

16:22 1 A. Been in the Legislature for 27 years. I've been in the
2 Senate since January of 2023.

3 Q. As a long-standing member of the Legislature, Senator, do
4 you represent people in your district regardless of their race
5 or ethnicity?

6 A. Certainly.

7 Q. Do you represent them regardless of who they voted for?

8 A. Absolutely.

9 Q. And if a constituent reaches out to your office, do you do
10 your best to respond to their concerns?

11 A. We always do our very best.

12 Q. Prior to 2025, what had your involvement with redistricting
13 been?

14 A. Well, first, I've been through three redistricting cycles.
15 In 2021 I led the Republican Caucus floor debate on the House
16 Redistricting Map in the 2016 House. In -- I was obviously
17 involved in 2011 to some degree, although I was not on the
18 Redistricting Committee.

19 In 2003, I skipped over that. I carried the
20 Congressional Redistricting Bill in the House. Then jumping up
21 to 2019, I was appointed as Redistricting Chair. And we
22 conducted all the preliminary pre-decennial census regional
23 hearings around the state. We probably did ten or 12.

24 When I moved over to the Senate -- and of course I was
25 involved in 2021 in the House in redistricting. Was not on the

16:23 1 Redistricting Committee, but I coordinated the efforts for
2 everything west of I-35 in drawing the map and getting all the
3 members on board for it. And that's basically what the House
4 Map is today.

5 And then in 2023, when I came over to the Senate, of
6 course we heard -- or we reaffirmed the House's redistricting
7 then, and I was there for that debate. I was not on the
8 Redistricting Committee.

9 But in 2025 I was appointed as chair of the
10 Redistricting Committee in the Senate, and then I acted as the
11 Senate sponsor and author on the redistricting bills that we
12 considered for Congressional Redistricting.

13 Q. When did you first learn that Texas was considering
14 redrawing its Congressional Map?

15 A. Well, I think when everybody else did. I think it was
16 June 9th. The media reports came out that President Trump had
17 said something to the effect of that, "Oh, this is going to be
18 real easy. Texas will pass five new Congressional seats."

19 Q. And what is your understanding of why a Special Session --
20 or why redistricting was being considered in Texas?

21 A. Well, it was absolutely to create more Republican seats in
22 the U.S. Congress.

23 MR. WASSDORF: Richard, could you pull up State's
24 Exhibit 1415? Scroll down to the second or so page. There you
25 go. Right there.

16:25 1 Q. (BY MR. WASSDORF) Is this the article on June 9th that you
2 were just discussing?

3 A. You know, I don't know if that's the exact article, but it
4 was prominent on Fox News and all the Internet and various
5 publications, and became quite the big subject of talk at the
6 Capitol.

7 Q. Was it widely publicized, prior to redistricting being
8 added to the call, that Texas was considering redistricting for
9 partisan reasons?

10 A. Well, all the talk started up on whatever date -- I guess
11 this was June 9th -- and all the talk started up. And that was
12 the main buzz for all the Capitol crowd, "Are we going to have
13 a Special Session and are we going to come back and do
14 Congressional Redistricting?" And, of course, the sole purpose
15 for that was for partisan benefit.

16 Q. Are you familiar with Governor Abbott's proclamation
17 calling the first Special Session?

18 A. Yes, I am.

19 MR. WASSDORF: Richard, could you pull up State's
20 Exhibit 1054? Scroll down to the second page.

21 Q. (BY MR. WASSDORF) Is this that proclamation?

22 A. Yes, it is.

23 MR. WASSDORF: Richard, could you pull up the
24 subparagraph on redistricting that begins "Legislation that
25 provides Revised Redistricting Congressional Plan"?

16:26 1 Q. (BY MR. WASSDORF) Okay. Do you see the second paragraph,
2 Senator?

3 A. I do.

4 Q. Is that the language that the Governor used to call the
5 redistricting for the first Special Session?

6 A. Yes, it is.

7 MR. WASSDORF: Richard, could we look at the date of
8 this proclamation?

9 Q. (BY MR. WASSDORF) What is that date there, Senator?

10 A. July 9th, 2025.

11 Q. And how long after that *New York Times* article is this
12 proclamation?

13 A. Well, I guess it was right at a month.

14 Q. Now, considering the language used to place Congressional
15 Redistricting on the call, is the Legislature bound, or
16 limited, in what action it can take based on the Governor's
17 reasoning for placing a subject -- a certain subject matter on
18 the call?

19 A. Well, precedent has always been that once a subject -- a
20 subject matter is placed on the call, then the legislator --
21 Legislature has the authority to determine the scope of that
22 subject.

23 Q. Are you familiar with a letter from the Department of
24 Justice to Governor Abbott referenced in the proclamation
25 there?

16:28 1 A. Yes, I am.

2 Q. What significance did that letter play in Texas
3 redistricting in 2025?

4 A. Well, I can't speak for everyone else in the Legislature,
5 but for me it really didn't carry any significance. The letter
6 wasn't addressed to the Legislature; it was addressed to the
7 Attorney General and to the Governor. I obviously read it, but
8 it -- I think people tried to make it into something of
9 influence, but I really don't believe it directed us in any
10 manner.

11 Q. Who is Adam Kincaid?

12 A. He is the Chair of the National Republican Redistricting
13 Trust.

14 Q. And how do you know him?

15 A. We first met, probably, 2018 or 2019. We were both
16 speaking on a panel at the American Legislative Exchange
17 Council, at their annual conference or winter conference; I
18 don't recall which.

19 MR. WASSDORF: Richard, could you pull up State's
20 Exhibit 1277, page 20, lines 3 through 11?

21 Q. (BY MR. WASSDORF) Senator, I'll represent to you that this
22 is the June 21st floor debate transcript regarding the adoption
23 of Senate Resolution 5.

24 Based on what you see here on the screen, did Senator
25 Alvarado ask you if you knew Adam Kincaid?

16:29 1 A. Yes, she did.

2 Q. And now it looks like you-all were talking over each other
3 a little bit. But what was your response?

4 A. Well, as I recall, I told her that I did know Adam.

5 Q. What would you say to any allegation that you had lied on
6 the Senate floor about knowing Adam Kincaid?

7 A. I never lied on the Senate floor. And to my knowledge, I
8 didn't say anything that was factually inaccurate, either.

9 MR. WASSDORF: Richard, could we look at the section
10 immediately below this going through line -- it looks like 22.

11 Q. (BY MR. WASSDORF) Based on this exchange here, does it
12 appear to you that Senator Carol Alvarado knew, or at least
13 suspected, that Adam Kincaid was involved in drawing the maps?

14 A. Yes, it does.

15 Q. Have you spoken with Adam Kincaid about the 2025
16 Redistricting?

17 A. Yes.

18 Q. How many times?

19 A. Four times.

20 Q. What was the first time?

21 A. The first occasion I called him, it was probably three or
22 four days after the media had first reported President Trump's
23 statement. Again, it was kind of the rumor for the Capitol,
24 "Is this real? Are we gonna do redistricting?"

25 I called Adam. I hadn't talked to him, probably, in

16:31 1 five or six years. And I called him and just -- in his
2 position, I assumed he might know. And I called him and I
3 asked if -- I simply asked him, "Is this real? Is this just
4 rumor, or" --

5 JUDGE SMITH: The question was, when was the first
6 time?

7 A. Oh. First time would have been three or four days after
8 June 9th.

9 Q. (BY MR. WASSDORF) And what was the contents of your
10 discussion with him?

11 A. I asked him if he believed it was correct that there was a
12 push to do Congressional Redistricting in Texas and other
13 states.

14 Q. When was the second time you talked to Adam about 2025
15 Redistricting?

16 A. We ran into each other at the ALEC, American Legislative
17 Exchange Council, annual conference in mid-July. And we had a
18 brief coffee.

19 Q. And what was that discussion about?

20 A. Well, it was very general. In fact, I told him at that --
21 when we met that I would not -- or that I would probably be
22 chairing the Redistricting Committee and that I preferred that
23 we not discuss the redistricting maps.

24 Q. What was the next time you talked to Adam?

25 A. It was sometime late in the first-called Special Session.

16:32 1 Q. And what did you-all talk about then?

2 A. I had been repeatedly asked on the floor and in hearings if
3 racial data was used to draft the map. I had always answered
4 that, to my knowledge, it was not. I finally just picked up
5 the phone and called Adam and said, "Adam, I just have one
6 question to ask you. Did you use racial data in drawing the
7 map?"

8 Q. And what was his answer?

9 MR. DUNN: Objection, hearsay.

10 JUDGE GUADERRAMA: Sustained.

11 Q. (BY MR. WASSDORF) What was the last time you talked to
12 Mr. Kincaid about the 2025 Redistricting?

13 A. He called me on a Monday morning. It was the -- I don't
14 know the exact date, but it was the day that the House
15 Committee was laying out their substitute bill for HB4 during
16 the second called Special Session, laying it out in the
17 committee.

18 Q. And what did you-all talk about that time?

19 A. He called to ask for a House member's mobile number, Texas
20 House member's. And then he also asked me if I was aware that
21 the House was laying out an amended version of HB4.

22 Q. Did you ever reach out to Adam to ask him about making any
23 changes to the map?

24 A. No.

25 Q. Describe for me, without reference to a particular

16:34 1 redistricting effort, just the general process of redistricting
2 in the Texas Legislature.

3 A. Well, it's essentially like any other bill that comes up
4 before the Legislature. Any member can file a map -- file a
5 bill, that contains a map in it. It has to go through the
6 committee process and through the floor, just as any other bill
7 does. There's, of course, hearings before the committee.
8 We're required, at least in the Senate, to have a public
9 hearing on any bill that we bring up in the committee before it
10 can come to the floor.

11 The only substantial exception is, by practice, both
12 the House and the Senate have always had regional hearings to
13 gather information on redistricting prior to any bill being
14 considered by a committee.

15 Q. Has redistricting in Texas ever been conducted mid-decade?

16 A. Yes, several times.

17 Q. Has redistricting in Texas ever been conducted in a Special
18 Session?

19 A. Yes. I think I counted up, in the last six cycles, five
20 times.

21 Q. Turning to the actual first Special Session redistricting
22 effort, when did you learn that you would be the chair of the
23 Redistricting Committee?

24 A. I received a call from the Lieutenant Governor, who is our
25 president of the Senate. I think it was around June 18th.

16:36 1 Q. What were your goals as chair of the Redistricting
 2 Committee for any map that was going to be adopted during the
 3 Redistricting process?

4 A. Well, I started off with two goals. The first was that it
 5 be a legal map, that it comply with all applicable law. And
 6 second, that it improve political performance for Republican
 7 candidates.

8 Later on, as we went through the regional hearings and
 9 we had a lot of testimony about compactness, complaints about
 10 districts being oddly -- odd in size and description, that I
 11 went ahead and added improving compactness to my goals.

12 So it was a legal map, a map that would elect more
 13 Republican Congressional members, and a map that would improve
 14 compactness in some of the districts.

15 Q. What was the first action that the Senate took on
 16 redistricting during the Special Session?

17 A. Well, we didn't have a Redistricting Committee, and so the
 18 very first day of the first-called Special Session, which would
 19 have been June 21st, I filed a resolution. And we had that
 20 resolution up on the floor to establish the Redistricting
 21 Committee, and then also to set up the rules and operations
 22 process for the committee.

23 Q. How did -- were the members of the Redistricting Committee
 24 selected?

25 A. Well, they're chosen by the president of the Senate. It's

16:37 1 his discretion. But he did ask me to make some
2 recommendations. My staff and I pulled up all the names of all
3 the senators who had ever served on redistricting in the
4 Senate, and then also grouped those regionally. And then I
5 made some recommendations to the Lieutenant Governor for who I
6 thought would be the good choice. But he ultimately made the
7 decision.

8 MR. WASSDORF: Richard, could you pull up State
9 Exhibit 1056?

10 Q. (BY MR. WASSDORF) Senator, is this the resolution you
11 mentioned a moment ago creating the Redistricting Committee?

12 A. Yes, that's R5.

13 Q. How similar was SR5 to the rules packages for prior
14 redistricting efforts?

15 A. It's -- it's the same resolution that stood up the
16 committee for 2021 and 2023. I wanted the process to follow
17 Senate precedent as much as possible.

18 Q. What was the vote on the rule packages in 2021 and 2023?

19 A. It was unanimous for the resolution.

20 Q. Were there any proposed amendments to SR5 during the 2025
21 Special Session?

22 A. Yes, there were.

23 Q. How many?

24 A. There were two or three, I think, proposed amendments.

25 Q. Do you recall what any of those were?

16:39 1 A. And I may not be exactly correct, but I believe they were
 2 requiring a certain number of regional hearings and some other
 3 things related to the timeline for redistricting.

4 Q. Were any of those amendments successful?

5 A. No. And I motioned against those -- recommended against
 6 those amendments because I wanted us to follow the same rules
 7 that we had followed in 2021 and 2023.

8 Q. So what was the vote on SR5 during the 2025 Special
 9 Session?

10 A. It was divided on party lines.

11 Q. Could you explain the committee's process for gathering
 12 public input on redistricting?

13 A. Yes. We had -- we started with having regional hearings in
 14 the Senate. I made the decision to do those via
 15 teleconference, to do them virtually. I thought that that --
 16 and it proved to be correct -- would allow for more involvement
 17 statewide.

18 We had four days of hearings, kind of north, east,
 19 south, and west. I think we had hundreds of people testify.
 20 We had upwards of 4,000 people click in. Now, that could have
 21 in one person clicking in different dates two or three times,
 22 but we had thousands of people watching online.

23 We also -- I asked the Senate Caucus Chair, Carol
 24 Alvarado, who was on the committee, we'd asked her to let us
 25 know of any invited testimony that they wished. And they had

16:41 1 invited those. They gave me the names. And then we brought
 2 those parties up first at the regional hearings.

3 MR. WASSDORF: Richard, could you bring up State's
 4 Exhibit 1148?

5 Q. (BY MR. WASSDORF) Is this the hearing notice for those
 6 four regional hearings?

7 A. Yes, it is.

8 MR. WASSDORF: Richard, could you look at the second
 9 half of that page?

10 Q. (BY MR. WASSDORF) Was the testimony for these four
 11 original hearings virtual only?

12 A. Yes, yes, it was, yes.

13 Q. Why did you hold virtual hearings as opposed to in-person
 14 regional hearings?

15 A. Well, again, I'd done ten or 12 regional hearings before as
 16 Redistricting Chair in the House, you know, and the problem was
 17 that if you did it in Arlington, Texas, only people that live
 18 near Arlington would attend. If you did it in Lubbock, only
 19 people near Lubbock would attend.

20 We had used virtual hearings in 2021 very
 21 successfully, and I believed it was going to give an
 22 opportunity for more people from all around the state to
 23 participate. Which proved to be true.

24 I also was -- had -- have a law enforcement
 25 background, and I was very concerned about security. It's a

16:42 1 different day and time than when we had done these, even in
 2 2019, and it's very difficult to go into a new setting, arrange
 3 for security to make sure that it protected the likely hundreds
 4 of people that could show up, as well as all the senators and
 5 staff members.

6 And so it was for -- to improve participation, and
 7 also to improve -- or to make sure that it was a secure
 8 setting.

9 Q. Now, you mentioned a moment ago requesting a list of
 10 potential invitees from Carol Alvarado. Who handled the --
 11 sending out the invitations for those regional hearing
 12 invitees?

13 A. So for the regional hearings, the Senate Caucus Director
 14 sent those out on behalf of Carol Alvarado. And then again,
 15 they gave us the names, and we called those parties up as soon
 16 as they signed on to the regional hearings.

17 Q. You say you called them up. What preference were they
 18 given during the public testimony in the regional hearings?

19 A. Well, out of courtesy to the Democratic Caucus, we brought
 20 those witnesses up to testify as soon as they signed on online.

21 Q. Did any of those invited individuals appear and testify?

22 A. Appear in person or appear --

23 Q. Virtually?

24 A. Yes, they did. We had -- I don't remember the number, but
 25 it was a number of the parties that are here present today.

16:44 1 We also had several Congressional members, Democratic
2 Congressional members, testify.

3 Q. Now, what happened if a member of the public registered but
4 did not appear when their name was called?

5 A. So typically, at any hearing, whether it's at the Capitol
6 or a virtual hearing, you always have more people sign up than
7 actually intend to testify. And so we might have, using round
8 numbers, 100 people sign up to testify at a virtual hearing,
9 and only 50 would actually move over into the box, essentially
10 raising their hand to testify.

11 Just to make sure that it wasn't a technical problem
12 or some other bit of confusion, anyone who registered that they
13 wanted to testify that did not testify immediately after the
14 hearing that day, we sent them an email and asked if there had
15 been any difficulty, if they had had any technical problems,
16 invited them to call our office. And we also invited them to
17 testify the next day if they wished to.

18 MR. WASSDORF: Richard, could you pull up State's
19 Exhibit 1162? Zoom in a little bit on the exchange. The area
20 below that.

21 Q. (BY MR. WASSDORF) Is this an example of one of those
22 emails?

23 A. Yes, it is.

24 MR. WASSDORF: And now, Richard, could we look back at
25 the top again and see what the response was?

16:45 1 Q. (BY MR. WASSDORF) And was this particular constituent
2 appreciative of your efforts in reaching out to him?

3 A. We got a really nice email back saying, "Thank you for
4 reaching out." We really were trying to go the extra yard.

5 Q. So what happened immediately after the regional hearings
6 were concluded?

7 A. Well, the plan had been for the House to take the lead on
8 redistricting, and so we essentially stood down while the House
9 moved forward with HB4. This is still during the first Special
10 Session.

11 They passed their bill out of committee and then,
12 before it got to the floor, the Democrats broke quorum and left
13 the state. And so at that point I went ahead and filed the
14 companion bill, which was SB4.

15 Q. Where did you get the map that was associated with Senate
16 Bill 4?

17 A. Well, it was the same map that was being considered by the
18 House.

19 Q. Did you play any role in drawing the map for Senate Bill 4
20 during the first Special Session?

21 A. No, none whatsoever.

22 Q. And did you draw any map for redistricting in 2025?

23 A. No, I did not.

24 Q. Did you open any map-drawing software?

25 A. No, I did not.

16:47 1 Q. After Senate Bill 4 was filed, did the Senate hold any
2 additional hearings?

3 A. Yes, we did.

4 Q. How many is?

5 A. On Senate Bill 4 in the first session we held two hearings.

6 MR. WASSDORF: Richard, could you pull up State's
7 Exhibit 1106? Zoom in on the top half.

8 Q. (BY MR. WASSDORF) Is this a notice of hearing for one of
9 those hearings?

10 A. Yes, it is.

11 Q. Which particular hearing is this notice for?

12 A. This was for a hearing on invited testimony only.

13 Q. Why did you hold a separate hearing for invited testimony
14 only?

15 A. Well, it was really for a convenience, for the sake of the
16 public that wished to testify. In the House I had noticed
17 that, as they called up invited testimony at the beginning of
18 the public hearing, that the citizens had to wait sometimes
19 four, six, or longer hours. And a lot of them never got to
20 testify because the day ran out. So I decided to do two
21 separate days, one just for invited testimony, and then the
22 second day for testimony from the general public.

23 MR. WASSDORF: Richard, could you pull up State's
24 Exhibit 1167? And zoom in on that for us.

25 Q. (BY MR. WASSDORF) Could you identify this email for us,

16:49 1 Senator?

2 MR. WASSDORF: Richard, I think we're gonna need some
3 of the content.

4 A. Yes, I recognize this email.

5 Q. (BY MR. WASSDORF) Is this an email in which you
6 communicated to the committee members' staff about the process
7 for the hearings and submitting amendments?

8 MR. WASSDORF: Richard, if we could look a little
9 further down, perhaps.

10 A. All right. So this was doing three things. One, it was
11 giving notice of the August 6th hearing on invited testimony
12 and requesting the names of any -- any invited witnesses that
13 the Democrats wished me to personally invite.

14 Then it was also giving notice on the August 7th
15 public hearing for public testimony. And then we left -- we
16 also set a hearing for Friday just in case we had more -- too
17 much testimony for Thursday from the public. We wanted
18 two days. We ended up only needing the one day.

19 And then we also went ahead and gave a heads-up to the
20 committee members that, if they did wish to submit any -- or to
21 propose any amendments to the map, that they needed to get
22 those to us by 9:00 a.m. on Thursday so we could distribute
23 those to all the committee members.

24 MR. WASSDORF: Richard, could you pull up State's
25 Exhibit 1149? And zoom in on the upper half.

16:51 1 Q. (BY MR. WASSDORF) And what is this document?

2 A. Well, this is a letter from Senator Alvarado, who is the
 3 Democratic Caucus chair. And she's just giving us their list
 4 of legal experts for invited testimony on the Redistricting
 5 map.

6 MR. WASSDORF: Richard, could we look at the list of
 7 names there?

8 Q. (BY MR. WASSDORF) You see a number of names, including
 9 several of my colleagues over here at the Plaintiffs' table.
 10 Is that correct?

11 A. Yes.

12 Q. Did you also invite members of the Congressional delegation
 13 to testify at the hearing for invited testimony?

14 A. Well, not initially. I got a call on Sunday night -- I
 15 think it was a Sunday night -- late, from Senator Miles, and he
 16 asked me if I had invited the Democratic Congressional
 17 delegation. And I told him that was a great idea. "Let's do
 18 that." And we invited them the next morning. I just hadn't
 19 thought of it at that point.

20 MR. WASSDORF: Richard, could you pull up State
 21 Exhibit 1176?

22 Q. (BY MR. WASSDORF) Senator King, is this an example of one
 23 of those invitations?

24 A. Yes, it is.

25 Q. Who is it directed to?

16:52 1 A. Congressman Casar.

2 Q. But you invited the entire Democratic Congressional
3 delegation. Is that right?

4 A. Yes, we did. And four had already testified during the
5 regional hearings.

6 Q. Did any additional Congressmen appear to testify at the
7 invited testimony hearing?

8 A. No, they did not.

9 MR. WASSDORF: Could you -- Richard, could you pull up
10 State's Exhibit 1174? And zoom in. Thank you.

11 Q. (BY MR. WASSDORF) What is this, Senator?

12 A. Well, it's another invitation for someone to give invited
13 testimony at the invited-testimony hearing.

14 Q. And who is this one directed to?

15 A. This one is to Mr. Bledsoe with the NAACP Texas.

16 MR. WASSDORF: Richard, could you pull State's
17 Exhibit 1220? And zoom in on the top part.

18 Q. (BY MR. WASSDORF) What is Mr. Bledsoe's response here?

19 A. Well, he apologized for not getting back with us earlier,
20 and he said he may see if Thursday's public testimony is a
21 possibility.

22 Q. What does he say about the deadline there?

23 A. He says, "I see there was a deadline to inform you if I
24 could appear."

25 MR. WASSDORF: Richard, could you pull up State's

16:54 1 Exhibit 1221? And zoom in on the top part there.

2 Q. (BY MR. WASSDORF) And what was your office's response to
3 his concerns about the deadline?

4 A. Well, we thanked him for his response, and we said, "If
5 you're able to come today, we would appreciate that. I know
6 members will want to have the dialogue and discussion with you.
7 Just let me know." That was more just internal -- that was
8 more just internal request, trying to allow time to get
9 organized but not an official deadline. In other words, we
10 were trying to work with him to try to encourage him to attend.

11 MR. WASSDORF: Richard, could you pull up State's
12 Exhibit 1190?

13 Q. (BY MR. WASSDORF) And what is this document?

14 A. This is one to Ms. Perales, inviting her to testify.

15 MR. WASSDORF: Richard, could you pull up State's
16 Exhibit 1219?

17 Q. (BY MR. WASSDORF) And what was Ms. Perales' response? Or,
18 I guess, actually, no --

19 MR. WASSDORF: Richard, zoom in on the top half.

20 Q. (BY MR. WASSDORF) What is this document, Senator King?

21 A. Well, this was a follow-up to -- again, to see if she would
22 come and testify.

23 MR. WASSDORF: Richard, now pull up State's
24 Exhibit 1223 and zoom in on the top part.

25 Q. (BY MR. WASSDORF) And what was Ms. Perales' response?

16:55 1 A. She apologized for the delay in responding and said that
2 MALDEF would not be able to testify, would not be able to
3 provide an individual to give testimony at the hearing, but
4 expressed gratitude at the thought of being invited.

5 Q. After the special hearing for invited testimony, did you
6 hold any other hearings on SB4?

7 A. Yes, we had a hearing for public testimony the next day.

8 Q. Did the Senate also consider public submissions and
9 testimony taken during the 2021 and 2023 redistricting
10 processes?

11 A. Well, certainly to the extent that we were still working
12 off the same census data from 2020.

13 Q. How many members of the public do you think you heard from
14 over the course of the six hearings?

15 A. In the First and second Special Session, or just the first
16 Special Session?

17 Q. Just the first for now.

18 A. I think there was well over 200.

19 Q. Were there other opportunities, other than oral testimony,
20 for the public to provide input on the redistricting process?

21 A. Yes. We opened a public portal the day that -- as soon as
22 we established the committee, and it was there for -- anyone in
23 the public could submit comments. They could do this by email.
24 They could submit proposed amendments. They could submit
25 proposed maps. Any document that they wished to.

16:57 1 We had -- oh, there may have been upwards of 7,000
2 filed comments through the public portal during the two Special
3 Sessions. And then those public portal documents were made
4 available to all the senators and to the public.

5 MR. WASSDORF: Richard, could you pull up State's
6 Exhibit 1224?

7 Q. (BY MR. WASSDORF) Is this an example of one of those
8 public comments?

9 A. Yes, it appears to be.

10 Q. Could you just read for yourself the content of that
11 message? I want to show you a couple of these real quick.

12 A. Certainly. It says that they disagree with redistricting
13 for the purpose of shifting the political landscape in favor of
14 the incumbent president.

15 MR. WASSDORF: Richard, could we look at State's
16 Exhibit 1226?

17 Q. (BY MR. WASSDORF) Can you read that there?

18 A. Yes. It says, "I do not support this gerrymandering as it
19 is trying to silence the voices of Democratic voters and
20 increase the power that Republicans are desperate to obtain."

21 MR. WASSDORF: Richard, could you pull up State's
22 Exhibit 1228?

23 Q. (BY MR. WASSDORF) Could you read that there?

24 A. Yes. It says, "I agree with the redistricting efforts,
25 especially for El Paso County, Texas. El Paso County does not

16:59 1 have adequate representation. Republican representatives are
2 much needed here."

3 Q. Now, based on the public comments that we've just looked at
4 and the public comments that you reviewed over the course of
5 redistricting, what was the public understanding of why
6 redistricting was happening?

7 A. Oh, it was overwhelmingly apparent that it was to increase
8 Republican voting strength in the U.S. Congress.

9 MR. WASSDORF: Richard, could you bring up State's
10 Exhibit 1436? Second page.

11 Q. (BY MR. WASSDORF) What is this document, Senator?

12 MR. WASSDORF: Richard, could you maybe look a little
13 further up on the page?

14 A. Oh, it's an article out of PBS News.

15 Q. (BY MR. WASSDORF) Now, we talked a moment ago about the
16 *New York Times* article that came out in June 9th of 2025, prior
17 to redistricting being placed on the call. What is the date of
18 this article?

19 A. August 14th, 2025.

20 Q. And when was that with respect to the Special Session
21 redistricting process?

22 A. Well, it was in the second called Special Session, or close
23 to it.

24 Q. And so was Texas Congressional Redistricting, and the
25 reasons for it, widely publicized both prior to it being placed

17:00 1 on the call and during the redistricting effort?

2 A. Oh, yes. I think it was apparent to everyone the purpose
3 of it was partisan, and that it was -- I mean, every news
4 channel, every -- every -- it was prominent on Facebook and
5 Twitter and every other commentary. And it was certainly the
6 discussion around the Capitol.

7 Q. Did Texas redistricting also set off a chain reaction with
8 other Democratic and Republican states to also engage in
9 partisan redistricting?

10 A. Well, it did seem to, yes.

11 Q. Going back to the committee process, I think you've talked
12 about how the Democratic Caucus was included in that process.
13 Did the members of the committee have any specific requests
14 regarding testimony or individuals they wanted to hear from?

15 A. Yes. And we tried to be -- I tried to be exceptionally
16 inclusive of all the Democrats on the committee, as well as all
17 the Democrats in the Senate, throughout the process. I cannot
18 think of any request that they made that I did not honor or at
19 least bring up for consideration.

20 The two most specific were -- well, there were
21 different requests for documents at times, which we always
22 provided. Transcripts and things of that nature.

23 And then there were -- was a request to subpoena two
24 parties to come testify.

25 Q. Who were those parties?

17:02 1 A. Adam Kincaid and Ms. Dhillon from the Justice Department.

2 Q. Did you hold a hearing on the request to subpoena them to
3 testify?

4 A. Yes. When they -- when they had mentioned during the
5 committee hearings that they wished to subpoena both to
6 testify, I asked them if they would prepare their motions,
7 submit those to the committee. And we had a hearing --
8 actually, I think it was the very next day, or within a couple
9 of days. And the hearing was for the sole purpose of
10 considering their motions for subpoena.

11 Q. In your opinion, is subpoenaing individuals from outside
12 the State of Texas to testify within the power of the
13 committee?

14 A. Can I explain that a little bit?

15 Q. Yes.

16 A. Okay. So I've been in the Legislature 27 years, and I've
17 chaired a number of committees. I've never issued a subpoena.
18 Subpoenas are very rare for a legislative committee. In fact,
19 I can only think of one occasion when I've seen it happen.
20 There's probably been others.

21 I had questioned -- we could certainly issue a
22 subpoena for anyone. I had a lot of question of whether we
23 could enforce a subpoena for someone outside the State of
24 Texas.

25 Q. Did you ultimately have a vote on issuing a subpoena?

17:04 1 A. We did. We had a hearing solely for those motions.
2 Senator Alvarado brought one for one of the parties, and
3 Senator Miles the other. I forget which one was Adam Kincaid
4 and which one was Dhillon.

5 We took them up individually. We allowed the movant
6 to present their case, we allowed it for open discussion
7 between all the members on the committee, and then we took a
8 vote. And in both cases it was voted down on party lines.

9 MR. WASSDORF: Richard, could you pull up State's
10 Exhibit 1155?

11 Q. (BY MR. WASSDORF) After the subpoena failed, did you
12 ultimately issue an invitation for Ms. Dhillon and Mr. Kincaid
13 to come testify?

14 A. Well, actually, early on in the first Special Session, at
15 the request of one of the -- I think it was -- I think it was
16 Senator Alvarado, I had invited Adam Kincaid to come and
17 testify. And then, after the motions had failed at the
18 hearing, I offered to also send a letter inviting --

19 I'm sorry. I had invited Ms. Dhillon to testify -- I
20 apologize -- early in the first-called Special Session. And
21 then, after both motions failed for subpoena, then I offered to
22 also invite Adam Kincaid to come testify. And that's what this
23 letter represents.

24 MR. WASSDORF: Richard, could you --

25 Q. (BY MR. WASSDORF) Senator, would you note there that there

17:05 1 is an attachment to this email?

2 MR. WASSDORF: And then Richard, would you pull up
3 State's Exhibit 1156?

4 Q. (BY MR. WASSDORF) Is this the attachment to that email?

5 A. Yes. This is the letter of July 25th, which would have
6 been four days into the first-called Special Session in which I
7 invited Ms. Dhillon to come testify.

8 MR. WASSDORF: Richard, could you pull up State's
9 Exhibit 1165?

10 Q. (BY MR. WASSDORF) And what is this exhibit?

11 A. This is an email transferring the -- or sending the
12 invitation to Mr. Kincaid to testify.

13 Q. And it looks like it also has a pdf letter attached to it
14 as well. Is that correct?

15 A. Yes.

16 Q. Could members of the committee submit amendments to the
17 proposed bill before the committee?

18 A. Yes. It's just like the process for any other bill that
19 the Senate considers.

20 Q. Were there any time limits associated with that?

21 A. Well, obviously, they had to be before the hearing or
22 before the floor, whatever the event was. We had sent out --
23 in each case we sent out notices prior to the hearings that a
24 bill would be considered to the committee members letting them
25 know the timetable to turn in -- or to submit amendments,

17:07 1 because we wanted to be able to take those amendments and
2 distribute them to all the members of the committee, giving
3 them time to consider before the hearing.

4 Q. Did any member submit a proposed amendment for
5 consideration by the committee?

6 A. No, no member submitted any alternative map or any
7 amendments throughout the entire -- both Special Sessions.

8 Q. After all six public hearings, how did the committee
9 ultimately act on the Senate Bill 4?

10 A. During the first Special Session?

11 Q. During the first Special.

12 A. It was passed out of committee on party lines.

13 Q. After Senate Bill 4 passed out of committee during the
14 first Special Session, what happened next?

15 A. Well, it was referred to the floor and brought up for
16 consideration by the full Senate.

17 Q. And did Senate Bill 4 pass out of the Senate?

18 A. It did.

19 Q. And what was the vote on that?

20 A. Well, as I was laying out the bill, all but two of the
21 Democratic Caucus members left the chamber, and so it was
22 the -- it was along party lines. But there were only two
23 Democrats present in the chamber when we voted.

24 Q. Prior to that vote, did the senators have an opportunity to
25 file floor amendments to Senate Bill 4?

17:08 1

A. Yes.

2 Q. Did any senator file such an amendment?

3 A. No amendments and no substitute maps were filed by any of
4 the -- any members of the Senate.

5 Q. Were there any changes to the map that came over from the
6 House whatsoever?

7 A. Well, in Senate Bill 4 in the first-called Special Session,
8 there had not been a map passed by the House, but the bill that
9 we passed, Senate Bill 4, in the first-called Special Session,
10 was the companion and was exactly the same as the bill that the
11 House had passed out of committee as HB4.

12 Q. Did any Redistricting Bill ultimately pass both houses
13 during the first Special Session?

14 A. The only bill that passed in the first Special Session was
15 SB4 out of the Senate.

16 Q. Why did it not pass out of the House?

17 A. Well, there had been a quorum break, and the House was
18 unable to move forward after they passed it out of committee.

19 Q. What does the phrase "regular order of business" mean in
20 the Senate?

21 A. So we have a calendar every day on the Senate floor. And
22 the bills are listed in generally random order on that
23 calendar. And sometimes they can ride on a calendar for many
24 days.

25 Virtually every bill -- in fact, every vote that I can

17:10 1 think of in the Regular and Special Sessions this year, bills
2 are taken up out of order on motion of the author or sponsor of
3 the bill. They're taken up out of the regular order of
4 business, which is simply moving up on the calendar.

5 Q. What is the vote threshold to suspend the regular order of
6 business?

7 A. 18 votes. Well, it's four-fifths. I'm sorry. It depends
8 on the number that are there. It's a soft four-fifths.

9 Q. If you didn't suspend the regular order of business, what
10 bill comes up first?

11 A. Well, whatever the next bill is on the calendar, which is
12 usually the first bill on the calendar.

13 Q. Did the Senate suspend the regular order of business at any
14 time during the redistricting process?

15 A. Yes.

16 Q. Is that unusual in any way?

17 A. I cannot think of a single vote on the Senate floor, or any
18 bill that was considered on the Senate floor that was not
19 brought that during 2025 by first suspending the regular order
20 of business. That's a management tool for the president of the
21 Senate to be able to manage the flow of legislation and keep
22 the Senate moving forward during the day.

23 Q. What is the constitutional three-day rule in the Senate?

24 A. The Texas Constitution requires that a -- that each bill
25 considered by the body be read on three several days.

17:12 1 Q. And is it a regular process of the Senate to suspend that
2 rule as well?

3 A. Well, we try to if there's sufficient support for the bill.
4 It'll be -- first it'll be brought up for consideration by
5 suspending the regular order of business, and that gets it to
6 the second reading. Then it's read to the Senate. And then
7 the vote threshold passed on second reading is a simple
8 majority of those present. And then, just to keep the process
9 moving forward, if you've got, at least in this case, 25 votes,
10 then you can make a motion to suspend the three-day
11 constitutional rule and go ahead and complete passage of the
12 bill that day. If you don't have those votes, then it simply
13 waits until the next calendar day and is brought up for the
14 third and final vote.

15 Q. Was the constitutional three-day rule suspended for Senate
16 Bill 4?

17 A. Yes, it was in the first-called Special Session.

18 Q. Is that because the Democrats had walked out of the
19 committee?

20 A. Yes.

21 Q. Or out of the -- off the floor?

22 A. Yes, it was. And the vote is based on the members present.

23 Q. So we've just finished talking about the first Special
24 Session, and now I'd like to go in and talk about the second
25 Special Session.

17:13 1 What map was filed in the second Special Session in
2 the Senate?

3 A. I filed the same bill that had passed out of the first
4 Special Session.

5 Q. Did the committee hold any additional hearings during the
6 second Special Session?

7 A. Yes, we did.

8 Q. What were those hearings?

9 A. So I'm trying to recall. I don't believe we actually
10 had --

11 Q. Let me see if I can help you out.

12 A. Can you help me a little -- I'm trying to remember --
13 because HB4 passed over a few days later and we switched over
14 to it, so I'm trying to remember which one we did the hearing
15 on.

16 MR. WASSDORF: Richard, could you pull up State's
17 Exhibit 1141? Zoom in on the top of this real quick.

18 Q. (BY MR. WASSDORF) What is this document?

19 A. Well, it's a posting of a Sunday Committee Hearing for
20 August the 17th.

21 MR. WASSDORF: And Richard, could you go down and look
22 at the bottom now? Second page.

23 A. Yes. Thank you. We heard Senate Bill 4 in the
24 second-called Special Session. We did have a public hearing on
25 that bill and solicited public testimony.

17:15 1 Q. (BY MR. WASSDORF) Do you know about how many witnesses
2 testified at this hearing?

3 A. As I recall, it was well over 40. In fact, I think it may
4 have been 42. And it seems like we had about 70 people
5 registered to testify.

6 Q. Were there any amendments proposed in committee?

7 A. No, no amendments were proposed by any member.

8 Q. And what was the vote, ultimately, on the bill?

9 A. It was along party lines.

10 Q. And it ultimately passed out of committee?

11 A. Senate Bill 4 did pass out of the committee.

12 Q. So after Senate Bill 4 passed out of committee, where did
13 the Senate go from there?

14 A. Well, the plan was still for the House to take the lead on
15 the bill. In other words, it would be a House bill. We had
16 gone ahead and done Senate Bill 4 just in case the House
17 stalled out again, as it had in the first-called Special
18 Session. We were just trying to keep things moving forward.
19 So we waited to see what would happen in the House. And the
20 House ultimately did send us HB4.

21 Q. When was HB4 first considered in the Senate Redistricting
22 Committee?

23 A. Well, I don't know the date off the top of my head, but it
24 was right -- it was within a few days of when it passed out of
25 the House in the second-called Special Session.

17:16 1 MR. WASSDORF: Richard, could you pull up State's
2 Exhibit 1143? Could you zoom in on the top?

3 Q. (BY MR. WASSDORF) What is this document?

4 A. That's the Minutes from the hearing on -- in the Senate
5 Congressional Redistricting Committee on -- of Thursday,
6 August 21st.

7 MR. WASSDORF: Now Richard, could you go look at the
8 bottom of the page?

9 Q. (BY MR. WASSDORF) What occurred during this hearing?

10 A. The committee passed out House Bill 4.

11 Q. Did the committee take any public testimony?

12 A. We had a public hearing. We did not take public testimony.

13 Q. Why did you not take public testimony?

14 A. We had had a hearing on essentially the same bill on three
15 previous occasions, one being just a few days before. And so
16 there was no need to have another day of testimony essentially
17 on the same map and essentially from the same parties.

18 Q. Earlier we talked about your goals for a redistricting map.
19 Did HB4, as passed out of the House, and out of the Senate
20 Congressional Redistricting Committee, meet those goals?

21 A. Yes, it did. It was a legal map. It would elect, I
22 believe, more Republican members to the Congress. And it also
23 improved compactness in a few districts.

24 Q. How do you know that the map was legally compliant?

25 A. Well, I'm not a redistricting attorney, and I had decided

17:18 1 at the beginning that I would not look at any map from anyone
2 until it first went through a legal analysis, a legal scrub.
3 And so we had hired our own counsel for me as Senate chair, as
4 committee chair.

5 And they had -- I had instructed them -- requested of
6 them that they review each map I looked at and report back to
7 me their conclusion of whether it complied with the law.

8 Q. And did the counsel you retained give it a thumbs up or a
9 thumbs down?

10 A. It was given a thumbs up, that it did comply with all law.

11 Q. To your knowledge, was race used in the drawing of the map?

12 A. It was not.

13 Q. When you talked to Adam Kincaid, did he tell you that race
14 was not used?

15 AUS Atty: Objection, hearsay.

16 MR. WASSDORF: It's not offered for the truth of the
17 matter asserted, Your Honor, it's offered to shape his
18 understanding of what the basis of the map was.

19 JUDGE GUADERRAMA: I'll sustain the objection.

20 Q. (BY MR. WASSDORF) Did you review any racial data
21 associated with HB4?

22 A. No, I didn't look at any racial data.

23 Q. Did the map also achieve your partisan goals?

24 A. Yes, it did. It appears that it will improve Republican
25 voting strength in at least five districts.

17:19 1 Q. What are those districts, if you can recall?

2 A. Well, it would be -- let me see. It would be District 9 in
3 the Harris County area. It would be District 28 in the RGV,
4 Rio Grande Valley. It would be District 20- -- District 28 in
5 the -- I'm sorry. Let me back -- yeah, it would be
6 District 20- -- 24 in the Rio Grande Valley. Is that right?
7 Or 28?

8 Q. It's okay if you don't remember.

9 A. Well, anyway, it would improve one in the Rio Grande
10 Valley; one in the South Texas Coastal Bend area, which is
11 basically McAllen and then going up north the coast; it would
12 improve one in the San Antonio area and one in the Dallas area.

13 Q. What data did you review to determine whether it would
14 achieve the partisan goals?

15 A. Well, there was a whole lot of data out there, public, and
16 a lot of analyses, but -- and then also my staff had researched
17 and looked at it as well. And then we also had consulted our
18 counsel, who had looked at the -- at the political data, the
19 voting data.

20 Q. Did the map in HB4 also achieve the goal of being more
21 compact than the map passed in 2021?

22 A. It did improve compactness in several districts.

23 MR. WASSDORF: Richard, could you bring up, side by
24 side, State's Exhibit 1015 and 675? And you're gonna have to
25 zoom in on those tables as tight as you can get us, please.

17:21 1 Q. (BY MR. WASSDORF) Now, Senator, does it -- I will
2 represent to you that these are reports from Texas Legislative
3 Council regarding the compactness of the two maps. The new map
4 from 2025 is on your left, the old map from 2021 is on your
5 right.

6 Does it appear to you from these documents that
7 several of the Congressional Districts are more compact under
8 these measures in the new map than in the old map?

9 A. Well, to be honest, I can't read the -- the report. But I
10 can tell you --

11 MR. WASSDORF: Could we go look at Congressional
12 District 35, perhaps, in each?

13 A. So the closer the number is to 1, the more compact is the
14 district. And District Number 35 is more compact in the -- in
15 HB4 than it is in the existing map.

16 Q. (BY MR. WASSDORF) If you just visually --

17 MR. WASSDORF: You can take that down, Richard.

18 Q. (BY MR. WASSDORF) If you just visually look at the map, is
19 it obvious to a layperson, such as yourself, that the new map
20 is more compact?

21 A. Oh, absolutely. One of the easiest to look at is probably
22 CD9. Again, 35. But if you just look at both the current map
23 that was passed in 2021 and the map HB4, you can -- it's pretty
24 obvious.

25 Q. Let's talk about any changes to the bills.

17:23 1 During either the first or second session, did any
2 witness who testified at the hearings offer any proposed maps
3 to be filed as a bill or an amendment?

4 A. No. During either sessions, no citizen testifying, no
5 expert witness testifying, no invited testimony, and no members
6 of the Senate, offered any amendments or any alternative maps
7 during hearings. Or on the floor.

8 Q. How would you describe your efforts to accommodate the
9 members of the Senate and the public in this redistricting
10 effort?

11 A. Well, first we complied with every aspect of Senate
12 precedent, Senate rules. We stuck to the process precisely.

13 But we also really tried to go -- I also tried to go
14 above and beyond that. I had routine conversations with the
15 Democrat members, particularly Senator Alvarado. I tried to
16 respond to all of their requests. Even if I couldn't approve
17 them, at least we worked through them in the case of the -- I
18 did not have to call a hearing for subpoenas. I could have
19 just said, "No, we're not gonna issue subpoenas," but we went
20 ahead and let them lay out their arguments on the record, took
21 a vote.

22 And when they requested documents -- we just -- I
23 tried to be as collaborative as I could. And, one, because
24 that's the way this kind of process should work. But also
25 because a lot of us are friends, and I just wanted to try to

17:25 1 make this as easy a process as it could be.

2 Q. You spoke about the subpoenas again a moment ago. Let me
3 ask you, do you have the unilateral authority, as a chair of a
4 Senate committee, to issue a subpoena?

5 A. No. It has to be brought before a committee, but it's --
6 and take a two-thirds vote, but the chair has the discretion,
7 full discretion, whether or not to bring that up for a vote.

8 Q. Can you think of any request that was made of you by any
9 member of the Senate that you did not at least try to
10 accommodate?

11 A. No, I can't think of any request that I turned down. At
12 least I tried to consider.

13 Q. Do you believe the regular process of the Senate and that
14 of the historical redistricting efforts in Texas was followed
15 here?

16 A. Yes. We followed Senate Resolution 5, which set out the
17 rules for the committee precisely, as far as I know. We had no
18 deviation. And again, I tried to go beyond that and be as
19 communicative and collaborative as we could be.

20 Q. And did the match that ultimately passed both houses of the
21 Legislature, did it meet all three of your stated goals?

22 A. Yes. It was a legal map, it should elect more Republican
23 members to the U.S. House, and it did improve compactness in
24 some districts.

25 MR. WASSDORF: Pass the witness, Your Honor.

17:26 1

JUDGE GUADERRAMA: Thank you, Mr. Wassdorf.

2

Mr. Dunn?

3

CROSS-EXAMINATION

4

BY MR. DUNN:

5

Q. Good afternoon, Senator. I'm Chad Dunn. I'm not sure

6

we've ever met before, so it's nice to make your acquaintance

7

here today. Just got to plug this in.

8

I want to start kind of where you did, with your

9

conversations -- well, let me just ask you about your history.

10

You've been a legislator for about 27 years. Is that

11

right?

12

A. That's correct.

13

Q. And you laid out your history in both the House and the

14

Senate, but you've had extensive experience with redistricting.

15

Is that fair to say?

16

A. I've been through three full cycles, yes.

17

Q. In fact, it's not too much to say that, if it wasn't for a

18

redistricting map in 2021, you'd still be in the House. Is

19

that fair to say?

20

A. Senate District 10, which is where I served, was changed

21

in -- yes, in 2021, and that's the district I was elected in.

22

Q. I mean, you didn't run for Senate District 10 until that

23

map was drawn?

24

A. No, I wasn't in Senate District 10 until then, yes.

25

Q. I want to focus on what you said today about your contact

17:27 1 with Adam Kincaid, just to get started. And as I wrote it
2 down -- I just want to make sure I had it right -- you had four
3 contacts with Adam Kincaid as it relates to redistricting in
4 Texas. Is that true?

5 A. That is correct.

6 Q. The first one -- and correct me if I get these out of date
7 order, would you please? The first one, I understand, was
8 three to four days after the media reported that there might be
9 a redistricting effort. Did I get that right?

10 A. That is correct.

11 Q. And if I heard your testimony correctly, the June 9th media
12 report is what set off the process. Is that true?

13 A. As far as I know. At least as far as what was knowledge to
14 me.

15 Q. So within three to four days of that you're on the phone
16 with Adam Kincaid. Is that a fact?

17 A. That's correct.

18 Q. And then you went to the ALEC annual conference. Is that
19 true?

20 A. Yes.

21 Q. And you told us that that was dated sometime in mid-July.
22 Is that true?

23 A. I think it was 15th through the 17th.

24 Q. I want to get this precisely, so I went to their website
25 here. And just to ke sure, they might have different meetings.

17:28 1 I want to make sure I have the right one.

2 Is this the ALEC annual meeting that was July 16
3 through 18?

4 A. Yes. I'm sorry; I said 15th through 17th. It was the 16th
5 through 18th.

6 Q. Don't mean to quarrel with, you know, your precise memory
7 of the date, but what I do think is important is, the 18th is
8 three days before this Legislative Session starts. Is that
9 true?

10 A. The called Special Session began on the 21st.

11 Q. That's the day that you spent on the Senate floor
12 advocating for your new Senate rule for redistricting. True?

13 A. That is the day that we brought up Senate Resolution
14 Number 5 to establish the committee.

15 Q. So which of these days was it that you ran into
16 Mr. Kincaid?

17 A. I think it was the second day of the conference.

18 Q. So, if your memory's correct, it would be around the 17th?

19 A. You know, it could have been the last day, but I think it
20 was the 17th.

21 Q. And then what you stated here today is that you told
22 Mr. Kincaid you didn't want to hear anything about the Texas
23 Redistricting Map. Did I hear that correctly?

24 A. Yes.

25 Q. At that point in time, had you already been told by the

17:29 1 Lieutenant Governor that you would be the chair of the
2 committee?

3 A. Yes.

4 Q. Well, is it normal to have a policy issue that's come
5 central before your committee that you're the chair of and you
6 don't want to have any information about it?

7 A. I'm not sure I understand the question.

8 Q. Fair enough. I'll see if I can rephrase very directly.

9 Why did you tell Adam Kincaid you didn't want to know
10 anything about the Texas map that you were about to facilitate
11 the passage of?

12 A. Because he had told me that he was involved in the
13 map-drawing process. I had presumed he was from 2021. And I
14 wanted all information that came to me to come in a public
15 forum.

16 Q. And he honored your request?

17 A. Yes.

18 Q. You left that meeting with not a bit of knowledge over what
19 this map would look like?

20 A. I don't recall us discussing any details of the map. In
21 fact, I specifically asked him -- I said -- I asked him if he
22 was involved in the map drawing. He said he was. And I said,
23 "Let's not talk about the map."

24 Q. He didn't tell you how many Republican seats might be
25 harvested?

17:31 1 A. Not that I recall.

2 Q. He didn't identify which districts might be changed?

3 A. No.

4 Q. And you, as the chair of the committee, were uninterested
5 in learning that at that point?

6 A. Well, understand there's -- there's often a number of maps
7 presented to a committee for consideration. And I had no idea
8 whether his map would be the map or one map of many.

9 Q. All right. I see. So at this point, you don't know
10 whether Adam Kincaid's map will end up being the one that
11 passes the Legislature. Do I have that right?

12 A. That's correct.

13 Q. When is it that you find that out?

14 A. I'm still not sure I can frame it as being Adam Kincaid's
15 map, so could you rephrase that?

16 Q. Sure. Well, let's just -- and that's, you know, perhaps my
17 own misunderstanding. So as we sit here today, on October the
18 6th, in federal court, in front of three federal judges, you're
19 the Senate sponsor of this legislation, and you can't tell us
20 under oath today who drew the map?

21 A. I know that Adam Kincaid had a major role in drawing the
22 map. But I also presume that many other people participated in
23 that process as well, particularly since it was amended in the
24 House.

25 Q. Well, whether Adam Kincaid drew some or all of the map,

17:32 1 when is it that you learned that an Adam Kincaid-related map
2 would be the one you would shepherd through the Senate?

3 A. I'm sorry. I just never thought of it in those terms. I
4 thought of it as being the House Map that was filed by the --
5 by Senator Hunter.

6 Q. Well, do you know that the House Map was an Adam
7 Kincaid-related map?

8 A. I -- I knew that Adam Kincaid had been heavily involved in
9 the drafting of a map.

10 Q. And that includes the House Map that you accepted --

11 A. That would include the House Map, HB4.

12 Q. Who is it that informed you that you would be moving
13 forward with an Adam Kincaid-related map?

14 A. Nobody ever directed me.

15 Q. So it's your testimony that you saw the map filed in the
16 House, you suspected it was Adam Kincaid-related, you liked it,
17 you had your lawyers analyze it, you filed it. Do I have that
18 right?

19 A. No. And it depends on whether you're talking about the
20 first or the second called session. The Lieutenant Governor,
21 as I mentioned earlier, had told me that they -- he had talked
22 to the Speaker and that they had decided -- they divided up all
23 the -- as they always do, they divided up all the major issues
24 between the House and the Senate. In this case I think there
25 were 17 on the call, on the Governor's call.

17:33 1 He informed me that the House would take the lead if
2 everything worked out for that. I did, in the -- in the HB4
3 that passed in the second-called Special Session, I did like
4 I've done on dozens and dozens of other bills. The bill passed
5 out of the House. I liked the bill. It met my objectives, and
6 I picked it up as the Senate sponsor.

7 Q. So the answer to my question is, the Lieutenant Governor
8 told you?

9 A. Told me what? I'm sorry.

10 Q. Told you that you would be working from a House bill that
11 Adam Kincaid had a role in?

12 A. Well, that was a very fluid process. Originally he had
13 told me that they wanted the House to take the lead in
14 redistricting, and we attempted to follow that all the way
15 through. In the first-called Special Session, because the
16 Democrats had left the State, we went ahead and filed SB4 in
17 hopes that the Speaker might be able to coax the Democrats to
18 come back the last couple of days and so that there would be a
19 bill to move forward on. But at all times it was the companion
20 bill to HB4.

21 Q. Well, you've stated several times here today that it was
22 the plan that the House would take the lead. Isn't that true?

23 A. Yes. That's common practice before every session, for the
24 House and -- for the Speaker and the President and the Senate
25 to kind of divide up the major issues.

17:35 1 Q. And it was the Lieutenant Governor that told you that you
2 would move with the House Bill?

3 A. He told me that the intent was -- if things worked out,
4 that the House would take the lead on the Congressional
5 Redistricting Bill.

6 Q. So how did you get the information that the House Bill was
7 connected to Adam Kincaid?

8 A. I think it was common knowledge.

9 Q. How so?

10 A. Well, I think I was asked about it in the very first -- on
11 June 21st we were laying out the resolution Senator Alvarado
12 asked me about. I think it had kind of just become common
13 knowledge.

14 Q. All over the Capitol, members of the Legislature shared
15 this knowledge. That's your testimony here today under oath?

16 A. Well, I think everyone knew, from 2021, that Mr. Kincaid
17 had been involved in it. And I think most of us were following
18 the trial in June, and Mr. Kincaid was a witness there. And I
19 think it was just common knowledge. That's why I called him a
20 few days after the news reports, because I presumed, since he
21 had been involved in the 2021, that he was probably involved in
22 the 2025 map drawing.

23 Q. Now, going back to your communications with Adam Kincaid,
24 we've got three or four days after the June 9th media report.
25 Somewhere around July 17th at the ALEC meeting. If I wrote it

17:36 1 down correctly from your testimony with your lawyer, the next
2 contact was, you called him to ask if he had used race data in
3 the map. Did I get that right?

4 A. That's correct.

5 Q. Then the fourth contact is, you contacted him the day the
6 House laid out the bill. Or he reached out to you. But you
7 ended up on the phone together that day?

8 A. He called me on a Monday morning, which was the day that
9 the House was going to lay out its amended House Bill 4 before
10 the committee.

11 Q. Four contacts in that order?

12 A. That's correct.

13 Q. And none other?

14 A. No.

15 Q. Now I'd like to call your attention to Brook's Exhibit 319,
16 to a discussion that you had with Senator Gutierrez on the
17 floor on the very last day that the Senate -- or that the
18 redistricting map was covered. You remember, generally, that
19 conversation you had with Senator Gutierrez about Adam Kincaid?

20 A. We had a long discussion that day.

21 Q. I'm gonna take you to page 37, lines 20 to 43, line 20, of
22 Brooks Exhibit 319.

23 (Video played.)

24 SENATOR GUTIERREZ: Did you speak to Adam Kincaid at
25 all?

17:37 1

SENATOR KING: Yes.

2

SENATOR GUTIERREZ: You did speak to Adam Kincaid.

3

Tell us what that conversation was like.

4

SENATOR KING: I've talked to Adam Kincaid three times in the last, probably, couple of months.

6

SENATOR GUTIERREZ: I don't mean to interrupt. The last time I asked you about this, you said you did not speak to Adam Kincaid. Now you did.

9

SENATOR KING: No. We haven't talked about this map in any detail. When I first talked to Adam Kincaid -- and again, I'm trying to remember correctly, but as I recall, to the best of my recollection, the first time I talked to Adam Kincaid -- and I had known him years ago -- is, we had spoken on a panel or two together. When the media first started discussing redistricting I had called him and asked him if he was involved in that process. And he said he was.

17

SENATOR GUTIERREZ: When was that conversation?

18

SENATOR KING: It was before this committee was appointed.

20

SENATOR GUTIERREZ: Two months ago?

21

SENATOR KING: Yeah, probably. Whenever it all started first coming out on TV. Then -- and we were all trying to figure out if there was gonna be a Special Session and all that, and if it was really, for real, something going on.

25

SENATOR GUTIERREZ: Who is "we"? You and him?

17:39 1 SENATOR KING: Yeah. I just called him. I was kind
2 of surprised I had his mobile number, but I did.

3 (Video concluded.)

4 Q. (BY MR. DUNN) I want to stop there for a second. You told
5 Senator Gutierrez and the other senators that you talked to him
6 three times?

7 A. Yes.

8 Q. Made a mistake?

9 A. So that was a day of -- where I was standing there. I
10 stood up for probably six hours that day getting pelted with
11 questions. Very legitimate questions. That was fine.

12 But, yes, at the time, I was thinking it was three. I
13 had forgotten about -- I think I had forgotten about the ALEC
14 meeting.

15 Q. Well, where I just stopped is, you had said that, "We were
16 all trying to figure out if there was going to be a Special
17 Session and all that on this redistricting thing." You recall
18 saying that? I can play it for you again if you need me to.

19 A. Yes, I do.

20 Q. So is that how it works as a senator or the chair of a
21 committee, is, you just get told whether you're gonna do
22 something?

23 A. Well, the discussion he was referring to was before any of
24 us had been officially told that there would be -- that we were
25 going to do redistricting. The press reports had just come out

17:40 1 from the president's statements. It was the hot topic. "Are
2 we gonna be coming back for a Special Session or not?" And
3 what I was referring to there was the call that I had made to
4 Adam Kincaid a few days after that first press report.

5 Q. All right. Continuing on 39, line 4.

6 (Video played.)

7 SENATOR KING: I ran into him at ALEC.

8 SENATOR GUTIERREZ: You're talking about -- I
9 apologize -- you have his mobile number. Do you guys text?

10 SENATOR KING: Not that I recall.

11 SENATOR GUTIERREZ: Okay. Just asking. Sorry. Go
12 ahead. So the second time you --

13 SENATOR KING: I ran into him at the ALEC annual
14 conference this summer.

15 SENATOR GUTIERREZ: How did that go?

16 SENATOR KING: We visited a few minutes. I
17 specifically told him, "Don't tell me anything you're doing
18 with regard to map drawing. Don't tell me about the details of
19 any map if you're involved in it."

20 SENATOR GUTIERREZ: Okay. So --

21 (Video concluded.)

22 Q. (BY MR. DUNN) Now, you did mention there that, "I just saw
23 him in Chicago a few days ago," right? You make it sound like
24 it's earlier in the summer.

25 A. Well, at this point the date of this hearing was, what,

17:41 1 mid-August?

2 Q. August 22nd.

3 A. And I had ran into him at ALEC in mid-July.

4 Q. All right. Continuing at line 39, 18.

5 (Video played.)

6 SENATOR GUTIERREZ: So you knew that he was doing the
7 map drawing?

8 SENATOR KING: Yes.

9 SENATOR GUTIERREZ: But earlier you said you didn't
10 know the map drawer.

11 SENATOR KING: I knew that he was involved in the
12 redistricting process. And I called him that first time and
13 said, "Hey, are you involved in all this? Is this for real,
14 that -- that they're pushing for redistricting?" Something to
15 that effect. He said, "Yeah. How you doing? Haven't talked
16 to you in years." "See you later."

17 SENATOR GUTIERREZ: All right.

18 SENATOR KING: Then we talked at ALEC. And we sat
19 down for a few minutes and I specifically told him, "Don't tell
20 me anything about the maps you're drawing. I don't want to
21 discuss that."

22 SENATOR GUTIERREZ: I'll give you the benefit of the
23 doubt. Earlier when you said you didn't know the map drawers,
24 that was just, you now remember that you --

25 SENATOR KING: Yeah.

17:42 1 SENATOR GUTIERREZ: Okay. So Adam is a map drawer.
2 Okay. We got that now.

3 SENATOR KING: Yeah. He's CEO or president or
4 something of the --

5 SENATOR GUTIERREZ: Republican Redistricting Trust.

6 SENATOR KING: Yeah. You came up with the correct
7 name for it. The national Republican Redistricting Trust.
8 It's been around a long time.

9 SENATOR GUTIERREZ: Third conversation. Which one was
10 that?

11 SENATOR KING: Adam called me this last Monday.

12 SENATOR GUTIERREZ: Last Monday, which would have been
13 the 14th or so?

14 SENATOR KING: Whatever that was.

15 SENATOR GUTIERREZ: Last Monday, like this very last
16 Monday?

17 SENATOR KING: Yeah.

18 SENATOR GUTIERREZ: Okay.

19 SENATOR KING: Yeah. He called me and asked me if I
20 was aware that the House was going to be putting out a map that
21 had some changes from the original HB4. And I said no, I
22 wasn't.

23 SENATOR GUTIERREZ: Okay. So you heard from Adam
24 about the changes.

25 SENATOR KING: Yeah. He was actually trying to get in

17:43 1 touch with a -- with a House member. He was looking for
2 someone that might have some --

3 SENATOR GUTIERREZ: So earlier, when someone was
4 asking you, you said that you didn't know about the changes
5 that the map -- that the House was doing that -- and you didn't
6 know about them, but now - we now know it's Adam that told you
7 about the map changes on Monday? Maybe I'm --

8 SENATOR KING: Yes. We found out at first when our
9 legal counsel contacted my chief of staff. And then about the
10 same time I had received a call from Adam Kincaid.

11 (Video concluded.)

12 Q. (BY MR. DUNN) So those are the three contacts that you
13 talked about on the Senate floor. The fourth one, about asking
14 Adam Kincaid whether he used racial data, wasn't mentioned by
15 you at all, was it?

16 A. No. I -- I presume I just didn't remember it at the time.

17 Q. Now I want to go back to the first day of the session,
18 July 21st, Brooks Exhibit 300. This is the day that you offer
19 Senate Resolution 5, I think it's numbered, to set up the new
20 redistricting process. Is that fair?

21 A. Yes, that's correct.

22 Q. And there was several hours of debate on the Senate floor
23 about the measure. Is that true?

24 A. Four hours.

25 Q. Going to page 19, line 9.

17:45 1

(Video played.)

2

SENATOR KING: -- detailed issues.

3

SENATOR ALVARADO: Have a map?

4

SENATOR KING: I do not have a map.

5

SENATOR ALVARADO: Who is drawing the map?

6

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

9

(Video concluded.)

10

Q. (BY MR. DUNN) You're not aware of someone else drawing a map. Is that what you said on the Senate floor?

11

12

A. I said I was not aware of anyone else on the Senate floor that was drawing a map.

13

14

Q. "I don't know of anyone here today. There may be others, may be trying to draw a map. I'm not aware of that."

15

16

All right. So you're saying that only meant people on the Senate floor.

17

18

Continuing at 19, line 16.

19

(Video played.)

20

SENATOR KING: But I -- traditionally, the way it's happened in the past is, the Congressional Republican Caucus has presented a map. But I haven't seen anything to date. But I'm very confident at some point I will.

21

22

23

24

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

25

SENATOR KING: I do not. I would not even plan on

17:46 1 looking at a map myself until after we got through the
2 information-gathering phase, which is the first hearings that
3 are on -- would be hearings on the subject of the call. After
4 that -- that would be the earliest time that I would even think
5 about a bill.

6 SENATOR ALVARADO: Okay. So the last maps, it was
7 revealed in, I think, one of the court cases, perhaps, that a
8 gentleman by the name of Adam Kincaid drew the maps? You know
9 him?

10 SENATOR KING: Yes, I do know Adam Kincaid.

11 SENATOR ALVARADO: Is he drawing the maps?

12 SENATOR KING: Probably want to ask him that.

13 (Video concluded.)

14 Q. (BY MR. DUNN) You grin and you say, "You probably ought to
15 ask him that." That was your answer. Is that true?

16 A. That was my answer because this was the first day of the
17 process. I had no idea who-all was gonna be presenting maps.
18 Adam had drawn the maps in 2021. He had told me he was
19 involved in this process. But that is always a collaborative
20 process. So I still don't know who all had input into drafting
21 that map.

22 Q. But you didn't --

23 A. But I do know Adam was a major -- was involved in a
24 substantial way in drafting that map.

25 MR. DUNN: Object to the responsiveness.

17:47 1 JUDGE GUADERRAMA: I'm not sure there was a question,
2 so I'll sustain the objection.

3 Q. (BY MR. DUNN) "You probably want to ask him that," is what
4 you tell Senator Alvarado. Is that true?

5 A. That is what I told her, yes.

6 Q. And you knew, because just a few days before, you had seen
7 Adam Kincaid at ALEC and knew he was working on a Texas map.

8 A. It had been about a month before.

9 Q. Well, this hearing is on July 21st.

10 A. Oh, I'm sorry. You're right. We're -- that's right. It
11 would have been about a week before.

12 Q. So why not just come clean? You said over and over in the
13 Senate debates, "I'm going to be forthright." Why not just
14 say, "I ran into Adam Kincaid. I know he was working on a
15 map." He'd been cited in the newspaper at that point. What's
16 to hide?

17 A. Again, it was the middle of a four-hour questioning session
18 on the floor. I think I was probably just trying to get the --
19 get things moved along and say, "If you want to get this kind
20 of answer, you need to talk to who you believe is drafting
21 maps."

22 Q. And then you ultimately obstructed bringing Adam Kincaid to
23 answer Senator Alvarado's question. Is that true?

24 A. No, not at all.

25 Q. You stated here today to your lawyer that people tried to

17:48 1 make the DOJ letter into something.

2 I wrote that down. Is that what you said?

3 A. That sounds like my words, yes.

4 Q. Again, on Brooks Exhibit 300, on July 21st, at page 24,
5 line 2.

6 (Video played.)

7 SENATOR ALVARADO: And you know what sparked the
8 Governor to want to put this on the call? Because I don't
9 remember -- unless I'm just, you know, forgetting, but I don't
10 recall us having any conversations during the regular session
11 that we just finished not too long ago. Did redistricting ever
12 come up?

13 SENATOR KING: Not in my personal discussions --

14 (Video concluded.)

15 Q. (BY MR. DUNN) Before we get to the rest of your answer,
16 which I'll play, "Not in my personal discussions have I had any
17 regular-session discussion about redistricting." Right?
18 That's what you said on the Senate floor?

19 A. Yes.

20 Q. And that's what you've said today?

21 A. Yes.

22 Q. Continuing at page 24, line 10.

23 (Video played.)

24 SENATOR KING: You're referring to the call itself.
25 It does say legislation that provide a -- provides a revised

17:49 1 Congressional Redistricting Plan in light of constitutional
2 concerns raised by the U.S. Department of Justice.

3 And so, as we proceed forward, I know we'll be
4 discussing such things. But again, for the purposes of today,
5 it is just the -- the resolution establishing a committee so
6 that we can get into the redistricting process.

7 (Video concluded.)

8 Q. (BY MR. DUNN) So when Senator Alvarado asked you your
9 opinion as to why you were there that day debating
10 redistricting, your answer was to turn to the Governor's call
11 and note the Department of Justice's concerns?

12 A. Yes. We were going to consider Congressional Redistricting
13 because --

14 Q. I think "yes" answered the question, Senator.

15 A. Then yes.

16 Q. Now, for -- as you testified, there was a hearing on
17 July 25th, which I want to now show you, as Brooks Exhibit 304.

18 (Video played.)

19 SENATOR MILES: Keep in mind that letter is what got
20 us right here today.

21 SENATOR KING: I understand.

22 SENATOR MILES: Okay.

23 (Video concluded.)

24 Q. (BY MR. DUNN) Again, now we're on July 25th. There's no
25 response to Senator Miles that, "This DOJ letter is

17:51 1 irrelevant," or, "I haven't gotten it or seen it," or, "It
2 doesn't make any difference to me. I just want Republicans
3 elected." You're acknowledging to him there, "That's why we're
4 here today." Isn't that what you said?

5 A. I said I understood his position.

6 Q. Now, also in the July 29th hearing -- or, excuse me, moving
7 to the July 29th hearing, Brooks Exhibit 307, at page 208-1.

8 (Video played.)

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

10 SENATOR KING: I know -- we talked about this the
11 other day on the floor. I understand that the -- you mentioned
12 the name earlier, "Adam Kincaid." I understand he is drawing a
13 map on behalf of the Redistricting Trust. I think that's on
14 behalf of the Congressional -- Republican Congressional
15 Delegation, but I'm actually not sure of that. But I haven't
16 seen any map yet. No one has presented a map to me. And I
17 haven't been trying to draw one my- --

18 (Video concluded.)

19 Q. (BY MR. DUNN) "Myself" was the rest of your answer.

20 So at this point you're acknowledging that Kincaid is
21 going to draw a map, but you're still not associating yourself
22 with it. It's just going to be a map that arrives.

23 A. That was -- what was the date of that hearing?

24 Q. July 29th?

25 A. So we're roughly in the first week, just finishing the

17:52 1 first week, of the first-called session. At that point, I
2 wasn't sure who-all would be submitting maps. I --

3 Q. And --

4 A. And I answered correctly in saying that I understood Adam
5 Kincaid was drafting a map.

6 Q. So is it fair to say that, by July 29th, the Lieutenant
7 Governor hadn't told you the plan yet?

8 A. The Lieutenant Governor never gave me any specific
9 direction on what map to pass.

10 Q. He just told you that you would -- that the House would be
11 taking the lead and you would be working from the House Map?

12 A. He told me -- yes, that's essentially correct.

13 Q. Now, also at this hearing on July 29th, you had a
14 discussion about why we're at the hearing in advance of taking
15 public testimony. I want to go to that now, Brooks
16 Exhibit 307, 205, line 11 to 205, line 23.

17 (Video played.)

18 SENATOR KING: Legislation that provides a revised
19 Congressional Redistricting Plan in light of constitutional
20 concerns raised by the U.S. Department of Justice. The
21 purposes of the public hearings has been to gather public
22 information on the subject of Congressional Redistricting.

23 The -- there had -- I -- there has been -- there is no
24 map currently before the committee. The committee can consider
25 a map at any time one is filed. I am confident one will be

17:54 1 filed at some point. But the purpose of the committee hearings
2 is the same reason that we've done all hearings in the past
3 before bills are filed, and that is to simply solicit testimony
4 on the subject matter.

5 (Video concluded.)

6 Q. (BY MR. DUNN) So you're having these public hearings, and
7 the purpose, you say, is to solicit public testimony. Is that
8 true?

9 A. Well, depends on which hearing. I mean -- and I'm not
10 sure -- am I responding to a question there? What was that
11 question?

12 Q. I'm happy to take you to the rest of it if you'd like. I
13 don't think there was a question, but there might have been.
14 Let's see. Whoops. Starting at 205, line 11.

15 A. And I'm sorry. In which hearing was this?

16 Q. This was the July 29th hearing.

17 A. And was that a regional hearing or was that a hearing on
18 the bill, on a bill filed?

19 Q. At this point, I think that it is a hearing the day before
20 the bill's going to be filed.

21 A. So it is still a regional information-gathering hearing.

22 Q. That's my understanding. In fact, you say here, "This ends
23 our public testimony for today. Madame, is there any other
24 business?"

25 And since you wanted to hear the question, I'll play

17:56 1 that now starting at 204, line 18.

2 (Video played.)

3 SENATOR ALVARADO: Thank you, Mr. Chairman. I have a
4 series of questions I'd like to ask, and then I want to talk a
5 little bit about the redistricting process in general.

6 So again, we go back to, why are we here? What is the
7 purpose, Mr. Chairman, of the public hearings? If it's to
8 assess whether to conduct Congressional Redistricting, the
9 testimony from last week through today have been overwhelmingly
10 not to conduct mid-decade Congressional Redistricting under the
11 current circumstances.

12 Whether you agree with that or not, what would the
13 position of individual witnesses, you would agree, though, that
14 most -- overwhelmingly, most of the testimony has been not
15 supportive of this Redistricting process in mid-decade. Would
16 you agree with that?

17 SENATOR KING: So the reason the committee was created
18 and convened initially was because the -- Governor Abbott added
19 to the Special Session the following charge. It says, "The
20 Governor's Special Session proclamation states: Legislation
21 that provides a revised Congressional Redistricting plan in
22 light of constitutional concerns raised by the U.S. Department
23 of Justice."

24 (Video concluded.)

25 Q. (BY MR. DUNN) That's the context of this discussion. Are

17:57 1 you with us now, Senator?

2 A. Yes, I am. This would be the last regional hearing and the
3 conclusion of that information-gathering hearing.

4 Q. But since we're on Senator Alvarado's question, her
5 question was, "Do you agree that, overwhelmingly, most of the
6 testimony has not been supportive of this redistricting process
7 in mid-decade? Would you agree with that?" And you answer
8 about why the Governor called it, and volunteered the
9 Department of Justice letter. But what's the answer to her
10 question?

11 A. Yes. Most of the testimony we received made it clear that
12 the Democrats did not want us to take up Congressional
13 Redistricting.

14 Q. It wasn't just Democrats, though. Was it?

15 A. Almost entirely.

16 Q. Well, there were hundreds of people of color, Black and
17 Hispanic, who came in front of your committee and told you that
18 this was going to rip apart their communities. And you just
19 look at them as Democrats?

20 A. No. It was just very evident from most of the testimony,
21 if you listen to it, that they were speaking from a -- on
22 behalf of the Democrat Party.

23 Q. Later in that same hearing, on page 207, line 7 -- oh, and
24 I beg your pardon. It is actually the next hearing, Brooks
25 Exhibit 308, July 30th, Senator. This is Betty King Room,

17:59 1 where you ultimately had the vote on issuing the subpoena. Do
2 you recall that generally?

3 A. I do, yes.

4 Q. And you had this discussion about Adam Kincaid starting on
5 page 25 --

6 (Video played.)

7 SENATOR KING: All that matters is what is in the four
8 corners of that document. What are within the -- the
9 parameters of each district on that map? And so I don't really
10 see any purpose that his testimony -- I don't see any -- how
11 his testimony would provide any relevant information to the
12 committee's decision of, Do we like that map? First off, is it
13 legal? And do we like the way it's drawn?

14 (Video concluded.)

15 Q. (BY MR. DUNN) Ends at 26, line 8.

16 So Senator Alvarado and Senator Miles are asking you
17 to issue a subpoena for Adam Kincaid. Is that true?

18 A. They're asking the committee.

19 Q. And the committee ultimately voted that down. Is that
20 right?

21 A. That's correct.

22 Q. And you testified earlier today that you had sent a letter
23 to Adam Kincaid, an invitation. Is that fair?

24 A. Yes, at Senator Alvarado's request.

25 Q. I've seen every minute of everything that happened in the

18:00 1 Senate at least twice. Nowhere do I recall you saying, "I've
2 got his cell phone number. Maybe I'll call him and see if
3 he'll come talk to us." Did you ever have that statement in
4 private conversation?

5 A. No.

6 Q. Did you ever tell your colleagues that, "I have a direct
7 line to this individual. I could probably get him to come talk
8 to us"?

9 A. Well, I had told them on the first day of the first-called
10 Special Session on the floor during Senate Resolution Number 5
11 that I had talked on the phone with Adam Kincaid.

12 Q. And so why didn't you call up Adam Kincaid, with the number
13 that you had in your cell phone, and ask him to come give his
14 testimony to the Senate?

15 A. Because I'd already sent him a letter formally inviting him
16 to do so.

17 Q. You don't think a phone call to somebody from a state
18 senator with your stature saying, "Would you please come do
19 this? The people of Texas deserve it" -- you don't think
20 Mr. Kincaid would have been responsive to that?

21 A. I can't speak for him.

22 Q. But you weren't willing to try?

23 A. I was actually never asked to call him. I offered -- or
24 agreed to send a letter as a courtesy.

25 Q. In fact, what you say here in this clip, what you tell your

18:01 1 colleagues here in the Senate committee in the Betty King Room,
2 is that you don't think he has anything relevant to offer. Was
3 that your opinion?

4 A. I was referring to, as we look at a bill in this case -- I
5 guess that was still Senate Bill 4. As we look at a bill and
6 decide whether to vote out a bill or not, what matters is the
7 content of the bill, not who collaborated in drafting it.

8 JUDGE GUADERRAMA: Mr. Dunn, is there any chance
9 you're going to be done in like five or ten minutes?

10 MR. DUNN: No, sir.

11 JUDGE GUADERRAMA: So let's recess until tomorrow
12 morning, 9:00.

13 (Evening recess.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signature: /s/Leticia Perez Date: October 17, 2025
Leticia Perez

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