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

**LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS, et al.,  
Plaintiffs,**

**3:21-CV-00259-DCG-JES-JVB**

**v.**

**2:15 p.m. to 6:31 p.m.**

**GREG ABBOTT, IN HIS OFFICIAL  
CAPACITY AS GOVERNOR OF THE  
STATE OF TEXAS, et al.,  
Defendants.**

**OCTOBER 9, 2025**

**INJUNCTION HEARING  
BEFORE THE HONORABLE DAVID C. GUADERRAMA  
THE HONORABLE JERRY E. SMITH  
AND THE HONORABLE JEFFREY V. BROWN  
AFTERNOON SESSION, DAY 8 OF 9 DAYS**

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4 Court Reporter:  
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Leticia D. Perez  
525 Magoffin Avenue  
El Paso, Texas 79901

1 **PROCEEDINGS**

2 JUDGE GUADERRAMA: Senator King on the witness stand.  
3 Mr. Dunn?

4 **SENATOR PHILLIP STEPHEN KING,**

5 previously duly sworn by the Court, was examined and testified  
6 as follows:

7 **CONTINUED CROSS-EXAMINATION**

8 **BY MR. DUNN:**

9 Q. Good afternoon, Senator. It'll probably please everybody  
10 to hear that I've eliminated about 20 minutes of this, so we're  
11 getting near the end. All right?

12 I want to transition now and talk about the Department  
13 of Justice letter -- for the record, that's Brooks Exhibit 253.  
14 And you recall before lunch, I showed you a portion of your  
15 comments on the Senate floor where you thought -- where you had  
16 expressed to Lieutenant Governor -- you were reporting that you  
17 thought the letter unnecessarily complicated things.

18 Do you recall that?

19 A. Yes, sir.

20 Q. Another witness here in this Court, this week, has said  
21 almost the identical phrase. Did anybody tell you to say that?

22 A. Oh, no, no.

23 Q. Adam Kincaid never said that to you at some point in the  
24 process?

25 A. Never.

14:16 1 Q. Now, going -- I'm going to show you just a couple more  
2 parts of the legislative debates, and we're going to go back to  
3 the very first day, Brooks Exhibit 300. And play this.

4 (Video played.)

5 REPRESENTATIVE ALVARADO: And do you know what sparked  
6 the Governor to want to put this on the call? Because I don't  
7 remember -- unless I'm just, you know, forgetting, but I don't  
8 recall us having any conversations during the regular session  
9 that we just finished not too long ago.

10 Did redistricting ever come up?

11 SENATOR KING: Not in my personal discussions, but if  
12 you're referring to the call itself, it does say legislation  
13 that provides a revised -- a revised congressional  
14 redistricting plan in light of constitutional concerns raised  
15 by the U.S. Department of Justice.

16 (Video concluded.)

17 Q. (BY MR. DUNN) Beginning at 24, line 2 and concluding at  
18 24, line 14.

19 Now, there, Senator Alvarado, on the very first day of  
20 session, asked you if there had been any discussion about  
21 redistricting earlier in the regular session, and you said,  
22 "None of my personal discussions."

23 Is that what you said there?

24 A. Yes, that's what I said.

25 Q. And as we saw before lunch, later on August 22nd, on the

14:17 1 Senate floor, you said that you had been having personal  
2 discussions about it during the regular session. Isn't it  
3 true?

4 A. I did say that, then later corrected it.

5 Q. Also, Senator Alvarado asks, what sparked was her verb, the  
6 session? And you read the call and referenced the Department  
7 of Justice letter. Is that true?

8 A. I'm not sure I referenced the letter. I -- I read the  
9 call.

10 Q. And which references concerns the Department of Justice?

11 A. Yes. It's a one-sentence statement in the Governor's  
12 proclamation.

13 Q. Now, you're aware -- and I can show it to you if you need,  
14 but this is really the only point I want to get at, that you're  
15 aware the Department of Justice letter identifies four  
16 different districts?

17 A. Yes.

18 Q. And it says that those districts have to be redrawn because  
19 of their racial makeup. Isn't that fair?

20 A. That was what -- basically what the letter said.

21 Q. So, again, going to the Senate floor debate on August 22nd,  
22 which is Brooks Exhibit 318, I want to show you this exchange  
23 with Senator Miles, which begins at page 137, line 15 and goes  
24 to 138, line 24.

25 (Video played.)

14:19 1 REPRESENTATIVE MILES: If I can ask you to trust me,  
2 that's what it said. The Department of Justice reference  
3 letter was written by Department of Justice Civil Rights  
4 Division of the Texas Governor. Is that correct?

5 SENATOR KING: Say that again. I'm sorry.

6 REPRESENTATIVE MILES: The letter was written to  
7 the -- to the Governor's Office. Is that correct? From the  
8 Department of Justice.

9 SENATOR KING: It's addressed to the Governor's Office  
10 and the Attorney General.

11 REPRESENTATIVE MILES: And the Attorney General. Is  
12 that correct?

13 SENATOR KING: Yes, Attorney General and the  
14 Governor.

15 REPRESENTATIVE MILES: Can we also agree that the  
16 letter specifically targeted four majority-minority districts?

17 SENATOR KING: It targeted four districts.

18 REPRESENTATIVE MILES: Okay. Would you believe me if  
19 I told you those four districts were majority-minority? We've  
20 had that conversation, Mr. Chairman.

21 SENATOR KING: I -- I don't have knowledge of that.

22 REPRESENTATIVE MILES: Well, let me assure you, it was  
23 four.

24 SENATOR KING: I know there are four districts --

25 REPRESENTATIVE MILES: My districts partially or

14:20 1 whole, and the other one in Dallas. Am I mistaken? The other  
2 one in Dallas. All four of them were majority-minority  
3 district, Mr. Chairman. I assure you of that. Okay. Could  
4 you go with me on that?

5 SENATOR KING: Yes, I'm sorry. I just don't have the  
6 letter in front of me.

7 (Video concluded.)

8 Q. (BY MR. DUNN) Now, is it your testimony that when you were  
9 talking to Senator Miles there, you didn't know the  
10 four districts in the Department of Justice letter were  
11 majority-minority?

12 A. I have read the letter. I didn't take the facts in the  
13 letter one way or the other.

14 Q. Well, with regard to the district in Dallas that  
15 Senator Miles refers to, Dallas-Fort Worth to be fair, Senate  
16 district -- or Congressional District 33, you, at least, knew  
17 that one was majority-minority. Didn't you?

18 A. You know, I'll be honest with you. To this day, I have --  
19 I have never looked at the numbers.

20 Q. And that's not information you gained when you were chair  
21 in 2011. You didn't gain that information when you carried the  
22 congressional map in 2003. You didn't gain that information  
23 during the debates over the map that was in place before this  
24 one, in 2021?

25 A. I -- I wasn't chair or on the Redistricting Committee in

14:21 1 2011. But, no.

2 Q. So is it your testimony here that the fact that the final  
3 plan that was adopted, C2333, redrew the four districts in the  
4 Department of Justice letter was just an accident?

5 A. No. They were -- from my perspective, they were redrawn to  
6 make them perform better for Republicans.

7 Q. And you knew when you did that, that that would mean they  
8 didn't perform for the voter choice of Blacks and Hispanics in  
9 those districts?

10 A. I don't know who will run for those seats, and I don't know  
11 who will be elected.

12 Q. Now, you told -- we talked before lunch about  
13 Representative Toth. Is it Toth or Toth?

14 A. Toth. Looks like Toth, but --

15 Q. Okay. You recall that discussion, generally, that  
16 Adam Kincaid reached out to you to get Representative Toth's  
17 contact information?

18 A. Yes. He asked for his mobile number.

19 Q. I want to show you what's been marked for identification  
20 purposes, Brooks Exhibit 339. This is the television interview  
21 with Representative Toth on October the 2nd, last week,  
22 three days after this trial began. Beginning on page 1 -- or  
23 beginning at minute 1:49 and ending at minute 2:14.

24 (Video played.)

25 UNIDENTIFIED SPEAKER: -- is being done by Texas for

14:22 1 gerrymandering and for political gain in the '26 election, but,  
 2 in fact, the Justice Department required the State to do this  
 3 because there were public court rulings that said that Texas  
 4 was out of -- out of compliance with the current law. So this  
 5 isn't actually gerrymandering; this was actually required to be  
 6 done, right?

7 REPRESENTATIVE TOTH: It was required of us to do it  
 8 in -- yes. In response to *Petteway*, to get compliant.

9 But look, guys, I mean --

10 (Video concluded.)

11 Q. (BY MR. DUNN) Required to do it in response to *Petteway*.  
 12 That's what Representative Toth says to this reporter. Is that  
 13 true?

14 A. That is what he said.

15 JUDGE GUADERRAMA: So what are we calling this video?  
 16 Because you have 339 as purposely omitted.

17 MR. DUNN: Yes. It is a new exhibit. Exhibit 339 is  
 18 called, October 2nd, *Just the News*, Representative Steve Toth  
 19 recording.

20 JUDGE GUADERRAMA: Thank you.

21 MR. DUNN: I'll move its admission now.

22 JUDGE GUADERRAMA: Yes, sir.

23 MR. WASSDORF: Your Honor, this is the first we are  
 24 seeing of this. He displayed the clip already. I'm not going  
 25 to agree to its admission without having an opportunity to

14:23 1 review the entire thing.

2 MR. DUNN: We'll bring it up later.

3 JUDGE GUADERRAMA: All right, sir.

4 Q. (BY MR. DUNN) All right. One last area of inquiry. You  
5 recall, at the very beginning of this process, in your very  
6 first hearing, you had a number of experts who came to testify?

7 A. Yes. We had asked the Democratic Caucus to invite whoever  
8 they wished as we would put them up first.

9 Q. And one of the people that was invited was a  
10 Professor Ellen Katz, at the University of Michigan. Do you  
11 recall her?

12 A. I think that's correct, yes.

13 Q. In fact, she was the first expert, I think maybe the first  
14 witness, to testify on this matter in the Senate. Isn't that  
15 true?

16 A. She may have been.

17 Q. And she went through in her -- and the Court's seen this,  
18 so I won't play it again unless you would like me to. But she  
19 went through, in her comments, how addressing the matters of  
20 the Department of Justice letter would be unconstitutional.

21 Do you recall her saying that to you, sir?

22 A. Vaguely. I'd have to go back and look. I'm sorry.

23 Q. Well, you had a response to it. Didn't you? After she was  
24 done with her comments, you decided to ask her a few questions.  
25 Didn't you?

14:24 1 A. I don't recall.

2 Q. Well, let me take you there then. This is Exhibit 304,  
3 page 63, line 15. I'm going to start at page 63, line 14 on  
4 Exhibit 304.

5 (Video played.)

6 UNIDENTIFIED SPEAKER: Ms. Katz, you stated that doing  
7 a map now would be --

8 (Video concluded.)

9 MR. DUNN: Actually, excuse me. I'm going to start at  
10 63, line 19.

11 (Video played.)

12 DR. KATZ: So I -- I think I will just assume more  
13 precise than that. Is it -- leaving aside doing the map for  
14 any other reason, doing -- redrawing these districts for the  
15 reasons the DOJ letter instructs would be, in my view, illegal.  
16 So that's -- that's the claim I want to make.

17 SENATOR KING: Okay. Members, any other questions?

18 Just one quick one, Ms. Katz. Were you -- did you  
19 provide testimony in the El Paso case?

20 DR. KATZ: I did not.

21 SENATOR KING: Were you part of the plaintiffs' team  
22 or one of the plaintiffs' attorneys?

23 DR. KATZ: No, not in any way.

24 SENATOR KING: If there's no other questions, members.  
25 Thank you for being here with us here today, ma'am.

14:26 1

(Video concluded.)

2

MR. DUNN: Ending at 64, line 14.

3

Q. (BY MR. DUNN) You just decided to disregard what

4

Professor Katz told you, didn't you?

5

A. No.

6

MR. DUNN: Pass the witness.

7

JUDGE GUADERRAMA: Ms. Perales?

8

**CROSS-EXAMINATION**

9

**BY MS. PERALES:**

10

Q. Good afternoon, Senator. My name is Nina Perales. I'm with the LULAC Plaintiffs.

11

12

Senator, you've heard of Congresswoman Sylvia Garcia in Houston, haven't you?

13

14

A. Yes.

15

Q. She has represented Congressional District 29 since 2019.

16

Is that correct?

17

A. That sounds correct, yes.

18

Q. And she is Hispanic. Isn't that right?

19

A. I believe she is.

20

Q. And you know that in the 2021 redistricting map,

21

Congressional District 29 is a majority Hispanic district,

22

correct?

23

A. I, honestly, have not looked at any racial data on any of the districts.

24

25

Q. Even in the 2021 map?

14:27 1 A. Even in the 2021 map.

2 Q. Now, Congresswoman Garcia testified at the Texas Senate  
3 Redistricting Hearing on July 25th, 2025, didn't she?

4 A. Yes, ma'am.

5 Q. And you were there and you heard her testimony, didn't you?

6 A. I did.

7 Q. So I just want to be at the ready with the transcript of  
8 that hearing, which is Brooks Exhibit 304-T. And this is the  
9 July 25th hearing of the Senate Special Committee on  
10 Congressional Redistricting.

11 Now, during that hearing, do you remember  
12 Senator Alvarado stating, "Congressional District 29, it has  
13 always been a Latino Opportunity District or Latino majority  
14 district since it was created in 1991."

15 Do you recall that?

16 A. Not specifically, but if you say so, I'm sure she did.

17 MS. PERALES: If we could go to page 22, line 16, or  
18 thereabouts. We might need to make that a little bigger.

19 Q. (BY MS. PERALES) Does this help refresh your recollection,  
20 Senator?

21 A. Is that Senator Alvarado's section -- is that her speaking?

22 MS. PERALES: Can we scroll down? We may -- is this  
23 only one page at a time? We're not able to scroll?

24 Q. (BY MS. PERALES) So the quote that I wanted to point you  
25 to is on page 22, line 16. But I think we might have to go a

14:29 1 little higher to see that Senator Alvarado is speaking.

2 A. That sounds like something she would have said, yes.

3 Q. Do you see it in the transcript, Senator?

4 A. I saw the paragraph when it was up a moment ago, yes,  
5 ma'am.

6 Q. Okay. And then Congresswoman Garcia testified that  
7 "Congressional District 29 is a majority Hispanic district in  
8 the 2021 map," didn't she?

9 A. If she said that, yes.

10 MS. PERALES: Let's go to page 49 of this transcript,  
11 Brooks 304-T, then look at lines -- well, starting on 49-18.

12 Q. (BY MS. PERALES) Do we see Sylvia Garcia speaking there,  
13 more or less?

14 A. I -- I see --

15 Q. I believe it starts at the bottom of the page?

16 A. I see her name, yes.

17 Q. Okay. So it's capturing a question from Senator Alvarado,  
18 and then an answer from Congresswoman Garcia. Do you see that  
19 there?

20 A. To be honest, I'm having a little trouble reading it.

21 Q. We're going to need to make it a little bigger. I  
22 apologize for the -- is this better?

23 A. Yes, it is. Thank you.

24 Q. And if we go from Senator Garcia, moving down onto the next  
25 page, we see that she says "29 is a majority Hispanic

14:31 1 district." Isn't that correct?

2 A. I believe that's what I read on the first page. And it  
3 said something about a coalition district also.

4 Q. Okay. And then if we go back to page 48, we see  
5 Congresswoman Garcia testifying, quote, The Voting Rights Act  
6 protects districts like the 29th. She said that as well,  
7 didn't she?

8 A. Yes, ma'am. That's what it says.

9 Q. And you were there for that testimony?

10 A. I was. And I'm sorry, we had 250 witnesses, and I can't  
11 remember them all as clearly as I wish.

12 Q. I fully understand. That's why we have the transcript to  
13 help?

14 MS. PERALES: Let's go to Brooks Exhibit 253, the DOJ  
15 letter from July 7, 2025.

16 Q. (BY MS. PERALES) In the first paragraph, if we could zoom  
17 in, would you agree with me, Senator, that the DOJ letter  
18 expresses serious concerns about District 29, among other  
19 districts?

20 A. I'm looking for the word "serious" but...

21 Q. Top line --

22 A. Here it is. Yes. It says, "serious concerns." Thank you.

23 Q. And then it lists four congressional districts. Is that  
24 right?

25 A. It does. 9, 18, 29, and 33.

14:32 1 Q. And then if we go down a little bit farther in the letter,  
2 the letter characterizes Texas 29 as an unconstitutional  
3 coalition district. Do you see that?

4 A. Yes.

5 Q. All right. And then on page 2, third paragraph from the  
6 bottom, the letter then recognizes that Texas 29 is a  
7 majority-Hispanic district. Is that correct?

8 A. That is what it says.

9 Q. And then it says, in the very last paragraph, "If the State  
10 of Texas fails to rectify the racial gerrymandering of" -- and  
11 then it mentions District 29 again, right?

12 A. Yes, it does.

13 Q. And then it ends with "The Attorney General reserves the  
14 right to seek legal action." Is that right?

15 A. That is what it says.

16 Q. Okay. Now, before we move on from the letter, it's your  
17 testimony that you learned that the President wanted Texas to  
18 redraw its congressional map around June 9, 2025. Is that  
19 correct?

20 A. Yes.

21 Q. Governor Abbott didn't announce the First Special Session  
22 until June 23rd. Isn't that right?

23 A. That sounds about right.

24 Q. And the Governor's press release on June 23rd, when he  
25 calls the special session, does not list redistricting among

14:33 1 the agenda items. Isn't that right?

2 A. I would have to read it to tell you that.

3 Q. Okay. The DOJ letter is dated July 7, isn't it?

4 A. I believe it is.

5 Q. And two days after the DOJ letter, on July 9,  
6 Governor Abbott announces that redistricting will be on the  
7 special session agenda, correct?

8 A. That sounds about right.

9 Q. Now, a couple of weeks after you hold the July hearing in  
10 the Senate Redistricting Committee, following that time, on  
11 August 4, you introduced HB4 in the Senate. Is that correct?

12 A. So during the first called special session, I don't believe  
13 I ever filed HB4. I filed Senate Bill 4 right at the end of  
14 the session, which was the companion to HB4.

15 Q. That's right. SB4, the companion to HB4. Can we both  
16 refer to that as "Plan C2308"? Does that work for you?

17 A. If that's its number, yes.

18 Q. Okay. Thank you.

19 I'd like to look at C2308, the map that you introduced  
20 in the First Special Session, side by side with the 2021 map in  
21 Harris County. This is LULAC Exhibit 1383. On the left-hand  
22 side, Senator, is Plan C2193. That's the 2021 map. And then  
23 on the right-hand side, we're seeing the Harris County  
24 configurations in your introduced bill. That's C2308.

25 Do you see that there?

14:35 1 A. Yes, ma'am.

2 Q. So, in the 2021 map, if we just look at Congressional 29,  
3 it's been referred to as looking like a seahorse. Do you see  
4 that green district there?

5 A. I do.

6 Q. All right. And it sort of has a seahorse head, and then it  
7 has a neck, and then it has a body, and maybe some little fins  
8 on it. Is that right?

9 A. It does.

10 Q. Okay. And now, if we look over to C2308, it's basically  
11 now in two different places, right? There's a part that's in  
12 north -- north side, Northwestern Harris County. But then the  
13 body and the fins of the seahorse have gone into Congressional  
14 District 9. Is that right?

15 A. Yes, that looks correct.

16 Q. Let's go now to LULAC 1381. And here we have the 2021 map,  
17 and this time it's compared to the final map that is passed by  
18 the Legislature, C2333. Are you following me?

19 A. I am.

20 Q. Would other observation be the same, that in C2333,  
21 District 29 is essentially separated into two many parts; one  
22 is in the north side, Northwest Houston, and then the other  
23 part of what used to be CD29 is now in CD9.

24 A. I'm trying to see the number CD9 on the --

25 Q. Oh, it's the blue district that goes up into Liberty

14:37 1

County?

2 A. Oh, okay. Yes. Yes, part of it is. Yes, that's correct.

3 Q. Now, you understood when you led the Senate support for the  
4 2025 map that CD9 was one of the new Republican pick-up  
5 districts, correct?

6 A. Yes. It will vote -- it should perform better for  
7 Republicans.

8 Q. And so you knew, when you voted for this, that this  
9 district configuration was intended to put about half of CD29  
10 into CD9 and make CD9 a district that elects a Republican. Is  
11 that right?

12 A. You know, the district numbers really don't mean anything,  
13 but the configuration itself will be more Republican, yes.

14 Q. And specifically with respect to what happened with CD29,  
15 the body and fin of the seahorse --

16 A. Yes.

17 Q. -- goes into a district labeled, now, CD9 that will elect a  
18 Republican, correct?

19 A. Parts of it will. That is correct.

20 Q. Okay. I want to take you back now to 2011. When you were  
21 speaking with Mr. Wassdorf, which may feel like a long time  
22 ago, but I was writing notes, you mentioned you chaired the  
23 Texas House Redistricting Committee in the 2019 session when  
24 you were a state representative. Is that correct?

25 A. Yes.

14:39 1 Q. And as the chair, you presided over hearings about  
2 redistricting that would happen in the upcoming 2021 session,  
3 correct?

4 A. Yes, they were all information gathering.

5 Q. That was my next question. At those hearings that you  
6 presided over, you heard from experts in redistricting law and  
7 state demographics. Is that correct?

8 A. We did.

9 MS. PERALES: Let's show LULAC Exhibit 1406, please.

10 Q. (BY MS. PERALES) This is the map known as C2100. This is  
11 the map that was used from approximately 2012 through 2020.  
12 And I'd like to go now to Exhibit 1407. This is a zoom into  
13 Central Texas, Senator. You'll see on the lower left,  
14 San Antonio. On the upper right, you'll see Travis County,  
15 where Austin is.

16 And would it be correct to say that in 2011, after  
17 having chaired the redistricting committee in the previous  
18 session, that you voted for a redistricting map that contained  
19 these boundaries of Congressional District 35?

20 A. In -- it's -- I voted in 2020.

21 Q. In 2011, in the session, you voted for the  
22 congressional map that eventually passed?

23 A. I was not on the Redistricting Committee in 2011, but I  
24 believe I voted for the congressional map, the final one that  
25 passed out of the House.

14:40 1 Q. Thank you for that. And specifically with respect to  
2 Congressional District 35, you voted for this version of 35 as  
3 well. Didn't you?

4 A. If -- if that was part of that map that passed out in 2011,  
5 then, yes, I was one of the aye votes.

6 Q. And you voted for the map in 2011 that did pass out because  
7 you thought it was legal, correct?

8 A. I had had -- it's a long time ago, but I don't recall ever  
9 seeing any information presented that suggested it was not  
10 legal.

11 Q. Do you recall that, following the 2010 U.S. Census and the  
12 reapportionment of seats in the U.S. House, Texas gained four  
13 congressional seats?

14 A. That sounds right.

15 Q. And, in fact, that population growth meant that Texas --  
16 Texas' congressional redistricting map was going to go from 32  
17 districts to 36 districts, correct?

18 A. I believe that's correct, yes.

19 Q. And CD35, which is the little orange district that we see  
20 there, that was numbered 35 because it was a new district that  
21 Texas created for the first time in the 2011 Redistricting  
22 Plan, correct?

23 A. I don't recall. That may be correct. I don't recall.

24 Q. Would you agree with me that the number 35 falls between  
25 the numbers 32 and 36?

14:42 1 A. Well, that it does, yes.

2 Q. Thank you. Celebrate the small victory, Senator.

3 Now, you do recall -- because you've been in the  
4 Legislature, although you were in the House at the time -- that  
5 the Texas Legislature readopted the congressional redistricting  
6 plan in 2013. Do you recall that?

7 A. Actually, I don't, but if it's in the record, then  
8 obviously we did.

9 Q. Do you remember, in the 2013 session -- this is public  
10 information -- that Governor Abbott -- well, not  
11 Governor Abbott. That the Texas Attorney General's Office  
12 advised the Legislature to adopt plans that had been put in  
13 place by a federal court in 2012?

14 A. I don't specifically remember that. I'm sorry. It's just  
15 so long ago.

16 Q. Understood. Do you recall that in 2018, the U.S.  
17 Supreme Court, in a case called *Abbott v. Perez*, said that the  
18 Texas Legislature had good reasons to believe that the district  
19 at issue, here CD35, was a viable Latino Opportunity District  
20 that satisfied the *Gingles* factors? Do you recall that?

21 A. Been a long time since I've looked at the case, but if  
22 that's what it says, it says.

23 Q. Do you remember the Supreme Court ruling that CD35 was  
24 legal because it met the requirements of the Voting Rights Act?

25 A. Not specifically.

14:44 1

Q. Okay.

2

A. And I promise I'm not trying to be vague; I just haven't thought about or looked at that stuff in a long time.

3

4

Q. Do you remember language from the U.S. Supreme Court that said, quote, the 2013 Legislature justifiably thought it had placed a viable Opportunity District along the I-35 corridor, unquote?

5

6

A. Again, I'm sorry. Not specifically.

7

8

Q. Do you recall more generally the U.S. Supreme Court

9

upholding the Texas Congressional District 35 as lawful under the Voting Rights Act?

10

11

A. And, again, I'm so sorry, but I just haven't looked at anything heavily since -- except what -- really beginning in 2020.

12

13

Q. Do you recall, let's say beginning in 2020, knowing that Congressional District 35 was a Section 2 Hispanic district?

14

15

A. I can say that I believed the map that we're currently under, when I voted for it, I believed it to be a legal map.

16

17

And still do.

18

19

Q. Thank you for that answer. And then when you say, "we're currently under," you mean the 2021 map?

20

21

A. Well, the one that would have been based on the 2020 Census that was enacted in -- actually, enacted -- yeah, enacted in 2021, yes.

22

23

Q. So I understand, from what you're saying, that you believe

14:45 1 the 2021 map is a lawful map. That's what you're saying. Yes?

2 A. Yes.

3 Q. Okay. Now, my question's a little more specific than that.  
4 Did you believe -- or did you ever -- well, scratch that.

5 Starting in 2020, which is when you say you have a  
6 better recollection of things, do you recall ever considering  
7 Congressional District 35, a Hispanic Voting Rights Act  
8 district?

9 A. Not specifically, no.

10 Q. Now, with respect to *Abbott v. Perez*, you mentioned that  
11 you may have read it at some point. Is that right?

12 A. At least parts of it, yes.

13 Q. And you would agree with me that this Supreme Court  
14 decision is important because it happened three years before  
15 you undertake the 2021 redistricting, correct?

16 A. Yes. It's cited in a lot of briefs.

17 Q. And you would also agree with me that this Supreme Court  
18 decision is important because it rules on the legality of the  
19 districts in the plan that was the baseline for your -- the  
20 Legislature's creation of the 2021 Congressional Plan. Is that  
21 right?

22 A. You know, I don't specifically remember the holdings in the  
23 *Abbott* case, but it's a Supreme Court decision, and obviously,  
24 we have to give it deference.

25 Q. Now in --

14:47 1 MS. PERALES: I'd like to go to --

2 Q. (BY MS. PERALES) What you're seeing right now is the map  
3 as it existed in the preceding decade.

4 MS. PERALES: So now I'm going to bring us forward a  
5 little bit in time. If we can go to 1408.

6 Q. (BY MS. PERALES) This is Plan C2193. This is the plan  
7 enacted by the Legislature in 2021. Do you recognize that?

8 A. Yes.

9 Q. Okay. Now, let's go to LULAC 1343. Do you see  
10 District 35? Now, it's blue.

11 A. I do.

12 Q. Okay. Are you aware that the person elected to CD35 -- the  
13 first time this map was used in the 2022 election is  
14 Congressman Greg Casar?

15 A. That sounds correct.

16 Q. And do you know what political party he's with?

17 A. Democrat.

18 Q. Let's go -- Now, we're going to move forward again in time  
19 to LULAC 1409. And I believe we've already covered that -- the  
20 final enacted 2025 map is C2333. Is that right, Senator?

21 A. Yes.

22 Q. Okay. Let's go to LULAC 1341.

23 MS. PERALES: Do we have that?

24 Q. (BY MS. PERALES) I'm grateful when it does work, Senator,  
25 and then sometimes we have to reestablish the connection.

14:49 1           Perhaps I can ask you a question in the interim. From  
 2 the images I've been showing you of CD35, would you agree with  
 3 me that it tracks the I-35 highway from San Antonio to Austin?  
 4 A. I -- again, I'd have to look at it, but I think that's  
 5 basically correct.  
 6 Q. Now, we're looking at CD35 under the new 2025 Plan C2333.  
 7 Will you agree with me that this new version of CD35 no longer  
 8 tracks the I-35 corridor?  
 9 A. It obviously looks very different than the 35 in the  
 10 previous map.  
 11 Q. And it combines, now, the South side of San Antonio with  
 12 counties like Wilson and Karnes. Is that correct?  
 13 A. Yes, it should perform Republican now.  
 14 Q. You anticipated my next question. And so my final question  
 15 here is, would it be fair to say that you knew when you led the  
 16 Senate support for CD35, in the 2025 map, that this district  
 17 configuration was intended to flip CD35 from a district that  
 18 elects a Democrat to a district that elects a Republican?  
 19 A. So the district numbers really don't mean anything, nor  
 20 does who occupies them in the sense that nobody owns a  
 21 district. But this district is reshaped now. The district  
 22 that is now named District 35 is a significantly different  
 23 configuration from the old CD35, and it should now perform  
 24 better for a Republican candidate.  
 25 Q. And your -- this is one of the five pickup districts,

14:51 1     though, isn't it in the new plan?

2     A.   I think it has a good chance of electing a Republican.

3     Q.   And it is one of the five pickup districts, correct?

4     A.   If you want to call them that.  I think it's one of the  
5     five that has a good chance of electing a Republican.

6     Q.   And so because it's currently represented by, as you  
7     mentioned, Greg Casar, a Democrat, and now 35 is gonna -- well,  
8     let me take that back.

9                     Do you know the ethnicity of Greg Casar?

10    A.   I believe he's Hispanic.

11    Q.   Okay.  And so my question is that it's your expectation  
12    that the district labeled CD35 represented by Greg Casar, a  
13    Hispanic Democrat, will, in the new map, be a district labeled  
14    CD35 with what you consider a strong likelihood of electing a  
15    Republican.  Is that correct?

16    A.   I know that -- that that congressional member was -- is  
17    elected in the current CD35, and I believe that the new  
18    configuration for CD35 has a good possibility of electing a  
19    Republican.

20    Q.   Thank you, Senator, for your time today.

21                     MS. PERALES:  I pass the witness.

22                     THE WITNESS:  Thank you.

23                     JUDGE GUADERRAMA:  Mr. Bledsoe?

24                     MR. BLEDSOE:  Thank you, Your Honor.

25

14:53 1

**CROSS-EXAMINATION**

2 **BY MR. BLEDSOE:**

3 Q. Senator, I'm going with you a little bit about  
4 Congressional District 9. I think that Congressional  
5 District 9 was originally created in 2000 -- 2003 round -- the  
6 delay round of redistricting when you chaired the Redistricting  
7 Committee. Wasn't it?

8 A. I'll get through with the map, but I'll take your word for  
9 it. I did have that bill.

10 Q. And do you remember if Ron Wilson crafted that bill and you  
11 supported it? That -- the version of CD9. Do you remember  
12 that?

13 A. I don't recall that, but he was very prominent in the  
14 Legislature at that time, so...

15 Q. And do you remember, even if the NAACP was there and  
16 actually supported the construction of that new district?

17 A. I don't specifically recall that, but -- it was 2003, so  
18 it's been a little while.

19 Q. And you would agree with me that in 2003 the State had the  
20 position that it didn't create coalition districts?

21 A. I don't even recall if the discussion of coalition  
22 districts came up.

23 Q. So this was not created as a coalition district. Was it?

24 A. I don't recall any discussion in 2003 of coalition  
25 districts.

14:55 1 Q. Okay. And indeed?

2 A. Forgive me, but, again, it's been 23 years -- or 22 years.

3 Q. Okay. But you have -- you have voted for the maps that  
4 have been adopted by the Legislature at each opportunity since  
5 that time. Have you not?

6 A. Yes, I have.

7 Q. Okay.

8 A. For the final map, that's correct.

9 Q. And in 2011, when that -- 2009 configuration was adopted,  
10 you voted in favor of that map, correct?

11 A. I believe -- I believe I had voted for the final map that  
12 passed the Texas Legislature on congressional redistricting  
13 each session that redistricting has been taken up. I believe I  
14 voted for the final map.

15 Q. Okay. And if we fast-forward to 2021 and talk about CD9,  
16 18, 29, 30, 33. During that discussion, you recall that  
17 Senator Huffman, the chair of the Senate Redistricting  
18 Committee at that time, actually had counsel that she was  
19 consulting about the validity of the map as you went forward?

20 A. I know she had an independent counsel.

21 Q. Okay.

22 A. I was actually in the House at the time, so I wasn't  
23 involved in the Senate congressional redistricting.

24 Q. Okay. And, indeed, it's true, is it not, that in 2021,  
25 when the map was voted for in the House, that you and the --

14:57 1 the Republican Caucus had legal representation as well?

2 A. I don't believe that's true. I think the chair of the

3 committee and the House speaker did. I don't think there was

4 independent counsel for the caucus, and I certainly didn't have

5 any independent counsel.

6 Q. Okay. But you were solid when you voted for the map that

7 it didn't -- it didn't -- it didn't have illegal coalition

8 districts. Aren't you?

9 A. It was my understanding at the time that it was a legal

10 map.

11 Q. Okay. And there were no districts that were created under

12 *Campos* or any of those other coalition district opinions of the

13 Fifth Circuit at that time. Isn't that correct?

14 A. Can't speak to that. I can just tell you that I had not

15 been presented with any information that suggested that the map

16 was not legal if I had been, I would not have voted for it.

17 Q. And, in fact, you were presented with information

18 indicating that there were certain districts that were ability

19 to elect districts or Opportunity Districts, for minority

20 candidates. Isn't that true?

21 A. You know, I wasn't heavily involved in the congressional

22 map. I was more in the House map that session. I just know

23 that I was not presented any information that suggested it was

24 not a legal map, and I voted with the majority for the map.

25 Q. Now, you've chaired redistricting before, so -- and you're

14:58 1 chairing it again in the Senate, so you understand what an  
 2 Opportunity District is, correct?

3 A. Generally. I'm certainly not a redistricting attorney.

4 Q. Okay. And so you realize it's important, is it not, to  
 5 actually try and make sure to protect those districts whenever  
 6 possible?

7 A. Well, from my perspective, the most important thing is to  
 8 make sure that a map elects more Republicans. And I do not  
 9 look at racial data unless I have a compelling reason to do so.  
 10 And I have not in this -- in this cycle.

11 Q. So you're telling this Court that, in your opinion, you  
 12 should disregard the existence of ability to elect districts  
 13 simply because you want to create more Republican districts?

14 A. No. I can only speak for the process that I go through.  
 15 And what I have gone through before I've looked at any map, I  
 16 have submitted it to my counsel and asked them to tell me if it  
 17 complied with the law in all respects. And I asked to not  
 18 receive the data behind that, but only the conclusions, because  
 19 I didn't want to take into account racial data.

20 And, in each case, I was told that the maps I've  
 21 looked at during this cycle have complied with all applicable  
 22 law.

23 Q. Okay. But you're actually not addressing the question of  
 24 whether or not it is your belief that you have an obligation to  
 25 try and make sure that the legislation that you put forth

15:00 1 complies with the Voting Rights Act?

2 MR. WASSDORF: I'm going to object, Your Honor, as to  
3 asking for a legal question and being asked and answered. This  
4 is the third time.

5 JUDGE GUADERRAMA: Well, he's asking whether he has a  
6 belief that he has an obligation. He can answer whether he  
7 thinks he has an obligation or not. It's not a legal  
8 conclusion.

9 MR. BLEDSOE: Thank you, Your Honor.

10 Q. (BY MR. BLEDSOE) Go ahead, Senator.

11 A. It's my belief and my intent to always comply with all  
12 aspects of the law, whatever they may be, with regard to the  
13 Voting Rights Act, Fourteenth Amendment, whatever else may come  
14 into play.

15 Q. So it would be your belief, would it not, that if for some  
16 reason this map transgresses on the rights of African Americans  
17 and Latinos, that you believe this Court should strike down  
18 this map. Is that right?

19 A. I believe that we passed a legal map.

20 Q. But I'm asking, if it's not, you're in support of the Court  
21 striking down a map, aren't you? Aren't you?

22 A. I believe it's very important for the Court to make sure  
23 that we comply with the law in all respects.

24 Q. Okay. Now, you are a well-known figure in Republican  
25 circles in reference to redistricting. You get invited to ALEC

15:01 1 to present at conferences. Is that correct?

2 A. I did on one occasion.

3 Q. Okay. And that's kind of a big deal. Isn't it?

4 A. Not that big a deal, but it's -- it was an interesting --  
5 it was a good experience.

6 Q. And you were on a panel with Mr. Kincaid. Is that correct?

7 A. Yes.

8 Q. And you advised other Republican legislators how to get  
9 their plans passed. Is that correct?

10 A. The -- no, not exactly. The purpose of the panel was  
11 really an introduction for legislators from around the country  
12 that were present. We were about to move into another  
13 redistricting cycle, and it was kind of an ABC's of what is  
14 redistricting?

15 Q. But you did talk about secrecy, did you not? And how to  
16 keep your information private or confidential?

17 A. I believe I warned the legislators, as I always do, to be  
18 aware of the fact that everything you say, everything you put  
19 in an email, everything you put in a text, has the possibility  
20 of showing up in a Court. So be very careful of what you put  
21 out there, that you want to stand behind it.

22 Q. And you provided guidance on how to avoid that. Is that  
23 right?

24 A. No. I just -- I just advised them that that was a very  
25 litigious process, and that -- that, as they -- if they -- if

15:03 1 they're involved in redistricting, that -- that it's -- there's  
2 a lot of law involved, and I suggested to them that they get  
3 good legal counsel.

4 Q. Now, do you recall if -- when you first started the  
5 hearings, have you ever acknowledged some Members of  
6 Congress -- but I think it's important to note that the members  
7 of Congress who represented each one of those districts that is  
8 included in the DOJ letter actually showed up and appeared to  
9 talk to your committee?

10 A. Yes, I believe that's correct.

11 Q. And each and every one of them indicated that they didn't  
12 like the changes that were proposed, didn't they?

13 A. Well, there hadn't been any changes proposed at that point.  
14 We didn't have a map before us. But they strongly objected to  
15 us taking up redistricting.

16 Q. Well, they said they didn't want their districts changed.  
17 Is that correct?

18 A. I don't know that they specifically said that, because they  
19 were also involved in litigation to change the map, so I'm not  
20 sure.

21 Q. So you don't recall that?

22 A. No.

23 Q. Okay. But each and every one of them indicated to you that  
24 they did not believe that you should change their districts  
25 because they were elected in Minority Opportunity Districts.

15:05 1 Is that correct?

2 A. No, sir. I believe I would frame it as that they did not  
3 want us to take up congressional redistricting.

4 Q. Okay. So you don't recall any of them saying to you that  
5 they had an ability to elect district and they'd been in those  
6 districts for years?

7 A. They may well have, but the crux of what I took away from  
8 their testimony was that they did not want us to take up  
9 congressional redistricting. In fact, they strongly objected  
10 to it.

11 Q. Okay. So let's talk about the hearing that we talked about  
12 on 8-6 that took place and then 8-7. And Mr. Dunn went over  
13 with you earlier, you sent a request out about 1:00 one day to  
14 show up for hearings the next day. Now, that makes it very  
15 difficult for people to show up. Doesn't it?

16 A. Everything in the legislative process is short notice.  
17 Yes. We complied with whatever the Senate process was at all  
18 times.

19 Q. Okay. But you can -- but it's true, is it not, that the  
20 NAACP submitted you written testimony for your committee to  
21 consider?

22 A. Yes. You've always been very involved, and, in fact, you  
23 showed up not on the day of invited testimony, but you came the  
24 next day and testified before the committee.

25 Q. And, in fact, the NAACP Legal Defense Fund also sent

15:06 1 written testimony detailing the issues in the map. Didn't  
2 they?

3 A. I'm sure they did. We've got -- you have -- during the  
4 process, the NAACP was very interactive with our committee,  
5 submitted documents, testified, had a presence, yes.

6 Q. And, in fact, the NAACP detailed the discrimination that  
7 was involved in the 9th, the 18th, the 29th, the 30th, the  
8 32nd, the 33rd, and the 35th in the documents that they  
9 provided to you, as well as the written testimony?

10 A. It's been a while since I've looked at them, but I know you  
11 had very broad discussions and briefs. If you say they were --  
12 that was in there, then I believe that it was, but I haven't  
13 read it in a while.

14 Q. And isn't it true that, based on the information that was  
15 coming in, Senator Miles looked at you and said, "You promised  
16 us that you would scrub the map." And so he asked you  
17 specifically about the information that had been provided in  
18 reference to the discrimination in the map, and you told him  
19 the map had already been scrubbed by your lawyer. Isn't that  
20 true?

21 A. I -- don't remember the specific instance where we're  
22 talking, but I did not look at any map, HB4, SB4, from either  
23 session, until it had first been submitted to my legal counsel  
24 and I had asked them to do extensive review of it and let me  
25 know if it was legal. And if it did, that's when I

15:08 1 presented -- filed it and presented it to the committee.

2 Q. So, Senator, if you were already satisfied based upon your  
3 lawyer's recommendation, doesn't that make all the hearings as  
4 far as that you've already made up your mind, you're not  
5 listening to the people who are there because you know that's  
6 been scrubbed, you know that it's good?

7 A. Oh, absolutely the opposite. In fact, no map's gonna pass  
8 unless it has majority of the members on the committee and a  
9 majority of the members in the Senate. But I feel like my  
10 first job before I allowed anything to be considered was to  
11 be -- have the map scrubbed and have the -- so that I could  
12 tell the members of the committee, and ultimately the full  
13 body, that I believed it was a legal map in all respects.

14 Q. Okay. So -- but it's true, is it not, that you didn't  
15 follow up and do any investigation and get any other additional  
16 opinions after we presented our information on the 7th,  
17 correct?

18 A. No. We had testimony, as I mentioned, over 250 people  
19 testified. We had a number of invited experts like yourself.  
20 I relied on my legal counsel. And during the entire process,  
21 no one presented any -- any evidence in any hearing to suggest  
22 that the map was not legal. Also, no one provided any  
23 amendments or recommended new maps at all.

24 Q. So in your opinion, all the information presented at the  
25 hearings by -- whether it's Ms. Katz or whether it's MALDEF or

15:10 1 whether it's the NAACP or NAACP LDF, that none of those  
 2 indicated any discrimination at all?

3 A. No. I knew that was your position. I, myself, relied on  
 4 my legal counsel, but it was left up to every other member of  
 5 the committee, and then ultimately every other member of the  
 6 Senate, to make that decision for themselves.

7 Q. Okay. But you wouldn't allow the members of the committee,  
 8 would you, to actually have their own counsel?

9 A. No. Every member could have their own counsel.

10 Q. If they paid for it?

11 A. Well, if they paid for it. And I believe -- well, I know  
 12 that the organizations such as yours were offering a lot of  
 13 legal counsel to the members. But any member was -- had the  
 14 option of acquiring counsel. Or you could also go through the  
 15 Leg Council. You could also reach out to the Attorney  
 16 General's Office for counsel.

17 But, traditionally, the chair of the committee,  
 18 whether it's in the House or the Senate, has independent  
 19 counsel.

20 Q. Okay. But the bottom line is, you did tell Senator Miles  
 21 that the map had already been scrubbed. So you already had  
 22 your mind made up from the very beginning that this map was  
 23 okay?

24 A. I didn't have my mind made up that it was a map that should  
 25 pass. I had my mind made up at that early point that it was a

15:11 1

legal map.

2

Q. Now, I want to show you Exhibit 46 here. Exhibit 46 is the

3

Texas legislative online version for HB4.

4

A. Is this first session or second special? I'm sorry.

5

Q. This would cover the second session. And what I'll call

6

your attention to here -- now, you see the 7:44 p.m. down at

7

the bottom, right?

8

A. Yes, sir.

9

Q. Okay. So the bill passed out at 7:44 on 8-20. Is that

10

right?

11

A. If this is the day of final passing and during the special

12

session of HB4, yes, this would have passed out on second

13

reading at 7:44 p.m. That sounds right, yes.

14

Q. Okay. And --

15

A. It wasn't the final passage until the next calendar day.

16

Q. Okay. But what we see here, it says on the very same day

17

that it's referred to Congressional Redistricting Committee, do

18

you see that?

19

A. Oh, I'm sorry. You're talking about -- yes. The bill was

20

received from the House at 7:44 p.m. on 8-20. I'm sorry, I was

21

misreading it.

22

Q. Okay. Well, I think it said it was reported and engrossed

23

at 7:44. And then it says, subsequent to that, referred to

24

Congressional Redistricting Special. Do you see that?

25

A. I'm sorry. I'm having a little trouble following the line,

15:13 1

so...

2 Q. Do you see this here (indicating)?

3 A. Yes.

4 Q. Okay. That means it's referred over to your committee. Is  
5 that right?

6 A. Yes. It was referred on 8-20.

7 Q. Okay. So it's referred on 8-20 to your committee, and it  
8 has right before that, "Read for the first time." Does that  
9 mean read for the first time in the Senate?

10 A. Yes. The Texas Constitution requires that bills be heard  
11 on three several days, and that would be the first reading, is  
12 when the bill's referred or introduced, and then second reading  
13 is a vote, and third reading is final passage.

14 Q. So 7:44 at night, after -- sometime after that, you  
15 actually had the first reading after the House adopted it the  
16 same night?

17 A. Well, the first reading is just when the bill's received  
18 and the caption is read, and it's referred to a committee.  
19 That's the process on every bill.

20 Q. And that's even late at night?

21 A. Oh, yes. And that's the process on every single bill that  
22 comes across. Sometimes it's early in the morning; sometimes  
23 we just line up and do a hundred at a time, depending on the  
24 number of bills that are filed or received.

25 Q. Okay. So the next day you had your first -- your only

15:14 1 hearing, and that's called a public hearing here, but you  
2 already acknowledge there were no witnesses, correct?

3 A. That's correct, because it was the companion bill to SB4,  
4 and we'd had multiple hearings on that basic same map.

5 Q. Okay. And so what time of day was the hearing set for?

6 A. I would have to go back and look at the record. We  
7 probably did it -- I don't know what time we did that hearing.  
8 I want to say it was in the afternoon, but I don't recall.

9 Q. It was in the morning. Wasn't it?

10 A. It may well have been.

11 Q. Do you know when you gave notice to your members?

12 A. We would have given notice in whatever manner was required  
13 by the rules of the Senate.

14 Q. Did you give notice the same day or the next day?

15 A. We probably -- I'd have to go back and look, but I would  
16 bet we gave notice the same day that I received the bill, that  
17 the bill was referred to the committee.

18 Q. So you believe you gave them notice on the night of 20th  
19 for a meeting on the 21st?

20 A. I'd have to go back and look, but we got the notice out  
21 very quickly, and there was a lot of collaboration and  
22 discussion, so we were calling all throughout the special  
23 sessions, we were talking about all the committee offices.  
24 They knew what we were about to do before we posted things. We  
25 tried to make sure everybody had as much notice as we could

15:16 1

give.

2

Q. So, in fact, would you agree with me that no amendments

3

came out of the committee?

4

A. Nobody during either session filed any amendments to any of

5

the bills.

6

Q. Question was, no amendments came out of the committee. Is

7

that correct?

8

A. No amendments were filed --

9

Q. Did they or not? Were there amendments that came out of

10

committee? Yes or no?

11

A. Out of the Senate Redistricting Committee?

12

Q. Yes.

13

A. There were no amendments passed out of the Senate

14

Redistricting Committee to the map.

15

Q. Okay. And, in fact, because to do an amendment for a map,

16

you've got to go do a substitute for the portion of the map you

17

want to have changed. Don't you?

18

A. Yes. You have to ask Leg Council to draw -- to draw the

19

amendment that you wish to offer.

20

Q. And so sometime between whatever the time at night and the

21

next morning you would have to have someone to draw up a map

22

and put it in the right -- the right form -- format, to be

23

considered as an amendment?

24

A. Yes. Leg Council does that on that timetable all the time.

25

Q. Yeah. But then -- it was almost impossible to be here,

15:17 1 wouldn't you agree with me?

2 A. Oh, no, they do that all the time. They do that all the  
3 time. And they certainly could have done it before we got to  
4 the floor.

5 Q. So do you rely on Leg Council for redistricting?

6 A. Ultimately, every map that goes into the committee has been  
7 drafted by Leg Council. And Leg Council also -- if you're  
8 asking for an amendment to be drawn and they think it's  
9 illegal, they will counsel you and tell you that it is and what  
10 they believe needs to be done to correct it. They are a  
11 council of attorneys. And so they do represent the members,  
12 yes.

13 JUDGE SMITH: Senator King, he's asking you a lot of  
14 "yes" or "no" questions. Things would go a lot better if you  
15 just answer "yes" or "no." And if he wants to follow up or  
16 your counsel does, then --

17 THE WITNESS: My apologies. I'll do that, Your Honor.

18 MR. BLEDSOE: Thank you, Your Honor.

19 Q. (BY MR. BLEDSOE) Leg Council has provided you guidance all  
20 through the years, haven't they?

21 A. Yes.

22 Q. Even when you were chair back in 2003?

23 A. Yes.

24 Q. Correct?

25 A. Yes.

15:18 1 Q. And Leg Council is someone you relied on when you were a  
2 chair. Is that correct?

3 A. Yes.

4 Q. And you'd go to them and they would really help you draw  
5 maps and prepare amendments. Is that correct?

6 A. Yes.

7 Q. Okay. And, in fact, at that time, what happened was, when  
8 the -- for example, congressional map, you'd get a map from the  
9 Congressional Delegation to work on, and then you would start  
10 working on that map with the input from your House members. Is  
11 that correct?

12 A. I'm sorry. Would you say that again? It was awfully long.

13 Q. Okay. What occurred back in 2003 is, you got a map from  
14 members of Congress for you to consider. Is that right?

15 A. Yes.

16 Q. And that was kind of standard, the way things have happened  
17 in the past. Is that correct?

18 A. Yes.

19 Q. Okay. But then that map is sent to you to get with your  
20 members and to start working on it to determine whether or not  
21 you will accept that map and move it forward?

22 A. Yes.

23 Q. Okay. And, in fact, there are amendments that have been  
24 considered in other maps, even in 2003, from your members that  
25 actually change the map that has come from the congressional

15:19 1 delegation. Isn't that correct?

2 A. Yes, in 2003.

3 Q. Okay. And, in fact, that happened again in 2011. Isn't  
4 that true? But you were not on the committee, but you remember  
5 there were amendments. Don't you?

6 A. I believe that's correct.

7 Q. Okay. But that did not happen in 2025. Did it?

8 A. There were no amendments offered.

9 Q. Okay. And, in fact, there were no opportunity to have  
10 amendments on this bill. Isn't that true?

11 A. No.

12 Q. Okay. And this bill was passed in less than five days.  
13 Isn't that true?

14 A. Yes.

15 Q. Okay. And would you agree with me that's a much shorter  
16 period of time than any other bill has been able to pass? Even  
17 the 2021 bill took three to four weeks.

18 A. No.

19 Q. Which redistricting bill took five days?

20 A. Well, the way you framed the question --

21 Q. [Inaudible] now taking five days, sir?

22 A. No, because the companion bill --

23 Q. Thank you.

24 A. -- was part of that process, so it took more than  
25 five days. But SB4 was five days. HB4 was five days, but it

15:20 1 was the companion bill to SB4, which was a longer process.

2 Q. Right. But we're talking about HB4 right now. And HB4  
3 took five days?

4 A. From when received to passed, that sounds correct.

5 Q. Thank you.

6 MR. BLEDSOE: Pass the witness, Your Honor.

7 JUDGE GUADERRAMA: Mr. Wassdorf?

8 **REDIRECT EXAMINATION**

9 **BY MR. WASSDORF:**

10 Q. Good afternoon, Senator. I'll try to make this quick.

11 I think we've discussed about how HB4 was passed  
12 during the Second Special Session. You recall that?

13 A. Yes.

14 Q. When the Governor calls a special session, does the call  
15 carry over from one special session to another?

16 A. No.

17 Q. We heard you testify on direct that the Governor stated the  
18 reasoning for placing the subject of redistricting on the call  
19 didn't play any role in your consideration. Do you recall  
20 testifying to that?

21 A. Yes.

22 MR. WASSDORF: Richard, could you pull up  
23 Exhibits 1055 and 1054 side by side so we can see the two calls  
24 next to each other?

25 MR. RIENSTRA: It shows that I'm...

15:22 1 Q. (BY MR. WASSDORF) Let me try it without the side-by-side.

2 Senator, are you -- oh, here we go.

3 MR. WASSDORF: Could we pull up the two redistricting  
4 paragraphs next to each other? Okay.

5 Q. (BY MR. WASSDORF) Do you see those?

6 A. Yes.

7 Q. What's the difference?

8 A. One does not -- the one for the second called session does  
9 not include the language due to concerns raised by the U.S.  
10 Department of Justice.

11 Q. So even if, as Plaintiffs allege, that the Governor's  
12 stated reasoning for adding the subject of redistricting to the  
13 call had some significance to the Legislature during the first  
14 legislative session, could the Legislature be legally permitted  
15 to consider that language during the Second Special Session?

16 A. No.

17 Q. As a legislator, do you talk about a lot of people?

18 A. Yes.

19 Q. Do you have a photographic memory of every text message,  
20 phone call, or meeting that you've had?

21 A. No, not at all.

22 Q. When you lay out a bill on the Senate floor, do you  
23 sometimes have talking points to look at?

24 A. Yes. I always have a bill book.

25 Q. When a senator questions you during a debate, do they have

15:24 1 to submit those questions in advance so that you can review  
2 documents and gather your thoughts about those questions?

3 A. No, not at all.

4 Q. We saw a video of Dr. Katz earlier, and Mr. Dunn asked you  
5 if you had disregarded Dr. Katz's testimony. Do you remember  
6 that?

7 A. Yes.

8 Q. As a legislator, are you required to make your decisions  
9 based on the testimony of a single witness?

10 A. No.

11 Q. Instead, do you have to balance the statements of all  
12 witnesses, public submissions, conversations with your  
13 constituents, the advice of your staff, the platform of your  
14 party, and your own personal beliefs?

15 A. Yes.

16 Q. If you learn something during an invited or public  
17 testimony or debate on the Senate floor that you believe  
18 justified a change in the map, would you have amended the bill?

19 A. Absolutely.

20 Q. Now, we saw several videos earlier where you discussed Adam  
21 Kincaid and the National Republican Redistricting Trust being  
22 involved in the drawing of the map that was sent to the  
23 Legislature. Do you recall that?

24 A. Yes.

25 Q. And you've also seen some videos where you said you didn't

15:25 1 know if Adam was involved in drawing some aspect of the map.

2 Do you recall that?

3 A. Yes.

4 Q. What is your understanding of who drew the map that was  
5 initially sent to the Legislature?

6 A. I know that Adam Kincaid played a lead role in that. I do  
7 not know who all was involved in the process.

8 Q. What is your understanding of who drew the changes to the  
9 map that were made in the House?

10 A. I know that Adam Kincaid was involved in that, but I'm  
11 assuming the House Committee chair and other members were as  
12 well. Were you referring to the one that had the three  
13 amendments in it?

14 Q. Yes, sir.

15 A. Yes, yes. I'm assuming it was a collaborative process.

16 Q. At the time you passed the final redistricting bill out of  
17 the Texas Senate, what was your understanding of whether the  
18 map was drawn blind to race?

19 A. My understanding was and is that it was drawn blind to  
20 race.

21 Q. When we spoke a moment ago about all considerations that  
22 you have to balance when considering a bill, did you do that  
23 with the 2025 redistricting bill?

24 A. I did my very best to.

25 Q. And did the map that you ultimately passed during the

15:26 1 Second Special Session achieve your goals of legal compliance,  
2 partisan performance, and compactness?

3 A. Yes.

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

5 JUDGE GUADERRAMA: Mr. Dunn?

6 MR. DUNN: Nothing further.

7 JUDGE GUADERRAMA: Ms. Perales?

8 MS. PERALES: Nothing further, Your Honor.

9 THE COURT: Mr. Bledsoe?

10 MR. BLEDSOE: No further questions.

11 THE COURT: May Senator King be permanently excused?

12 MR. DUNN: Yes.

13 MS. PERALES: Yes, Your Honor.

14 MR. BLEDSOE: Yes, Your Honor.

15 JUDGE GUADERRAMA: Mr. Wassdorf?

16 MR. WASSDORF: Yes, Your Honor.

17 JUDGE GUADERRAMA: Senator, thank you so much for  
18 coming in. You're excused.

19 THE WITNESS: Thank you, Your Honor.

20 (Witness excused.)

21 JUDGE GUADARRAMA: Who's your next witness?

22 MR. RHINES: State Defendants call Cody Vasut.

23 MR. KERCHER: I want to try and make sure we finish by  
24 Friday. Our -- my instructions from my team is this direct  
25 should be an hour and a half. Our hope is that we can get to

15:27 1 Dr. Trende today. Whatever happens, my intent is to end our  
2 case in chief by noon tomorrow so that we can wrap up with  
3 closing arguments tomorrow.

4 JUDGE GUADERRAMA: All right. Thank you, Mr. Kercher.

5 MR. RHINES: I just want to briefly reintroduce myself  
6 to the Court since I haven't made an appearance at this PI  
7 hearing. My name is Zac Rhines. I'm with the Attorney  
8 General's Office and on behalf of the State Defendants.

9 JUDGE GUADERRAMA: Good afternoon, Mr. Rhines.

10 MR. RHINES: Good afternoon, Your Honor.

11 JUDGE GUADERRAMA: And your witness is Mr. Vasut?

12 MR. RHINES: Yes, Representative Cody Vasut.

13 (Witness present.)

14 JUDGE GUADERRAMA: Good afternoon, sir.

15 THE WITNESS: Good afternoon, Judge.

16 JUDGE GUADERRAMA: Please raise your right hand to  
17 receive the oath.

18 (Witness sworn.)

19 THE COURT: Thank you, sir. Have a seat there,  
20 please.

21 MR. RHINES: May I proceed, Your Honor?

22 JUDGE GUADERRAMA: Whenever you're ready.

23 MR. RHINES: Thank you.

24

25

15:28 1

**REPRESENTATIVE CODY VASUT,**

duly sworn by the Court, was examined and testified as follows:

3

**DIRECT EXAMINATION**

4

**BY MR. RHINES:**

5

Q. Good afternoon, Chairman Vasut. Welcome to El Paso.

6

A. Good to be here.

7

Q. Could you briefly introduce yourself to the Court?

8

A. My name is Cody Vasut. I'm the State Representative for House District 25.

10

Q. And Chairman Vasut, are you from Texas originally?

11

A. I am.

12

Q. Whereabouts?

13

A. Born and raised in Brazoria County, Angleton, Texas, my whole life.

15

Q. Where did you go to college?

16

A. I went to college at Texas A&M University in College Station.

18

Q. What did you study there?

19

A. Got a bachelor's in business administration in -- business administration, major in management. Then I went to grad school and got a master's in HR against my dad's wishes, because I wanted to be speaker of the student Senate, deferred law school, and then went to law school after that.

24

Q. Did you eventually go to law school?

25

A. I did, University of Houston Law Center.

15:29 1 Q. When did you graduate?

2 A. Graduated in 2012.

3 Q. And what did you do after law school?

4 A. I worked as a lawyer in private practice, a big firm for  
5 about ten years, and then went to -- on my own for about the  
6 last three.

7 Q. And do you currently practice?

8 A. I do.

9 Q. And did you mention earlier which House seat you represent?

10 A. House District 25, which is western and southern Brazoria  
11 County.

12 Q. Why did you decide to run for the Legislature?

13 A. Growing up, my parents and I would have dinner over at my  
14 grandfather's house and talk about all the issues going on in  
15 the area. My dad was a police officer, mom was on the school  
16 board, aunt and uncle were in -- either -- my aunt was a  
17 teacher, uncle was a sheriff's deputy, undercover, and my  
18 granddad was in business.

19 So they knew what was going on in the community, and  
20 they were involved in some way. So I always knew that I wanted  
21 to serve. The only question was, what position would I best  
22 serve in, and that was the -- I guess the journey of my life is  
23 figuring out, you know, what skill set matched which  
24 opportunity?

25 Q. Thank you. What efforts do you make to be responsive to

15:30 1

your constituents?

2

A. As a state Representative, my constituents reach out to me through a number of ways. They can email me. I will respond to emails. They can call my district office. I employ a district director who is there to answer the phone and address any issues they may have with the State. They can call my Capitol office. I have a chief of staff there and other staff that can answer the phone and help them or reach out to me. I give my cell phone out everywhere, I'd like to not insert it into the record, but I guess it's everywhere right now.

11

But I also get letters occasionally in the mail, some with return addresses, some without, and individuals can also fill out a form online where it sends an email to what's called my district box. And so -- and the last one is they can see me in person. I go to events all throughout my district. They'll come up and ask me about things, raise issues with me, whatever I can do to help them.

18

So they contact me. I guess I forgot to mention social media. Basically, in 2025, there are dozens of ways to contact your State Representative, and my constituents use them.

22

Q. So are you responsive to constituents -- to constituents who may not support policies that you support or support your candidacy?

25

A. In Texas, and you're representing 200,000 people, you're

15:31 1 never gonna have everyone agree on everything, and so a good  
2 number of the constituent correspondence I get are people that  
3 are opposed to a particular issue that I'm dealing with at the  
4 time. And that changes. Coalitions change. It could be  
5 partisan-based. It could be rural-urban. It could be any  
6 number of things, but people contact me regularly when they're  
7 opposed to things, perhaps more often than not, because when  
8 you're opposed to something, that's when you tend to really  
9 care it as opposed to just generally supporting what the  
10 Legislature does.

11 Q. And I forgot to ask this question earlier, Chairman, but  
12 how long have you been in the Legislature?

13 A. I was first elected in 2020, started in the 87th session in  
14 2021, so I'm in my third term.

15 Q. Can you give us one or two examples of bills or initiatives  
16 that you have spearheaded?

17 A. I tend to do a lot more local bills for my area and then  
18 assist with major bills on the floor of the House through  
19 points of order. But, tongue in cheek, the largest one I had  
20 in the 88th Session was a bill to ensure the trap-neuter-return  
21 programs did not subject individuals to Class A animal  
22 abandonment violation. So the joke, or the colloquialism, is I  
23 say, "50,000 cats in the 88th Session."

24 In the 89th, I had legislation to ensure that college  
25 students were not discriminated against in housing. That

15:33 1 passed with Senator Bettencourt. I also had a Convention of  
 2 States program that was renewed at request for an Article V  
 3 convention. So anything across the whole gamut, I've probably  
 4 passed more than 40 bills on my own, and supported hundreds of  
 5 others.

6 Q. And in your time in the Legislature, what committees have  
 7 you served on?

8 A. In the 87th session, I was on the Criminal Jurisprudence  
 9 Committee and the Juvenile Justice and Family Issues Committee,  
 10 and Resolutions Calendars Committee. In the 88th, I was vice  
 11 chair of the Business and Industry Committee, a member of the  
 12 Judiciary and Civil Jurisprudence Committee, and a member of  
 13 the LNG Export Select Committee. And in the 89th Legislature,  
 14 during the regular session, I was chair of the Redistricting  
 15 Committee. I was a member of the Ways and Means Committee.

16 And a member of the Culture, Rec, and Tourism  
 17 Committee. And in the 89th first called session, I was  
 18 appointed chair of the House Select Committee on Congressional  
 19 Redistricting.

20 Q. Were you a member of the Redistricting Committee during the  
 21 87th Legislature in any capacity?

22 A. I was not.

23 Q. I want to focus on the Redistricting Committee. Who was  
 24 the -- actually, when were you first named chair?

25 A. I would have been appointed chair -- it was either late

15:34 1 January or early February. I think early February of 2025.

2 Q. And were you then asked to be the chair of the Select  
3 Committee on Redistricting?

4 A. Yes. Right before the first called session, I was  
5 appointed by the speaker to chair the House Select Committee on  
6 Congressional Redistricting.

7 Q. Who was your vice chair in that committee?

8 A. For the House Select Committee on Redistricting, my vice  
9 chair was John Rosenthal, who was also the vice chair of the  
10 House Committee on Redistricting.

11 Q. First thing I want to do, Chairman Vasut, is pull up  
12 Defendant's Exhibit 1518.

13 MR. RHINES: And Richard, if you could scroll through  
14 that and allow the Chairman to look at it very quickly.

15 Q. (BY MR. RHINES) Let me know when you've finished.

16 A. I have. This appears to be the Texas legislative online  
17 portal for the House Select Committee on Congressional  
18 Redistricting, which starts with the roster of the members.

19 Q. And were there members on this committee from both  
20 political parties?

21 A. There were.

22 Q. Were there members on this committee who were racial or  
23 ethnic minorities?

24 A. There were.

25 Q. Awesome. Very quickly, Chairman, I want to go through the

15:35 1 legislative privilege.

2 A. Sure.

3 Q. Are you aware that Mr. Kercher has waived -- or, on your  
4 behalf, waived the legislative privilege in a very narrow  
5 capacity?

6 A. That's my understanding.

7 Q. Are you aware that that waiver applies only to  
8 communications between Adam Kincaid and Butler Snow?

9 A. That's my understanding.

10 Q. Okay. Other than that, do you intend to assert the  
11 legislative privilege?

12 A. I do.

13 Q. Do you intend to assert the legislative privilege to the  
14 greatest extent possible by law?

15 A. I do.

16 Q. Do you intend to assert it regarding communications with  
17 other legislators?

18 A. I do.

19 Q. Do you intend to assert it with regards to communications  
20 with other staff?

21 A. I do.

22 Q. Do you intend to insert the legislative privilege with  
23 regard to your mental impressions?

24 A. I do.

25 Q. Okay. Do you understand that, if you do unintentionally

15:36 1 waive your legislative privilege, that that could open the door  
2 to Plaintiffs' Counsel questioning you on things like those  
3 communications or mental impressions?

4 A. That's my understanding.

5 Q. If I do -- I do not intend to ask you any questions that  
6 are intended to elicit privileged information, but if I do,  
7 please let me know and I can either withdraw or rephrase or we  
8 can seek further instruction from the Court.

9 A. Understood.

10 MR. FOX: Your Honor, objection.

11 MS. PERALES: Before we get too far down the road,  
12 because I didn't want to let this get to the point where we  
13 started cross-examination, if I've heard correctly, the witness  
14 is intending to selectively waive his privilege? And if so, we  
15 believe this would raise sword-and-shield issues that could  
16 potentially waive the entire privilege.

17 MR. RHINES: If I may, Your Honor?

18 JUDGE GUADERRAMA: Yes.

19 MR. RHINES: The Court's December 2023 order indicates  
20 that legislative privilege, if waived, can be waived for  
21 specific communications or for specific -- I forget the exact  
22 phrasing, but it does provide a more narrow basis for waiver  
23 based on the Courts December 2023 order.

24 MR. FOX: Your Honor, my concern is that he's now been  
25 instructed, as I understand it, by his lawyer, who voluntarily

15:38 1 called him, to give somewhat limited answers to the questions  
 2 he's being asked. And I don't understand how we and the Court  
 3 can sit here and hear testimony that's given under this  
 4 instruction that he's not supposed to say everything he knows  
 5 in response to questions.

6 It seems like it's clearly providing a misleading and  
 7 incomplete account of whatever -- again, we didn't call him.  
 8 We didn't subpoena him. He's here because he chose to be here.  
 9 I don't understand how he can testify to part of what he knows.

10 MR. DUNN: I would like to add too. I haven't heard  
 11 anything about the alleged attorney-client privilege that has  
 12 been revoked with regard to the communications with Butler Snow  
 13 so it sounds to me like not only are we talking about  
 14 selectively waiving our legislative privilege but they're  
 15 intending to elicit testimony from this witness about  
 16 communications between Kincaid and Butler Snow that they  
 17 asserted when Mr. Kincaid was here, were attorney-client  
 18 privileged and we weren't allowed to ask about.

19 And so now, not only would he be prejudiced for not  
 20 having prepared for this witness, but the one other witness to  
 21 the conversation, they prohibited us from cross-examining on  
 22 the subject.

23 MR. RHINES: Your Honor, we -- if memory serves,  
 24 Mr. Kercher stood up and expressly said that Representative --  
 25 Representative Vasut waived his legislative privilege with

15:39 1 regards to the communication between Adam Kincaid and Butler  
2 Snow.

3 And I can pull up the language from, um, the courts'  
4 December 2023 order.

5 MR. DUNN: Please do.

6 MS. PERALES: While Mr. Rhines is looking for that, if  
7 Butler Snow was advising the committee, every member of the  
8 committee would have to waive their privilege. Chairman Vasut  
9 cannot waive the privilege for every person on the committee.

10 MR. RHINES: My understanding, Your Honor, is that  
11 Butler Snow represented Chairman Vasut and Representative  
12 Hunter in that matter.

13 JUDGE GUADERRAMA: And not the entire committee?

14 MR. RHINES: I believe that's correct.

15 MS. PERALES: And Your Honor, quite obviously,  
16 Representative Hunter is not here.

17 JUDGE GUADERRAMA: I'll wait to hear what Mr. Rhines  
18 says, and I'll speak with my colleagues to see on the  
19 legislative privilege issue.

20 MR. RHINES: Absolutely, Your Honor. This is -- if  
21 you'd like the Westlaw cite, it's *LULAC v Abbott* 700 F Supp 3D  
22 866 to -- I'm sorry, 868 to 887. And it says that, "Therefore,  
23 to the extent that Texas Legislatures have waived the  
24 legislative privilege with respect to significant portions of  
25 any document or communication, that waiver applies to the

15:40 1 entire document or communication."

2 The Court's order specifically cabins that to  
3 documents -- specific documents or communications. It doesn't  
4 open the floodgates for all legislative privilege to be waived.

5 JUDGE GUADERRAMA: Is that the one where there was  
6 dissent? And I'm not sure the other part of that issue was  
7 before the Court. So they may not have addressed it.

8 MS. PERALES: Your Honor --

9 JUDGE GUADARRAMA: It may be limited to the  
10 communication.

11 I'm sorry. Yes, ma'am.

12 MS. PERALES: Your Honor, I apologize. I didn't  
13 realize the Court was still talking.

14 JUDGE GUADERRAMA: That's all right. I probably  
15 wasn't saying much anyway, so...

16 MS. PERALES: Having -- having lost those particular  
17 Motions to Compel, I will say that my recollection is that the  
18 Court was saying that waiver as to one part of a document  
19 constituted waiver as to the whole document. I believe that's  
20 what Mr. Rhines has read.

21 MR. FOX: And what -- I'm sorry.

22 MS. PERALES: And I mentioned sword and shield before.  
23 I don't believe that was part of the question before the Court  
24 in that particular order.

25 JUDGE GUADERRAMA: That's my point exactly, that I was

15:42 1 making, but I need to speak to my colleagues because I don't  
 2 think that issue was before them in order to make the leap.

3 MS. PERALES: Neither this issue of sword and shield  
 4 was before the Court, nor the question of attorney-client  
 5 privilege waiver was before the Court. In fact, the Court  
 6 specifically reserved that for a later day in its rulings.

7 And then finally, this issue of the attorney-client  
 8 waiver needing to be complete as to everybody who the firm  
 9 represented.

10 MR. KERCHER: Maybe this will resolve Plaintiffs'  
 11 concerns regarding the attorney-client waiver. Mr. Kincaid's  
 12 relationship with Butler Snow is different, for example, than  
 13 Dr. Lewis' relationship with Baker Hostetler. Baker Hostetler  
 14 is counsel to Senator King, hired outside experts to perform  
 15 VRA and other types of analyses, right?

16 Likewise, Butler Snow hired outside experts. They did  
 17 not hire Adam Kincaid. They got a map from Adam Kincaid, had  
 18 their experts look at that. But Adam -- my understanding is  
 19 there was not an attorney-client relationship asserted as  
 20 between Butler Snow and Adam Kincaid, or regarding those  
 21 communications.

22 And so that is why, when Mr. Kincaid was on the stand  
 23 and Plaintiffs' Counsel had the opportunity to question him,  
 24 which they did for eight hours, I stood up and said, so that  
 25 everybody could be clear, and perhaps I was not clear enough --

15:43 1 I'm not accusing anybody -- but I stood up and said I was  
 2 authorized to waive Chair Vasut's legislative privilege  
 3 concerning the communications between his agents, Butler Snow,  
 4 and Adam Kincaid.

5 That was the -- and I believe the record will bear  
 6 that out. That's what we said. We believe that -- and we're  
 7 not trying to use the sword and shield context, we're not  
 8 trying to say, "Okay, did your attorney tell you to do a good  
 9 thing? Yes, he did. Did your attorney tell you to do the bad  
 10 thing?" Privilege.

11 We have waived -- we have waived on behalf of Chair  
 12 Vasut -- his communications or the communications by his agent,  
 13 his attorneys, Butler Snow, with Adam Kincaid in their  
 14 entirety.

15 MR. DUNN: My response to that is, Mr. Gaber asked  
 16 questions for Mr. Kincaid about his communications with the  
 17 Butler Snow attorneys, and the -- it was limited to, you know,  
 18 what, why, and when. That's why we know on July 23rd, for  
 19 example, that the map was transferred to Butler Snow, but the  
 20 communications about what he and Butler Snow were saying back  
 21 and forth were off limits.

22 MR KERCHER: And that --

23 MR. DUNN: And so that decision -- and I'm not quite  
 24 finished.

25 MR. KERCHER: I'm sorry. I thought you paused. My

15:44 1

apologies.

2

MR. DUNN: And so what I keep hearing from both states  
 3 counsel is they want to focus on legislative privilege. I have  
 4 the same issues with it -- that Ms. Perales has identified, but  
 5 there hasn't been an affirmative statement yet that the State  
 6 is planning on waiving the attorney-client privilege to some  
 7 degree.

8

But it was nevertheless the State's position that  
 9 attorney-client privilege covered communications between Butler  
 10 Snow and Mr. Kincaid. I'm finished.

11

MR. KERCHER: And if I understand my friend, Mr. Dunn,  
 12 where we may be speaking past each other on the attorney-client  
 13 privilege, is that Mr. Kincaid's relationship with Butler Snow  
 14 is different than -- for example, Dr. Lewis' relationship with  
 15 Baker Hostetler. And so this is why I raised that.

16

We are -- we are not -- Chair Vasut is not  
 17 attempting -- he does not believe that there is an  
 18 attorney-client relationship between Butler Snow and Adam  
 19 Kincaid because Adam Kincaid was not an expert hired by Butler  
 20 Snow to perform analyses by -- for Butler Snow to provide legal  
 21 advice. Instead, they got a map from Adam Kincaid and showed  
 22 it to their experts.

23

That's why I -- while I know that privilege has been a  
 24 hotly contested issue here, this is a place where the State has  
 25 sought to waive the privilege insofar it is legislative. We

15:46 1 are not asserting attorney-client privilege, and we're still  
 2 talking past each other. We're still getting in trouble.

3 I know that we are all making these arguments in good  
 4 faith, but that is how the State has viewed this. There is not  
 5 an attorney-client relationship to be asserted as between  
 6 Butler Snow and Adam Kincaid because that relationship is  
 7 different from the relationship between Dr. Lewis and Baker  
 8 Hostetler. Dr. Lewis was hired to do analysis of maps for  
 9 Baker Hostetler, so they provide an attorney-client advice to  
 10 their client.

11 Here, Mr. Kincaid's not hired by Butler Snow. He's  
 12 not providing information that Butler Snow is then using to  
 13 provide attorney-client privileged counsel to their client.  
 14 They're just getting the map as a starting point, providing  
 15 other experts, and then going forward.

16 That is our position on the attorney-client privilege,  
 17 and that is our position on Chair Vasut's legislative  
 18 privilege.

19 MR. DUNN: And the final thing I'll say on that is the  
 20 decision on attorney-client privilege waiver needed to happen  
 21 on Tuesday, when Adam Kincaid was here, and not Thursday, when  
 22 the states -- state Representative is here.

23 JUDGE BROWN: What I remember about the  
 24 attorney-client privilege and -- and maybe I'm wrong and  
 25 someone can correct me. What I remember about the

15:47 1 attorney-client privilege, as it applied to Mr. Kincaid, was  
2 that Mr. Kincaid -- we saw Mr. Kincaid as an agent of either  
3 the RNC or the -- I guess the RNC and Butler Snow represented  
4 RNC. And so --

5 MR. KERCHER: No, that's not quite right. If we're  
6 talking about back in 2021, Butler Snow represented the House  
7 in the same capacity they represented the House in 2025, which  
8 was as outside counsel for VRA and other legal analyses on maps  
9 as they were authored. Mr. Gober represented the RNC.  
10 Mr. Gober, in 2021, hired Adam Kincaid to draw maps for the RNC  
11 and for the Texas Congressional Delegation. The  
12 attorney-client relationship there was because Gober  
13 represented Congresspeople, and Gober hired Kincaid.

14 In this case, Gober did not hire Kincaid. They were  
15 both on retainer by the RNC. There was some discussion about  
16 whether they were under similar retainer agreements. But at no  
17 point during Mr. Kincaid's eight-hour cross-examination did the  
18 State invoke attorney-client privilege based on communications  
19 between Butler Snow and Adam Kincaid.

20 JUDGE BROWN: I don't think that's correct. I think  
21 it applies to -- I remember it applying to 2025, maybe 2021,  
22 also. I mean, we may have to look at the -- we may have to  
23 look at the transcript, but I don't think that's right. I  
24 mean, I remember there were questions that Adam Kincaid -- the  
25 Plaintiffs couldn't ask him because of privilege that got

15:49 1

asserted.

2

And also, I still haven't heard a response to Ms. Perales' argument about the attorney-client privilege also belonging to Chairman Hunter.

3

MR. KERCHER: And on that point, Ms. Perales' point regarding attorney-client privilege assumes an assertion or a belief in an attorney-client relationship between Butler Snow and Adam Kincaid such that the privilege could be invoked. It is not our position that there is a privilege to invoke as between Butler Snow and Adam Kincaid. Those communications were directly between Butler Snow and Adam Kincaid.

4

That's different from 2021, when Butler Snow was communicated with Gober -- was communicated with Kincaid, and Mr. Kincaid was therefore insulated from -- it was just two sets of attorneys who were then talking to their respective clients. This is different. Here we have -- we have communications between Butler Snow and Adam Kincaid. I don't know how we assert legislative -- or, excuse me, I don't know how we assert attorney-client privilege over those communications.

5

It is -- may well be arguable that there is a legislative privilege to be asserted there, but Chair Vasut has chosen to waive that, such that that privilege becomes -- okay. I'm getting a lot of information. Such that that privilege no longer applies as to those kinds of conversations.

6

15:50 1 I'm being handed what I believe are transcripts,  
2 Your Honor, to speak to the issue of what precisely was  
3 asserted. If I'm right about that, if I may read for a moment?

4 A question was specifically asked of Mr. Kincaid:  
5 What about with respect to Butler Snow? Do you have an  
6 attorney-client relationship with them?

7 Answer: I do not.

8 Question: And Baker Hostetler?

9 I do not.

10 Is that what you were --

11 (*Sotto voce* discussion off the record.)

12 MR. KERCHER: My words when I spoke about waiving the  
13 legislative privilege seems to be a little less at issue, but  
14 for context.

15 MS. PERALES: Mr. Kercher, if you could provide a page  
16 number. Are you at 42?

17 MR KERCHER: Yes.

18 MS. PERALES: Page number?

19 MR. WASSDORF: This is Day 6, p.m., page 14, lines 3  
20 through 7.

21 MR. KERCHER: This is October 7, Afternoon Session,  
22 page 42, beginning at line 7, ending at line 15. I say:  
23 Your Honor, just to give Mr. Gaber a sense of where we are  
24 headed, I am authorized to waive Chair Vasut's legislative  
25 privilege for Mr. Cardone's -- that should be Mr. Cardin's --

15:51 1 conversations with Mr. Kincaid concerning the redistricting  
2 bills in the two special sessions. Not authorized to waive any  
3 other legislators' legislative privilege, but just to sort of  
4 give everybody a sense, because I think we're all waiting on  
5 when Kercher's gonna get up and object to legislative  
6 privilege.

7 Apologies for referring to myself in the third person.  
8 That's just where we come down on that.

9 MS. PERALES: And if we could say in response -- we  
10 are focusing on the same transcript. If you start on page 41,  
11 so Day 6, p.m., page 41, Afternoon Session. Mr. Kincaid  
12 testifies that he had conversations with legislator's counsel.  
13 He's asked with whom. Tommie -- I would say "Cardone" -- is  
14 that not right?

15 MR. KERCHER: It's Tommie Cardin.

16 MS. PERALES: Tommie Cardin. And then the question:  
17 Now, I think you said you don't have an attorney-client  
18 relationship?

19 And then the answer is: Mr. Cardin represents the  
20 Legislature.

21 And then there's some other questioning about  
22 Mr. Kincaid's communications with Mr. Cardin. And then  
23 Mr. Kercher gets up and says: Chair Vasut is waiving his  
24 legislative privilege for Mr. Cardin's conversations with  
25 Mr. Kincaid. But I believe right before that, the statement is

15:53 1 made that Mr. Cardin represents more than just Chair Vasut.  
 2 It's our position that everybody who holds the privilege has to  
 3 waive it.

4 MR. RHINES: I think I can speak to that, Your Honor.  
 5 I think to the extent, Mr. Kincaid said that he represented the  
 6 House, or that Butler Snow or Tommie Cardin represented the  
 7 House, or the committee, that was likely a misstatement. My  
 8 understanding from my conversations with Representative Vasut,  
 9 as well as public testimony that was given on the House floor,  
 10 was that Butler Snow and Tommie Cardin represented only the  
 11 chair and Representative Hunter.

12 MR. DUNN: Your Honor, can I play a short video?

13 JUDGE GUADERRAMA: Sure.

14 MR. DUNN: This is Exhibit 302 of the July 26 House  
 15 Committee Hearing, page 20, line 1 to page 20, line 17.

16 I'll just read it, if that's acceptable to the Court,  
 17 since we have a sound issue.

18 JUDGE GUADERRAMA: Is there any way we can blow that  
 19 up so we can read with you?

20 MR. DUNN: Yes, sir. Well, no, sir, I can't.

21 JUDGE GUADERRAMA: Maybe you can get it to play.

22 MR. DUNN: I'll read it aloud.

23 JUDGE GUADERRAMA: Okay.

24 MR. DUNN: Line 20, or page 20, line 1, from  
 25 Representative Turner: Lastly, you indicated the other day

15:55 1 that the House has retained a law firm for purposes of  
 2 redistricting. Butler Snow, I believe you said?

3 Chairperson Vasut: That's correct.

4 Representative Turner: Okay. You said you wanted to  
 5 check to see if that law firm was available to the entire  
 6 committee for the purposes of redistricting. You weren't sure  
 7 about that when we talked about it on Thursday. Did you have  
 8 an answer on that?

9 Chairman Vasut: Yes. The chair has looked into that.  
 10 Butler Snow has been retained to represent the speaker and his  
 11 staff, the chair and his staff, and because of the litigation  
 12 that was ongoing at the time, Chairman Hunter and his staff as  
 13 well.

14 Ending on page 20, line 17.

15 MR. RHINES: So that was probably a misstatement on my  
 16 part, Your Honor. I did not realize that that representation  
 17 also included the speaker so it would be those individuals and  
 18 their staff.

19 MR. KERCHER: So -- maybe I can short-circuit these.  
 20 First, Judge Brown, you mentioned that there were invocations  
 21 of the attorney-client privilege, I think I know what that was  
 22 about. And I think that was regarding communications between  
 23 members of the congressional delegation and Mr. Kincaid because  
 24 of that Gober in between there. I think that's where the  
 25 indication of the attorney-client privilege was, and that's why

15:56 1 I didn't revoke that.

2 That would have been Mr. Strach. If I'm understanding  
3 Plaintiffs' position correctly, maybe the resolution is to say,  
4 Fine, the privilege that we thought Chair Vasut was going to  
5 waive is not, in fact, waived, because they have foregone the  
6 opportunity to talk to Mr. Kincaid about it. And as a result,  
7 we will not go into matters that might otherwise be  
8 legislatively privileged, and that way they are not prejudiced.

9 And what I understand, and I'm -- no trickery here, my  
10 understanding is they feel they are prejudiced because they did  
11 not understand, and we did not properly waive Chair Vasut's  
12 legislative privilege. And so they missed out on the  
13 opportunity to question Mr. Kincaid.

14 I disagree with that, but if that's -- if that is a  
15 correct understanding, then we will concede that the privilege  
16 was not properly waived. They did not get into it. That must  
17 mean we did not get into it, and we will not get into  
18 legislatively privileged material with Chair Vasut. I offer  
19 that as a way to move forward.

20 JUDGE GUADERRAMA: Ms. Perales?

21 MR. FOX: Your Honor, I certainly agree that Chair  
22 Vasut should not be allowed to waive with respect to some  
23 things and not others, on a surprising basis. So I agree that  
24 if they don't want to waive it to the whole subject matter,  
25 they shouldn't waive it with respect to anything. I'll let

15:58 1 Mr. Dunn address the attorney-client issue if he wishes.

2 MR. DUNN: Well, I guess what I'm saying is, I think  
3 we still have a disagreement over the particulars, but if that  
4 is the result, we're ready to move forward.

5 THE COURT: So, the ground rules moving forward are?

6 JUDGE BROWN: Ms. Perales is up.

7 MS. PERALES: Thank you. I look forward to the  
8 opportunity to assert the legislative privilege on behalf of  
9 Chair Vasut, and will sit down for the ground rules. Thank  
10 you.

11 MR. KERCHER: We're all surprised. I appreciate  
12 everybody being cordial and professional as we work our way  
13 through this. I think we have an understanding about how to  
14 move forward.

15 JUDGE GUADERRAMA: All right. Mr. Rhines?

16 MR. RHINES: Your Honor, not to be that guy, but I see  
17 we're at 4:00. Would the Court like me to continue, or...

18 (Laughter.)

19 JUDGE GUADERRAMA: All right. We're going to recess,  
20 4:15. We're also going to plan to go to 6:30 today so we can  
21 try to get...

22 (Recess.)

23 JUDGE GUADERRAMA: Representative Vasut on the witness  
24 stand.

25 Mr. Rhines?

16:15 1 MR. RHINES: Thank you, Your Honor. And just to  
2 clarify, we are proceeding as though no legislative privilege  
3 has been waived?

4 THE COURT: Yes, sir, that's my understanding.

5 MR. RHINES: Wonderful. Thank you.

6 Q. (BY MR. RHINES) Chair Vasut, I want to fast-forward to the  
7 regular session -- to the very end of the regular session.  
8 When did that adjourn *sine die*?

9 A. The regular session adjourned *sine die*, I believe, on  
10 June 2nd, 2025.

11 Q. What did you do after that?

12 A. I went home.

13 Q. Sounds nice. Without revealing any privileged information,  
14 did you hear any public statements or rumblings, be them from  
15 news articles or from Internet sources or anywhere else,  
16 talking about how Texas might jump into, or conduct, an  
17 additional round of congressional redistricting in 2025?

18 A. There were certainly rumors on -- reported by reporters on  
19 Twitter making their way around. Particularly in the June time  
20 frame, if I recall correctly, right after the regular session  
21 adjourned, speculating that we may have a special called  
22 session on redistricting.

23 MR. RHINES: Richard, could you pull up Defendants'  
24 Exhibit 1415?

25 Q. (BY MR. RHINES) Is the exhibit on your screen, Chairman?

16:17 1 A. I believe -- yeah. I see Exhibit 5, State Defendants'  
 2 Response to -- yeah. Okay. A *New York Times* article, I see.  
 3 Yes.

4 Q. Have you seen this before?

5 A. I'm not a hundred percent sure if I have. It seems  
 6 familiar. I don't subscribe to the *New York Times*, but I may  
 7 have seen this circulated or talked about on Twitter.

8 Q. Can you give it a quick skim?

9 A. Let's see.

10 If you can blow up the three paragraphs there at the  
 11 bottom. Okay, yeah, I've read it.

12 Q. Does this say anything about the possibility of  
 13 congressional redistricting in Texas?

14 A. Yes.

15 Q. And what does it say about that?

16 A. Generally, that first paragraph is about how  
 17 President Trump is encouraging Republicans in Texas to  
 18 redraw -- this article talks about House District lines. I  
 19 think what it's getting at is congressional redistricting.  
 20 Second paragraph is how there was concern by, quote, Texas  
 21 Republicans. I'm not sure who they were referring to, whether  
 22 it was House members or Congress members.

23 And then there was in the third paragraph, the concern  
 24 about anytime you redistrict, you always put the party and  
 25 power in jeopardy as well, because it's a finite number of

16:18 1 voters out there, and you change the lines, it impacts  
2 everybody.

3 Q. Do the statements in this article generally comport with  
4 your understanding of the events -- or of the facts on the  
5 ground at the time directly after the regular session?

6 A. This was certainly part of the discussion I was seeing  
7 online around that June time period.

8 Q. Okay.

9 MR. RHINES: I want to now bring up Brooks Plaintiffs'  
10 Exhibit 253.

11 Q. (BY MR. RHINES) Can you see it?

12 A. It's a little blurry on my screen, but I see the DOJ  
13 letter -- oh, yeah. July 7, 2025. Yes, I've seen this  
14 document before.

15 Q. All right. I was gonna ask you, do you recognize it?

16 A. I do.

17 Q. What is it?

18 A. This appears to be the July 7, 2025 letter from the head of  
19 the Civil Rights Division of the U.S. Department of Justice to  
20 Governor Abbott and to General Paxton.

21 Q. Was this letter sent to you as a chair of the redistricting  
22 committee?

23 A. It was not.

24 Q. Have you read it?

25 A. I -- have I read every single word? I think I have. It's

16:19 1 been a long time. I certainly didn't receive this letter. I  
2 would have seen it online as the first reference to it.

3 Q. Have you made any public statements about this letter?

4 A. I have.

5 Q. And what is the general tone of those public statements?

6 A. General tone of these public statements have been -- as I  
7 think I've stated in the hearings, and certainly stated on  
8 August 2nd, after the map and HB4 was voted out on the First  
9 Special, that this DOJ letter did not factor into my decision  
10 to make any vote on this map. And I did not -- I think I said  
11 this on the second -- I did not believe that it factored into  
12 anyone's decision to vote in favor --

13 JUDGE SMITH: He didn't ask you how you felt about it.  
14 He asked you whether there were any public statements, and what  
15 were they?

16 THE WITNESS: That's what the public statements were.

17 MR. RHINES: And I'll be playing those later on -- in  
18 the examination, Your Honor, if you'd like me to re-ask that  
19 question.

20 Q. (BY MR. RHINES) So, a few weeks later, does the Governor  
21 call a special session?

22 A. Yes.

23 Q. When does that commence?

24 A. The first called special session commenced on July 21st,  
25 2025.

16:20 1 Q. And was redistricting on the call for this First Special  
2 Session?

3 A. Congressional redistricting was on the call for the first  
4 called special session.

5 Q. As the chair of the redistricting committee, what were your  
6 responsibilities as they pertain to the special session?

7 A. As the chair of the regular redistricting committee, I  
8 would be responsible for taking up any redistricting  
9 legislation, and then, in this particular case, I had been  
10 appointed to chair the Congressional Redistricting Select  
11 Committee, and so I was specifically charged with that line of  
12 the Governor's proclamation.

13 Q. And if I say redistricting committee from now on, will you  
14 understand me as referring to the special -- or the Select  
15 Committee on Congressional Redistricting?

16 A. Yes.

17 Q. Did the committee hold any public hearings?

18 A. We did.

19 Q. Did the committee go out -- I'm sorry. How did the  
20 committee go about scheduling these hearings?

21 A. We -- when coming to schedule the hearings, since I've  
22 stated publicly at the hearings, we looked at what was done the  
23 last time -- the decade redistricting was done in '03, and then  
24 what had been done with redistricting, I think, in '11 and '21.  
25 And the historical practice that I saw as I stated publicly

16:22 1 was, you had first a round of pre-map hearings, also known as  
 2 field hearings --

3 Q. What happened after that?

4 A. -- and then you have a hearing on the bill.

5 And so when I was looking at how to schedule these, I  
 6 wanted to follow that practice, so we scheduled pre-map  
 7 hearings to take place during the first called session.

8 Q. Who could testify at these hearings?

9 A. Any -- anyone.

10 Q. Members of the public?

11 A. Certainly, members of the public. I actually don't think  
 12 there's -- the only prohibitions that I'm aware of are members  
 13 of the House, I don't think, can testify. They can certainly  
 14 attend the meetings. And I don't think that State employees --  
 15 House employees can testify without permission of the  
 16 committee. But otherwise, I think anyone -- you could fly in  
 17 from anywhere and testify.

18 Q. Did anybody on the committee invite any particular group or  
 19 person to testify?

20 A. My understanding is that the vice chair, at least, of the  
 21 committee invited members to come testify. I believe that he  
 22 also received requests from other members. I don't know  
 23 whether they were all members of the committee or other members  
 24 of the House, to invite certain witnesses. But the practice  
 25 was he would give me a list of individuals that were to be,

16:23 1 quote, unquote invited, and basically, these were individuals  
 2 that came that I agreed to take out of order at the start of  
 3 the hearing.

4 Q. Did you, personally, invite anybody to testify?

5 A. I did not personally invite anyone other than I received a  
 6 request from -- I believe it was Representative Turner, and I  
 7 think it was at the Houston hearing, where he asked about  
 8 whether we would invite Harmeet Dhillon to come testify.

9 Q. Did you invite her?

10 A. I -- in follow-up to that request, I sent her a letter  
 11 saying that she was welcome to come testify. I emailed that to  
 12 her. And --

13 Q. Did you receive a response?

14 A. I received an out-of-office email from her and never heard  
 15 from her otherwise.

16 Q. What was the process for somebody to be able to testify at  
 17 a public hearing?

18 A. So for the pre-map hearings, the first hearing in Austin on  
 19 July 24th, you could have signed up to testify virtually up to,  
 20 I think, 24 hours before the hearing or so. And that would be,  
 21 quote, unquote invitation, but it was just for purposes of  
 22 complying with the rule to testify virtually. People could  
 23 also testify at the Austin hearing in person by coming and  
 24 registering electronically on the kiosk there.

25 Q. You mentioned the Austin hearing. Where were the other two

16:24 1 hearings held?

2 A. So the next hearing was in Houston, and the one after that  
3 was in Arlington.

4 Q. I want to play you a few clips from the Austin hearing,  
5 which would be on July 24th, 2025.

6 MR. RHINES: Richard, could you please play Clip 1,  
7 and for reference, that would be Defendant's Exhibit 1279 from  
8 16 -- from page 16, line 24 to page 19, line 6.

9 (Video played.)

10 REPRESENTATIVE VASUT: Chair recognizes Mr. Turner for  
11 his questions.

12 REPRESENTATIVE CHRIS TURNER: Thank you, Mr. Chairman.  
13 So you have seen the letter from the Department of Justice  
14 objecting to the racial compositions of Districts 9, 18, 29,  
15 and 33?

16 REPRESENTATIVE VASUT: I have, and I have received a  
17 copy of it here, I believe, with all of you.

18 REPRESENTATIVE CHRIS TURNER: Yes. And I think you  
19 said this in your opening, but just to clarify, it is that  
20 letter that Governor Abbott cited in his proclamation for the  
21 special session?

22 REPRESENTATIVE VASUT: He doesn't cite to a specific  
23 letter in his proclamation. He does reference concerns, I  
24 believe, raised by the Department of Justice.

25 REPRESENTATIVE CHRIS TURNER: Okay. Are you aware of

16:25 1 any other way that DOJ has raised concerns beyond that letter?

2 REPRESENTATIVE VASUT: That would have to be a  
3 question for the Governor, I'm not aware of any other letter,  
4 although, personally myself.

5 REPRESENTATIVE CHRIS TURNER: Okay. I'm not either, I  
6 think it -- I think it refers back to the letter. So the  
7 letter that you've read, and I've read as well, basically, is  
8 asking Texas to dismantle those four districts because of their  
9 racial makeup. And my question is, do you believe, as the  
10 chair -- does the Committee believe that it is legal for us to  
11 intentionally dismantle majority-minority districts because of  
12 their racial composition?

13 REPRESENTATIVE VASUT: I don't believe that the letter  
14 is a specific request for us to dismantle any district.  
15 However, it is the chair's intention at all times that we are  
16 going to follow the Voting Rights Act, and we're going to  
17 follow the law. And we have no plans, at this moment, to  
18 change any particular district. The purpose of today's hearing  
19 is, of course, to hear from the public before we go into that  
20 process.

21 REPRESENTATIVE CHRIS TURNER: Well, Mr. Chairman, the  
22 letter specifically says that these are coalition districts,  
23 meaning that they're majority-minority districts. And they say  
24 that they're unconstitutional. And they -- we urge the State  
25 of Texas to rectify these race-based considerations from these

16:26 1 specific districts. So it seems to me they're asking us to  
2 change the districts based on their racial makeup by virtue of  
3 the fact that they're majority-minority districts.

4 REPRESENTATIVE VASUT: You'd have to refer  
5 specifically what the Department of Justice wants to do or not  
6 wants to do to them. The chair obviously did not have this  
7 letter addressed to him. And as far as I'm concerned, we're --  
8 the whole point of this process is solely to respond to the  
9 Governor's call. And we're going to take up congressional  
10 redistricting in that two-phase process I mentioned earlier.

11 And I'd love to get to this first phase of hearing  
12 from the public.

13 (Video concluded.)

14 Q. (BY MR. RHINES) Do you recognize that exchange,  
15 Chair Vasut?

16 A. I do.

17 Q. And was it from the July 24th, 2025, hearing in Austin?

18 A. I believe that's correct.

19 Q. And who was that exchange with?

20 A. That was with Representative Chris Turner.

21 Q. And in that exchange, did you state that the chair had no  
22 intention to dismantle or do away with any district in  
23 particular?

24 A. What I meant -- and there was a reference in that clip to  
25 the two-phase process I mentioned earlier -- was the whole

16:27 1 point of that hearing in Austin that day, where this exchange  
 2 was occurring, was just to hear from the public about whether  
 3 to redistrict. And so we had no map in front of us. We had no  
 4 specific map in mind, and so there was no specific intent, as I  
 5 stated publicly, to dismantle a particular district.

6 Q. Thank you. I'm going to show you another clip from that  
 7 hearing.

8 MR. RHINES: Richard, could you please pull up that  
 9 Clip 2? This is from that same exhibit, 1279, from page 23,  
 10 line 9 to page 24, line 20.

11 (Video played.)

12 REPRESENTATIVE WU: And this is not a process that you  
 13 have personally asked for?

14 REPRESENTATIVE VASUT: No.

15 REPRESENTATIVE WU: This redistricting, you've not  
 16 personally asked for that?

17 REPRESENTATIVE VASUT: Does anyone really ask to be  
 18 chair of redistricting?

19 REPRESENTATIVE WU: Well, yeah, I mean --

20 REPRESENTATIVE VASUT: But I am here. No, I have not  
 21 asked.

22 REPRESENTATIVE WU: Just -- I just want to be clear  
 23 that as the chair of this committee, as the chair of the  
 24 Redistricting Committee, that you did not say,  
 25 "Governor Abbott, please" --

16:28 1

REPRESENTATIVE VASUT: No, I did not.

2

REPRESENTATIVE WU: And as far as you know, nobody on this committee has made those requests either?

3

4

REPRESENTATIVE VASUT: Not to my knowledge.

5

6

REPRESENTATIVE WU: Do you know of any member of the Legislature went to the Governor and said, "We really could use this right now?"

7

8

REPRESENTATIVE VASUT: Not to my knowledge.

9

REPRESENTATIVE WU: Okay.

10

11

REPRESENTATIVE VASUT: Again, I'm limited to what I personally know.

12

REPRESENTATIVE WU: No, absolutely. Absolutely.

13

14

And, you know, I only know what I know; you only know what you know. And between the two of us, I don't think we know anything of why we're here.

15

16

17

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22

REPRESENTATIVE VASUT: I think the chair would say that the Governor has put an item on the call. It is prudent and proper for the legislative committees to take up the items that the Governor has designated. And what the Legislature does with that is up to the Legislature. But it's the chair's position that the Governor has placed this item on the call, and we're going to take it up in a two-phase process.

23

(Video concluded.)

24

Q. (BY MR. RHINES) Do you recognize that exchange, Chair?

25

A. I do.

16:29 1 Q. And was that also from the July 24th, 2025, hearing?

2 A. Yes.

3 Q. And in that exchange -- or who was that exchange with?

4 A. That was with Representative Gene Wu.

5 Q. And in that exchange, how did you characterize the  
6 Legislature's role in determining whether or not to redistrict?

7 A. The Governor had put an item on the proclamation,  
8 specifically, congressional redistricting, and it is customary,  
9 at least in my view, as I stated publicly, that when the  
10 Governor puts an item on the call, the Legislature takes it up.  
11 Whether or not they pass a bill on it or not, that's for a  
12 later determination.

13 But it's at least prudent and proper for the  
14 Legislature to hold hearings and maybe file legislation and  
15 consider it.

16 Q. And was public testimony heard at that hearing, as well?

17 A. Yes.

18 Q. Okay. I want to fast-forward a little bit to the July 26th  
19 Select Committee hearing. Where was that held?

20 A. The July 26th Committee Hearing was held at the University  
21 of Houston's main campus in Houston, Texas.

22 Q. And was public testimony given at this hearing?

23 A. Yes. There was no virtual, but in-person, and you  
24 registered by filling out an in-paper WAF. That's how we  
25 receive the in-person testimony.

16:30 1

THE REPORTER: I'm sorry. An in-paper?

2

THE WITNESS: I apologize. It's a colloquial term.

3

WAF, W-A-F, witness affirmation form. I will try not to do

4

that.

5

Q. (BY MR. RHINES) Last -- like last time, I want to show you

6

a couple of clips from this hearing.

7

MR. RHINES: Richard, could you please pull up Clip 5

8

for reference, that is Defendant's Exhibit 1281 from line 23 --

9

or page 23, line 3 to page 30, line 14. This, I believe, is

10

our longest clip.

11

(Video played.)

12

REPRESENTATIVE WU: Have you considered asking the

13

Governor to explain what exactly he means when he's putting

14

this issue on the call?

15

CHAIRPERSON VASUT: Not at this time. I'll take that

16

under advisement. I mean, I think that the proclamation we

17

have received and that we reviewed in the last hearing was, in

18

my mind, pretty clear in the sense that he's put this item on

19

the call, and that it is prudent for this committee to take it

20

up.

21

REPRESENTATIVE VASUT: Could you explain, in your

22

mind, what is the rationale that you understand of what the

23

Governor is --

24

(Applause.)

25

REPRESENTATIVE VASUT: I'll give you a little leeway

16:32 1 up at the front. I just want to make sure that we understand  
 2 that the audience is not to respond, and it's going to be  
 3 particularly important when we get into witness testimony. I  
 4 just want to make sure that we know that now. That's okay.

5 If the gentleman would please repeat his question?

6 REPRESENTATIVE WU: You explained that you think that  
 7 it's not necessary for you to ask the Governor to clarify his  
 8 intent and his rationale for placing this on the call -- for  
 9 placing a mid-cycle redistricting on the call. You said you  
 10 understand that, in your mind, it is clear to you what it is.  
 11 It is unclear to me and many other members on here.

12 Could you explain, in your own words, in your mind,  
 13 what you believe the Governor's intent is in putting this on the  
 14 call?

15 REPRESENTATIVE VASUT: I could not speculate what the  
 16 Governor's intent is. The chair's position is that the  
 17 Governor has put an item on the proclamation, and as is  
 18 customary, when the Governor puts items on the proclamation,  
 19 the Legislature responds with these hearings. And so on that  
 20 basis, the chair has set up these public hearings, including  
 21 the one two days ago in Austin, the one today here in Houston,  
 22 and the one on Monday in Arlington.

23 REPRESENTATIVE WU: Okay. So now I'm even more  
 24 confused, because just not more than two minutes ago, you said  
 25 it was clear in your mind what the Governor intended, what he