

# **GOP RACIAL GERRYMANDERING MASTERMIND PARTICIPATED IN REDISTRICTING IN MORE STATES THAN PREVIOUSLY KNOWN, FILES REVEAL**

Thomas Hofeller and GOP strategists experimented with using race as the primary factor in drawing districts in Alabama, Florida, and West Virginia.

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Photo illustration: The Intercept; Photo: USDA

## Part 6

### Rigging the Vote

∨ EXPAND ALL PARTS

**THE REACH OF** late Republican gerrymandering mastermind Thomas Hofeller may be longer than previously known, according to a review of thousands of documents and emails culled from his hard drives, obtained by The Intercept. While Hofeller was known for drawing maps to give Republicans an advantage and to limit the impact of voters of color in North Carolina, Texas, Missouri, and Virginia, the new documents reveal he also participated in the 2010 redistricting cycle in Alabama, Florida, and West Virginia.

And, in those three states, it appears Hofeller and other Republican mapmakers experimented with using race as the primary factor in drawing districts in these states — a tactic ruled unconstitutional under the 14th Amendment’s equal protection clause, which requires that

people in similar circumstances be treated the same under the law. Among the trove of over 70,000 documents are draft maps with voter data broken down by race, spreadsheets that include the home addresses of members of Congress, travel plans, and legislation marked up by Hofeller himself.

These new documents shed additional light on the coordinated national strategy behind maps that locked in a GOP advantage in Congress and in state legislatures nationwide.

They reveal the sophisticated racial data that drove GOP mapmaking in several states, potentially opening new avenues for litigation challenging these plans as unconstitutional

racial gerrymanders – including [one Alabama case](#) that will be heard in a U.S. district court in seven weeks – or as violations of state constitutional protections of free and fair elections. And they show that Hofeller intentionally failed to disclose his involvement in Florida redistricting in an affidavit filed with a court.

Taken together, these revelations provide a powerful wake-up call ahead of the next round of redistricting, which will begin in 2021, about how determined and effective strategists, armed with voluminous voter data, can tilt the political playing field for a decade.

**Hofeller's files reveal the sophisticated racial data that drove GOP mapmaking in several states, potentially opening new avenues for litigation.**

## Alabama

In Alabama, meanwhile, files from backups of Hofeller's hard drives reveal that he was involved in the 2010 redistricting cycle from the very beginning, long before the first district was drawn.

The U.S. Supreme Court struck down the Alabama state legislative maps as an unconstitutional racial gerrymander in 2015, finding that Republican legislators – in a signature Hofeller move – intentionally packed minority voters into as few districts as possible, creating a handful of overwhelmingly black districts and strengthening Republican prospects elsewhere. Hofeller's involvement, however, was unknown.

Meanwhile, a potential racial gerrymander of the state's congressional districts is still being litigated: A federal district court will hear arguments in *Chestnut v. Jones* beginning November 4.

Hofeller edited and advised on a document called the "Reapportionment Committee Guidelines for Legislative, State Board of Education, and Congressional Redistricting State of Alabama," the legislature's starting point for the 2011 redistricting.

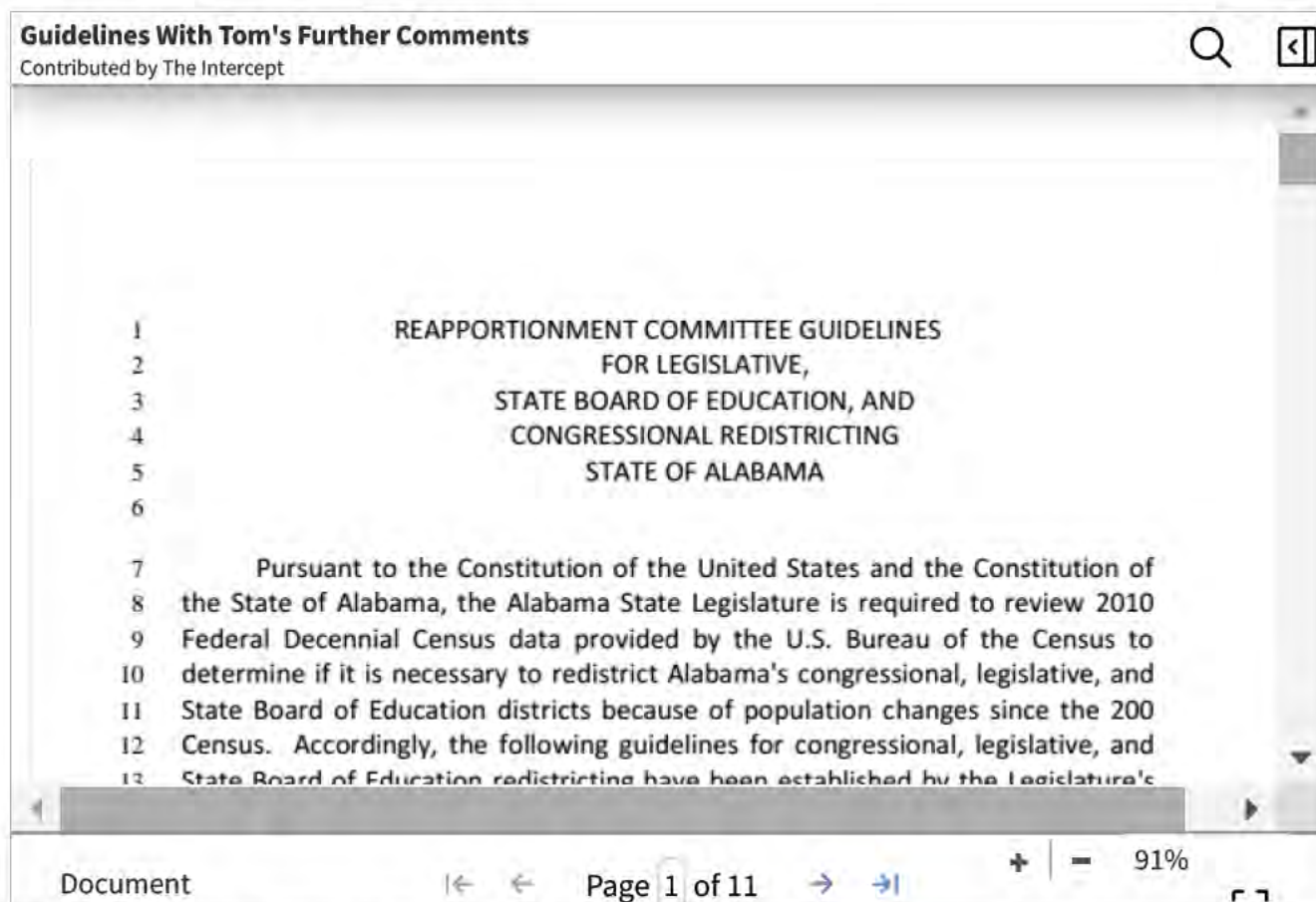
According to Hofeller's email, he met with and shared these edits with the chair of the Alabama state House redistricting commission, Rep. Jim McClendon. McClendon wrote and received these emails at his personal account and not an official legislative address. A document saved as "Guidelines with Tom's further comments" includes his line-by-line edits and changes. Additional emails referencing these guidelines copied Hofeller's partner, Dale Oldham, and another copied then-RNC general counsel and national committee member John Ryder.

A folder with the name "Alabama" includes a five-year estimate of citizen voting-age population, along with a document titled "Minority Districts in 2012 Alabama Legislative Redistricting." Hofeller's files also include a spreadsheet with information on Alabama citizenship



estimates, broken down by race, as well as a link to census information saved in a Microsoft Word document with the name “Alabama 18 and older race link.”

The upcoming litigation, brought by eight Alabama voters, asserts that Republicans **packed black voters into one congressional district**, the 7th, and then effectively scattered the state’s remaining black voters in such small concentrations as to dilute their voting power. Hofeller’s involvement with McClendon, the racial data he collected – and his history of drawing maps in Virginia and North Carolina later found to be racial gerrymanders with precisely this pattern – could be relevant to ongoing questions and litigation about racially motivated gerrymandering.



*The relevant documents are available here:*

- [Guidelines with Tom’s further comments](#)
- [Alabama 18 and Older Race Link](#)

- Meet442011AG

*Inside Hofeller's folder labeled "Alabama":*

- Minority Districts in 2012 Alabama Legislative Redistricting
- AL STATE CVAP 5-YEAR ESTIMATES 2010-12
- ACS Proportions 2010-2012
- Alabama House Districts (104)

## Florida

In Florida, the documents raise questions about whether Hofeller intentionally failed to disclose his involvement with GOP redistricting operatives in a 2013 affidavit in which he attested he had no contact with GOP legislators or staff who drew that state's maps.

Hofeller died in August 2018. But his willingness to avoid disclosing highly relevant information in this affidavit could affect the discovery process in other states where litigation is still pending, and where Hofeller may have been involved. And it creates the opportunity for legal teams in previous cases to petition courts to reopen discovery if the full extent of Hofeller's participation was discoverable but not revealed.

That litigation, brought by the state's League of Women Voters, alleged that Republican strategists drew partisan maps behind closed doors, then smuggled them into the public process, in violation of two state constitutional amendments mandating nonpartisan redistricting.

Hofeller's affidavit, dated March 8, 2013, swears that, "To the best of my recollection, I have not been in contact, or exchanged data or maps,

with any Florida legislators or members of their staffs, concerning Florida redistricting since the release of the Census Bureau's 2010 Decennial Redistricting File in early 2011."

According to [an email chain](#) between Hofeller and two top Florida GOP strategists, Hofeller flew to Tallahassee for meetings on October 10 and 11, 2011. The emails include Hofeller and Sunshine State operatives Frank Terraferma and Rich Heffley, and were sent to Hofeller at an address named "Tom Hofeller – redistricting." Terraferma sent this email from his official Republican Party of Florida account, as the three strategists finalized travel details. Hofeller may not have been communicating directly with legislators, but he was meeting with the party officials who were actually drawing the maps and helping funnel them into the legislative process.

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Evidence [produced during the Florida trial](#) showed that, in the same month, the two Republican consultants traveled to Washington, D.C., to meet with veteran GOP election lawyer Ben Ginsberg, and days later, shared nearly completed state Senate maps. And during the last week of October, the consultants finalized the congressional maps, and then completed

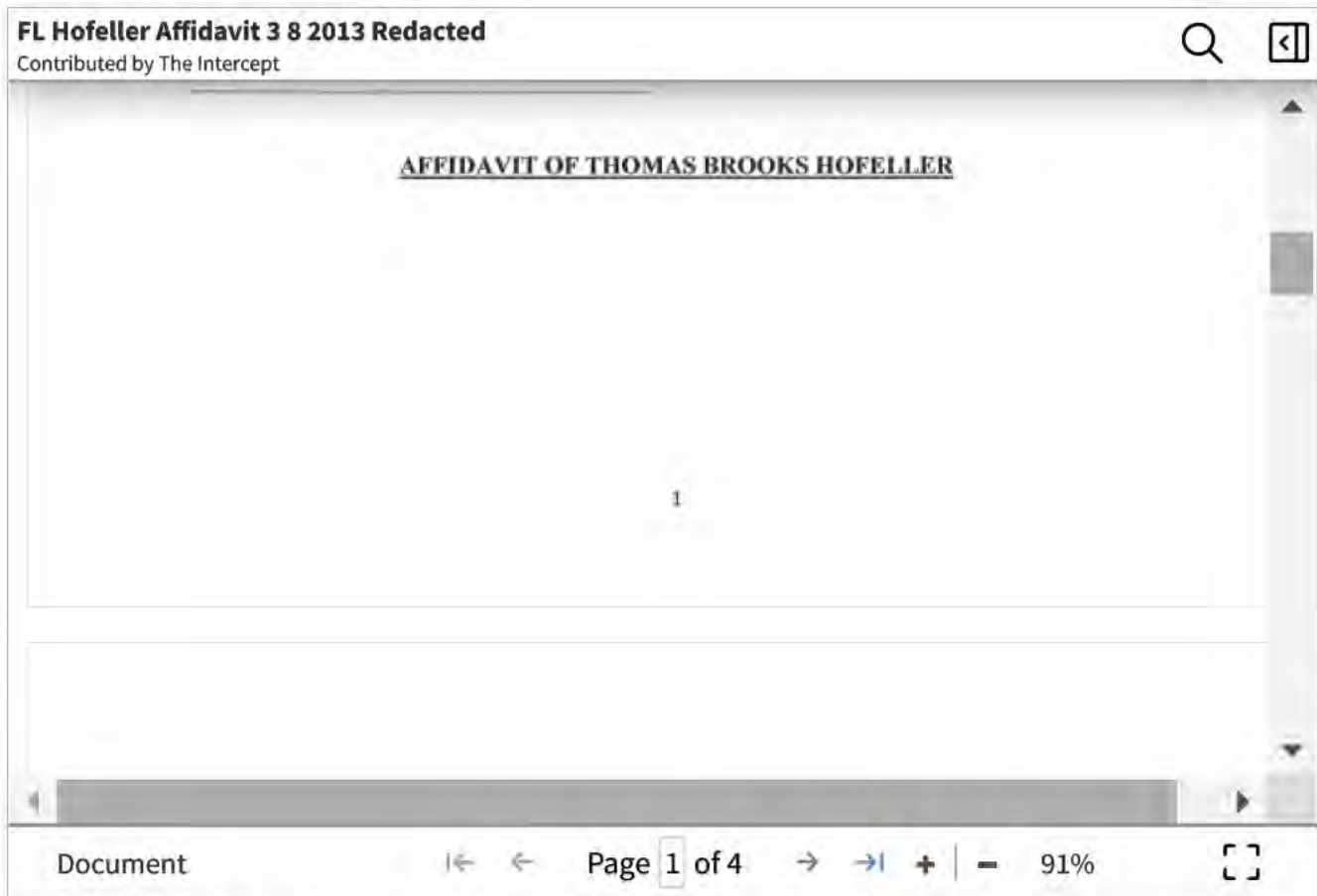
work on the state Senate maps by mid-November. Emails that came to light during the trial showed the operatives' determination to use racial data to pack as many minority voters as they could into as few districts as possible.

And, in a newly surfaced email in May 2012, Terraferma sent Heffley, Hofeller, and others an email saying, “We got pre-cleared today BTW,” and linking to a [Miami Herald article](#) approving pre-clearance of redistricting maps. At the time, pre-clearance was required under the Voting Rights Act of 1965, where there was a history of voter discrimination. “This is very good news,” [Hofeller wrote](#), forwarding the message on to other redistricting specialists at the RNC.

Hofeller’s files, meanwhile, include mapping software programmed with the addresses of Florida incumbents – as well as a spreadsheet from July 2011 named “Florida Minority Senate Data.” While the rows are not labeled, they appear to show minority voting strength across a dozen state Senate districts.

The final maps adopted by the legislature included several districts identical to ones drawn by Terraferma (that surfaced during the Florida trial), but submitted under the name of a former Republican Party intern, who later denied any knowledge of the maps. (Terraferma and Heffley did not respond to a request for comment but during testimony asserted they drew these maps as a “hobby.”) In 2014, a Florida circuit judge [invalidated](#) many of these districts, ruling that overwhelming circumstantial evidence demonstrated that GOP operatives had conducted a secret, shadow redistricting process in violation of the state constitution.





*The relevant documents are available here:*

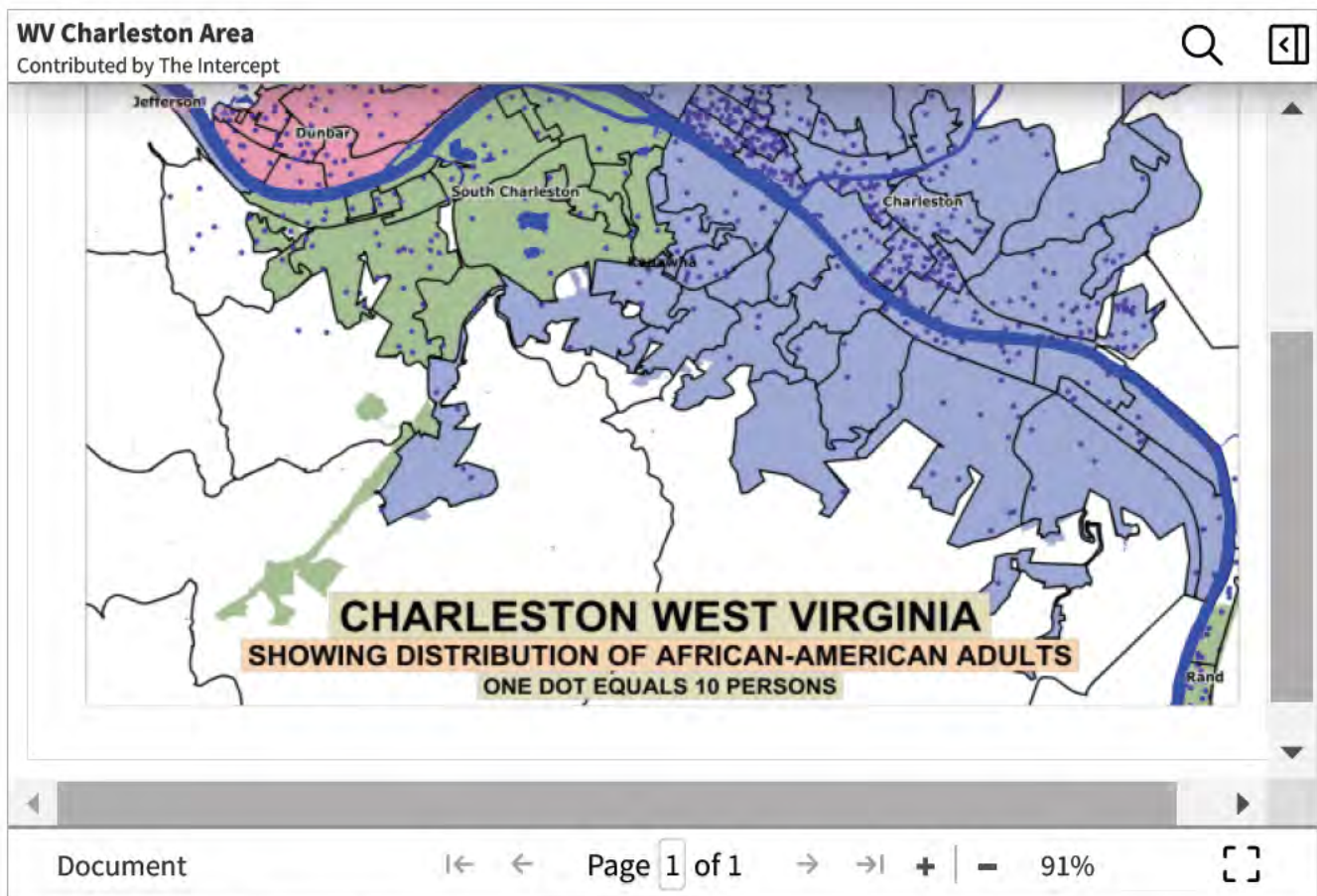
- [FL Hofeller Affidavit 3 8 2013](#)
- [FLORIDA MINORITY SENATE DATA](#)
- [FLORIDA INCUMBENTS](#)

## West Virginia

Hofeller also possessed maps of the Charleston, West Virginia, metro area color-coded by race. One map shows the percentage of voting-age black citizens block by block. There has never been any previous indication that Hofeller was involved in drawing West Virginia maps.

“This would be beyond the pale,” said Rick Martin, president of the NAACP’s Charleston branch. “This is all a strategy designed to weaken

and in many instances negate the vote of African Americans and also poor people.”



The relevant documents are available here:

- [CLOSE IN CHARLESTON AREA](#)
- [CLOSE IN CHARLESTON BLOCKS](#)
- [WV – CHARLESTON AREA](#)
- [Greater Charleston Area – AA Pop](#)

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