

202 West 13th Street Austin, Texas 78701 Tel 512.236.8410 Fax 512.236.8402 www.malc.org

Trey Martinez Fischer, Chairman Eddie Rodriguez, Vice Chairman Ana Hernandez Luna, Legal Counsel Armando Martinez, Secretary Mary Gonzalez, Treasurer

May 29, 2012

The Honorable Drew Darby Chairman, House Select Committee on Redistricting Room E2.406, Capitol Extension P.O. Box 2910 Austin, Texas 78768

Dear Chairman Darby:

As you are aware, I have been recently named to House Select Committee on Redistricting. I look forward to working with you and your staff to explore the possibility of adopting the court-ordered interim redistricting plans for the Texas House, Texas Senate, and United States Congress as the permanent maps for the remainder of the decade. As chairman of the Mexican American Legislative Caucus, I have been deeply involved with every phase of our current redistricting cycle. I was a witness in both trials related to the 82nd Legislature's attempt to intentionally discriminate against minority voters. I have reviewed thousands of documents related to the adoption and litigation of the legislatively-enacted maps. And, I have seen firsthand our state's legal advocates defending hopelessly unconstitutional maps. In short, I know this process well.

At our first hearing, I would like to hear from the following witnesses concerning the adoption of the interim map:

- 1) Governor Rick Perry or a representative from his General Counsel's office in order to understand the Governor's intentions in calling a special session with such a limited scope;
- 2) Attorney General Greg Abbott and members of the State's redistricting litigation team, David Mattax, David Schenck, or Adam Mortara, to ascertain why the General has publicly advocated for the adoption of court-ordered temporary maps, despite the fact that these maps are, "not a final ruling on the merits of any claims asserted by [any of] of the Plaintiffs". General Abbott's presence as a witness for the hearing is especially important, because he is the leader of the litigation and has yet to make an appearance at any phase of either trial;
- 3) House Parliamentarian Chris Griesel to discuss how amendments to the interim plans will be administered under the Rules of the House;

¹ Dkt. 682, p. 1-2, <u>Perez v. P</u>erry, 11-CV-360

- 4) David Hanna or any other Texas Legislative Council (TLC) attorney who can speak with specificity regarding legislative procedure in relation to the limited call of the special session. He or she should also be able to testify about legislative and executive privilege relating to the correspondence between the Governor, his staff, and legislators concerning redistricting, and about TLC's current state of preparedness for creating new maps with the most up-to-date census data;
- 5) The State Demographer or a representative from the U.S. Census Bureau to discuss citizenship projections from the American Community Survey and any other demographic tools used to measure population growth;
- 6) Any election expert utilized at any of the trials to testify about the 2012 Texas elections and the current state of racially polarized voting in Texas elections.

Redistricting is the most divisive legislative process. This will be the fourth time that the Texas Legislature has taken up redistricting since 2000 and the second time it has done so voluntarily. To be clear, this Legislature can end any uncertainty regarding the election schedule by meeting in earnest with minority advocates and negotiating a remedial map that will answer <u>all</u> of the objections found at every level of the federal judiciary. Enacting the interim maps does not do that.

While the District Court's Interim plans were a significant improvement over the plans adopted in the 2011 legislative session, they were created under constraints imposed by the Supreme Court regarding the Court's ability to reach a final determination on Mexican American Legislative Caucus' challenges to the plans and without the benefit of the conclusions of the District Court for the District of Columbia.

I remind you that nearly every time our Legislature has tried to redistrict state house, state senate, and congressional plans, it has failed to obtain timely preclearance. I look forward to our upcoming hearings and I hope that our committee will endeavor to listen to the advocates of the minority community.

Sincerely

Trey Martinez Fischer

Chairman, Mexican American Legislative Caucus

State Representative, District 116

Cc: The Honorable Joe Straus, Speaker of the Texas House of Representatives
The Honorable David Dewhurst, Lieutenant Governor of Texas
Members of the House Select Committee on Redistricting
Members of the Senate Select Committee on Redistricting