAP district.
23 That's voting age population, which should continue their
24 political performance.

11:28:01

25 CD 9, 50.15 percent HCVAP.

1 CD 18, 50.71 percent Black CVAP.

2 CD 29, 43.45 HCVAP and 32.69 percent Black CVAP.

3 All surrounding Republican districts to continue to
4 perform for the Republicans.

11:28:25

5 This is a good plan. I urge its adoption.

6 But Mr. Speaker and Members, according to the U.S.
7 Supreme Court, you can use political performance. And
8 that is what we've done.

9 I'll answer questions.

11:28:46

10 (Video concluded.)

11 BY MR. DUNN:

12 **Q.** Now, Senator, when you observed Chairman Hunter's
13 layout of the bill on the Senate floor, he talks about
14 partisanship like Chairman King did. Is that fair to say?

11:28:56

15 **A.** Yes.

16 **Q.** What would you describe, though, as most of his
17 description of the bill?

18 **A.** He talked a lot about race.

19 **Q.** And he identified your district CD 9?

11:29:04

20 **A.** Yes.

21 **Q.** And he identified how this district's racial
22 composition was changed in the plan. Is that fair?

23 **A.** Yes.

24 MR. LOOMIS: Your Honor, it's still leading.

11:29:13

25 JUDGE GUADERRAMA: Sustained.

1 BY MR. DUNN:

2 Q. Now, going back to the committee hearing, the Senate
3 committee hearing, which is Exhibit 317, the took place on
4 August 21st, I'm going to show you page 15, line 11 to
5 page 15, line 21.

11:29:28

6 (Video played.)

7 SENATOR ALVARADO: Speaking of congressional
8 members, did we have any testimony from Republican members
9 of Congress?

11:29:46

10 (Video played.)

11 SENATOR MILES: So this is the House map. And
12 you are saying that you didn't look at it, Mr. Chairman,
13 before you brought it to us?

11:29:55

14 CHAIRMAN KING: I learned about it probably when
15 you did on Monday when it was presented. I learned about
16 the changes then. And before I took a hard look at it, I
17 asked our counsel to scrub it and to tell me whether or
18 not it was legally sufficient. When they did, then I
19 tried to do a deep dive into it. And that deep dive is
20 what I tried to relate in my opening remarks.

11:30:18

21 (Video concluded.)

22 BY MR. DUNN:

23 Q. What was your impression of Chairman King's
24 involvement in the creation of this house map that was
25 being considered?

11:30:29

1 **A.** It seemed like at that point he wasn't involved in it,
2 especially when it came to that -- those drastic changes
3 with CD 9.

4 **Q.** You ultimately -- well, we'll just get to it when we
5 get to the floor.

11:30:43

6 Let me take your attention now to the next hearing,
7 August 22nd, and this is the Senate floor hearing on the
8 bill. I'm going to start at page 71, line 17.

9 (Video played.)

11:31:04

10 SENATOR COOK: Thank you, Mr. President. Thank
11 you, Senator.

12 Okay. You know this is my first redistricting
13 process. I hope you'll bear with me on some of these.
14 But I think it's been pretty clearly established. Would
15 you agree that you did not draw the map? Do you know who
16 drew the map?

11:31:17

17 CHAIRMAN KING: So H.B. 4, as it came out of the
18 House, H.B. 4 that's before us, I don't have any personal
19 knowledge as to who physically drew the map, no.

11:31:40

20 SENATOR COOK: Do you know who drew the map?

21 CHAIRMAN KING: I'm assuming it was a product of
22 the House author and their counsel.

23 SENATOR COOK: But you haven't actually had a
24 conversation with him about that, or you have?

11:31:53

25 CHAIRMAN KING: I haven't talked to him about

1 that.

2 SENATOR COOK: So -- yeah. So you can't name
3 people who gave instructions for crafting boundaries or
4 any lines specifically?

11:32:07 5 (Video concluded.)

6 BY MR. DUNN:

7 **Q.** Then his answer is no. It got cut off in the
8 recording.

9 What was your understanding, based on these comments,
11:32:15 10 then about who was making the decisions on drawing the
11 map? Was it Senator King?

12 **A.** No.

13 **Q.** Now, on page 50, line 6 to 55, 24.

14 (Video played.)

11:32:38 15 SENATOR HINOJOSA: Okay. That would -- well, let
16 -- would it be, yes, you think it's constitutional to have
17 coalition districts?

18 CHAIRMAN KING: You know, I really don't -- I
19 really, respectfully, don't want to get into discussions.
11:32:50 20 I know we just had a recent case on that out of the Fifth
21 Circuit. I really don't want to get into the nuances of
22 redistricting law. I probably generally understand it the
23 way you generally understand it.

24 I did -- this map that's before us today is not based
11:33:13 25 on coalition districts and I believe it is legal in all

1 respects.

2 SENATOR HINOJOSA: Well, my questions were on the
3 2021 map, but let me ask you about House Bill 4. How many
4 minority coalition districts does Texas have under the
5 2021 map?
11:33:36

6 CHAIRMAN KING: Under the 2021 map?

7 SENATOR HINOJOSA: Correct.

8 CHAIRMAN KING: Again, in terms of relevance,
9 we're on the -- we're not on the 2021 map. We're on CD 4,
10 respectfully, that's before us today.
11:33:49

11 SENATOR HINOJOSA: Well, it does change some of
12 the coalition districts in the 2021 map; and I think it's
13 very important and relevant to House Bill 4 as drawn.

14 Let me just -- would you agree there were nine
15 coalition districts on the 2021 map, Coalition District 7,
16 9, 18, 22, 27, 30, 32, 33, and 35? Are you familiar with
17 that?
11:34:07

18 CHAIRMAN KING: You know, I just -- intentionally
19 drawing coalition districts requires looking at racial
20 data. I haven't drawn any -- I haven't looked at any
21 racial data with regard to this map. I know that the
22 *Petteway* decision said that the -- that Section 2 does not
23 recognize coalition districts. Beyond that, I think those
24 are more discussions for the courtroom.
11:34:30

25 SENATOR HINOJOSA: Well, my question is, under
11:34:51

1 House Bill 4, did you leave any minority coalition
2 districts in the map?

11:35:04

3 CHAIRMAN KING: Again, to answer that, I would
4 have had to look at racial data and I have not looked at
5 any racial data.

11:35:20

6 SENATOR HINOJOSA: Well, do you think that the
7 DOJ letter of July 7th did research and looked at racial
8 data to make and come to the conclusion that coalition
9 districts -- which coalition districts made up by two or
10 more minority groups were unconstitutional?

11 CHAIRMAN KING: I have no personal knowledge of
12 any of the underlying data that went into the DOJ's
13 conclusions.

11:35:32

14 SENATOR HINOJOSA: Well, common sense, does
15 it -- how would you point out what the racial makeup was
16 without doing research and targeting those districts?

11:35:48

17 CHAIRMAN KING: My understanding, if you are
18 going to determine something is a coalition district, you
19 have to take into consideration racial data. So my
20 presumption would be that if -- that the DOJ letter had
21 some underlying data that they were looking at. Whether
22 they properly assessed it or not, I don't know. I just
23 don't -- I don't know anything more about the letter than
24 what you know about it from reading it on its face value.

11:36:10

25 SENATOR HINOJOSA: Well, do you think it was a --

1 just a -- I guess, an error or a mistake or just by
2 coincidence that the congressional district named by the
3 DOJ letter were all altered under House Bill 4?

11:36:33 4 CHAIRMAN KING: I can just tell you that my
5 analysis of -- and my support, rather, of H.B. 4 does not
6 in any way take into account the DOJ letter.

7 SENATOR HINOJOSA: So are you tell -- are you
8 saying that it's a coincidence that House Bill 4 actually
9 targets the same four congressional districts that were
10 named in the DOJ letter?

11 CHAIRMAN KING: I don't have any opinion on that
12 at all. I can just tell you that to my knowledge, it was
13 not taken into consideration.

14 SENATOR HINOJOSA: There are three White
11:37:13 15 Democrats in the Texas congressional delegation and ten
16 minority Democrats. Yet four out of the five incumbents
17 targeted for elimination in this map, House Bill 4, are
18 minorities.

19 Why does this map only seek to eliminate seats held by
11:37:30 20 minority Democrat members?

21 CHAIRMAN KING: Again, I haven't looked at any
22 racial data. I have no idea who might run for office as a
23 candidate, and I have no idea who may be elected. These
24 are in fact -- frankly, these are going to be very
11:37:44 25 competitive. These five districts are going to be very

1 competitive.

2 SENATOR HINOJOSA: So do you think -- well, did
3 you -- you said you didn't draw the map, correct?

11:37:54

4 CHAIRMAN KING: That's correct. I did not
5 physically draw the map.

6 SENATOR HINOJOSA: So you just pick up a map,
7 draw it -- from somebody?

8 CHAIRMAN KING: The map was drawn by somebody.
9 That's correct.

11:38:02

10 SENATOR HINOJOSA: And that somebody could have
11 taken racial data into consideration in drawing House
12 Bill 4.

11:38:13

13 CHAIRMAN KING: All I can tell you is that I
14 don't really have any personal knowledge of the inner
15 workings that went into who participated in drawing the
16 maps. I mean, I know some of the people who are involved
17 in it, but I don't know the inner workings, what they did,
18 how they did it.

11:38:27

19 All I know is that when I saw the House bill that was
20 filed, I asked our counsel to review it. They have
21 assured me that it meets all legal requirements and that
22 it will also perform better politically for Republican
23 candidates. And that's why I'm supporting it.

11:38:48

24 SENATOR HINOJOSA: Well, I know you are familiar
25 with House Bill 4 and the 2021 map. We have, under

1 present law, nine coalition districts. One minority --
2 majority out of the nine. Your map, House Bill 4,
3 eliminates five of those congressional districts and
4 reduces that to four.

11:39:12 5 Are you aware of that?

6 CHAIRMAN KING: Again, I haven't looked at any
7 racial data.

8 SENATOR HINOJOSA: Well, I think it's important
9 to at least look to make sure, as you said, that this
10 House Bill 4 is in compliance with the Voting Rights Act
11 and the Fourteenth Amendment of the United States
12 Constitution. Don't you think so?

13 CHAIRMAN KING: Absolutely. And that's why I
14 made sure that we -- and we had a hard time actually
15 finding the right counsel that I could have a lot of
16 confidence in. And I have a very high level of confidence
17 in their conclusion.

18 SENATOR HINOJOSA: And then, I just on the -- it
19 seems like this House Bill 4 came about because of the DOJ
20 letter who relies on the *Petteway v. Galveston County*
21 decision by the Fifth Circuit.

22 In that letter, it really misinterprets the decision
23 and nowhere in that decision does it say that we need to
24 do away with coalition districts, does it?

11:40:15 25 CHAIRMAN KING: Well, my general understanding of

1 *Petteway* is that the Fifth Circuit held that Section 2
2 doesn't apply to coalition districts. But to analyze that
3 and determine that, you have to look at racial data. And
4 I have not looked at any racial data.

11:40:30

5 SENATOR HINOJOSA: Well, would you agree that the
6 decision was really a narrow decision based on coalition
7 districts not being able to claim dilution under Section 2
8 of the Voting Rights Act?

11:40:47

9 CHAIRMAN KING: I'm sorry. Could you repeat
10 that, please?

11:41:08

11 SENATOR HINOJOSA: Would you agree that the
12 decision by the Fifth Circuit in *Petteway v. Galveston* was
13 narrow in scope in that the decision that was made only
14 talked about coalition districts could not file a claim of
15 dilution under Section 2 of the Voting Rights Act?

16 CHAIRMAN KING: I'm just generally familiar with
17 the case. So I don't have a specific opinion.

18 (Video concluded.)

11:41:21

19 MR. DUNN: Now, continuing in the Senate floor
20 debate, page 64, line 8 to 71, line 8.

21 (Video played.)

22 SENATOR JOHNSON: I'll go with always. I was
23 going to say routinely but you are probably right.

11:41:35

24 As I understand it, in the redistricting trial that
25 recently concluded in El Paso, Texas, there was evidence

1 that the Attorney General's Office, the Attorney General
2 of Texas, has a system of analyzing racially polarized
3 voting.

4 Are you aware of that?

11:41:51

5 CHAIRMAN KING: I don't have any personal
6 knowledge.

7 SENATOR JOHNSON: Have you ever heard that?

8 CHAIRMAN KING: No.

11:42:01

9 SENATOR JOHNSON: So you don't know obviously
10 whether the Attorney General's system, if it exists, of
11 analyzing racially polarized voting was employed in these
12 maps?

11:42:17

13 CHAIRMAN KING: I know that we did not rely upon
14 any counsel or seek any counsel from the Attorney
15 General's office with regard to H.B. 4.

16 SENATOR JOHNSON: To be clear then, you are
17 saying that the Texas State Attorney General's Office was
18 not at all involved, not at all consulted in the drawing
19 of the maps that are before us today?

11:42:34

20 CHAIRMAN KING: Not that I'm aware of. I can
21 tell you that they did not give me any independent legal
22 counsel.

23 (Video concluded.)

24 BY MR. DUNN:

11:42:41

25 Q. Recall earlier we showed some of the Senate committee

1 hearings where the matter of the Attorney General's
2 participation came up. We talked about that earlier this
3 morning?

4 **A.** Yes.

11:42:50 5 **Q.** And so did that remain constant, at least on the
6 Senate side, that the Attorney General wasn't involved?

7 **A.** Yes.

8 MR. DUNN: Turning to page 25, line 5 to 26,
9 line 2.

11:42:59 10 (Video played.)

11 SENATOR MENENDEZ: All right. So if you missed
12 when Chairman Hunter listed the specific districts and the
13 race population for those districts, it to me, even though
14 you have been adamant that you have not looked at race
15 there, why is that? Why have you not -- if Chairman
16 Hunter has talked about race data, why have you not looked
17 at race data?

11:43:20 18 CHAIRMAN KING: Well, because it's problematic
19 and confusing under the law and it gets -- it's very
11:43:32 20 complex as to how such data applies in redistricting.

21 It's very simple and very well-established in law that you
22 can draw maps on a partisan basis. And so we've looked at
23 this from a partisan basis.

24 It's my understanding that that's the basis from which
11:43:50 25 it was drawn, and it performs in a manner that should

1 improve -- should be an improvement for Republican
2 candidates.

3 SENATOR MENENDEZ: When you say it's problematic
4 with the law, which law are you referring to?

11:44:06

5 CHAIRMAN KING: Well, there's a host of
6 redistricting law. I've got, you know, one little brief
7 here that's just a summary of -- you know, we've had
8 30 years of cases and I have gone through several
9 redistricting cycles, and you have as well, and we have an
10 ongoing trial in El Paso and it's just a complex, very
11 robust area of law.

11:44:22

12 (Video concluded.)

13 BY MR. DUNN:

11:44:34

14 Q. At some point -- and just, again, to make sure it's
15 clear -- this is the final day the Senate takes up this
16 bill; is that right?

17 A. Yes.

18 Q. And paint a picture for us. I mean, was it a short
19 day? Long day? How does it look?

11:44:42

20 A. It was going on for a while.

21 Q. Went into the next morning some?

22 A. Some, yes.

23 Q. We'll get to that in a moment, but --

24 A. Could have been a longer one.

11:44:53

25 Q. I'm sorry?

1 **A.** It could have been a longer one.

2 **Q.** It could have been. We'll get to that also.

3 On the matter of the debate of the bill, like the
4 substantive discussions, so is it fair to say that lots of
5 senators asked lots of questions?

11:45:04

6 **A.** I think nearly every one almost, yes.

7 **Q.** I want to take you now to page 23, line 9 to 23, 23.

8 Did you also begin to get some more details in the
9 timeline as to how at least Senator King was involved?

11:45:24

10 **A.** Yes. Somewhat.

11 (Video played.)

12 SENATOR MENENDEZ: Thank you, Senator King.

13 Senator King, I heard your bill layout. And in your
14 layout, I was -- I heard you say your opening phrase,

11:45:46

15 "When I began this process." I was just curious. When

16 did you begin this process? Because we had a

17 redistricting committee during session, but I never heard
18 anything about a redistricting of maps at all during

19 session.

11:45:57

20 So when did you come up with the thought or the idea
21 of filing a new map?

22 CHAIRMAN KING: When -- a couple of weeks or so

23 before, maybe a week or so before special -- the first

24 special session, I got a call from the lieutenant governor

11:46:15

25 asking if I would be willing to chair the redistricting

1 committee.

2 (Video concluded.)

3 BY MR. DUNN:

4 **Q.** Now, you also -- there was a long discussion between
11:46:24 5 Senator Gutierrez and Chairman King about sort of the
6 timeline of his activities.

7 Do you recall that?

8 **A.** Yes.

9 **Q.** Contentious, would you describe it?

10 **A.** Yes.
11:46:32

11 **Q.** Going to page 37, line 20 through 43, line 20.

12 And this -- the video and transcript for -- or, excuse
13 me, just the videos for August 20th are broken into parts.
14 So I'm now moving on to Exhibit 319. And, again, page 37,
11:47:02 15 line 20 to page 43, line 20.

16 (Video played.)

17 SENATOR GUTIERREZ: Speak to Adam Kincaid at all?

18 CHAIRMAN KING: Yes.

19 SENATOR GUTIERREZ: You did speak with Adam
11:47:18 20 Kincaid. Tell us about what that conversation was like.

21 CHAIRMAN KING: I've talked to Adam Kincaid three
22 times in the last probably couple of months.

23 SENATOR GUTIERREZ: The what? I don't mean to
24 interrupt. The last time I asked you this, you said you
11:47:43 25 did not speak to Adam Kincaid. So now you did.

1 CHAIRMAN KING: No. No.

2 SENATOR GUTIERREZ: Yeah, you did.

3 CHAIRMAN KING: No. No. No. No. We haven't
4 talked about this map in detail. What I -- I spoke to
11:47:52 5 Adam Kincaid when all the rumors first started. Again,
6 I'm trying to remember correctly, but as I recall -- to
7 the best of my recollection -- the first time I talked to
8 Adam Kincaid, and I had known him years ago, we had spoken
9 on a panel or two together. When the media first started
11:48:13 10 discussing redistricting, I had called him and asked him
11 if he was involved in that process, and he said he was.

12 SENATOR GUTIERREZ: When was that conversation?

13 CHAIRMAN KING: It was before this committee was
14 appointed.

11:48:28 15 SENATOR GUTIERREZ: Two months ago?

16 CHAIRMAN KING: Yeah. Probably. Whenever it all
17 first started coming out on TV.

18 Then -- and we were all trying to figure out if there
19 was going to be a special session and all that, and if it
11:48:44 20 was really for real something going on.

21 SENATOR GUTIERREZ: Who is "we"? You and him?

22 CHAIRMAN KING: Yeah. I was surprised I had his
23 mobile number, actually, but I did. I ran into him at
24 ALEC.

11:48:56 25 SENATOR GUTIERREZ: Time out. I apologize. You

1 had his mobile number. Do you guys text?

2 CHAIRMAN KING: Not that I recall.

3 SENATOR GUTIERREZ: Okay. I was just asking.

4 Sorry. Go ahead. So the second time you ran --

11:49:04

5 CHAIRMAN KING: I ran into him at the ALEC Annual
6 Conference this summer.

7 SENATOR GUTIERREZ: How did that go?

11:49:15

8 CHAIRMAN KING: We visited a few minutes. I
9 specifically told him, "Don't tell me anything you are
10 doing with regard to map drawing. Don't tell me about the
11 details of any map if you are involved in it."

12 SENATOR GUTIERREZ: Okay. So -- so -- so you
13 knew that he was doing map drawing?

14 CHAIRMAN KING: Yes.

11:46:25

15 SENATOR GUTIERREZ: But earlier you said you
16 didn't know the map drawers.

11:49:39

17 CHAIRMAN KING: I knew that he was involved in
18 the redistricting process and I called him that first time
19 and said, "Hey, are you involved in all this? Is this for
20 real, that they are pushing for redistricting?" Something
21 to that effect.

22 He said, "Yeah. How are you doing? Haven't talked to
23 you in years. See you later."

24 SENATOR GUTIERREZ: All right.

11:49:47

25 CHAIRMAN KING: Then we talked at ALEC, and we

1 sat down for a few minutes, and I specifically told him,
2 "Don't tell me anything about the maps you are drawing. I
3 don't want to discuss that."

11:50:02 4 SENATOR GUTIERREZ: I'll give you the benefit of
5 the doubt. Earlier, when you said you didn't know the map
6 drawers, that was just -- you now remembered that you
7 spoke --

8 CHAIRMAN KING: Yeah.

11:50:08 9 SENATOR GUTIERREZ: Okay. So Adam is a map
10 drawer. Okay. We've got that now.

11 CHAIRMAN KING: Yeah. He is CEO or president or
12 something of the --

13 SENATOR GUTIERREZ: Republican Redistricting
14 Trust.

11:50:17 15 CHAIRMAN KING: Yeah. You came up with the
16 correct name for it the other day, or Miles did -- the
17 National Republican Redistricting Trust.

18 SENATOR GUTIERREZ: There you go.

19 CHAIRMAN KING: It's been around a long time.

11:50:23 20 SENATOR GUTIERREZ: Third conversation, which one
21 was that?

22 CHAIRMAN KING: Adam called me this last Monday.

23 SENATOR GUTIERREZ: Last Monday, which would have
24 been the 14th or so --

11:50:31 25 CHAIRMAN KING: Whatever the day was.

1 SENATOR GUTIERREZ: Wait. Hold on. Last Monday,
2 like this very last Monday?

3 CHAIRMAN KING: Yeah.

4 SENATOR GUTIERREZ: Okay.

11:50:41 5 CHAIRMAN KING: Yeah. He called me and asked me
6 if I was aware that the House was going to be putting out
7 a map that had some changes from the original H.B. 4. And
8 I said, no, I wasn't.

9 SENATOR GUTIERREZ: Okay. So you heard from Adam
11:50:56 10 about the changes.

11 CHAIRMAN KING: Yeah. He was actually trying to
12 get in touch with a House member and was looking for
13 someone that might have some --

14 SENATOR GUTIERREZ: So earlier when someone was
11:51:08 15 asking you, you said you didn't know about the changes to
16 the map that the House was doing that -- and you didn't
17 know about them, but now we now know it's Adam that told
18 you about the map changes on Monday? Maybe Adam --

19 CHAIRMAN KING: Yes. We found out at first when
11:51:24 20 our legal counsel contacted my chief of staff; and then
21 about the same time, I received a call from Adam
22 Kincaid --

23 SENATOR GUTIERREZ: Anybody on your staff --

24 CHAIRMAN KING: -- for a contact with someone,
11:51:44 25 and that's when I found out that. It was probably 1:30 or

1 2:00 on Monday.

2 SENATOR GUTIERREZ: Okay. All right. Fair
3 enough. Anything else happen in that conversation on
4 Monday?

11:51:53 5 CHAIRMAN KING: No.

6 SENATOR GUTIERREZ: Okay. Well, who in your
7 staff -- your chief of staff talked to Adam at any time,
8 to your knowledge?

9 CHAIRMAN KING: Not that I'm aware of. I don't
11:52:03 10 know if they have ever met.

11 SENATOR GUTIERREZ: Anybody on your staff talk to
12 Adam Kincaid or his staff?

13 CHAIRMAN KING: Not that I'm aware of.

14 SENATOR GUTIERREZ: Anybody on your staff, to
11:52:14 15 your knowledge, talk to anybody in the White House?

16 CHAIRMAN KING: They have not.

17 SENATOR GUTIERREZ: They have not. Okay.

18 There were some changes between the final version of
19 H.B. 4 and the committee sub?

11:52:26 20 CHAIRMAN KING: As happens on almost every bill
21 that's filed in the legislature.

22 SENATOR GUTIERREZ: My understanding of that is
23 those changes were made at the behest of incumbent
24 congresspeople. Is that accurate?

11:52:38 25 CHAIRMAN KING: I do not know.

1 SENATOR GUTIERREZ: Is that what was that part of
2 the discussion on Monday, August 18th?

3 CHAIRMAN KING: I do not know. It looks pretty
4 diverse to me. It affects H.B. 9 and made H.B. 9 a
5 better-performing Republican district. It fixes a problem
6 in East Texas that Senator Hall and I assume somebody in
7 the House was concerned about. And it fixes a concern
8 that was raised by Senator Blanco and some El Paso
9 witnesses with regard to Fort Bliss.

10 So I'm assuming that that came out of a combination of
11 discussions in the House with the bill author, the
12 interested parties, and their counsel.

13 SENATOR GUTIERREZ: So those "changes to the
14 map," I'll put that in quotes, that Adam called you about
15 on August 18th, he didn't make any reference about
16 Congress people wanting those changes?

17 CHAIRMAN KING: We did not go into a detailed
18 discussion about any of it.

19 (Video concluded.)

20 BY MR. DUNN:

21 **Q.** And you testified that you have consistently tried to
22 obtain the testimony of Adam Kincaid before the committee.
23 Is that fair to say?

24 **A.** Yes.

25 **Q.** It came up a number of times in committee?

1 **A.** Yes.

2 **Q.** At any of those occasions did Chairman King volunteer
3 that he had a cell phone number?

4 **A.** No.

11:53:55 5 **Q.** Did Chairman King volunteer that he had a line to
6 communicate with him and possibly ask him personally to
7 attend?

8 **A.** No.

9 **Q.** What would you describe the impression you were
11:54:06 10 getting? Not now, not on the Senate floor, but before
11 from Chairman King insofar as whether he had a
12 relationship with Kincaid or not?

13 **A.** It seemed like -- well, he did tell me that he had run
14 into him at the ALEC conference and that was it.

11:54:28 15 **Q.** No other commentary about being involved in this map
16 at this time?

17 **A.** No.

18 **Q.** Is it fair to say then when other members learned
19 about that was at this exchange on the floor?

11:54:39 20 **A.** Yes.

21 **Q.** What was that moment like? I mean, was it a regular
22 everyday moment or was there some tension or was it --
23 what was the feeling?

24 **A.** Everybody did a double take. Because that was not
11:54:52 25 consistent with what had been said before by the chair.

1 And to learn that he had his cell number and had multiple
2 conversations, that he had spoken to him very recently,
3 and he learned about the changes of the map from
4 Mr. Kincaid.

11:55:12 5 **Q.** Now, in light of the new contacts, another one of the
6 consistent messages he had with Senator Gutierrez is that
7 he didn't have any detailed discussion at all about the
8 map.

9 Did you catch that?

11:55:25 10 **A.** Yes.

11 MR. LOOMIS: Your Honor, leading.

12 JUDGE GUADERRAMA: Leading. Sustained.

13 BY MR. DUNN:

14 **Q.** Is it normal for a senator to come forward with a
11:55:41 15 measure or a bill or not know its origin?

16 **A.** No.

17 **Q.** Well, you kind of smile and -- why? Why do you have
18 that reaction?

19 **A.** The author of the bill should know where it came from
11:55:52 20 because they had something to do with it. They have
21 written it. They have had input. Their staff has worked
22 on it.

23 **Q.** Now, looking back over, you know, the whole experience
24 now, what is your opinion as to whether or not the House
11:56:03 25 or the Senate was actually the body that was doing this

1 drawing?

2 **A.** It's clear now that the House was completely in the
3 driver's seat. They were in charge. They filed the bill.

4 **Q.** Now, going back to this hearing, again Exhibit 319,
5 page 31, line 7 to 31, line 18.

11:56:22

6 (Video played.)

7 SENATOR GUTIERREZ: Well, let me give you some
8 tangible data. I'm glad you mentioned it. When we talked
9 about coalition districts, I brought up percentages.

11:56:39

10 Everybody in this room brought up percentages and you
11 claim the same ignorance and I get it.

12 So now you've looked at racial data, even though you
13 say you don't to -- you say you don't. Or you say you
14 have not looked at the racial data. I get that.

11:56:50

15 But did you know that several of the districts in
16 H.B. 4 are barely majorities of racial minorities? Can we
17 at least establish that?

18 CHAIRMAN KING: I'm taking you at your word. I
19 haven't looked at the data.

11:57:04

20 (Video concluded.)

21 BY MR. DUNN:

22 **Q.** He hadn't looked at the data. He was cut off.

23 There were a number of times Senator King was asked
24 about Chairman Hunter's statements or descriptions of the
25 bill and their racial characteristics.

11:57:11

1 Do you recall that?

2 **A.** Yes.

3 **Q.** Is it fair to describe that each time he had similar
4 responses to the one I just played?

11:57:21 5 **A.** Yes.

6 **Q.** All right. Now, transitioning to a different subject,
7 we have shown a few excerpts of involvement of the
8 Attorney General's Office in the redistricting process.

9 And there was more discussion of that on the floor.

11:57:33 10 Is that fair?

11 **A.** Yes.

12 **Q.** Let me take you to page 52, line 9 to 53, line 3.

13 (Video played.)

14 **CHAIRMAN KING:** Everybody knows that Adam Kincaid
11:57:54 15 had been involved in the redistricting process since this
16 began. In fact, the committee had considered a subpoena
17 to bring him to testify. And I sent a formal letter from
18 the committee to Mr. Kincaid inviting him to testify.

19 He has been involved throughout this process. I just
11:58:16 20 don't know the extent to which he has been involved. I
21 know he had been involved in some of the early map
22 drawing. I don't know what role he played in the changes
23 between H.B. 4 and the committee substitute that was
24 passed out as H.B. 4.

11:58:37 25 So everyone knows, Senator, that he has been involved

1 in this from the beginning. That has been discussed and
2 brought out in committee. I have sent him a personal -- a
3 letter myself inviting him to testify before the
4 committee.

11:58:52

5 There is nothing that is not transparent in this
6 process. If you want to know what his specific roles have
7 been, you probably need to have asked the House about that
8 during their committees -- or have someone ask it in their
9 floor debate. I do not know the specifics of his
10 involvement. I just wanted to clarify that.

11:59:13

11 (Video concluded.)

12 BY MR. DUNN:

13 **Q.** Would you describe the Senate process as transparent?

14 **A.** No.

11:59:21

15 **Q.** You note there, at the end of that, Chairman King
16 referenced you need to ask the House about it.

17 Did you hear that?

18 **A.** Yes.

11:59:38

19 **Q.** Let me show you Exhibit 309, which is the August 1,
20 2025, House committee hearing, pages 88, line 9 to 89,
21 line 24.

22 (Video played.)

23 REPRESENTATIVE THOMPSON: -- resolution we are
24 being asked by the governor to consider redistricting

12:00:02

25 again. And I'm trying to figure out whether or not the

1 same person, Adam Kincaid, helped us in 2021. Was he the
2 person that was kind enough to help us with the amendment?
3 You the chair -- you were the chair.

12:00:17

4 REPRESENTATIVE HUNTER: No. I did not deal with
5 Adam Kincaid.

12:00:33

6 REPRESENTATIVE THOMPSON: So, to your knowledge,
7 he was not a person who participated in these
8 configuration of the redistricting then, because we were
9 operating on the census that we had just gotten? We're
10 operating on the same census that we had in 2021?

11 REPRESENTATIVE HUNTER: Whatever Adam Kincaid's
12 role was in 2021, I do not know.

13 REPRESENTATIVE THOMPSON: Okay. And did he help
14 you draw this map?

12:00:45

15 REPRESENTATIVE HUNTER: Adam Kincaid?

16 REPRESENTATIVE THOMPSON: Yeah.

17 REPRESENTATIVE HUNTER: No.

18 REPRESENTATIVE THOMPSON: Okay. So this is a
19 result of your work only?

12:00:52

20 REPRESENTATIVE HUNTER: No.

21 REPRESENTATIVE THOMPSON: Well, whose -- who is
22 it the result of? It's not this committee because I
23 haven't had a thing, no input except this --

12:01:06

24 REPRESENTATIVE HUNTER: You are right. I worked
25 the map with the law firm of Butler Snow, like I did in

1 2021, and they provided me the information and gave it to
2 the chairman of this committee for me to file.

3 REPRESENTATIVE THOMPSON: So I'm assuming they
4 had experts on it working with them?

12:01:24 5 REPRESENTATIVE HUNTER: I'm presuming they did.

6 REPRESENTATIVE THOMPSON: Do you know who they
7 were?

8 REPRESENTATIVE HUNTER: No.

9 REPRESENTATIVE THOMPSON: Okay then.

12:01:30 10 (Video concluded.)

11 BY MR. DUNN:

12 **Q.** Now Senator King says on the Senate floor, go ask the
13 House. And Ms. T does. She asked Chairman Hunter this
14 exact question, Kincaid's involvement; is that right?

12:01:44 15 **A.** Yes.

16 **Q.** What answer does she get?

17 **A.** I'm sorry?

18 **Q.** What answer does she get?

19 **A.** He says that Kincaid was not involved.

12:01:53 20 **Q.** Now Exhibit 301, which is the July 24th House
21 committee hearing, page 21, line 10 to 21, line 25, the
22 record reflects the chair of the committee was
23 Representative Vasut.

24 Are you aware of that?

12:02:11 25 **A.** Yes.

1 Q. And Chairman Hunter carried the bill, but Chairman
2 Vasut chaired the committee?

3 A. Yes.

4 Q. This is an exchange with him. Page 21, line 10 to 21,
5 line 25.

12:02:24

6 (Video played.)

7 REPRESENTATIVE TURNER: Okay. And I take it from
8 your previous comment you have not communicated with the
9 Department of Justice?

12:02:35

10 REPRESENTATIVE VASUT: I have not.

11 REPRESENTATIVE TURNER: Okay. How about the
12 White House?

13 REPRESENTATIVE VASUT: I have not.

14 REPRESENTATIVE TURNER: Okay. How about a
15 gentleman named Adam Kincaid?

12:02:40

16 REPRESENTATIVE VASUT: I have -- I honestly have
17 no idea who that is.

18 REPRESENTATIVE TURNER: Okay. He's -- my
19 understanding is he is the person who drew the maps in the
20 last decade.

12:02:47

21 Anyone with the National Republican Redistricting
22 Trust?

23 REPRESENTATIVE VASUT: No.

24 (Video concluded.)

12:02:52

25 BY MR. DUNN:

1 Q. So as a Senator and former House member, how long have
2 you been in the legislature?

3 A. Since 2009.

12:03:05

4 Q. As you sit here today, can you say with any confidence
5 who drew this map?

6 A. I'm sorry?

7 Q. Can you say with any confidence who drew this map?

8 A. No.

9 Q. Was it for a lack of trying?

12:03:16

10 A. No. We consistently repeatedly asked.

11 Q. All right. Returning back to the Senate hearing,
12 which is Exhibit 319, August 22nd again was the date,
13 page 61, line 23 to 63, line 8.

14 (Video played.)

12:03:45

15 SENATOR ECKHARDT: Okay. So now that -- and, of
16 course, Senator Gutierrez is a tough act to follow after
17 he interrogates you and finds out that you have spoken to
18 Kincaid three times, as recently as Monday.

12:04:02

19 CHAIRMAN KING: Well, it wasn't anything big to
20 find out. He just had to ask.

21 SENATOR ECKHARDT: I'm so glad that he asked
22 again because we've got a significantly different answer
23 than we've gotten in the past.

12:04:11

24 CHAIRMAN KING: No. I don't believe that's
25 correct.

1 SENATOR ECKHARDT: So in your discussions with
2 Adam Kincaid, or anyone else who was involved in drawing
3 the maps, what data did they use to constrain their
4 Republican performance analysis?

12:04:27 5 CHAIRMAN KING: I haven't asked that question.

6 SENATOR ECKHARDT: What data did they look at
7 with regard to their analysis?

8 CHAIRMAN KING: I haven't asked that question
9 either.

12:04:41 10 SENATOR ECKHARDT: What data was on their
11 computer screen as they considered different lines?

12 CHAIRMAN KING: I wasn't there. I have no idea.

13 SENATOR ECKHARDT: Did your lawyer interview the
14 map drawer with regard to what data constraints they were
15 utilizing?

12:05:00

16 CHAIRMAN KING: Not to my knowledge. I don't
17 know.

18 SENATOR ECKHARDT: Did your lawyer discuss with
19 the map drawer the map drawer's goals with regard to the
20 constraints?

12:05:17

21 CHAIRMAN KING: I have never asked that question.
22 I don't know.

23 SENATOR ECKHARDT: And what data did they use to
24 achieve those goals?

12:05:27

25 CHAIRMAN KING: Did who use?

1 SENATOR ECKHARDT: The map drawer.

2 CHAIRMAN KING: I don't know the answer to that.

3 (Video concluded.)

4 BY MR. DUNN:

12:05:36 5 Q. Did it sound like Senator King knew much about the map
6 and how it came about?

7 A. No.

8 Q. Now, I'm going to see what the connection at issue --
9 if I can do this. I'm going to try to pull up District
12:05:52 10 Viewer for just a second.

11 MR. DUNN: I'm not checking my messages. I'm
12 using my phone to load this website. I'm sorry, Your
13 Honors. Could I just ask for a five-minute recess? Part
14 of the issue is the cell service also doesn't extend to
12:06:31 15 this podium. So I was going to go to the window to load
16 something.

17 JUDGE GUADERRAMA: Sure. Do you need to walk out
18 or can you just walk to the back and get it hooked up?

19 MR. DUNN: I'm going to try to do this posthaste
12:06:44 20 right now.

21 JUDGE GUADERRAMA: Okay. All right.

22 MR. DUNN: I feel like I'm in Perry Mason.

23 Thank you. I beg your pardon.

24 BY MR. DUNN:

12:08:01 25 Q. All right, Senator. I want to call your attention to

1 Plan C2333, which the record reflects is the bill the
2 legislature passed. It should come up on your screen in
3 just a moment.

12:08:20

4 All right. Are you able to see Congressional
5 District 9?

6 **A.** Yes.

7 **Q.** Can you give us a description of what this map does to
8 your district or -- that you live in?

12:08:38

9 **A.** Well, it's going up a little north and then way out
10 east into Liberty County, just right above Chambers
11 County.

12 **Q.** And has CD 9 been in line with Liberty County before?

13 **A.** No.

12:08:57

14 **Q.** I assume you, at some point in time, went to Lake
15 Livingston or crossed over Crosby through Liberty County?

16 **A.** Well, before we were the 29th Congressional District.

17 **Q.** I understand.

18 Have you spent at least some time in Liberty County?

19 **A.** No.

12:09:09

20 **Q.** Do you view it as connected at all to your community?

21 **A.** No.

22 **Q.** Do you view the voters of that and Liberty County
23 having different interests and focus than the voters in
24 your community?

12:09:20

25 **A.** No.

1 Q. Excuse me. Different interests than the folks in
2 Liberty County?

3 A. Different interests, yes.

12:09:32

4 Q. Okay. And when -- before this map was changed this
5 way and had worked before, what kind of candidates did
6 CD 9 -- excuse me -- when it was CD 29, what kind of
7 candidates did CD 29 elect?

8 A. Well, first was elected Gene Green, who was a
9 working-class man, a union guy.

12:09:53

10 And then it elected Sylvia Garcia, a longtime public
11 servant, Democrat, very active on -- in Democratic issues,
12 platform.

13 Q. And would you describe both of those officeholders as
14 being the candidates of choice of most of the Hispanic
15 population in your neighborhood?

12:10:14

16 A. Yes.

17 Q. You heard Governor Abbott in many of his video
18 statements to the media saying that Congressional
19 District 9 was majority Hispanic under the new plan.

12:10:28

20 Do you recall those generally?

21 A. Yes.

22 Q. And that they would allow Hispanics to elect a
23 candidate of choice. Do you remember the governor making
24 that allegation?

12:10:35

25 A. What was that last part?

1 Q. Sure.

2 Do you recall the governor making the allegation that
3 this new CD 9 and this new plan would give Hispanics an
4 opportunity to elect candidates?

12:10:45 5 A. Yes.

6 Q. What is your opinion about that?

7 A. I disagree with that. It's barely -- it's a CVAP and
8 it is aligned with, again, a county that we have an area
9 that we have pretty much nothing in common with.

12:11:03 10 Q. Were you frustrated when you saw this?

11 A. I was angry.

12 Q. Why?

13 A. I still am.

14 Q. So let's go back to that final Senate hearing on the
12:11:14 15 floor. You had intended to take some other action that
16 day. You mentioned it earlier, that you expected the
17 hearing would go longer. What is that about?

18 A. I intended to filibuster the bill.

19 Q. Had you done that before, a filibuster?

12:11:28 20 A. Yes. 15 hours.

21 Q. On multiple occasions or just one?

22 A. Just one.

23 Q. What was the nature of the dispute in the earlier
24 filibuster?

12:11:39 25 A. It was on an omnibus bill that was targeting Harris

1 County. It was by Senator Hughes and it was on voting and
2 elections.

3 **Q.** And so you filibustered in response to a voting bill
4 on the rules of voting?

12:11:58

5 **A.** Yes.

6 **Q.** And what did you do on this day? I mean, I'm not a
7 senator. How does this work? I mean, what do you have to
8 do if you want to engage in a filibuster in the Texas
9 Senate?

12:12:10

10 **A.** Well, it's a very long process. You prepare a couple
11 of days in advance. You rest up. You do some dietary
12 things. And you -- if you choose, you wear a catheter or
13 something, because you are not going to be able to use the
14 bathroom.

12:12:27

15 **Q.** Did you do that?

16 **A.** Yes.

17 **Q.** Why?

18 **A.** Because I wanted to be able to effectively stand and
19 talk about the ramifications of the bill in a
20 mid-redistricting process.

12:12:44

21 **Q.** Now, at some point did word get out to the leadership
22 that you were going to undertake this filibuster?

23 **A.** Yes. I did advise the lieutenant governor, and I
24 handed him a letter. It's not something that's necessary,
25 but it's tradition. I did it the last time.

12:12:58

1 Q. So you gave a heads-up and followed tradition?

2 A. Yes.

3 Q. What was the body's response to that when it learned
4 of your intended filibuster?

12:13:10

5 A. I don't think they were that surprised. They had
6 heard somebody was going to filibuster. They just didn't
7 know who.

8 Q. Well, did the operation of the proceedings the rest of
9 the day change in some way?

12:13:21

10 A. Yes.

11 Q. How so?

12 A. Well, it went on for quite some time. And then about
13 8:30 at night, the lieutenant governor announced that we
14 were going to take a three-hour dinner break.

12:13:36

15 Q. Is that normal?

16 A. No.

17 Q. All right. Why do you think that was done, if you
18 have an idea?

12:13:47

19 A. I thought a couple of things. One was to drag it out
20 so that I would get tired possibly, maybe change my mind,
21 maybe not filibuster as long, and to maybe try to find a
22 reason to prevent the filibuster from happening to begin
23 with.

24 Q. And what did you do over the lunch for three hours?

12:14:10

25 A. Well, I tried to rest, get off my feet, because I knew

1 I would possibly be standing for at least 15 hours.

2 **Q.** Now at some point your campaign sends out an email or
3 a message; is that true?

4 **A.** Early afternoon.

12:14:23 5 **Q.** And what was the general context of that?

6 **A.** To announce that I was going to filibuster, why I was
7 going to filibuster.

8 **Q.** And how was that used by the body when it was learned
9 of?

12:14:38 10 **A.** They said that I was using it as a fundraising tool.

11 And there was a mention at the end of the email -- most of
12 the email was about why I was filibustering and it
13 was -- there was a message about, you know, do you support
14 or agree with this, donate or chip in, which is something
15 very typical that legislators do when they are about to go
16 do something on the floor or they just finish on the
17 floor.

18 **Q.** Now, you -- were you the only senator, as far as you
19 know, that was contemplating a filibuster?

12:15:21 20 **A.** Yeah. I mean, we had a backup. We had another member
21 that would be able -- in case there was an issue that came
22 up, in case something happened to me and I couldn't
23 physically do it, we had another member that was the
24 backup plan.

12:15:37 25 **Q.** Now, what -- what do you say to critics who say these

1 filibusters interrupt the proceedings, keep the Senate
2 from doing its business?

3 **A.** It's a tradition of Senate. It's the only body that
4 can conduct one. It's a way to slow down the process.

12:15:58 5 And the many times that filibusters have been done in the
6 Texas Senate necessarily not to kill a piece of
7 legislation, but to slow things down, bring attention to
8 it, allow the public to hear what the bill is,
9 implications, how it may affect people.

12:16:18 10 I was planning to read comments and things that we had
11 received from almost 2,000 individuals that were going to be
12 impacted by this bill.

13 **Q.** How did you receive these comments that you were going
14 to refer to?

12:16:34 15 **A.** By email mainly.

16 **Q.** Is that a normal amount of public comments on a
17 measure?

18 **A.** It's quite a lot.

19 **Q.** Now I'm going to call our attention to Exhibit 321,
12:16:55 20 which is the fourth volume of the recording of that day.
21 And I'm going to play it from 19 minutes and 5 seconds to
22 53 minutes and 3 seconds -- or excuse me -- 19 seconds and
23 5 minutes to 53 seconds and...

24 (Video played.)

12:17:17 25 **SENATOR PERRY:** Senate earlier today had settled

1 a plan for the night, anticipating a traditional
2 filibuster. After recess, it was discovered by senator --
3 it was discovered that Senator Carol Alvarado had issued a
4 campaign email approximately 3:00 this afternoon to
5 promote her filibuster as a campaign fundraising event.
6 It's unprecedented to the filibuster in the Senate, the
7 Texas Senate, for the purpose of campaign fundraising.
8 It's highly offensive to the body. It violates
9 long-standing traditions, ethics, and decorums of the
10 Texas Senate. To hold State employees --

12:17:50

11 (Video concluded.)

12 BY MR. DUNN:

13 **Q.** He goes on. But ultimately he is referencing and
14 describing your communication as highly offensive and
15 violative of decorum.

12:17:58

16 Is that fair to say?

17 **A.** Yes, that's what he said.

18 **Q.** Do you agree with that assessment?

19 **A.** No.

12:18:04

20 **Q.** And then what does the body do in response to this
21 motion made by Senator Perry?

22 **A.** Well, it was a little chaotic on the floor. It was
23 late. It was well after midnight, I believe. Most
24 senators had gone home. And my understanding is that they
25 called members, woke some members up, and it was mandatory

12:18:24

1 that everybody show up on the floor.

2 **Q.** Had the floor been relatively bare at that point in
3 terms of Senate participation, senator participation?

4 **A.** Yes.

12:18:42 5 **Q.** All right. So you were not recognized to do the
6 filibuster?

7 **A.** That's correct.

8 **Q.** And how did that strike you?

9 **A.** I was upset. I was confused because there was -- I
12:18:57 10 was not breaking a law. There was no Senate rule that was
11 broken. And filibuster is something that has been
12 granted. And if I recall correctly, this is the first
13 time a filibuster has ever been shut down before it even
14 got started.

12:19:13 15 **Q.** After you had been shut down, to use your words, were
16 the other -- was another senator or other senators
17 recognized?

18 **A.** No. In fact, I went over to Senator Perry and I said
19 if I'm the problem, there is another senator ready to go.
12:19:31 20 If you recall, I said earlier there was a backup plan.
21 Senator Cook was standing there with me. She was the one
22 that we had designated as the backup.

23 And he said, no, we're not going to do that. We're
24 moving on. We're calling the question.

12:19:45 25 It was very much a shutdown.

1 Q. Does that comport with the Senate rules, in your
2 opinion?

3 A. Not at all.

12:19:55

4 Q. And is that then what ended up happening, the
5 shutdown?

6 A. Yes.

7 Q. Does the Senate then vote on the measure?

8 A. Yes. It was Senator Perry.

9 Q. In the wee hours of the morning?

12:20:03

10 A. Yes. He made the motion.

11 Q. How did the vote come out?

12 A. Partisan.

13 Q. The measure passed?

14 A. Yes.

12:20:10

15 Q. And at that moment it went to the governor?

16 A. The bill, yes.

17 Q. I'd now like to call your attention to Exhibit 338.
18 Playing from 7 hours and 11 minutes to 7 hours and
19 12 minutes.

12:20:40

20 This is a Senate committee hearing on water,
21 agricultural and rural affairs from May 11, 2022, where
22 Senator Perry -- or Chairman Perry is chairing a
23 Committee.

24 (Video played.)

12:20:51

25 CHAIRMAN PERRY: I've got a phrase I want to say

1 so bad, that I won't throw you under the bus. It was
2 extremely -- to give you --

3 SCOTT WILLIAMSON: You might as well go ahead.
4 You'll have me wondering the whole time.

12:21:05 5 CHAIRMAN PERRY: Well, it kind of addresses the
6 immigration issue up in my area of the woods, I'm afraid.
7 Shoot, shovel, and shut up. So...

8 SCOTT WILLIAMSON: Where have you heard that?

9 CHAIRMAN PERRY: I don't know where I heard that.
10 But anyway, all joking aside, on that issue, I'm very
11 concerned about you're not leaving any option on the table
12 from a civil society. Banana Republic comes to mind for
13 some reason.

14 (Video concluded.)

12:21:33 15 BY MR. DUNN:

16 **Q.** Senator Perry's "shoot, shovel, and shut up," what do
17 you make of that?

18 **A.** Well, considering he shut down my filibuster, I
19 thought it was very inappropriate. I was deeply offended
12:21:46 20 by that comment. And it's just -- he was -- to think
21 about what he was offended by my email, I was deeply
22 offended by his comments "shoot, shovel, shut up;" and
23 then he shut me down.

24 **Q.** You view that as a breach of decorum?

12:22:13 25 **A.** Absolutely.

1 Q. Has any action been taken whatsoever?

2 A. No. He did at some point later during -- I don't
3 remember when it was, but he was doing the prayer and
4 offered an apology, a very vague, general apology. He
5 didn't reference this video of shoot, shovel, and shut up;
6 but he offered an apology.

12:22:35

7 Q. Turning to the map, to what it does to now called
8 Congressional District 9, used to be CD 29, would you say
9 it buries the voters in your neighborhood?

12:22:59

10 A. Absolutely buries us.

11 Q. One last thing I would like to show you. Exhibit 328.
12 This is a radio show that aired in Houston, so there won't
13 be any video. Beginning at 30 seconds and finishing at
14 1 minute and 44 seconds.

12:23:22

15 (Video played.)

16 JIMMY BARRETT: We're joined by Judge Mark Henry
17 of Galveston County, who says, you can thank me now, if
18 you would like, for Texas redistricting. You're welcome.
19 Or would you like to say that yourself?

12:23:38

20 JUDGE HENRY: I would absolutely like to say
21 that, and I would like a little credit. I got 50
22 Democrats to leave the state of Texas.

23 JIMMY BARRETT: How about that? Unfortunately
24 you didn't keep them out.

12:23:48

25 JUDGE HENRY: No. They did come back.

1 JIMMY BARRETT: Yeah. They all came back.

2 So refresh our memory. This goes back to 2022, right,
3 when the Biden administration decided they were going to
4 sue. You had redrawn the lines in Galveston County and
5 they decided to sue.

12:24:00

6 Why did they want to sue you?

7 JUDGE HENRY: Because they told me I had to draw
8 a coalition district. And a coalition district is legal
9 fiction. It doesn't appear anywhere in the Voting Rights
10 Act. And I told them I'm not going to do it. My lawyers
11 said we don't have to do it. I'm not going to do it. So
12 they sued me. And so those little 26- to 28-year-old DOJ
13 attorneys with their backpacks lost.

12:24:11

14 So as of last year in 2024, the Fifth Circuit Court of
15 Appeals said no more coalition districts. You've got to
16 get rid of them. So that's why Texas is doing this. Not
17 because they can, because they have to.

12:24:27

18 JIMMY BARRETT: Right. And that's a great point.
19 Not doing it just because you can but because you have to.

12:24:37

20 Now --

21 (Video concluded.)

22 BY MR. DUNN:

23 Q. "Not because you can but because you have to."

24 What do you think about this organized, intentional

12:24:47

25 effort to silence your neighbors and friends?

1 **A.** Well, I think, you know, it's been very consistent
2 going back to the way the hearings were set up. I don't
3 think they were very welcoming and inviting to have the
4 public participate at least in the Senate and to silence
5 the people that were affected by it.

12:25:08

6 MR. DUNN: Thank you for your service, Senator.

7 I pass the witness.

8 THE WITNESS: Thank you.

9 JUDGE GUADERRAMA: Mr. Loomis.

12:25:21

10 **CROSS-EXAMINATION**

11 BY MR. LOOMIS:

12 **Q.** Senator, my name is Steven Loomis. I'm with the Texas
13 Attorney General's Office.

14 **A.** I can't hear you that well.

12:25:59

15 **Q.** My name is Steven Loomis. I'm with the Texas Attorney
16 General's Office. Is that a little better?

17 **A.** Yes.

18 **Q.** First of all, we all want to thank you for taking your
19 time to come down here and testify. I know it's an
20 imposition. And I'll try to be as brief as possible.

12:26:11

21 (Technical interruption.)

22 MR. DUNN: I'm trying to disconnect.

23 BY MR. LOOMIS:

24 **Q.** First of all, for a brief background on the call for
25 the 2025 redistricting, you noted yourself in the Senate

12:26:26

1 committee notes that President Trump's so-called Big
2 Beautiful Bill passed by only one vote, correct?

3 **A.** Yes.

4 **Q.** And it was noted by several senators within the
5 Congressional Record -- well, Congressional Record -- the
6 Senate record, that the President was desperate because
7 midterms were approaching and he may well lose more than
8 one seat, correct?

9 **A.** Yes.

10 **Q.** Which meant that any legislative proposals the
11 President wanted in the future were in great jeopardy?

12 **A.** Yes.

13 **Q.** And there were rumors and other items floating around
14 long before the July 7th letter from the DOJ's Ms. Dhillon
15 stating that he was thinking of calling for more
16 Republican seats, especially in Texas?

17 **A.** I wouldn't say long before.

18 **Q.** Well, you have seen the -- you've requested the
19 transcripts from our trial back in May and June on the
20 2021 redistricting, correct?

21 **A.** Yes.

22 **Q.** And you were aware that Senator Huffman on the stand
23 was already asked about those rumors back in June, right?

24 **A.** I'm not aware of that.

25 **Q.** Okay. Historically, you have noted that from 1870

1 forward, Texas was a pretty much one party state for the
2 Democrats, correct?

3 **A.** Yes.

12:27:56

4 **Q.** And the first sort of wedges for the Republicans were
5 made in the 1980s. I think their first statewide
6 Republican was Phil Gramm, wasn't it, in the '80s? If you
7 recall.

8 **A.** Possibly.

12:28:09

9 **Q.** So for at least 100 years, from dogcatcher up to
10 governor to senators to congressman, if you weren't a
11 Democrat, you weren't going to get elected. Fair?

12 **A.** Possibly.

13 **Q.** Okay. And the first time the Republicans got to do
14 any redistricting at all was in 2003, correct?

12:28:22

15 **A.** Yes.

16 **Q.** And that's because in the 2000 census there was -- it
17 was decided they weren't going to be redrawing any maps,
18 but in 2022 [sic] the Republicans managed to take over,
19 right?

12:28:34

20 **A.** In what year? I'm sorry.

21 **Q.** In 2022 [sic] enough Republicans got elected that they
22 decided they were going to redistrict?

23 **A.** I don't know.

12:28:51

24 **Q.** Okay. Well, you do recall in 2003 that the Democrats
25 then broke quorum and left the state?

1 **A.** Yes.

2 **Q.** And that's been kind of the go to --

3 JUDGE SMITH: You said 2022. I think you meant
4 2002. I think that was the confusion in the question.

12:29:04

5 MR. LOOMIS: Beg your pardon.

6 JUDGE SMITH: Why don't you go back and ask those
7 questions again.

8 MR. LOOMIS: You are quite correct, Your Honor.
9 Thank you.

12:29:08

10 BY MR. LOOMIS:

11 **Q.** I was trying to say in 2002 the Republicans took over
12 and then decided in 2003 to redistrict?

13 **A.** Yes.

12:29:20

14 **Q.** At which point, the Democrats broke quorum and left
15 the state?

16 **A.** Yes.

17 **Q.** I think at that point they went to Oklahoma, if memory
18 serves?

19 **A.** Yes.

12:29:25

20 **Q.** And breaking quorum, leaving the state to delay
21 redistricting, has been kind of the go-to move for
22 Democrats since then, hasn't it?

23 **A.** Yes.

24 **Q.** I mean, they certainly did it in 2021, correct?

12:29:39

25 **A.** Yes. I don't believe it was done in 2010, though.

1 Q. I believe you are right on that.

2 And then again in 2025 they also did it, correct?

3 A. Yes.

12:30:05

4 Q. Now, during the time that they broke quorum in 2025,
5 you mentioned that one of the things that was going to be
6 considered in special sessions was aid to the Texas flood
7 victims in Central Texas?

8 A. Yes.

9 Q. And despite that, the Democrats broke quorum?

12:30:19

10 A. I wouldn't say that.

11 Q. They knew it was up for consideration in special
12 sessions, though, didn't they, when they took off?

13 A. They knew it was on call. However, very little had
14 been done on that subject.

12:30:37

15 Q. And it certainly wasn't going to get done as long as
16 Democrats remained out of state?

17 A. I can't say.

18 Q. And the Democrats in 2025 fled to primarily Illinois,
19 California -- Illinois, I am embarrassed I said that --
20 Illinois, California, and Maryland, right?

12:30:55

21 A. I don't know exactly. I know Illinois, yes.

22 Q. And are you-all -- you are aware that those three are
23 considered some of the most gerrymandered states in the
24 United States today?

12:31:10

25 A. I don't know.

1 Q. Do you recall any of the statistics about Illinois
2 having 83 percent Democrat representation despite only
3 59 percent voters?

4 A. I don't recall an exact number.

12:31:23

5 Q. Okay. It's fair to say that those are all heavily
6 Democratic-represented states, though?

7 A. Yes.

12:31:36

8 Q. And the quorum break was supported by Democrats
9 outside of Texas and outside the Texas House and Senate,
10 correct?

11 A. Yes.

12 Q. You are aware that Beto O'Rourke threatened -- not
13 threatened -- offered to finance the Democrats' stay in
14 Illinois?

12:31:46

15 A. I heard that in the media.

16 Q. And while breaking quorum, the Democrats met with
17 Democrat operatives at the national level like Eric
18 Holder, correct?

19 A. Yes.

12:31:56

20 Q. And they then talked about strategies about how to
21 stop the Republicans redistricting, right?

22 A. Yes.

23 Q. And the intent for the quorum breaks, both in 2021 and
24 in 2025, were to prevent or at least delay redistricting?

12:32:15

25 A. Yes.

1 Q. In both cases, the timing of getting a redistricting
2 plan in were -- I guess the best way to put it is there
3 was a very short time frame if anything was going to
4 happen, correct?

12:32:32 5 A. Yes. Compared to the normal process.

6 Q. In 2021 the problem was that the census data was so
7 late that we were already running up on election
8 deadlines, correct?

9 A. Yes.

12:32:44 10 Q. And like that in 2025, because the decision to call
11 this in special session came so late, there were very
12 short deadlines coming up on all of the elections?

13 A. Yes.

14 Q. And I think you emphasized -- several times in the
15 committee record you stated yourself that time was of the
16 essence, correct?

17 A. Yes. Because we were given a very short window in the
18 DOJ letter.

19 Q. Yes.

12:33:16 20 And you have testified earlier today that you felt
21 that the Dhillon letter from July 7th was requiring Texas
22 to file some type -- or make some type of response before
23 August 7th?

24 A. Yes.

12:33:30 25 Q. And the Democrats breaking quorum happened on

1 August 3rd, didn't it?

2 **A.** I don't recall the exact date.

3 **Q.** It was just -- it was before that deadline, though,
4 wasn't it?

12:33:42

5 **A.** Again, I don't recall the exact date.

6 **Q.** Without recalling the exact date, do you recall
7 whether the quorum was broken before that August 7th
8 deadline?

12:34:00

9 **A.** I do not. And there was some question whether or not
10 August 7th was really a deadline because the letter had
11 July 7th.

12 **Q.** That's absolutely true.

13 But you testified more than once just today that you
14 thought it was certainly a deadline, right?

12:34:13

15 **A.** Yes. But it was not confirmed at any point.

16 **Q.** You also testified that generally it was thought that
17 that was their deadline amongst other people in the
18 Senate, didn't you?

19 **A.** Well, maybe some of us. Not everyone.

12:34:36

20 **Q.** Now, you just spoke a few moments ago about your
21 attempt to filibuster in 2025, right?

22 **A.** Yes.

23 **Q.** And originally there was not, at least officially, any
24 type of objection to that procedure, was there?

12:34:48

25 **A.** Not that I'm aware of.

1 Q. Now, you referenced an email that went out from your
2 office; and in that email you admit there was a request
3 for fundraising, right?

4 A. It was from my campaign team.

12:35:02

5 Q. Okay. All right. From your campaign team there was a
6 request for fundraising attached to it, correct?

7 A. It was mentioned at the very bottom.

8 Q. And in that letter you also indicated that you were
9 going to be live streaming your filibuster, correct?

12:35:20

10 A. I don't recall if that was the exact language.

11 Q. So the difference between this case and your earlier
12 filibuster of 15 hours was you had sent out an
13 announcement that included not only live streaming, but a
14 request for funds for your political campaign?

12:35:39

15 A. Yes. There was an email sent, yes.

16 Q. And you recall that the Senate leadership at that
17 point requested an opinion from outside counsel who had to
18 handle ethics concerns as to whether this would violate
19 either ethical law or -- ethical regulations or actual
20 laws, right?

12:35:55

21 A. Can you explain a little bit?

22 Q. You are aware that they sent out for a legal opinion
23 as to whether they could allow a filibuster with a
24 reference of fundraising?

12:36:05

25 A. I don't know about that.

1 Q. Okay. Are you familiar with Penal Code Section 39.02,
2 abuse of official capacity?

3 A. No.

4 Q. Okay. You do know that a public servant cannot misuse
12:36:23 5 government property or services or equipment in order to
6 fundraise for themselves?

7 A. Yes. I'm aware of that.

8 Q. And that public property and equipment would include
9 the Senate floor, would it not?

12:36:34 10 A. Yes.

11 Q. Have you read the Texas Ethics Commission,
12 January 1st, 2024, "Guide for Candidates, Officeholders,
13 and Political Committees"?

14 A. I can't say that I've read it verbatim.

12:36:51 15 Q. Okay. Are you familiar with Rule Number 8, no misuse
16 of government property to campaign?

17 A. Yes.

18 Q. And there they state that it is an ethics violation to
19 do that?

12:37:03 20 A. Yes.

21 Q. Are you familiar with the election code generally?

22 A. Pretty much.

23 Q. Do you recall anything about Section 2.5 -- excuse
24 me -- 255.003, [as read:] An officer or employee of a

12:37:19 25 political subdivision may not knowingly spend or authorize

1 the spending of public funds for political advertising.

2 Are you familiar with that section?

3 **A.** Yes.

4 **Q.** And you realize that solicitation of state buildings

12:37:32

5 falls under that and use of state buildings for

6 fundraising is a violation of the elections code?

7 **A.** Yes.

8 **Q.** And you do not recall Senator King, as chairman,

9 stating on the floor that outside ethics counsel was

12:37:48

10 consulted on this question?

11 **A.** I don't recall.

12 **Q.** Are you generally aware that use of state property for

13 fundraising could be a felony for anyone involved?

14 **A.** Yes.

12:38:06

15 **Q.** Getting back to the specific legislation -- pardon me.

16 You know that when a special session is called it

17 would have a 30-day limit, correct?

18 **A.** Did you say 30 day?

19 **Q.** 30-day limit.

12:38:24

20 **A.** Yes.

21 **Q.** That's always the rule, right?

22 **A.** Right.

23 **Q.** And that was all known at the time of the quorum

24 break, correct?

12:38:29

25 **A.** Yes.

1 Q. And in the 2025 session, there were four regional
2 hearings held, correct?

3 A. Yes.

4 Q. And those were done virtually?

12:38:42

5 A. Yes.

6 Q. Have you seen a number of the constituents who
7 attended express a thanks for the convenience of being
8 able to appear virtually and not having to travel?

12:38:57

9 A. Of all the testimony, there were maybe a few or a
10 handful that mentioned that.

11 Q. Okay. Now, there was also an extra hearing with
12 invited witnesses at the Capitol, correct?

13 A. Yes.

12:39:12

14 Q. And another hearing at the Capitol for the general
15 assembly, correct?

16 A. I'm sorry. Say that again?

17 Q. In addition to those four, plus the one hearing with
18 invited witnesses, there was another hearing at the
19 Capitol for the general assembly, was there not?

12:39:25

20 A. Are you talking about the one -- do you recall the
21 date of that?

22 Q. Well, if you are not familiar, you don't recall,
23 that's fine.

24 A. Okay. I don't recall.

12:39:31

25 Q. Okay. In 2025 alone, though, there were 242 witnesses

1 heard by the Senate alone; isn't that right?

2 **A.** Yes.

3 **Q.** And, in fact, the plaintiffs and intervenors in this
4 case were specifically invited to provide testimony,
5 weren't they?

12:39:45

6 **A.** Yes.

7 **Q.** And apart from Mr. Bledsoe representing the NAACP,
8 none appeared?

9 **A.** Correct.

12:39:57

10 **Q.** So despite the demand for additional hearings and
11 knowledge of the short time frame involved, Democrats fled
12 the state to prevent a quorum and during that time
13 announced very publicly that they were already against any
14 new maps, right?

12:40:15

15 **A.** Yes.

16 **Q.** And they did not appear before the Senate to argue or
17 give any reasoning for any further delays, right?

18 **A.** Yes.

19 **Q.** Okay. And we know that the 2025 redistricting was
20 still being based on the 2020 census data, right?

12:40:29

21 **A.** Yes.

22 **Q.** So with regard to all of the testimony for the 2020
23 census data, there were, not counting prior to 2019
24 hearings, after 2020, there had been 21 regional and other
25 hearings on redistricting in the Senate related to the

12:40:48

1 2020 Senate census, right?

2 **A.** In 2021?

3 **Q.** In 2020 forward, mostly in 2021, yes, 19 hearings?

4 **A.** Four years ago.

12:41:03 5 **Q.** So there were 19 hearings --

6 **A.** Four years ago.

7 **Q.** -- regarding the 2020 census?

8 **A.** Four years ago. You are right. Is that what you are
9 asking about?

12:41:12 10 **Q.** Yes.

11 **A.** Yes. Four years ago, yes.

12 **Q.** And there were an equal number of hearings, at least,
13 for the Texas House during that same time period?

14 **A.** I don't recall how many the House had.

12:41:23 15 **Q.** You do recall they had some?

16 **A.** They had some.

17 **Q.** And all of the senators and the representatives were
18 able to review all of that testimony regarding communities
19 of interest, industry, and anything else they wanted
12:41:36 20 related to that census?

21 **A.** I believe so.

22 **Q.** All right. Let's talk about the letter from
23 Ms. Dhillon at the Department of Justice.

24 To begin with, you recognize that Ms. Dhillon is not a
12:41:55 25 member of the Texas Legislature in any sense?

1 **A.** Right.

2 **Q.** And when her letter came out, there is not a single
3 Texas senator who supported her allegations regarding the
4 2021 maps, correct?

12:42:11 5 **A.** Not that I'm aware of.

6 **Q.** I mean, just a few moments ago they played interplay
7 between Senator Hinojosa and Senator King. And Hinojosa
8 certainly didn't agree with a single thing she said in
9 that letter?

12:42:25 10 **A.** Right.

11 **Q.** And King, likewise, did not agree with the
12 characterization that she was being made -- that was being
13 made about the law or about Texas districts, correct?

14 **A.** I did not hear him say that he did not agree.

12:42:38 15 **Q.** You heard him say that he didn't believe that the
16 redistricting was required because of racial inequality?

17 **A.** I would have to go back and look at that.

18 **Q.** Okay. You also heard television interviews from
19 Governor Abbott, correct?

12:42:54 20 **A.** Yes.

21 **Q.** Now, to be clear, Governor Abbott also is not a member
22 of the Texas Legislature, correct?

23 **A.** Right.

24 **Q.** He neither draws up the legislation nor does he get a
12:43:06 25 vote on it, right?

1 **A.** Right.

2 **Q.** But in his interviews he states, not like Ms. Dhillon
3 says, that coalition districts are not constitutional. He
4 says that that *Petteway* decision stated that coalition
5 districts are not required. And that is a big difference,
6 isn't it?

12:43:20

7 **A.** Yes.

8 **Q.** Because while Dhillon's letter -- I believe you called
9 it legally illiterate at one point -- the governor is
10 correct, isn't he?

12:43:35

11 **A.** I don't recall saying that.

12 **Q.** Well -- let's see. Well, you did label it a, quote,
13 fig leaf for a power grab, unquote, right?

14 **A.** I remember the word "power grab." I'm not sure if I
15 recall fig leaf.

12:43:59

16 **Q.** Do you recall Senator Royce West labeling it as a
17 naked partisan political power grab on August 22nd?

18 **A.** I do not.

19 **Q.** The Senate brought in a number of VRA experts as
20 discussed earlier, right?

12:44:17

21 **A.** Correct.

22 **Q.** And not a single one of them found Ms. Dhillon's legal
23 analysis correct, right?

24 **A.** I'm sorry. Can you repeat that?

25 **Q.** There was not a single legal expert who testified

12:44:27

1 before the Texas Senate that found the DOJ's July 7th
2 letter legally correct?

3 **A.** I don't know.

12:44:43

4 **Q.** There is not a single senator from Texas who supported
5 the legal conclusions or analysis of that July 7th letter,
6 is there?

7 **A.** I don't believe so.

8 **Q.** And Dr. Katz was one of the experts that testified
9 regarding this letter, correct?

12:44:56

10 **A.** Yes.

11 **Q.** And Dr. Katz, out of Michigan, was the person that you
12 requested --

13 **A.** Yes.

14 **Q.** -- that Senator King as chairman invite?

12:45:04

15 **A.** Yes.

16 **Q.** In fact, you had written a letter requesting that nine
17 different witnesses be brought to testify before the
18 Senate, correct?

19 **A.** Yes.

12:45:11

20 **Q.** And Senator King -- excuse me.

21 Chairman King invited all those people on your behalf,
22 didn't he?

23 **A.** Yes.

24 **Q.** And Dr. Katz was one of them. And before we get to

12:45:27

25 her testimony, you had stated yourself that the letter

1 from the DOJ [as read:] Neither finds a violation of law,
2 nor engages in a bona fide settlement effort. It raises
3 concerns and asks for a same-day response.

12:45:46

4 That's where you say it's kind of a fig leaf for a
5 power grab.

6 And you also noted that the United States DOJ sued
7 Texas in 2021 and was, in fact, a party opponent to the
8 State.

9 **A.** I don't remember what my exact words were.

12:46:00

10 **Q.** Well, you do know that they did -- the United States,
11 under DOJ, with the DOJ, did sue Texas for the 2021 maps,
12 aren't you?

13 **A.** Yes.

12:46:13

14 **Q.** And you requested or you asked Senator King a number
15 of questions about that letter in a couple of different
16 hearings, fair?

17 **A.** Yes.

12:46:27

18 **Q.** And he responded that -- by citing the Texas Attorney
19 General's letter back to the court and copied the DOJ
20 where it completely repudiated Ms. Dhillon's legal
21 assertions?

22 **A.** I don't recall.

12:46:41

23 **Q.** Do you recall that at the very least the Texas
24 Attorney General did not agree with what she was alleging
25 about these various districts?

1 **A.** Vaguely.

2 **Q.** Okay. I believe you said at least once that the
3 letter was riddled with errors.

4 **A.** Yes.

12:46:55 5 **Q.** And, in fact, saying that it was riddled with errors
6 was putting it lightly?

7 **A.** Yes.

8 **Q.** And Dr. Katz in her testimony stated that if one of
9 her students had turned in that letter she would give them
10 a bad grade?

11 **A.** I remember something about that.

12 **Q.** And her three main takeaways in the video that was
13 played earlier today was, first, that the districts in the
14 2021 map reference did not violate either the VRA or
15 Constitution, correct?

16 **A.** I believe so.

17 **Q.** And that agrees with the opinions given from Governor
18 Abbott and the State of Texas through the Ken Paxton
19 letter served in response to that 7-7 DOJ letter?

12:47:45 20 **A.** I don't recall.

21 **Q.** Secondly, she said it was impermissible to target
22 race, correct?

23 **A.** Yes.

24 **Q.** And if you -- do you recall that the Ken Paxton letter
12:47:55 25 in response to the Dhillon letter said the same thing?

1 **A.** I don't recall the AG's letter.

2 **Q.** Okay. She also stated that targeting four districts
3 based on race would certainly be illegal, correct?

4 **A.** Yes.

12:48:10 5 **Q.** And you do recall that in this map, the current one
6 we're talking about in 2025, 37 out of the 38 districts
7 were materially changed?

8 **A.** I'm sorry? Can you repeat the question?

9 **Q.** You are aware that in this 2025 map we're talking
10 about, 37 out of the 38 districts were materially changed?

11 **A.** Well, it was targeting four. When you target any one,
12 then it has a ripple effect.

13 **Q.** Have you done any analysis to determine whether those
14 districts were targeted? Have you run any math analysis?

12:48:48 15 **A.** Not map -- no.

16 **Q.** Do you hold yourself out as an expert on this?

17 **A.** On which part?

18 **Q.** On redistricting maps and how to determine if it was
19 targeted or not.

12:49:01 20 **A.** I wouldn't say expert.

21 **Q.** Without running any analysis with major changes to 37
22 different districts, how is it that you determined
23 something was targeted?

24 **A.** I don't know.

12:49:18 25 **Q.** With regard to your request for testimony from

1 Dr. Kincaid, I assume you realize, since you have been
2 through the transcripts of the three-and-a-half week trial
3 in this case, that Dr. Kincaid's deposition testimony was
4 played into the record?

12:49:39

5 **A.** I'm sorry. Repeat the last part?

6 **Q.** Yeah.

7 In going through the transcripts of this trial from
8 May and June, you do realize that Dr. Kincaid testified
9 through deposition at that trial?

12:49:50

10 **A.** I did not go through all of the transcript.

11 **Q.** Well, if you were interested in Dr. Kincaid's
12 testimony, did you at least look to see if there was
13 testimony in the record from him?

14 **A.** My staff did. And we talked about it a bit.

12:50:02

15 **Q.** So are you and your staff aware that he had given
16 14 hours of deposition testimony in this case?

17 **A.** I do not know the exact number of hours.

18 **Q.** Okay. You are aware that in his testimony he did talk
19 about his mapmaking process and how he drew maps in
20 general?

12:50:18

21 **A.** Somewhat.

22 **Q.** Okay. And those were consistent through 2021 and what
23 has been said by the various people in 2025, in that the
24 maps were being drawn blind to race initially, correct?

12:50:31

25 **A.** Yes.

1 Q. And in 2021, as in 2025, there was a two-step process.
2 Once the maps were drawn, they were sent to counsel to
3 make sure that they complied with the law, correct?

4 A. I believe so.

12:50:42

5 Q. And that was the consistent testimony in 2021 from
6 everyone and that's been the testimony from the people
7 involved in the committees this year?

8 A. Yes. From -- in the Senate, yes.

12:51:01

9 Q. Would it be fair -- and if you feel you can't offer an
10 opinion on this, you don't have to, but it would be fair
11 to say that Harmeet Dhillon appears to simply not
12 understand the *Petteway* decision at all?

13 A. I don't know.

12:51:17

14 Q. Okay. Again, if you don't feel you can answer that,
15 that's completely fair.

16 But, again, she was not part of the Texas Legislature
17 and she did not either draw or vote on the final map in
18 2025, correct?

19 A. Yes. That's correct.

12:51:29

20 Q. And nothing from -- no person from the Department of
21 Justice for the United States can bind the Texas
22 Legislature to anything, can they?

23 A. I'm sorry. Can you repeat the last part?

24 Q. Yeah.

12:51:42

25 Her allegations and her assertions about the law don't

1 bind the Texas Legislature in making their decisions?

2 **A.** Correct.

3 **Q.** Now you are familiar with Senator Eckhardt, of course?

4 **A.** Yes.

12:52:05

5 **Q.** And you and she, I believe, both offered amendments to
6 require things like additional regional hearings, right?

7 **A.** Yes.

12:52:19

8 **Q.** As part of that discussion do you recall her saying
9 that President Trump's demand for redistricting was
10 specifically to bolster political strength going into a
11 midterm election cycle where he, quote, fears losing the
12 U.S. House?

13 **A.** Yes.

12:52:32

14 **Q.** And you are also aware that she stated that she
15 believed that these -- the maps were being drawn blind to
16 race, but because they were being drawn blind to race,
17 that was in fact proof of a racial intent?

18 **A.** I don't remember that.

12:52:54

19 **Q.** Okay. That is not your opinion, is it? That maps
20 being drawn initially blind to race is proof of racism.
21 You don't believe that?

22 **A.** No.

23 MR. LOOMIS: I'm trying to excise as much as
24 possible to move this briefly. I apologize for the pause.

12:53:15

25 BY MR. LOOMIS:

1 Q. Okay. You do know that the new map in this case draws
2 either four or five new Republican districts?

3 A. Yes.

12:53:26

4 Q. And they have been judged to perform for Republicans.
5 And that they should last even if he loses some Republican
6 voters in the next three to four years?

7 A. Possibly.

12:53:47

8 Q. Earlier in the record you stated that you have worked
9 with King for a number of years and had a lot of respect
10 for him. True?

11 A. Yes.

12 Q. Do you believe that he voted on or looked at this map
13 with an intent to racially discriminate?

14 A. Hard to say. I don't know.

12:54:01

15 Q. Can you name any of your Senate colleagues that you
16 say voted on this map with racial intent?

17 A. I don't know.

18 Q. Are you familiar with the statements from Senator
19 Miles?

12:54:23

20 A. Which one?

21 Q. Where he thanked Senator King for being honest about a
22 political motive in this case?

23 A. I don't recall that exact statement.

12:54:43

24 Q. Do you recall any statements from Senator Veasey on
25 7-29 where he said that this midterm redistricting was

1 just to gain partisan advantage?

2 **A.** I believe something like that, yes.

3 **Q.** How about Senator Christian Manuel on August 2nd where
4 he said he understood that politics wins the day in these
5 kinds of cases?

12:55:01

6 **A.** No. I don't recall that one.

7 **Q.** Okay. Well, I guess finally I want to ask: Do you
8 recall on July 28th representative Al Green testifying?

9 **A.** Yes.

12:55:22

10 **Q.** And do you recall him saying that because the Voting
11 Rights Act has changed, that the only way to win under
12 Section 2 is to allege racism?

13 **A.** No. I don't recall that.

12:55:38

14 **Q.** You don't recall him saying [as read:] But if we
15 don't say that this is racial, if we don't indicate that,
16 we are not going to get to Section 2 and we can't win.

17 You didn't hear it?

18 **A.** I don't recall those words, no.

19 MR. LOOMIS: I'll pass the witness.

12:55:51

20 JUDGE GUADERRAMA: Mr. Dunn.

21 **REDIRECT EXAMINATION**

22 BY MR. DUNN:

23 **Q.** Senator, I just want to cover a few of counsel's
24 questions of you. I'll just start sort of at the
25 beginning.

12:56:08

1 You were asked a number of questions about your
2 filibuster and, in particular, you know, various statutes
3 and opinions about ethics as it pertains to using
4 government property for fundraising.

12:56:20 5 Do you recall those generally?

6 **A.** Yes.

7 **Q.** Do you view what you did use any government property
8 for fundraising?

9 **A.** No. Just the email was sent out on a private device
12:56:33 10 by my campaign team in Houston.

11 **Q.** And is it something that you see commonplace in the
12 Senate, the House, the U.S. Senate, the U.S. House?

13 **A.** Yes.

14 **Q.** Like ubiquitous?

12:56:44 15 **A.** Yes.

16 **Q.** Now, you were asked some questions, too, about the
17 Attorney General's Office providing legal advice to
18 Senator Huffman in 2021.

19 Do you recall those questions generally?

12:56:57 20 **A.** Yes.

21 **Q.** I'd like to call your attention to Exhibit 4263, which
22 is a Senate Special Committee Hearing on redistricting in
23 2021. And I'm going to play it from 38 minutes and
24 9 seconds to 41 minutes and 6 seconds.

12:57:13 25 (Video played.)

1 SENATOR ZAFFIRINI: Sir, what does the Attorney

2 --

3 (Interruption.)

4 AUSTIN KINGHORN: -- Senator Zaffirini, the

12:57:46

5 Attorney General's Office has certain lawyers who are
6 experienced in these issues and are marked as this process
7 begins to field those questions.

8 There is not a formal division of labor in that
9 regard. As you may know, the AG's office has a lot of
10 specific divisions. We don't have a specific division of
11 attorneys that handles these questions. It's really more
12 of a -- we take an assessment of what resources we have,
13 who is still around that took part in the process last
14 time, try to get some folks up to speed; and then we try
15 to respond to the demands of the inquiries we get.

12:58:04

12:58:21

16 Obviously, depending on the number of those inquiries
17 and any conflicts they present, we may have to bring in
18 additional folks to these teams.

19 But to answer your question as directly as possible,
20 there is no formalized process to this. We muster our
21 internal resources on an as-needed basis to respond to the
22 inquiries that come in.

12:58:34

23 SENATOR ZAFFIRINI: Does your process, for
24 example, include looking that each district individually
25 to determine if each district complies with the Voting

12:58:49

1 Rights Act?

12:59:01 2 AUSTIN KINGHORN: The process, as I understand
3 it, and I have not served in the capacity in which I have
4 been personally advising any individual legislator, is
5 that our attorneys answered the questions that are posed
6 to them by the legislators who have inquiries. And I am
7 confident that that often includes whether the proposed
8 maps would survive constitutional scrutiny or scrutiny of
9 the Voting Rights Act.

12:59:18 10 Whether -- exactly the nuts and bolts of that process
11 district by district, I can't speak with individual
12 knowledge as to exactly how that goes.

13 SENATOR ZAFFIRINI: Thank you.

12:59:30 14 What specific aspects of the proposed maps did you
15 analyze to ensure the redistricting process does not
16 diminish minority votes ability to select the candidates
17 of their choice?

12:59:45 18 AUSTIN KINGHORN: The Attorney General's Office,
19 in evaluating these maps, always is going to render legal
20 advice to the requesting state legislator concerning
21 whether, in our opinion, these maps survive scrutiny under
22 the Fourteenth Amendment and additionally the Voting
23 Rights Act. Exactly what that looks like is just a
24 case-by-case inquiry depending on the facts of the inquiry
01:00:02 25 and nature of the question asked.

1 SENATOR ZAFFIRINI: But do you look at specific
2 data, such as the voting age population or registered
3 voters or population growth and how minorities are
4 impacted by all those aspects?

01:00:16

5 AUSTIN KINGHORN: The same data that is used for
6 the redistricting process and is publicly available is
7 data that the Attorney General's Office would look at and
8 their lawyers are trained to understand and interpret.

9 SENATOR ZAFFIRINI: Thank you.

01:00:29

10 (Video concluded.)

11 BY MR. DUNN:

12 **Q.** These trained lawyers and resources that were just
13 described, based on what you saw and what you were told in
14 2025, were any of them brought to bear on this new map?

01:00:41

15 **A.** No.

16 **Q.** Senator Huffman used them and employed them. The
17 current map drawers, or whoever they were, did not, as far
18 as you know?

19 **A.** Correct.

01:00:50

20 **Q.** Now, you also were asked some questions about the
21 Department of Justice letter, Ms. Dhillon's letter, and a
22 comparison of the conclusions or arguments made in that
23 letter to some of the statements that Governor Abbott has
24 made that were played here.

01:01:05

25 Do you recall that?

1 **A.** I do recall.

2 **Q.** Counsel suggested that Governor Abbott's opinion is
3 that they weren't required and that his opinion or views
4 were different in some ways than the Department of
5 Justice.

01:01:14

6 Do you recall that?

7 **A.** I do.

8 **Q.** I'd like to go back to Exhibit 335 and just play this
9 part. I'll pause it when I get to the part.

01:01:36

10 (Video played.)

11 JAKE TAPPER: "The Texas Tribune" reports that in
12 June you told Texas Republicans, Governor, that you were
13 reluctant to add redistricting to the legislative agenda
14 in Austin. "The Tribune" says President Trump then called
15 you to discuss redistricting and you agreed to put it on
16 the special session agenda.

01:01:48

17 Would you have gone forward with redistricting if
18 President Trump had not personally gotten involved and
19 asked you to do this?

01:02:00

20 GOVERNOR ABBOTT: To be clear, Jake, this is
21 something that I have been interested in for a long time.
22 First of all, I have been involved in redistricting
23 litigation for more than 20 years now.

01:02:13

24 Second, one thing that spurred all this is a federal
25 court decision that came out last year. And, by the way,

1 a case that was filed by Democrats. The federal court
2 decision that came out last year said that Texas is no
3 longer required to have coalition districts. And as a
4 result, we had drawn maps with coalition districts in it.

01:02:30

5 Now we wanted to remove those coalition districts and draw
6 them in ways that in fact --

7 (Video concluded.)

8 BY MR. DUNN:

01:02:40

9 Q. "We wanted to remove those coalition districts." Is
10 that what the governor said?

11 A. Yes.

12 Q. His purpose is clear as day, wouldn't you say?

13 A. I'm sorry?

14 Q. His purpose is clear as day, wouldn't you say?

01:02:50

15 A. Yes, sir.

16 MR. DUNN: Pass the witness.

17 JUDGE GUADERRAMA: Mr. Loomis, if you have more
18 than five minutes, let's wait until after lunch.

01:03:01

19 MR. LOOMIS: I should have just one question,
20 Your Honor.

21 JUDGE GUADERRAMA: All right. Maybe Mr. Dunn
22 won't have any more.

23 MR. LOOMIS: It may be two. I don't want to tie
24 myself down. But certainly under five minutes.

01:03:12

25

RECROSS-EXAMINATION

1 BY MR. LOOMIS:

2 **Q.** Senator, that clip that was just played, Governor
3 Abbott said that the *Petteway* decision, the one he was
4 referencing, no longer required Texas to draw coalition
5 districts, right?

01:03:24

6 **A.** What did he say?

7 **Q.** Not that they were required to remove them, right?

8 **A.** I believe that's right.

9 **Q.** So if the -- if the belief of Texas when drawing the
10 2021 maps was that they absolutely could not touch those
11 districts and the law changed afterwards, what it meant
12 was they were now allowed to look at changing those
13 districts, right?

01:03:33

14 **A.** I would not agree.

01:03:48

15 MR. LOOMIS: No further questions. Thank you.

16 MR. DUNN: May the witness be excused?

17 JUDGE GUADERRAMA: Yes.

18 Mr. Loomis, may she be permanently excused?

19 MR. LOOMIS: Yes, Your Honor. Absolutely.

01:04:00

20 JUDGE GUADERRAMA: Senator Alvarado, thank you so
21 much for being with us. You are excused and free to go,
22 ma'am.

23 THE WITNESS: Thank you to you and the Court.

24 JUDGE GUADERRAMA: Let's go ahead and break for

01:04:09

25 lunch. Be back at 2:18. We will resume our proceedings

1 at 2:18.

2 (Morning Session adjourned at 1:04 p.m.)

3 Date: October 12, 2025

4 **COURT REPORTER'S CERTIFICATE**

5 I, Laura Wells, certify that the foregoing is a
6 correct transcript from the record of proceedings in the
7 above-entitled matter.

8 _____/s/ Laura Wells_____

9 Laura Wells, CRR, RMR

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RETRIEVED FROM DEMOCRACYDOCKET.COM