

**State Defendants' Response to Plaintiff-Intervenors'
and TXNAACP Motion for Preliminary Injunction**

Exhibit AL

Texas Senate Chambers Aug. 22, 2025 (Part II) Tr.

TRANSCRIPTION OF AUDIO

SENATE CHAMBERS

Friday, August 22, 2025 (PART II)

P R O C E E D I N G S

MR. PRESIDENT: The Senate will come to order.

Senator Blanco, for what purpose?

SENATOR BLANCO: Questions for the author.

MR. PRESIDENT: Senator King, do you yield?

SENATOR KING: Yes, I do.

SENATOR BLANCO: Thank you, Senator.

Sir, I've got some questions that are a little higher elevation, so to speak, but do you believe the Constitution legally permits one racial group to enjoy representation than other racial groups?

SENATOR KING: I think, no, of course not. I mean, equal justice -- all our laws are to apply equally to everyone in the United States.

SENATOR BLANCO: Okay. So your answer is you do not believe the Constitution legally permits one racial group to enjoy more representation than other racial groups. That's -- you do not believe that?

SENATOR KING: What equal protection is all about, if I understand your question, yes.

SENATOR BLANCO: Okay. So you mentioned equal protection. Do you mean the Equal Protection Clause?

SENATOR KING: Yes.

SENATOR BLANCO: Okay. So, can you explain what in the Constitution, other than the Equal Protection Clause,

1 would prohibit one racial group from enjoying more
2 representation than any other racial group.

3 SENATOR KING: Senator, I really just don't want
4 to get into a discussion at that level. I will tell you that
5 everyone under our Constitution, the intent is that everyone
6 be treated equally under the law. That's what equal justice,
7 that's what equal rights is all about. There are always
8 failures in that, but I think generally, as a nation, we try
9 to correct those failures.

10 SENATOR BLANCO: Okay. So I just want to
11 reiterate that you believe the Equal Protection Clause is
12 there to ensure that no racial group enjoys more greater --
13 greater representation than any other. The Equal Protection
14 Clause allows that.

15 SENATOR KING: I believe that everyone should be
16 treated equally under the law.

17 SENATOR BLANCO: Okay.

18 SENATOR KING: I believe that's what the
19 Constitution requires.

20 SENATOR BLANCO: Right. Okay. Thank you for
21 that. Senator, you said that your goal was to provide a
22 legal map. Is that accurate?

23 SENATOR KING: Yes.

24 SENATOR BLANCO: And as you know, our Constitution
25 provides for equal protections that you had just mentioned.

1 Can you elaborate on how this map legally complies with the
2 Equal Protection Clause from our Constitution?

3 SENATOR KING: So the most accurate answer I can
4 give you is that I'm not a redistricting attorney. I'm not a
5 constitutional attorney, but I hired very, very good
6 redistricting attorneys with a broad background in
7 constitutional law, and I asked them to review this map and
8 tell me if it in any way violated 14th Amendment, any aspect
9 of the Constitution, the VRA, anything, and they have come
10 back and told me unequivocally, that this does not violate
11 any applicable law.

12 SENATOR BLANCO: Did they cite any examples?

13 SENATOR KING: Well, I know that they ran a
14 Gingles analysis and other reviews, as are typically done in
15 the redistricting process.

16 SENATOR BLANCO: Did they refer to the Equal
17 Protection Clause?

18 SENATOR KING: Yes, they have referred to the 14th
19 Amendment.

20 SENATOR BLANCO: Can you explain how so?

21 SENATOR KING: Just in saying that it did not
22 violate the 14th Amendment.

23 SENATOR BLANCO: I'm sorry, I couldn't hear you.

24 SENATOR KING: Just in saying that, it was not a
25 violation of the 14th Amendment, the Voting Rights Act, or

1 any other applicable law.

2 SENATOR BLANCO: Did they go into detail how it
3 doesn't?

4 SENATOR KING: No, and again, I didn't want to get
5 in myself into reviewing racial data, and so what I asked
6 them to do is bring me their conclusions of law. I also am
7 not -- I don't have the expertise to analyze the statistical
8 parts of a review, such as Gingles for you're doing a
9 regression analysis or, you know, all the different things
10 that are looked at. That's just not my area of expertise, so
11 I just ask them to bring me their conclusions.

12 SENATOR BLANCO: Bring -- you asked them to bring
13 their expertise.

14 SENATOR KING: Yes.

15 SENATOR BLANCO: And what was their expertise?
16 What did they say?

17 SENATOR KING: They said that this -- that HB-4
18 did not violate any applicable law. That it complied with
19 the VRA and the Constitution.

20 SENATOR BLANCO: Did they explain how it complied
21 with the VRA?

22 SENATOR KING: Only that it did comply in all
23 aspects of the VRA.

24 SENATOR BLANCO: Did you ask how it complied with
25 the VRA?

1 SENATOR KING: Well, trying to think how to answer
2 that. I asked them to do a very, very detailed analysis, and
3 I asked them if it -- if their review had in any way shown
4 that it violated the Voting Rights Act, and they have assured
5 me that it does not.

6 SENATOR BLANCO: Okay. I ask these questions
7 because --

8 SENATOR KING: And then when I say that, obviously
9 that's with regard to race, color, minority, language group,
10 all the things that the VRA is intended to protect.

11 SENATOR BLANCO: Okay. Because today, Blacks and
12 Hispanics in Texas make up 51 percent of the population,
13 while White Texans make up 39 percent. Would you agree with
14 those demographics?

15 SENATOR KING: That sounds about right.

16 SENATOR BLANCO: Okay. If you agree with those
17 demographics, can you explain how a map that results in 70
18 percent of Congressional Districts being majority White
19 reflect that reality?

20 SENATOR KING: Well, with regard to this map, we
21 don't know who's going to be elected. Whether they're going
22 to be Anglo, Black, Hispanic, Asian, we don't know, and --
23 but I believe people are going to have the opportunity to
24 vote for the candidates that they think will best represent
25 their interests.

1 SENATOR BLANCO: We don't know, but you drew maps
2 based on current demographics?

3 SENATOR KING: I drew maps based on historic
4 voting -- of Republican/Democrat voting patterns.

5 SENATOR BLANCO: Regardless of race?

6 SENATOR KING: And actually, I didn't draw the
7 map, but I believe that's what this map is -- reflects.

8 SENATOR BLANCO: Not looking at race?

9 SENATOR KING: Not voting on race.

10 SENATOR BLANCO: Okay. 45 years ago, Anglos were
11 66 percent of Texas population. Today, Anglos make up 39.8
12 percent of population, and despite that massive demographic
13 shift, why does this map reflect the same demographics from
14 half a century ago?

15 SENATOR KING: Well, I think your statement would
16 presume that Hispanics are not voting for Republicans, and I
17 don't think that's the case. I think Hispanics are -- I
18 think the fact that we have Hispanic Members on this body. I
19 think that Republicans are voting -- let me say this
20 correctly, I think your statement assumes that Hispanics will
21 not vote for Republicans, and I just don't think that's
22 accurate.

23 SENATOR BLANCO: Would you assume that Hispanics
24 are trending to vote more Republican than Democratic?

25 SENATOR KING: You know, I haven't really analyzed

1 that out of anything other than an anecdotal level, but I
2 just believe that this map is going to create at least five
3 more competitive districts. I don't know whether someone
4 Hispanic, or Anglo, or African American will be elected to
5 those or Asian. I don't know and I don't know who will run
6 for them, but I know when you look at Republican v. Democrat,
7 those maps are -- those districts, those five will lean more
8 Republican, but they're going to be very competitive
9 districts. There's not a walkthrough, a guarantee by any
10 measure.

11 SENATOR BLANCO: You just mentioned that this map
12 improves Republican performance. Isn't it true that the
13 effect of this map, even if not intentional, does dilute
14 Hispanic vote and Black voting power?

15 SENATOR KING: I haven't seen any data suggesting
16 that.

17 SENATOR BLANCO: No? Okay. So you argue these
18 maps aren't -- are race neutral, but haven't conservative
19 federal courts already struck down similar supposed race
20 neutral maps in states like Louisiana, Alabama, Mississippi,
21 for doing exactly what House Bill 4 does here, because of the
22 effect?

23 SENATOR KING: I'm not aware of that.

24 SENATOR BLANCO: You're not aware of that.

25 Okay. Thank you, Mr. Chairman. Those are all my

1 questions.

2 SENATOR KING: Thank you, Senator.

3 MR. PRESIDENT: Senator Gutierrez, for what
4 purpose?

5 SENATOR GUTIERREZ: Thank you, Mr. President.

6 Just to ask the gentleman a few questions, if I may?

7 MR. PRESIDENT: Senator King, do you yield?

8 SENATOR KING: I am, but I'm still recovering from
9 your questions about SB-15, so --

10 MR. PRESIDENT: The gentleman yields.

11 SENATOR GUTIERREZ: I forgot which one that one
12 was. Well, let's go about when we were in the first called
13 special session. When we got up, and I think we were kind of
14 putting the rules out. You will recall what you said then?
15 I asked you then if you would have voted for a map in 2021
16 and then when we -- I think the Congressionals we did in '21.

17 I asked you then if you would have voted for a map
18 that violated the Voting Rights Act because my suggestion was
19 -- is that's what the Department of Justice letter suggests.
20 Department of Justice letter clearly states that these
21 districts in question are -- that race was taken into
22 consideration in the creation of these districts that they
23 now want to undo.

24 Excuse me, Mr. President, can we have Members kind
25 of quiet down and maybe take their telephone conversations

1 off the floor, please? It's a little bit too distracting.

2 MR. PRESIDENT: Members, can we have some order so
3 we can hear the discussion between the Members?

4 Please proceed.

5 SENATOR GUTIERREZ: Thank you, Mr. President.
6 So when we talked about that then, I asked you, "Did you
7 think that the maps that we voted on in 2021 were fair and
8 within the Voting Rights Act," and your answer to me was
9 that, "I would not have voted for maps that I felt were
10 illegal."

11 Do you remember that answer?

12 SENATOR KING: I don't specifically recall the
13 conversation, but I would not have voted intentionally for
14 any map that I believed violated the Voting Rights Act or any
15 other applicable law.

16 SENATOR GUTIERREZ: Okay. So in 2021 --

17 SENATOR KING: In 2021.

18 SENATOR GUTIERREZ: You voted for maps,
19 Congressional maps, and you felt that those maps were fair,
20 within the Voting Rights Act, and there was no race in the
21 consideration of those maps. That's why you voted for those
22 maps. Yes or no?

23 SENATOR KING: I -- at the time I voted, I
24 believed they -- those to be legal maps and I still do.

25 SENATOR GUTIERREZ: Okay. You still do?

1 SENATOR KING: I had no -- I haven't personally
2 been presented with any evidence otherwise.

3 SENATOR GUTIERREZ: Then why are we here? Why are
4 you carrying this bill?

5 SENATOR KING: As I stated before, one of the
6 purposes of the bill is to improve Republican candidate
7 performance for Congressional candidates.

8 SENATOR GUTIERREZ: Okay. You're a very good
9 lawyer. You are, I really respect you for that, and I --
10 I've seen you here and I've seen you in the House of
11 Representatives. We've served together now for almost 20
12 years.

13 SENATOR KING: Crazy.

14 SENATOR GUTIERREZ: It's crazy. Sometimes I think
15 I'm crazy for being in here. But you've always been very
16 well prepared. Do you go into the courthouse when you -- and
17 I don't know -- I know you've done some criminal work, and I
18 know you've done some civil work. Am I correct in that?

19 SENATOR KING: Yes.

20 SENATOR GUTIERREZ: All right. I'm kind of like,
21 I don't know, I can't characterize you. I characterize me as
22 kind of a street lawyer. I do a little criminal, a little
23 bit of family, a little bit of civil work. I've tried damn
24 near just about anything except for the -- really, stuff that
25 I can't get into, it's like bankruptcy and stuff like that --

1 stuff in federal court, even though I'm licensed in federal
2 court. So you've tried a little bit of everything yourself?

3 SENATOR KING: I really don't practice much
4 anymore, but I did some litigation. I did some
5 transactional, yes.

6 SENATOR GUTIERREZ: When you go do litigation,
7 when you go into a civil courtroom, you'd have your trial
8 notebooks. And in that trial notebook, you had all your
9 pleadings. You had all your discovery. Yes?

10 SENATOR KING: Yes.

11 SENATOR GUTIERREZ: You had your exhibits,
12 correct?

13 SENATOR KING: When I was prepared, yes.

14 SENATOR GUTIERREZ: Yes. And all of that was to
15 present to the Court, to present the best argument for your
16 client, to be able to do the things that you needed to do to
17 have success in Court, correct?

18 SENATOR KING: Yes.

19 SENATOR GUTIERREZ: And I understand you're not a
20 voting rights expert and you're not a redistricting expert,
21 but over and over again today, you've said, "Well, I don't
22 know and I'm just relying on what these lawyers told me to
23 do. I'm just relying on what they've said." A lot of people
24 have asked you the same question, and I don't know that I
25 want to answer -- ask the same question again, but I'm going

1 to go down through this a little bit, and we're going to try
2 to see where we get from here. The CD-7, a coalition
3 district, in the current plan, in your opinion.

4 SENATOR KING: In the current map?

5 SENATOR GUTIERREZ: Yes, sir.

6 SENATOR KING: I don't know off the top of my
7 head. I'm not advised.

8 SENATOR GUTIERREZ: Not advised. Are you -- so
9 are you also not advised? Does HB-4 change that? Is it
10 still a majority/minority?

11 SENATOR KING: To determine if something is a
12 majority/minority district or to determine if something is a
13 coalition district, you have to look at racial data, and I
14 have not done that.

15 SENATOR GUTIERREZ: Is CD-9 a coalition district?

16 SENATOR KING: Same answer.

17 SENATOR GUTIERREZ: HB-4 changes that by making it
18 barely a Latino majority, correct, of 50.3?

19 SENATOR KING: Again, I have not looked at racial
20 data.

21 SENATOR GUTIERREZ: You can't answer the fact that
22 HB-4 changes CD-9 to 50.3 Latino?

23 SENATOR KING: I can tell you that HB-4 makes CD-9
24 a more Republican leaning district than it is today.

25 SENATOR GUTIERREZ: And they tweaked -- just

1 barely Hispanic, just over the 50 percent mark. CD-18, a
2 coalition district in the current plan, in your opinion?

3 SENATOR KING: Again, to determine if something is
4 a coalition district, you have to look at racial data, and I
5 have not looked at racial data.

6 SENATOR GUTIERREZ: Is CD-22 a coalition district?

7 SENATOR KING: I would have to give the same
8 answer to that to any district you ask me about, of the 38.

9 SENATOR GUTIERREZ: So you didn't look at race, we
10 can go on and on and on, and you're going to say -- give me
11 the same answer that you didn't look at race as a
12 consideration or make any of these maps because you didn't
13 actually make the maps, correct?

14 SENATOR KING: That's correct.

15 SENATOR GUTIERREZ: Other people made the maps.

16 SENATOR KING: That is correct.

17 SENATOR GUTIERREZ: And you don't know whether
18 those people looked at race in creating these maps, do you?

19 SENATOR KING: What I -- No. All I can tell you
20 is -- and I haven't inquired as to who physically drew the
21 maps. I haven't inquired as to the process, who all was
22 involved in that. All I can tell you is that I am confident
23 that the map does not violate the VRA or any other applicable
24 law, and that it also will make at least five districts
25 perform better for a Republican candidate.

1 SENATOR GUTIERREZ: I'm going to try to keep my
2 temperature down at this level because I think it's
3 important, but I find it interesting that you keep going back
4 to this notion that you don't know. You were told, you know.
5 You didn't make the maps. You didn't call the people that
6 make the maps. They didn't communicate with you. You don't
7 know who they are. You never saw them. What kind of level
8 of preparedness is that on this very important matter?
9 You're supposed to believe some person that you don't even
10 know who made these?

11 SENATOR KING: As I've said before, House Bill 4
12 meets all legal criteria, and it will promote the election of
13 more Republican Congressional Members.

14 SENATOR GUTIERREZ: Okay. That's great, but
15 that's not what the United States Justice Department said.
16 They said that these race-based considerations from these
17 special districts were created, making them unconstitutional
18 coalition districts. So they had to, if you take the inverse
19 of this, they had to have used race in making their
20 assessments. They had to take race into consideration.
21 Correct? That's what they say in this letter.

22 SENATOR KING: As far as I know, they haven't
23 written any letter in regard to HB-4. If you're speaking of
24 the existing 2021 map, that letter states those conclusions,
25 but I have not seen, nor do I know of anyone who's seen, any

1 underlying data in support of those conclusions.

2 SENATOR GUTIERREZ: The same maps that you said
3 were fair, legal, within the Voting Rights Act; they make
4 conclusions that claim that race was taken into consideration
5 in the making of those maps, and you're now telling us
6 because that's why we're here. We're here because of this
7 letter, and we know that because Greg Abbott included this
8 letter in his first call, correct?

9 SENATOR KING: He did mention that letter in the
10 first call.

11 SENATOR GUTIERREZ: There are nine Congressional
12 districts currently that do not have a majority of any single
13 race, correct? That's CD-7, 9, 18, 22, 27, 30, 32, 33, and
14 35. Take my word for that?

15 SENATOR KING: Are you referring to the 2021 map
16 or HB-4?

17 SENATOR GUTIERREZ: Currently. The maps that are
18 currently in place.

19 SENATOR KING: And again, I haven't looked at the
20 racial data for those maps.

21 SENATOR GUTIERREZ: HB-4 makes three of them
22 majority Anglo: CD-22, 27, and 32. Is that correct?

23 SENATOR KING: Again, I don't know how many times
24 to say it, and I don't mean to upset you, and I don't want
25 your temperature to get up, as you referred to. But I have

1 not looked at any racial data. Period. At any time, in any
2 way. Maybe I'm wrong, but I think that's the right way to
3 approach redistricting.

4 SENATOR GUTIERREZ: Okay. So you're going into
5 the trial, and you're very, very well prepared at trial.
6 I've seen you come into committees, and I've seen you come on
7 this floor very, very well prepared on your bills. But on
8 this one, we're supposed to believe "I don't know"? "I
9 didn't make the maps." "I didn't talk to the map makers,"
10 and "I'm just going to go on the advice and counsel of my --
11 of what the lawyers tell me." Is that a fair statement?

12 SENATOR KING: No.

13 SENATOR GUTIERREZ: What is then? I mean you're
14 accountable, right? You're "a buck stops here", kind of guy?

15 SENATOR KING: I was going to try to answer your
16 previous question.

17 SENATOR GUTIERREZ: Well, answer that one. Are
18 you accountable?

19 SENATOR KING: Yes. I'm accountable to God. I'm
20 accountable to my wife. I'm accountable to my family.
21 I'm accountable to this body. Certainly.

22 SENATOR GUTIERREZ: Okay. You're accountable to
23 this body. You're accountable to the people of Texas,
24 correct?

25 SENATOR KING: Sure.

1 SENATOR GUTIERREZ: So, if a three-judge panel
2 looks at these -- there's going to be a lawsuit, we know
3 that. If a three-judge panel finds that race was definitely
4 a consideration in this place, because that was said in that
5 DOJ letter. That's what was said by the Governor. That's
6 what was said in the House of Representatives. That's what
7 Todd Hunter over there said. That's what Pam Bondi says.
8 And so maybe you've been a very good lawyer or very good
9 witness here and been dodging everything, but ultimately, if
10 that three-judge panel says that race was a consideration,
11 then you erred, I guess.

12 SENATOR KING: Well, any determinations that they
13 make, one way or the other, are going to be based on expert
14 witnesses that have done the type of analysis to answer their
15 questions.

16 SENATOR GUTIERREZ: Okay. That's good. Expert
17 witnesses did analysis, and those experts -- are those your
18 lawyers? Are those your lawyers?

19 SENATOR KING: Okay. No, I think under privilege
20 they would not be under expert witnesses.

21 SENATOR GUTIERREZ: Okay.

22 SENATOR KING: That might be in some cases who
23 they used -- could be -- that's a long discussion for a
24 different day.

25 SENATOR GUTIERREZ: Let me skip around a little

1 bit, because you bring about expert witnesses and expert
2 analysis. Red Apple has political data down to the bloc
3 level, or is it by voter tabulation district or precinct?
4 Does Red Apple have political data down to the bloc level, to
5 your knowledge?

6 SENATOR KING: It's been a long time since I've
7 played with Red Apple, but it takes you down to the census
8 track level, I recall. But I also think a lot of people are
9 using a different program out there. I forget the name of it
10 -- that -- for drawing redistricting maps today.

11 SENATOR GUTIERREZ: Tell all these people in the
12 room what Red Apple is. I should probably -- we should
13 probably educate them because they probably think we're
14 talking about our iPhone.

15 SENATOR KING: Well, Red Apple is a program that's
16 been utilized in this -- by the Texas Legislature for many
17 years to assist in drawing maps.

18 SENATOR GUTIERREZ: Okay. Fair enough. Does Red
19 Apple have political data down to the bloc level?

20 SENATOR KING: You know, I honestly have not
21 looked at Red Apple in so many years, I don't know what it
22 has today.

23 SENATOR GUTIERREZ: There are 444 split precincts
24 in this HB-4 plan. Do you have any information as to why
25 there are so many split precincts and how the map drawer made

1 those decisions?

2 SENATOR KING: Now, are you referring to voting
3 precincts or commissioner precincts or JP precincts, or are
4 you referring to census tracts?

5 SENATOR GUTIERREZ: I'm referring to voting
6 precincts.

7 SENATOR KING: I suspect if you looked at any
8 redistricting map, State, House, State Board of Education,
9 anything, you're going to find a lot of precincts that are
10 split. Commonly just for rounding out the numbers that you
11 have to get to get within, in this case, one person, one
12 vote, the exact number, plus five or minus five in House and
13 Senate.

14 SENATOR GUTIERREZ: That's a little bit non-
15 responsive. Do you have any information as to why there are
16 so many split precincts and how the map drawer made those
17 decisions?

18 SENATOR KING: No.

19 SENATOR GUTIERREZ: Do we have racial data down to
20 the bloc level? We've already said, you don't know, correct?

21 SENATOR KING: I haven't looked at Red Apple in a
22 long, long time.

23 SENATOR GUTIERREZ: I'll submit to you that it
24 doesn't, but guess what does? Guess what does have racial
25 data down to the bloc level?

1 SENATOR KING: I can answer a question. I can't
2 guess at something.

3 SENATOR GUTIERREZ: We do it every 10 years, the
4 census. The census has data down to the bloc level. So if a
5 map drawer is splitting a precinct or a voter tabulation
6 district, the racial data of the blocs in that district could
7 have been used as a split in that district, correct?

8 SENATOR KING: Or could not have been used.

9 SENATOR GUTIERREZ: Could have or could not have
10 been. Fair enough. Fair enough. And since racial data is
11 the only information that we have below the precinct level,
12 the bloc level, isn't it likely that the map drawer used race
13 to split the voter tabulation districts like they did so well
14 in House Bill 4 plan?

15 SENATOR KING: You know, again. It's just really
16 hard to answer a hypothetical, but --

17 SENATOR GUTIERREZ: Well --

18 SENATOR KING: -- I would think that if someone
19 had built a map from the bottom up in an illegal fashion, it
20 would be reflected in the final product, and this map is not
21 illegal.

22 SENATOR GUTIERREZ: Well, I'll tell you that that
23 wasn't a hypothetical, not a hypothetical. We talked about
24 it earlier. When you said you didn't know whether which
25 district or what other district was a coalition district,

1 because you haven't really looked at it. You can't tell me
2 what percentage of Anglo, or Hispanic, or Black population
3 are in any district because you don't take, you don't look at
4 the racial data. But that's what it is. The racial data of
5 these districts that have been created are just barely over
6 their majority/minority level. Shrunk down, cracked over and
7 over and over again.

8 And so, for folks in the gallery or watching this
9 on TV, it's pretty simple, right? You just look at the map.
10 You look at this map that you didn't create. Other people
11 created. You don't know who created it. Appeared out of
12 blue sky. Was sent to you by -- well, who created it?

13 SENATOR KING: Senator, this map, this bill, this
14 is a bill --

15 SENATOR GUTIERREZ: Mm-hmm.

16 SENATOR KING: -- came to me in the same way that
17 you have adopted dozens and dozens of bills over the years.
18 And no -- don't -- I'm not trying to be snarky; I'm trying to
19 be straightforward.

20 SENATOR GUTIERREZ: Okay. I'll listen without
21 being snarky.

22 SENATOR KING: You picked up a house bill that
23 came over. You don't know everything that went into that
24 house bill. You don't know how many people talked about it
25 for the last five years or anything about it, but you

1 understand the author's intent. You look at it. It complies
2 with your objectives for legislation. You do some research
3 into it. You see that it meets the law and that it'd be good
4 for the State of Texas, and you pick up and you become the
5 sponsor to that Bill. That is exactly what I have done here.

6 SENATOR GUTIERREZ: That's a --

7 SENATOR KING: There's nothing inappropriate about
8 that or irregular.

9 SENATOR GUTIERREZ: That's a --

10 SENATOR KING: That is as conforming to Senate
11 regular process as it can be. In this case, it's a
12 redistricting map.

13 SENATOR GUTIERREZ: That's a nice answer.

14 SENATOR KING: It's a truthful answer.

15 SENATOR GUTIERREZ: You see that woman over there?
16 What's her name? Senator Joan Huffman. She had this job two
17 sessions ago. She knew what plans she was posing to us. She
18 knew who the drafters were. She did analysis. She talked to
19 lawyers. All of those things were fleshed out and aired out
20 on this floor and in the House where you were.

21 SENATOR KING: And I think -- and I think, if
22 you'll go back and look at her testimony, because I have for
23 the presentation of that. She also did not look at racial
24 data. Again, I am following very appropriate Senate process,
25 and I've gone back and looked at those hearings from when

1 those bills were -- that bill was presented in 2021.

2 SENATOR GUTIERREZ: Do some Anglos vote for
3 Democrats in Dallas County?

4 SENATOR KING: I'm sure they do. Absolutely.

5 SENATOR GUTIERREZ: How about Harris County?

6 SENATOR KING: I'm sure they do.

7 SENATOR GUTIERREZ: You'd agree that there's some
8 crossover Anglo support for Democrats in some urban areas in
9 Texas?

10 SENATOR KING: Again, at 100,000-foot level,
11 people vote for different people, yes.

12 SENATOR GUTIERREZ: This might surprise you, but a
13 few Republicans vote for me, too. That's a joke, but it's
14 true.

15 SENATOR KING: No comment, sir.

16 SENATOR GUTIERREZ: So, if the map drawer were
17 looking just for Democrats in Dallas County, they would get
18 African Americans, Latinos, Asians, and some White people,
19 correct?

20 SENATOR KING: I would expect that to be true,
21 yes.

22 SENATOR GUTIERREZ: And in Bexar County, there's
23 crossover Anglo support for Latinos, Latino preferred
24 candidates. We've already, you've already suggested that to
25 be true, but let me ask you this. In Dallas County, how was

1 the map drawer able to recreate CD-30 as a black majority in
2 Dallas, if the map drawer was not looking for black voters?

3 SENATOR KING: Just from past experience, personal
4 experience, I can tell you that it is very easy to draw a map
5 that improves Republican performance by just looking at
6 Republican and Democrat votes, and I believe that's what this
7 map is a product -- I believe it's a product of that process.

8 SENATOR GUTIERREZ: Yeah. You mentioned these
9 lawyers, you mentioned some experts, you mentioned some
10 expert testimony that was -- that I think you probably had in
11 your hearing. I must admit, I wasn't at your hearing. This
12 stuff is about as exciting to me as it is exciting to you.
13 And there are things that we truly find exciting in this
14 building.

15 This is just something we do every 10 years. I
16 get it. The lawyers that you hired, they verified with you
17 that this map is legal. You've said that over and over. Did
18 they give you an EI estimate? Ecological Inference Estimate?
19 Yes or no?

20 SENATOR KING: No.

21 SENATOR GUTIERREZ: Did they give you a racial
22 polarized voting analysis? Both of those two different types
23 of analyses are generally performed by these types of people
24 that are reviewing these types of maps. You said that you
25 went to the experts. You hired the best lawyers in town.

1 They did an analysis, and they came back to you that
2 everything is okee-dokee, Senator - it's all wonderful, no
3 race in the offing here.

4 Did they give you either one of those two analysis
5 that they likely used?

6 SENATOR KING: Well, obviously, in doing a
7 Gingles, you have to do the analysis you've discussed, but I
8 specifically have not looked at any of the underlying data
9 because I would have had to look at racial data, and I did
10 not want to take that into consideration in drawing this map.
11 Whether you agree with me that that's a good or bad way to
12 draw a map -- I understand we can disagree on that, but I did
13 not take racial data into consideration, and any question you
14 ask me about that, I'm going to be giving the same truthful
15 answer that I've been giving all day on it.

16 SENATOR GUTIERREZ: No one called you a liar. I
17 didn't call you a liar. I said you're a good lawyer, and
18 despite the jokes, lawyer and liar aren't the same thing.
19 But it sure is a good way to create an ignorant witness.
20 Someone up here to give us the testimony up here and say,
21 "Well, you know what, they did those things because they have
22 to do them, and I didn't get a report -- a book report on
23 that. I didn't look at it."

24 So you're a lawyer. You're accountable. You're
25 accountable to the courts. You're accountable to this body.

1 You're accountable to the taxpayers. You're accountable to
2 God and your family. These reports were likely done, and you
3 didn't review them.

4 SENATOR KING: That's correct.

5 SENATOR GUTIERREZ: They rendered an opinion. You
6 said that, correct?

7 SENATOR KING: Yes.

8 SENATOR GUTIERREZ: Did you review that opinion?
9 You said that earlier, by the way.

10 SENATOR KING: I have received their conclusions,
11 and their conclusions are that this completely complies with
12 the VRA.

13 SENATOR GUTIERREZ: And help you --

14 SENATOR KING: I'm not a redistricting attorney.
15 I'm not a -- I'm not capable of the level of statistical
16 analysis that it takes to do the type of regression and other
17 studies you have to look at.

18 SENATOR GUTIERREZ: All right.

19 SENATOR KING: To be honest, the data would have
20 been fairly meaningless to me. That's why you have expert
21 witnesses in court, because it's fairly meaningless to the
22 parties and to the attorneys.

23 SENATOR GUTIERREZ: Fair enough. So they rendered
24 an opinion to you that you reviewed. Did they help you
25 prepare your talking points?

1 SENATOR KING: Of course.

2 SENATOR GUTIERREZ: Okay.

3 SENATOR KING: I asked -- I prepared my talking
4 points, and I went over those talking points with them, of
5 course.

6 SENATOR GUTIERREZ: Did you provide these
7 resources that they provided to you to anyone else in the
8 Senate outside of your office?

9 SENATOR KING: Would you say that slower?

10 SENATOR GUTIERREZ: Did you provide these
11 resources that they provided to you to anyone else in the
12 Senate outside of your office?

13 SENATOR KING: No.

14 SENATOR GUTIERREZ: So the reports that they
15 created, the opinion that they gave you, you have it. It's
16 in your office, and no one's seen it.

17 SENATOR KING: I have none of their underlying
18 data. I have none of the analyses in my office. I have
19 asked for things such as give me a brief that overviews
20 redistricting law to date so that I could familiarize myself
21 with it again.

22 I have asked for other background on redistricting
23 materials. The specific thing that I have hired them to do
24 is to analyze any plan that was proposed during these special
25 sessions, and they have done so at my request, and as I have

1 said before, they have told me that -- they've assured me
2 that this map meets all legal criteria.

3 SENATOR GUTIERREZ: They've analyzed it. They've
4 given you an opinion. They have analyzed it. They've likely
5 done those two types of analyses that we have discussed,
6 because they have to do them. Well, let's see, whatever you
7 do have in your office, just as a matter of Senatorial
8 courtesy, are you going to allow us to review that before we
9 go forward with this bill? Well, I mean, we want to make the
10 same informed decision and opinion that you're making. I
11 know you have this look on your face, I'm just wondering, can
12 we see the things --

13 SENATOR KING: No, I'm trying to think what in my
14 office would be of any benefit to you. You've heard my
15 talking points.

16 SENATOR GUTIERREZ: I'd like to see the opinion.
17 I'd like to see the analysis that they created.

18 SENATOR KING: Well, you've pretty much heard it
19 all.

20 SENATOR GUTIERREZ: No. I heard, I don't know.
21 I've been told. I don't know who drew the maps. I'm pretty
22 sure that my lawyers know what they're doing. I'm pretty
23 sure that they're the experts in this thing. That's what
24 I've heard all day long.

25 SENATOR KING: You understand how privilege works

1 and how releasing information under privilege works, and
2 you're a good lawyer, too.

3 SENATOR GUTIERREZ: Yeah. No, I do. I do. And
4 it's funny because we're two sides in this place, Republicans
5 and Democrats, just like we are in this country, and yet,
6 we're not in a courtroom. We're not in a courtroom. We're
7 in a place where transparency is the most important, number
8 one issue, that those people outside of this building, those
9 people in that gallery, and everybody watching on TV thinks
10 that Government should be transparent, but the analysis, the
11 reports, the EI, and the, oh goodness, what was it called --
12 the RPV, The Racial Polarized Voting Analysis.

13 SENATOR KING: Yes, that's part of Gingles
14 analysis.

15 SENATOR GUTIERREZ: Somewhere -- part of Gingles,
16 you're right. Your lawyers did it, and yet there's no access
17 to it by the general public, the people, or even your own
18 colleagues in this room, because why? Are we in a courtroom?
19 You don't want to be transparent to people? I thought you
20 were -- I thought you were going to be accountable to us.

21 SENATOR KING: You know, I'm very confident that a
22 lot of parties have done analysis and analysis of this map,
23 and I have yet in hearing or anywhere else had anyone present
24 me with any tangible data suggesting that this map is not
25 legal. I want to say that again. We've had hearings; this

1 map has been out there. Its predecessors have been out
2 there. I have yet to have anyone present me with any
3 tangible data that this map is not legal. Period.

4 SENATOR GUTIERREZ: Well, let me --

5 SENATOR KING: And I suspect, if you had it, you
6 you would have come to the committee and presented it.

7 SENATOR GUTIERREZ: Well, let me give you some
8 tangible data. I'm glad you mentioned it. When we talked
9 about coalition districts, I brought up percentages.
10 Everybody in this room has brought up percentages, and you
11 claim the same ignorance, and I get it. So now you've looked
12 at racial data, even though you don't want to -- you say you
13 don't. Or you say you have not looked at the racial data, I
14 get that. But did you know that several of the districts in
15 HB-4 are just barely majorities of racial minorities? Can we
16 at least establish that?

17 SENATOR KING: I'm taking you at your word. I
18 haven't looked at the data.

19 SENATOR GUTIERREZ: Most, just a fraction of a
20 percentage beyond a majority, and I'm going to go through
21 those numbers because, all right, listen, maybe we will be in
22 a courtroom someday. Maybe someone does need to hear the
23 evidence. Or maybe our constituents, the ones that you don't
24 want to be transparent with, maybe they can hear it now.
25 CD-9 is 50.3 Hispanic, H-CVAP. CD-30 has 50.2 Black CVAP.

1 CD-18 has 50.5 Black CVAP. CD-35 has 51.6 H-CVAP. More than
2 a fraction, but just beyond a majority.

3 What is the likelihood? Senator, you're a smart
4 man. You're a good lawyer. You're accountable and you're
5 truthful to the people of the State of Texas, even though you
6 don't want to show them all the analysis that we've just
7 talked about. What is the likelihood of increasing these
8 seats to just a fraction beyond a majority of one race, if
9 race was not considered?

10 SENATOR KING: Senator, I can't answer something I
11 don't know. All I'm telling you, again, is that -- now if
12 you're alleging those districts looked packed. It's hard to
13 envision that 50 point something percent is a packed
14 district, but aside from that, all I can tell you is I am
15 absolutely convinced that this map is legal, and I have had
16 no one present any tangible data to me -- any analysis
17 otherwise.

18 SENATOR GUTIERREZ: My friend, I'm suggesting
19 those were cracked, not packed.

20 SENATOR KING: Well, if you're suggesting they're
21 cracked --

22 SENATOR GUTIERREZ: Look, I'm not suggesting it.
23 The numbers suggest it, my friend.

24 SENATOR KING: I don't know how to answer a
25 question that I've answered about 45 - 50 times today.

1 SENATOR GUTIERREZ: Yeah, I get it.

2 SENATOR KING: I don't know how else to say it.

3 SENATOR GUTIERREZ: I know what your answer was.

4 SENATOR KING: I have not looked at racial data.

5 I have not taken that into consideration.

6 SENATOR GUTIERREZ: Not taken into consideration
7 because you don't want to.

8 SENATOR KING: And, Senator, I'm not going to take
9 it into consideration.

10 SENATOR GUTIERREZ: Yeah.

11 SENATOR KING: I just think that's inappropriate.

12 SENATOR GUTIERREZ: Because you don't know,
13 because other people did it, and you don't know the map
14 makers. Even though Joan Huffman knew the map makers. Even
15 though she talked to the map makers. I get it. Let's move
16 on. We're wrapping up soon.

17 Before you filed the Congressional map in the
18 first called session, had you spoken with anyone in the Trump
19 administration about the possibility of seeking changes to
20 the Congressional maps?

21 SENATOR KING: I have not spoken with anyone in
22 the Trump administration.

23 SENATOR GUTIERREZ: The Attorney General's Office?
24 Pam Bondi's office?

25 SENATOR KING: I have not spoken with anyone in

1 the DOJ.

2 SENATOR GUTIERREZ: The Texas Attorney General's
3 Office?

4 SENATOR KING: I have conferred with the Texas
5 Attorney General's Office.

6 SENATOR GUTIERREZ: Who have you talked to there?

7 SENATOR KING: I'd have to go back and look at my
8 notes to get names. I've -- in fact, actually, I'm not sure
9 I have talked to anybody directly since then, since this
10 session began.

11 SENATOR GUTIERREZ: Either you have or you
12 haven't, man.

13 SENATOR KING: I know, but look --

14 SENATOR GUTIERREZ: You said you did.

15 SENATOR KING: Please understand, during -- when
16 the letter came out, and I was handling redistricting, I
17 requested a copy of their response. I think -- I'm trying to
18 think back, excuse me. I know I or my office conferred with
19 them, but I wanted to see a copy of their response. I wanted
20 their opinion on the letter, but in terms of any counsel with
21 regard to this map, the districts, whether it's legal, they
22 have not provided any advice, any counsel at all.

23 SENATOR GUTIERREZ: So who did you speak to over
24 there?

25 SENATOR KING: If you'll give me a few minutes,

1 I'll ask my staff. It was probably -- it was certainly the
2 litigation team that's on the El Paso trial --

3 SENATOR GUTIERREZ: Mr. President, I --

4 SENATOR KING: -- because they were responding to
5 the letter, --

6 SENATOR GUTIERREZ: -- I'm glad to take a --

7 SENATOR KING: -- and I'll just be honest. I
8 don't know the names right now.

9 SENATOR GUTIERREZ: Mr. President, I'm glad to
10 take a 30-second, 1-minute, 2-minute break so he can ask his
11 staff. He's suggested it.

12 SENATOR KING: Well, Mr. President, all he needs
13 to know is it's the litigation team that is handling the El
14 Paso case. There's no need to break. But when the DOJ
15 letter came out, we conferred with their office to get a copy
16 of their response. I read their response. I don't think
17 I've talked to anyone over there since then.

18 SENATOR GUTIERREZ: But you have spoken to
19 somebody. The El Paso team is what -- that's your answer
20 today?

21 SENATOR KING: But nothing to do with this map.
22 Nothing to do with HB-4. Nothing to do with our
23 redistricting process.

24 SENATOR GUTIERREZ: Okay. So when we ask them, if
25 they're asked in a deposition, under oath, 'cause you'll be

1 deposed under oath. You're an attorney, you know what that
2 means. Will that be your same answer? Is this the El Paso
3 team, or we going -- will that litigation?

4 SENATOR KING: Well, I think that's all it
5 would -- that's the only ones it could have been. I don't --

6 SENATOR GUTIERREZ: You forgot?

7 SENATOR KING: Well, no. It's not a matter of
8 forgetting. It was a very inconsequential discussion.

9 SENATOR GUTIERREZ: All right. Okay. Did you
10 speak with Steven Miller?

11 SENATOR KING: I'll be honest with you; I don't
12 remember their names. I'm sorry.

13 SENATOR GUTIERREZ: Did you speak with Steven
14 Miller with the White House?

15 SENATOR KING: Oh, that Steven Miller. Oh no, I
16 haven't talked to anybody in the White House.

17 SENATOR GUTIERREZ: Did you speak with the Vice
18 President or the President?

19 SENATOR KING: I have not talked to anybody in the
20 administration.

21 SENATOR GUTIERREZ: Did you consult with any
22 Congressional representatives before filing? If so, which
23 ones?

24 SENATOR KING: I have not had any discussions
25 about this map with any Congressional Members.

1 SENATOR GUTIERREZ: Did you talk to Mike McCaul?
2 Careful.

3 SENATOR KING: Did you just say be careful?

4 SENATOR GUTIERREZ: Yeah. Did you talk to Mike
5 McCaul?

6 SENATOR KING: No, but I don't need to be reminded
7 to be careful, Senator. That's a little bit beneath you. I
8 have not talked to Michael McCaul.

9 SENATOR GUTIERREZ: You give me answers where you
10 tell me, yes, I spoke to someone at the AG's office, and then
11 you turn around and say, well, maybe not.

12 SENATOR KING: Well, I'm trying to remember
13 conversations over the last eight weeks, and I've talked to a
14 lot of people, and I'm trying to answer you honestly.

15 SENATOR GUTIERREZ: You know what, you're right.
16 Let me apologize to you because I apologize to people when
17 I --

18 SENATOR KING: But I have not talked to Michael
19 McCaul.

20 SENATOR GUTIERREZ: Let me apologize to you.
21 You're right. That was beyond the pale. Well, maybe that's
22 a little too much, but I do apologize. Did you speak to Adam
23 Kincaid at all?

24 SENATOR KING: Yes.

25 SENATOR GUTIERREZ: You did speak with Adam

1 Kincaid? Tell us about what that conversation was like.

2 SENATOR KING: I've talked to Adam Kincaid three
3 times in the last probably couple of months --

4 SENATOR GUTIERREZ: The what? I don't mean to
5 interrupt. The last time I asked you this, you said you did
6 not speak to Adam Kincaid, so now you did.

7 SENATOR KING: No. No.

8 SENATOR GUTIERREZ: Yeah, you did.

9 SENATOR KING: No. No. No. No. We haven't talked
10 about this map in detail. What I -- I spoke to Adam Kincaid
11 when all the rumors first started. Again, I'm trying to
12 remember correctly, but as I recall - to the best of my
13 recollection -- the first time I talked to Adam Kincaid, and
14 I had known him years ago, is we'd spoken on a panel or two
15 together. When the media first started discussing
16 redistricting, I had called him and asked him if he was
17 involved in that process, and he said he was.

18 SENATOR GUTIERREZ: When was that conversation?

19 SENATOR KING: It was before this committee was
20 appointed.

21 SENATOR GUTIERREZ: Two months ago?

22 SENATOR KING: Yeah. Probably. Whenever it all
23 started first coming out on TV. Then -- and we were all
24 trying to figure out if there was going to be a special
25 session and all that, and if it was really for real something

1 going on.

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

3 SENATOR KING: Yeah. I just called him. I was
4 kind of surprised I had his mobile number, actually, but I
5 did. I ran into him at ALEC.

6 SENATOR GUTIERREZ: Time out. I apologize. You
7 have his mobile number. Do you guys text?

8 SENATOR KING: Not that I recall.

9 SENATOR GUTIERREZ: Okay. I was just asking.
10 Sorry, go ahead. So the second time you ran --

11 SENATOR KING: I ran into him at the ALEC Annual
12 Conference this summer.

13 SENATOR GUTIERREZ: How'd that go?

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

18 SENATOR GUTIERREZ: Okay. So, so, so you knew
19 that he was doing the map drawing.

20 SENATOR KING: Yes.

21 SENATOR GUTIERREZ: But earlier, you said you
22 didn't know the map drawers.

23 SENATOR KING: I knew that he was involved in the
24 redistricting process, and I called him that first time and
25 said, "Hey, are you involved in all of this? Is this for

1 real? That they're pushing for redistricting?" Something to
2 that effect.

3 He said, "Yeah. How are you doing? Haven't
4 talked to you in years. See you later.

5 SENATOR GUTIERREZ: All right.

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

10 SENATOR GUTIERREZ: I'll give you the benefit of
11 the doubt. Earlier, when you said you didn't know the map
12 drawers, that was just, you now remembered that you spoke --

13 SENATOR KING: Yeah.

14 SENATOR GUTIERREZ: Okay. So Adam is a map
15 drawer. Okay. We got that now.

16 SENATOR KING: Yeah. He's CEO or President or
17 something of the --

18 SENATOR GUTIERREZ: Republican Redistricting
19 Trust.

20 SENATOR KING: Yeah. You came up with the correct
21 name for it the other day, or Miles did -- National
22 Republican Redistricting Trust.

23 SENATOR GUTIERREZ: There you go.

24 SENATOR KING: It's been around a long time.

25 SENATOR GUTIERREZ: Third conversation, which one

1 was that?

2 SENATOR KING: Adam called me this last Monday --

3 SENATOR GUTIERREZ: Last Monday, which would have
4 been, I don't know, the 14th or so --

5 SENATOR KING: Whatever day it was.

6 SENATOR GUTIERREZ: Wait. Hold on. Last Monday,
7 like this very last Monday?

8 SENATOR KING: Yeah.

9 SENATOR GUTIERREZ: Okay.

10 SENATOR KING: Yeah. He called me and asked me if
11 I was aware that the House was going to be putting out a map
12 that had some changes from the original HB-4, and I said,
13 "No, I wasn't."

14 SENATOR GUTIERREZ: Okay. So you heard from Adam
15 about the changes.

16 SENATOR KING: Yeah. He was actually trying to
17 get in touch with a House member. He was looking for someone
18 that might have some --

19 SENATOR GUTIERREZ: So earlier, when someone was
20 asking you, you said that you didn't know about the changes
21 that the map -- that the House was doing that, and you didn't
22 know about them, but now, we now know it's Adam that told you
23 about the map changes on Monday. Maybe Adam --

24 SENATOR KING: Yes. We found out at first when
25 our legal counsel contacted my chief of staff, and then about

1 the same time, I received a call from Adam Kincaid --

2 SENATOR GUTIERREZ: Anybody on your staff --

3 SENATOR KING: -- for a contact with someone, and
4 that's when I found out that. It was probably 1:30 or 2 on
5 Monday.

6 SENATOR GUTIERREZ: Okay. All right. Fair
7 enough. Anything else happen in that conversation on Monday?

8 SENATOR KING: No.

9 SENATOR GUTIERREZ: Okay. Who in your staff --
10 your chief of staff talked to Adam at any time, to your
11 knowledge?

12 SENATOR KING: Not that I'm aware of. I don't
13 know if they've ever met.

14 SENATOR GUTIERREZ: Anybody in your staff talk to
15 Adam Kincaid or his staff?

16 SENATOR KING: Not that I'm aware of.

17 SENATOR GUTIERREZ: Anybody in your staff, to your
18 knowledge, talk to anybody in the White House?

19 SENATOR KING: They have not.

20 SENATOR GUTIERREZ: They have not. Okay. There
21 were some changes between the filed version of HB-4 and the
22 committee sub.

23 SENATOR KING: As happens on almost every bill
24 that's filed in the legislature.

25 SENATOR GUTIERREZ: My understanding of that is

1 those changes were made at the behest of incumbent congress
2 people. Is that accurate?

3 SENATOR KING: I do not know.

4 SENATOR GUTIERREZ: Is that what was part of the
5 discussion on Monday, August 18th?

6 SENATOR KING: I do not know. It looks pretty
7 diverse to me because it affects HB-9 and made HB-9 a better-
8 performing Republican district. It fixes a problem in East
9 Texas that Senator Hall and I assume somebody in the House
10 probably was concerned about, and it fixes a concern that was
11 raised by Senator Blanco and some El Paso witnesses with
12 regard to Fort Bliss. So I'm assuming that that came out of
13 a combination of discussions in the House with the bill
14 author, interested parties, and their Counsel.

15 SENATOR GUTIERREZ: But those "changes to the
16 map", and I put that in quotes, that Adam called you about on
17 August 18th, he didn't make any reference about Congress
18 people wanting those changes?

19 SENATOR KING: We did not go into a detailed
20 discussion about anything.

21 SENATOR GUTIERREZ: Did you take any changes that
22 had been proposed by Congressman Al Green?

23 SENATOR KING: We did not go into detailed
24 discussions about the new map.

25 SENATOR GUTIERREZ: No, no, no, I know. I'm

1 asking you did you take any changes that had been proposed by
2 Congressman Al Green?

3 SENATOR KING: I haven't seen any changes that
4 have been proposed by Congressman Al Green.

5 SENATOR GUTIERREZ: Okay. So they never requested
6 anything of your office, one way or another, that you're
7 knowledgeable about?

8 SENATOR KING: He testified in, I think, the first
9 hearing we had in the first session, as to his opposition to
10 any redistricting.

11 SENATOR GUTIERREZ: And Congressman Casar?

12 SENATOR KING: Sorry, who?

13 SENATOR GUTIERREZ: Congressman Casar from here in
14 Travis.

15 SENATOR KING: I don't believe he testified.

16 SENATOR GUTIERREZ: Okay. I'll submit to you that
17 he did. Did you make any of the changes that he suggested?

18 SENATOR KING: I haven't had any changes requested
19 by any Congressional Members, Republican or Democrat.

20 SENATOR GUTIERREZ: We went over this before, and
21 if a court decides that there was some racial considerations
22 that were wrongly made, whether here by you or your staff or
23 over there in the House of Representatives, I think
24 Representative -- oh gosh, my old desk mate, Hunter -- He's
25 acknowledged that perhaps there were.

1 If there's a legal problem with this bill, it's
2 because you made a mistake or because they made a mistake. I
3 mean, you're accountable. We talked about that. In other
4 words, are you responsible for this bill?

5 SENATOR KING: It is a bill that I filed.

6 SENATOR GUTIERREZ: If the court finds that it's
7 illegal to pack African Americans into CD-30 or CD-18,
8 because they're already performing African American
9 districts, then you are responsible for that choice, correct?

10 SENATOR KING: I can't respond to hypotheticals.
11 I don't think they will find that this map violates the law.

12 SENATOR GUTIERREZ: President, if you'll just
13 indulge me for a moment while I look at my notes.

14 As I skip around, you know we do this. You've
15 done this when you're in trial, and you have, you know, you
16 have the notes, and when you're in law school, you take your
17 big yellow pad? Or at least this is the way that I do it,
18 the way I kind of think. I know most people think I don't.
19 I take a pad and I do a line in the middle, do you do that?

20 SENATOR KING: No.

21 SENATOR GUTIERREZ: Yeah, I do answers on one side
22 from the witness. Then my themes on the other side, and so
23 then I start jumping around all over the place, and I was
24 just jumping around quite a bit here. But there's something
25 very important that's near and dear to my heart in my

1 district. Under the current map, is all of Maverick County
2 currently in one district? 2021 maps.

3 SENATOR KING: I would have to look at the map.
4 If you want, we can get it out.

5 SENATOR GUTIERREZ: I would like you to, yes.

6 SENATOR KING: Okay. Which CD district is that?

7 SENATOR GUTIERREZ: Oh, let's see. Currently it's
8 23. It is going to be proposed for -- to be split up between
9 23 and 28.

10 SENATOR KING: All right. So you're talking about
11 CD-23.

12 SENATOR GUTIERREZ: Yes, sir.

13 SENATOR KING: Correct?

14 SENATOR GUTIERREZ: Current 2021 maps.

15 SENATOR KING: And under the existing map --

16 SENATOR GUTIERREZ: Maverick, just so you know, is
17 down on the border, next to --

18 SENATOR KING: Yeah, I know where it's at, right
19 at Eagle Pass.

20 SENATOR GUTIERREZ: Yes, sir.

21 SENATOR KING: Maverick is divided in Plan C 2333,
22 which is HB-4, that's before us, and it's divided, looks like
23 right about at just south of Eagle Pass, maybe?

24 SENATOR GUTIERREZ: Yeah. It is. You're right.
25 It's divided. What was the consideration for dividing it?

1 SENATOR KING: Looking at 28 next to it, and the
2 fact that they were trying to make efforts to make 28 more
3 compact, I would suspect it was just a population
4 equalization.

5 SENATOR GUTIERREZ: Historically, Maverick County
6 has been kept whole in Congressional maps for well over
7 100 years. Would that surprise you?

8 SENATOR KING: No. Generally, the smaller
9 population counties historically are not divided, but as they
10 grow in population, it just kind of happens more and more
11 often.

12 SENATOR GUTIERREZ: And since you didn't make this
13 decision, I suppose. You said the map makers made the
14 decision, of course, the map makers you didn't talk to. How
15 do you think they decided to split Maverick? What was the
16 rationale for it?

17 SENATOR KING: Well, my guess is that it was, I
18 mean, just looking at it, 28 is more compact than it is
19 today. 28, in the old map, goes way up north into New
20 Braunfels area. In this map, it doesn't go as -- in HB4, it
21 doesn't go as far north. My suspicion is that it's an effort
22 to make it more compact, and splitting Eagle Pass was
23 probably -- I'm sorry, splitting Maverick was probably just a
24 population rounding, and in fact, did you notice also they
25 brought up -- what county is that? With (indiscernible)

1 Springs, (indiscernible) County? That's -- was brought into
2 28 as well, so I'm assuming it was just a -- probably just a
3 population equalization.

4 SENATOR GUTIERREZ: Okay. All right. So in 2006,
5 after a mid-decade redistricting, also by the way with a corn
6 break, when this legislature split Webb County, that's the
7 adjacent county,

8 SENATOR KING: Are you talking about in 2003?

9 SENATOR GUTIERREZ: Yes. You're right. How did
10 the Supreme Court -- well, 2003, the Supreme Court decision
11 came down in 2006. How did they treat the split of Webb
12 County?

13 SENATOR KING: You know, I'm sorry. I don't
14 remember the details. I -- if I remember correctly, Henry
15 Benia's district was ordered changed by the court.

16 SENATOR GUTIERREZ: Yeah. The court said --

17 SENATOR KING: And to be honest, that's all I
18 remember because, like you said, that's 20 years ago.

19 SENATOR GUTIERREZ: Yeah. The United States
20 Supreme Court said the District 23 Latino voters were poised
21 to elect their candidate of choice. They're becoming more
22 politically active with a mark in continuous rise in Spanish
23 surname voter registration. In successive elections, Latinos
24 reverting against voting in greater numbers, and in 2002,
25 they almost ousted him.

1 Webb County in particular, with a 94 percent
2 Latino population, spurred the incumbent near defeat with
3 dramatically increased turnout in 2002. They go on, but yet,
4 the people that drew this map, that you've not met, that
5 you've not talked to other -- well, that's not true. That's
6 not true. We now know that you've talked to Adam Kincaid
7 three times.

8 SENATOR KING: There's not a "We now know."

9 SENATOR GUTIERREZ: No, you can laugh all you
10 want --

11 SENATOR KING: I've mentioned in the past that I
12 knew Adam Kincaid.

13 SENATOR GUTIERREZ: You can laugh all you want.
14 You've been asked by a lot of people in this room, and they
15 talked --

16 SENATOR KING: Senator, you're getting way out of
17 line.

18 SENATOR GUTIERREZ: I'm not out of line.

19 SENATOR KING: No, you're getting way out of line.

20 SENATOR GUTIERREZ: I am not getting way out of
21 line.

22 SENATOR KING: You haven't been in those committee
23 hearings. You haven't seen or heard what's been stated in
24 those committee hearings.

25 SENATOR GUTIERREZ: It's 2000 --

1 SENATOR KING: You've said that yourself.

2 SENATOR GUTIERREZ: It's 2025. I can watch you on
3 TV, and by the way, I have.

4 MR. PRESIDENT: Members, if we can have order and
5 ask the question, and then answer the question. Don't talk
6 over each other if you please.

7 Senator King, you have the floor.

8 SENATOR GUTIERREZ: Let me ask you this as my last
9 question. Were you aware that you split up the
10 Kickapoo Tribe? Were you aware of that?

11 SENATOR KING: No.

12 SENATOR GUTIERREZ: Are you aware that there's
13 another tribe in West Texas, the Tiguas?

14 SENATOR KING: Yes.

15 SENATOR GUTIERREZ: Were you aware that you might
16 have split up Members of their population as well?

17 SENATOR KING: Are you aware of all the counties
18 that are split up in the current map in North Texas?

19 SENATOR GUTIERREZ: Oh, I'm aware that --

20 SENATOR KING: My point is there are --

21 SENATOR GUTIERREZ: I'm aware that not only did
22 you do that. I'm aware that this map splits up 444 voter
23 precincts at the bloc level solely, solely to get at racial
24 bias. That's what I'm aware of.

25 Thank you, Mr. President.

1 SENATOR KING: Mr. President?

2 MR. PRESIDENT: Senator King, you're recognized.

3 SENATOR KING: This map does not violate the VRA
4 or any other legal requirements. Every redistricting map in
5 place today for the State of Texas breaks up voting
6 precincts, divides counties; that's what has to happen when
7 you have rural, urban, and suburban districts. There's
8 nothing racial in the construction of this map.

9 Thank you, Mr. President.

10 MR. PRESIDENT: Members of Senate will stand at
11 ease for five minutes.

12 (Recess taken.)

13 MR. PRESIDENT: Senate will come to order. Chair
14 recognizes Senator King.

15 SENATOR KING: Thank you, Mr. President. And
16 before we go to the next question, I wanted to -- I got some
17 of the information that Senator Gutierrez had requested, and
18 I wanted to go ahead and fully answer his questions.

19 He asked about the meeting with the Attorney
20 General's office. That was on August the 19th. It was -- I
21 was having, to be honest, I was having difficulty finding a
22 law firm at that time that didn't have conflicts.

23 And I met with Ryan Kirschner, William -- Will
24 Walls-Dorth, and Kathleen Hunker, and it was for the purpose
25 of asking if they could serve as our legal counsel if they

1 had the in-house ability to do Gingles and other type of
2 analysis that would be appropriate. They discussed it.

3 I later got a call from Brent Webster, who said
4 that they've looked in-house and they do not have that
5 expertise and could not represent me. So for Senator
6 Gutierrez, that was on August the 19th. The -- with regard
7 to his questions about Adam Kincaid and his suggestion that I
8 haven't been up front about that.

9 Everybody has known that Adam Kincaid has been
10 involved in the redistricting process since this began, and
11 in fact, the committee had considered a subpoena to bring him
12 to testify, and I sent a formal letter from the committee to
13 Mr. Kincaid inviting him to testify. He has been involved
14 throughout this process. I just don't know the extent to
15 which he has been involved.

16 I know he has been involved in some of the early
17 map drawing. I don't know what role he played in the changes
18 between HB-4 and the committee substitute that was passed out
19 as HB-4. So everyone knows, Senator, that he has been
20 involved in this from the beginning. That has been discussed
21 and brought up in committee. I have sent him a letter myself
22 inviting him to testify before the committee.

23 There's nothing that is not transparent in this
24 process. If you want to know what his specific roles have
25 been, you probably need to have asked the House about that

1 during their committees or had someone ask it in their floor
2 debate. I do not know the specifics of his involvement. I
3 just want to clarify that.

4 So thank you. Oh, I said August 19th. I meant
5 July 19th. I'm sorry. My apologies. Thank you, Senator.

6 MR. PRESIDENT: Senator Gutierrez, what purpose?

7 SENATOR GUTIERREZ: Well, and I don't want to
8 belabor your ending points here, I just have one question
9 since he's brought --

10 MR. PRESIDENT: Question for --

11 SENATOR GUTIERREZ: -- back this information.

12 MR. PRESIDENT: Do you have a question for the
13 author?

14 SENATOR GUTIERREZ: First off, thank you. Thank
15 you --

16 MR. PRESIDENT: Senator King, do you yield?

17 SENATOR KING: Yes.

18 SENATOR GUTIERREZ: It's really just one question.
19 Thank you, Senator King, and thank you for giving us that
20 information. I don't know because I am fallible, too.

21 And I -- but I'm pretty sure because it was so
22 important to me then when we laid out the rules on the first
23 special session. I mentioned Mr. Kincaid, and you said you
24 never spoke to him.

25 Now, I'm going to go back at the record, at the

1 different times, at the different hearings, where other
2 people have asked you that, but it's just I remember myself
3 specifically asking you about him.

4 But I thank you now for giving us this
5 information.

6 MR. PRESIDENT: Senator King.

7 SENATOR KING: I don't recall that conversation,
8 but if I said that, it would have been an error, and I've
9 mentioned the three times that I've spoken to him.

10 MR. PRESIDENT: Chair recognizes Senator Eckhardt
11 for what purpose?

12 SENATOR ECKHARDT: To ask questions of the author.

13 MR. PRESIDENT: Senator King, do you yield?

14 SENATOR KING: Certainly.

15 SENATOR ECKHARDT: Thank you so much, Senator
16 King. Back when we were discussing the rules in the first
17 special, we discussed your hiring of a law firm. Do you
18 recall telling this body who you anticipated the law firm
19 would be representing?

20 SENATOR KING: I probably said they would be
21 representing me, as the Chair of the Committee.

22 SENATOR ECKHARDT: Do you remember answering a
23 question about whether or not the law firm would be
24 representing you as the Chair of the Committee or you as a
25 Republican?

1 SENATOR KING: I don't recall the question. I
2 know, at that point, we were just setting up the committee,
3 and there were a lot of questions, at that point, but I
4 assume I would have said that the law firm would be
5 representing me. Now, if I wasn't sure at that time, I may
6 have answered a little more vaguely, but that's the way it
7 has worked out. The contract was with me.

8 SENATOR ECKHARDT: So does BakerHostetler
9 represent you in your individual capacity?

10 SENATOR KING: No, in my capacity as the Chair of
11 the Committee.

12 SENATOR ECKHARDT: So you have stated your three
13 goals for this redistricting. Would you again restate them?
14 I know it's repetitive.

15 SENATOR KING: Sure. The first goal was it'd be a
16 legal map. Be able to withstand legal muster. That it be
17 legal and with regard to all applicable law. Second, it
18 improved the performance. Improve Republican performance of
19 Republican candidates for Congressional office, and the
20 third, which actually came up during the hearings, was that
21 it would become -- improve compactness.

22 SENATOR ECKHARDT: And of those three goals, rank
23 them in order.

24 SENATOR KING: Well, I really put them in order
25 then. The first one was that it be legal because there's no

1 value in doing this if it's not to begin with, and certainly
2 don't want to do anything that's illegal. So the first and
3 most important is that it be legal. The second, that it
4 accomplish the objective of creating some congressional
5 districts that would lean more Republican than the current
6 map, and the third was that would be -- that if we could, try
7 to improve the compactness quota -- quota.

8 SENATOR ECKHARDT: And in fact, you can't make
9 this map lean maximally Republican and have it be legal,
10 correct?

11 SENATOR KING: I actually don't know the answer to
12 that. I haven't tried to do it.

13 SENATOR ECKHARDT: Sure you do.

14 SENATOR KING: No, I really don't.

15 SENATOR ECKHARDT: Sure, you do.

16 SENATOR KING: I can only --

17 SENATOR ECKHARDT: Make the entire map Republican?

18 SENATOR KING: That would probably be very
19 difficult because we have so many committed Democrat voters.

20 SENATOR ECKHARDT: Could you maximize the number
21 of Republican seats mathematically?

22 SENATOR KING: What do you mean by maximize?

23 SENATOR ECKHARDT: Well, could you take the voting
24 age population, and look at just the election results, and
25 maximize your Republican seats? Mathematically?

1 SENATOR KING: You could probably try to create
2 more seats that lean Republican, but because we have a large
3 number of Democrat voters in this State, you would probably
4 make those new districts thinner and thinner and thinner, and
5 it would be less likely that they would actually elect a
6 Republican.

7 SENATOR ECKHARDT: But if you were to
8 mathematically maximize your number of Republican seats, you
9 would almost certainly run afoul of the Voting Rights Act,
10 correct?

11 SENATOR KING: I've never thought about that. I
12 don't know how to -- I don't know how to create any more
13 Republican seats without making the seats we have drawn.
14 These are very -- these five new seats, these are very
15 competitive seats. I'm not sure a Republican is going to win
16 them.

17 SENATOR ECKHARDT: And we're going to talk about
18 how competitive those seats are. So, it's your --

19 SENATOR KING: If you tried to make it ten, they'd
20 be thinner.

21 SENATOR ECKHARDT: I'm asking the questions, so --

22 SENATOR KING: You're right. You're asking them,
23 but I'm trying to answer them, so --

24 SENATOR ECKHARDT: I don't think it was responsive
25 for you to tell me how many competitive seats there are.

1 What I asked you was, you could maximize the number of
2 Republican seats mathematically, but you are constrained by
3 the Voting Rights Act in doing so, correct?

4 SENATOR KING: I've actually never thought through
5 that. I'm not sure that's a valid question. I don't know
6 the answer to that hypothetical.

7 SENATOR ECKHARDT: It is your contention that the
8 2021 maps that are currently in litigation are legal under
9 the VRA, correct?

10 SENATOR KING: I haven't personally seen anything
11 that suggests otherwise.

12 SENATOR ECKHARDT: Why didn't you use the same law
13 firm that Senator Huffman used in drawing those maps, which
14 you have not seen any reason to believe are infirm under the
15 Voting Rights Act?

16 SENATOR KING: Which law firm was that?

17 SENATOR ECKHARDT: I don't recall, actually. But
18 it was not BakerHostetler.

19 SENATOR KING: We interviewed a number of them
20 that -- and they'd already been hired by other parties; the
21 House and others, and I don't know who she -- I don't know
22 whether I interviewed who she used or not.

23 SENATOR ECKHARDT: It never crossed your mind,
24 though, to use the same law firm that drew the maps that you
25 believe are not questionable under the VRA?

1 SENATOR KING: I know that the Attorney General's
2 Office did more of an analytical process, did more of a legal
3 assist previously, because they had different staff. And I
4 believe those were involved in the 2021 process. I know I
5 was looking for a firm that could do everything. That could
6 provide the legal counsel, as well as to do the statistical
7 of the Gingles analysis and that type of thing, and we -- I
8 interviewed a number of firms.

9 I actually thought I had hired one at one point,
10 and then they backed out because we weren't going -- couldn't
11 -- the funding we never got to agreement on that. There was
12 another one, a conflict arose at the last minute. Then
13 another one a conflict arose. And because, interestingly,
14 they had at one time done some work for the Redistricting
15 Trust. And so, I mean, it's a pretty small universe. And
16 then we found this wonderful firm. They had just finished a
17 case. We were very fortunate to have got them when we did.

18 SENATOR ECKHARDT: Now you have testified that you
19 did not -- well, actually, you just testified in your
20 rehabilitation that you had spoken with the Attorney
21 General's Office in July -- July 19th, looking for in-house
22 counsel, but that they had responded that they could not
23 represent you.

24 SENATOR KING: No, that's not correct. I went to
25 them because I was having difficulty finding a firm, and I

1 know that in previous cycles they had provided the Gingles
2 analysis and things like that, and so in trying to narrow
3 down what I might need from a law firm, I spoke with them and
4 said, "Can you provide those services?"

5 They have, as you know, a lot of -- they've got
6 kind of a new team over there. They got back with me later
7 and said we do -- we no longer have anyone in-house who can
8 provide those type of services.

9 SENATOR ECKHARDT: Did you ever ask for the
10 Attorney General's analysis of either the 2021 map or either
11 of the two maps that had been produced in this mid-decade
12 redistricting?

13 SENATOR KING: No. We did request -- at the
14 committee's request, we did ask for the Attorney General's
15 Office to send us all the pleadings and all the court
16 documents from the El Paso trial, and that was -- we got it
17 actually that day as one of the early hearings, and we
18 distributed it to all the committee Members.

19 SENATOR ECKHARDT: Did you ask for the Attorney
20 General's RPVA analysis?

21 SENATOR KING: I don't recall. I know we just
22 asked for all the court filings on the El Paso case. And
23 that was at the request of one of the Democrat Members of the
24 committee.

25 SENATOR ECKHARDT: Did you ask for the ecological

1 inference analysis? The regression.

2 SENATOR KING: I do not know.

3 SENATOR ECKHARDT: But you're aware that our PVA
4 and EI are standard analyses.

5 SENATOR KING: And that may have been part of what
6 they produced for us, I don't know. It was a pretty big
7 file. It was a digital file they transmitted.

8 SENATOR ECKHARDT: So you previously testified
9 that you don't know who drew this map that is before us
10 today.

11 SENATOR KING: No. I said that I know that
12 Adam Kincaid has been involved in the process throughout. I
13 don't know at all times to what extent he was involved in it.
14 I know that the House made some changes. You'd have to ask
15 them who all drew up those changes. I'm assuming some of
16 them were in-house because they were local, they were El Paso
17 and Navarro changes. But I think that's an accurate and
18 thorough answer.

19 SENATOR ECKHARDT: So those are assumptions you
20 are comfortable with making?

21 SENATOR KING: Well, yes. I'm interested in the
22 final product.

23 SENATOR ECKHARDT: Okay. So now that, and, of
24 course, Senator Gutierrez is a tough act to follow after he
25 interrogates you and finds out that you've spoken to Kincaid

1 three times as recently as Monday.

2 SENATOR KING: Well, it wasn't anything big to
3 find out. He just had to ask.

4 SENATOR ECKHARDT: I'm so glad that he asked again
5 because we've got a significantly different answer than we've
6 gotten in the past.

7 SENATOR KING: No, I don't believe that's correct.

8 SENATOR ECKHARDT: So, in your discussions with
9 Adam Kincaid or anyone else who was involved in drawing the
10 maps, what data did they use to constrain their Republican
11 performance analysis?

12 SENATOR KING: I haven't asked that question.

13 SENATOR ECKHARDT: What data did they look at with
14 regard to their analysis?

15 SENATOR KING: I haven't asked that question,
16 either.

17 SENATOR ECKHARDT: What data was on their computer
18 screen as they considered different lines?

19 SENATOR KING: I wasn't there. I have no idea.

20 SENATOR ECKHARDT: Did your lawyer interview the
21 map drawer with regard to what data constraints they were
22 utilizing?

23 SENATOR KING: Not to my knowledge. I don't know.

24 SENATOR ECKHARDT: Did your lawyer discuss with
25 the map drawer the map drawer's goals with regard to the

1 constraints?

2 SENATOR KING: I've never asked that question. I
3 don't know.

4 SENATOR ECKHARDT: And what data did they use to
5 achieve those goals?

6 SENATOR KING: Did who use?

7 SENATOR ECKHARDT: The map drawer.

8 SENATOR KING: I don't know the answer to that.

9 SENATOR ECKHARDT: Did you tell your law firm that
10 your three goals were Republican performance, legality, and
11 compactness, or did they tell you those were the goals?

12 SENATOR KING: I told them that those were my
13 goals.

14 SENATOR ECKHARDT: How did you determine that the
15 goal of Republican performance had been met?

16 SENATOR KING: When I reviewed HB-4 and it had
17 five new districts that leaned Republican, and it didn't lean
18 a great distance Republican, but leaned Republican. I
19 considered that to be a worthy goal.

20 SENATOR ECKHARDT: So the five seats was the goal
21 that was set for you, yes?

22 SENATOR KING: Nobody has ever told me, Phil, we
23 want to get x-number of seats. Ever.

24 SENATOR ECKHARDT: Did you ever read in the
25 newspaper that Donald Trump had a goal of getting five new

1 Republican seats out of the Texas map?

2 SENATOR KING: I am aware of that.

3 SENATOR ECKHARDT: Isn't it a coincidence that it
4 would be his goal and your goal to get exactly five?

5 SENATOR KING: All I can tell you is that I have
6 not talked to the President or anybody in his administration.
7 When I looked at HB-5, my personal conclusion was, as I
8 looked at the partisan performance of both parties, I would
9 have been concerned to try to take it any thinner in creating
10 additional districts.

11 SENATOR ECKHARDT: So, how did you determine that
12 your goal, that the map was legal, was met?

13 SENATOR KING: Because I employed counsel that we
14 had a lot of confidence in, based on their experience. After
15 interviews with them, after looking at their teams' resumes,
16 looking at all they had done, I felt like I could have
17 complete confidence in them. And I asked them to look at
18 each map that we were looking at as Session 1 and 2
19 progressed, and tell me whether or not they believed that it
20 met all requirements of the law. And I have relied upon that
21 counsel.

22 SENATOR ECKHARDT: So you are relying upon their
23 word that the map is legal?

24 SENATOR KING: As any attorney's opinion, I'm
25 relying upon their legal opinion.

1 SENATOR ECKHARDT: And how did you determine that
2 the goal of compactness was met?

3 SENATOR KING: Well, compactness is never
4 completely met because of the size of our state and the fact
5 that we have so many dense urban areas and so many, many
6 rural areas that are not dense.

7 So you're always going to have maps that are drawn
8 oddly, but there are a couple of well-established
9 measurements for determining compactness, and using those,
10 they determined that several districts in HB-4 were more
11 compact than the same districts under the 2021 map. So that
12 leads me to believe that the map is more compact today than
13 the existing map.

14 SENATOR ECKHARDT: So did you look at case law for
15 legal tests regarding compactness?

16 SENATOR KING: Well, I'm aware through counsel of
17 the standard tests that are used for proving up compactness
18 in court, and those are the measures that they used to
19 compare the existing district to the proposed district.

20 SENATOR ECKHARDT: Are you saying that you are
21 relying on their word that the goal of compactness has been
22 met?

23 SENATOR KING: Yeah. I'm relying on their report
24 to me of their analysis of those districts, and I went over
25 those districts specifically when I was doing the early

1 layout.

2 SENATOR ECKHARDT: So I'd like to look at Travis
3 County, just for a moment, because that's the county I know
4 best. You've testified that you didn't look at racial data
5 because you don't think it's appropriate, right?

6 SENATOR KING: Yes. And because I think that when
7 your goal is partisan performance, that's what you look at.
8 It's just a lot simpler to look at. Where Republicans are
9 and where Democrats are.

10 SENATOR ECKHARDT: I think you specifically said,
11 though, you didn't believe that looking at racial data was
12 appropriate.

13 SENATOR KING: No, because it makes things very
14 complex because the law is very complex, and robust, I think
15 is the term I used, and it's very simple to look at what is
16 very well-established protocol for drawing maps, which is
17 partisan performance.

18 SENATOR ECKHARDT: You also have testified that
19 you didn't look at CVAP, Citizen Voter Age Population.

20 SENATOR KING: I did not look at those estimates.

21 SENATOR ECKHARDT: And why did you not look at
22 CVAP?

23 SENATOR KING: Well, because CVAP is very
24 problematic because it is not a -- it is not true census
25 data. It is an annual estimate, and it is -- we're required

1 to go -- to draw the maps based on the 2020 Census data.

2 SENATOR ECKHARDT: So it was your belief that you
3 specifically should not look at CVAP or at racial data, that
4 it would be wrong for you to look at CVAP or racial data?

5 SENATOR KING: Upon advice of Counsel, yes.

6 SENATOR ECKHARDT: And this was advice of
7 BakerHostetler. That you should not look at racial data or
8 CVAP.

9 SENATOR KING: Yes.

10 SENATOR ECKHARDT: But BakerHostetler looked at
11 racial data and CVAP, right?

12 SENATOR KING: You have to look at that to make a
13 Gingles analysis and do other determinations.

14 SENATOR ECKHARDT: So, when they were looking at
15 Republican performance, did they look at Presidential
16 performance or Senatorial U.S. Senate elections performance?

17 SENATOR KING: I think primarily Presidential.

18 SENATOR ECKHARDT: Did they look at it at the
19 district level, the precinct level, or the census tract
20 level?

21 SENATOR KING: Really, I think they looked at the
22 voting results primarily for the 2024 election.

23 SENATOR ECKHARDT: But did they look at the voting
24 results at the district level, the precinct level, or the
25 census tract level, or all three?

1 SENATOR KING: I don't know the answer to that.

2 SENATOR ECKHARDT: Did they look at the racial
3 demography of the results by district, precinct, or census?

4 SENATOR KING: I don't know the answer to that.

5 SENATOR ECKHARDT: Now, you have presumed that
6 some changes were made between Hunter's initial map and the
7 next map, which you adopted, correct?

8 SENATOR KING: Well, I'm not presuming. It's
9 self-evident. The first map is different from the second
10 map.

11 SENATOR ECKHARDT: But you've made some
12 presumptions as to why?

13 SENATOR KING: Yes. I haven't inquired of
14 Chairman Hunter as to why, but I'm guessing they had somebody
15 that wanted the El Paso change, as we had already told them
16 we were fine with. They wanted -- somebody wanted the
17 Navarro change. I'm assuming over there, maybe Cody Harris,
18 it's his district, I think.

19 And all I can tell you is that CD-9 performs as a
20 Republican district better now than it did under the filed
21 HB-4.

22 SENATOR ECKHARDT: And you feel comfortable making
23 those presumptions as to why the map changed?

24 SENATOR KING: I don't have to make any
25 presumptions. I'm just looking at the map that was sent over

1 by the House and evaluating it, and it meets all three of my
2 goals: that it be legal, that it hopefully elect more
3 Republicans, and that it improve compactness. I don't have
4 to make any assumptions, presumptions, or guesses or
5 anything. I can look at the map, and the map speaks for
6 itself.

7 SENATOR ECKHARDT: But you have made presumptions
8 about why it changed, and you're comfortable with that?

9 SENATOR KING: Well, I mean, common sense tells
10 you if -- that since we had had testimony about moving Bliss
11 back into 16, they probably had to, and since Bob Hall had,
12 at one time, even prepared a floor amendment, to combine
13 Navarro. Cody Harris or somebody was probably doing the same
14 thing that represents East Texas, so that's -- that's just
15 kind of common sense.

16 SENATOR ECKHARDT: I agree.

17 SENATOR KING: And looking at CD-9's improved
18 performance, I'm assuming that someone looked at it and
19 thought, "Hey, we can make it a better Republican performing
20 district if we move it into Liberty County."

21 SENATOR ECKHARDT: Isn't it also common sense to
22 presume that race was a necessary constraint in drawing these
23 maps?

24 SENATOR KING: I think, well, without question,
25 compliance with the VRA and other and the Constitution as a

1 whole, was an overriding requirement for creating a legal
2 map.

3 SENATOR ECKHARDT: What was the specific purpose
4 in creating a CD-35 with a Hispanic citizen voting age
5 population of 51.6 percent?

6 SENATOR KING: I haven't looked at that racial
7 data, so I can't answer that.

8 SENATOR ECKHARDT: Sure, you can. What was the
9 purpose of a Hispanic district at 51.6 percent?

10 SENATOR KING: I've already answered that.

11 SENATOR ECKHARDT: Is your answer that you don't
12 know?

13 SENATOR KING: Yes.

14 SENATOR ECKHARDT: So you don't know why the
15 population, the Hispanic population, in that district, which
16 is currently at higher than 51.6 percent, went down to 51.6?

17 SENATOR KING: No. I haven't looked at any racial
18 data.

19 SENATOR ECKHARDT: But your law firm and whoever
20 draw -- drew the map did, correct?

21 SENATOR KING: They did whatever was appropriate
22 to determine if the map complied with the VRA and other
23 applicable law.

24 SENATOR ECKHARDT: So your testimony is it would
25 not be appropriate for you to look at race, but it was

1 appropriate for the law firm and the map drawer to look at
2 race?

3 SENATOR KING: To be able to report to me that the
4 map would withstand court review, it would have been
5 necessary for them to do a Gingles and other similar
6 analyses.

7 SENATOR ECKHARDT: What role did the metric of
8 Hispanic Citizen Voting Age Population play in the creation
9 of this new CD-35?

10 SENATOR KING: Again, I haven't looked at racial
11 data. I can't answer that.

12 SENATOR ECKHARDT: The goal, though, was to make
13 CD-35 lean Republican, correct?

14 SENATOR KING: Correct.

15 SENATOR ECKHARDT: So why not make it lean
16 Republican by 20 points? Because you could.

17 SENATOR KING: Well, I don't know if you could or
18 not.

19 SENATOR ECKHARDT: Sure, you could.

20 SENATOR KING: Well, you're guessing now, too.

21 SENATOR ECKHARDT: No, actually, I'm not. Why
22 didn't you make it lean more Republican? What made you stop
23 at 51.6 percent Hispanic?

24 SENATOR KING: Again, I haven't drawn this map. I
25 have adopted this map as mine when it came over from the

1 House as passed. It meets my three goals. I'm presenting it
2 to the Body. It's the Body's choice whether or not this
3 becomes law. Whether or not it becomes the next map. It's a
4 decision for the Senate as a whole.

5 It's my recommendation that this is legal, that it
6 has five seats that now lean significantly more Republican
7 than they did before, and that it also improves compactness.
8 And I think --

9 SENATOR ECKHARDT: But now you couldn't make CD-35
10 lean any more Republican because you would have to dismantle
11 a Hispanic opportunity district, correct?

12 SENATOR KING: I haven't looked at that. I don't
13 know.

14 SENATOR ECKHARDT: Well then, why didn't you make
15 it lean more Republican?

16 SENATOR KING: Well, because I'm satisfied with
17 the way the map is today. I am also cognizant of the limited
18 amount of time that we have in special sessions. And it's
19 not prudent on my part to try to create amendments and then
20 begin the process of going back and forth in conference
21 committees when we're on such a short timetable.

22 I believe this is an excellent map for the goals
23 of legality, of partisanship performance, and the added
24 benefit, which I wasn't initially pursuing, of making it a
25 little bit more compact. And it's -- and to me it is a

1 reasonable measure to recommend to the Senate today that they
2 approve this map.

3 SENATOR ECKHARDT: Why can't you admit that making
4 CD-35 more Republican would have dismantled the appearance of
5 a Hispanic opportunity district? You could not take it below
6 51 percent, could you?

7 SENATOR KING: I can't -- honestly, Senator, can't
8 answer that without looking at racial data, and I haven't
9 looked at any racial data.

10 SENATOR ECKHARDT: And why didn't you look at
11 racial data? Because you were told not to, right? That was
12 your testimony.

13 SENATOR KING: No. Nobody has told me not to.

14 SENATOR ECKHARDT: Actually, just moments ago,
15 probably --

16 SENATOR KING: No.

17 SENATOR ECKHARDT: -- five minutes ago, --

18 SENATOR KING: No.

19 SENATOR ECKHARDT: -- you said that you were
20 counseled not to look at racial data.

21 SENATOR KING: No. The advice of counsel was that
22 it's not necessary --

23 SENATOR ECKHARDT: Not necessary for you, but it
24 was necessary for them --

25 SENATOR KING: Let me finish, please. The advice

1 of Counsel was -- which -- that it's not necessary for me to
2 look at racial data to determine that this map will perform
3 better for Republicans.

4 SENATOR ECKHARDT: Because your metric is five
5 more seats. That's your metric for showing that it performs
6 better for Republicans.

7 SENATOR KING: Well, I would prefer it had seven,
8 but I think five is very reasonable at this point in the
9 process.

10 SENATOR ECKHARDT: And if you had gone for seven,
11 you would have mathematically violated the Voting Rights Act
12 because you would have dismantled minority opportunity
13 districts to do it, correct?

14 SENATOR KING: I have no idea if that's true.
15 Common sense tells me if I would go mathematically, I'm
16 probably going to be thinning out some other Republican
17 districts.

18 SENATOR ECKHARDT: That, too. Good point.

19 SENATOR KING: But I haven't tried to draw a map
20 with seven or ten or eight Republican districts in it. This
21 map has been presented by the House. I think it's a good
22 map. I've been told it's legal. I've been -- I've looked at
23 the data with regard to political performance. I think those
24 five seats that we would have a reasonable chance of
25 prevailing as Republicans in them, and I think it's more

1 compact.

2 And so, I think it's a good map. I haven't -- I'm
3 not a redistricting lawyer, but I have found no need
4 throughout this entire process from the first day I was asked
5 if I would chair the committee. I have found no need to look
6 at racial data. I have had no desire to look at racial data.

7 SENATOR ECKHARDT: And it's actually been --

8 SENATOR KING: All I've wanted to do is to make
9 sure that any map I recommended was legal.

10 SENATOR ECKHARDT: Again, you do not find it
11 appropriate for you to look at racial data, but you recognize
12 that your law firm and the map drawer had to look at racial
13 data in order to analyze under Gingles?

14 SENATOR KING: Yes.

15 SENATOR ECKHARDT: Now, with regard to
16 compactness. You are aware that about a third of
17 Travis County's population is Latino, correct?

18 SENATOR KING: I have not looked at that, but I
19 certainly take your word.

20 SENATOR ECKHARDT: And you're aware that Travis
21 County, on the whole, is just under 50 percent White
22 population, correct?

23 SENATOR KING: If you say so, then it certainly
24 is.

25 SENATOR ECKHARDT: And that it has historic

1 communities of both Latino and Black citizenry in its
2 Eastern edge and some coalition and cross-over district
3 precincts in its northern edge, correct?

4 SENATOR KING: I'm not aware of that, but if you
5 say so, I'll take your word.

6 SENATOR ECKHARDT: Do you consider it compact that
7 Round Rock is in a district that is thin to grab Round Rock
8 and then goes all the way to Johnson County, just south of
9 Tarrant County?

10 SENATOR KING: Well, as I said, throughout the
11 entire state of Texas, there are districts that pick up --
12 I've got --

13 SENATOR ECKHARDT: You can see it right here. It
14 is a tiny little tail. A tiny little sliver to pick up Round
15 Rock, and then goes all the way up to just south of Tarrant
16 County. Does that look compact to you? That tiny little
17 sliver up there? That's the pink sliver.

18 SENATOR KING: There are --

19 SENATOR ECKHARDT: That grabs Cedar Park and
20 Round Rock and then goes up to just south of Tarrant County.

21 SENATOR KING: I see that, and I don't know why
22 that sliver's there. I don't know if it's a particular
23 community or something of that nature. I did not draw the
24 map. I am not the map drawer. But what I will tell you is,
25 if you look at the current map, including the House and

1 Senate maps, all across the State, you find where you have to
2 reach into urban areas, grab population, and move those into
3 more urban and suburban areas to get the population that's
4 required for one person/one vote and --

5 SENATOR ECKHARDT: And would you think that the
6 more racially diverse population, paired with the majority
7 White rural population, is the reason for that?

8 SENATOR KING: Again, I'm not the map drawer, and
9 I have not looked at any racial data. You're asking me
10 questions that I can't answer.

11 SENATOR ECKHARDT: Because you have chosen not to
12 look at the data that was available to you, correct?

13 SENATOR KING: Because my goal was to draw a map
14 that elected more Republicans and was legal, and I believe
15 this map meets both of those goals.

16 SENATOR ECKHARDT: What about this next little
17 sliver underneath here? This little thin blue line? That
18 picks up Pflugerville, also a just barely or if just under
19 White population. Pflugerville's actually, arguably, more
20 racially diverse than the city of Austin. Its district,
21 which is CD-11, goes all the way out to Midland.

22 Would you consider that compact?

23 SENATOR KING: Again, you can find examples of
24 difficulty in compiling population in districts all across
25 this state. And I suggest you could go page to page, and you

1 can find things to point out, but at the end of the day, when
2 roughly only about 14 percent of Texans live West of I-35,
3 and that includes the large cities like Wichita Falls and
4 Amarillo and Lubbock and Midland/Odessa and even El Paso,
5 which is a million people for the county. And Abilene, even
6 with large cities like that and San Angelo, it's only about
7 14 percent of the population.

8 And then east of I-35, is only about 8 1/2 or
9 9 percent of the state population, and the rest of it is
10 meted to settle within that triangle that I-35/45 triangle.
11 And so when you've got to put a million people together for a
12 Senate seat or 190 some thousand for a House seat or 766,000
13 for a U.S. Congressional seat, you have no choice but to
14 combine rural and suburban and urban areas.

15 And it is, in fact, the rare exception when a
16 congressional seat or a senate seat is wholly contained in an
17 urban area. In North Texas, at least on the Tarrant County
18 side, there's only one, and that's -- actually, there's none
19 that are congressional districts. There is one senate
20 district. It is -- you have to reach out into those areas.

21 SENATOR ECKHARDT: Are you done with your
22 dissertation?

23 SENATOR KING: No. I'm done with my answer.

24 SENATOR ECKHARDT: So, let's talk about the
25 traditional African American settlement area of Travis

1 County, which is the Eastern side of Travis County.

2 Traditional freedmen colonies that go back to the Civil War.

3 Would you consider it communities -- acknowledging
4 communities of interest and compactness to take a community
5 like Manor or Webberville, for instance? Webberville
6 actually is named for a white doctor who was married to a
7 black woman who moved here to start a freedman's colony.
8 Webberville is now in Congressional District 27 that goes
9 down to Aransas Pass. Is that compact?

10 SENATOR KING: It is as compact as many, many
11 congressional districts around the state are today.

12 SENATOR ECKHARDT: But it is Republican
13 performing, isn't it?

14 SENATOR KING: I'd have to look at -- which
15 district number is it?

16 SENATOR ECKHARDT: This would be Congressional
17 District 27.

18 SENATOR KING: I'd have to look and see.

19 SENATOR ECKHARDT: I can tell you it is Republican
20 performing. Let's go to -- let's go specifically to the
21 issue that you don't feel it's appropriate for you to look at
22 racial data, which is available to you, but your lawyer and
23 the map drawer had to look at racial data, which you agree
24 with, correct?

25 SENATOR KING: I don't know what the map drawer

1 looked at.

2 SENATOR ECKHARDT: You do know that the map drawer
3 looked at racial data.

4 SENATOR KING: No, you're wanting me to answer you
5 accurately, Senator, and I don't know what they looked at. I
6 know what I have looked at.

7 SENATOR ECKHARDT: You said that you and your
8 attorneys reviewed these maps in light of Gingles factors,
9 did you not?

10 SENATOR KING: I said that I instructed my legal
11 counsel to review this map in light of all applicable
12 redistricting law, and Gingles is one of the standard tests,
13 right?

14 SENATOR ECKHARDT: And you know that Gingles
15 requires an analysis of the racial performance of these
16 districts.

17 SENATOR KING: Yes.

18 SENATOR ECKHARDT: So you concede, you must
19 concede, that your lawyers and the map drawer looked at race
20 to draw these maps.

21 SENATOR KING: I can't testify to what somebody
22 did -- the map drawer -- that, I haven't talked to or asked
23 what they did.

24 SENATOR ECKHARDT: If you are confident it's legal
25 under Gingles, you must concede that they looked at race.

1 SENATOR KING: Senator, you're asking me to make
2 jumps that I'm just not going to make. I haven't asked the
3 map drawer --

4 SENATOR ECKHARDT: You have specified three --

5 SENATOR KING: Now you're interrupting me.

6 SENATOR ECKHARDT: -- preconditions that a
7 minority group must prove to succeed on a vote dilution
8 claim.

9 MR. PRESIDENT: Members, a reminder that this is
10 not a courtroom, and then we ask the questions --

11 SENATOR ECKHARDT: I am quoting Gingles.

12 MR. PRESIDENT: If, Senator, Senator --

13 SENATOR ECKHARDT: I'm not --

14 MR. PRESIDENT: Senator, one at a time, if you
15 please. Ask the questions and then allow -- the other
16 Senator will respond, and we'll keep it nice and civil.

17 SENATOR ECKHARDT: First --

18 MR. PRESIDENT: You're recognized, Senator
19 Eckhardt.

20 SENATOR ECKHARDT: -- the minority group must be
21 able to demonstrate that it is a sufficiently large and
22 geographically compact to constitute a majority in a
23 reasonably configured single-membered district. Second, the
24 minority group must be able to show that it is politically
25 cohesive, and third, the minority must be able to demonstrate

1 that the white majority votes sufficiently as a bloc to
2 enable it to defeat the minorities preferred candidate. How
3 would one determine if the Gingles test had been met if the
4 law firm and the map drawer didn't look at race?

5 SENATOR KING: I'm trying to answer you
6 accurately, and you're asking me to make statements that I
7 don't know. I have no personal knowledge of what -- and I'm
8 assuming there may have been multiple map drawers; I don't
9 know. But I have no personal knowledge of what any of the
10 map drawers looked at. I could guess, but I'm not going to
11 tell you unless I know. I --

12 SENATOR ECKHARDT: But you have --

13 SENATOR KING: Please let me finish. I do know
14 that my legal counsel would've had to look at Gingles.
15 You've read through the three elements of Gingles. I do know
16 that they would have had to use that, and the underlying data
17 that goes with that, to be able to come back to me and say
18 that this map is legal.

19 SENATOR ECKHARDT: So the law firm had to look at
20 race in order to give you an opinion upon which you could
21 rely?

22 SENATOR KING: They would have had to follow
23 whatever protocol is required by Gingles, which obviously,
24 that includes looking at a broad range of data, and racial is
25 part of it, sure.

1 SENATOR ECKHARDT: Now, you have repeatedly
2 testified, you've been steadfast in saying that you did not
3 look at race, and you did not look at CVAP. The map and the
4 spreadsheets on our desks this morning, when we walked in,
5 includes CVAP, but you didn't look at them?

6 SENATOR KING: No.

7 SENATOR ECKHARDT: And you never have looked at
8 CVAP?

9 SENATOR KING: Never. And I didn't prepare those
10 documents either.

11 SENATOR ECKHARDT: Earlier, you said that
12 Representative Hunter drew the map, and you liked the map,
13 and so you are now sponsoring it.

14 SENATOR KING: Could you repeat that?

15 SENATOR ECKHARDT: That Representative Hunter drew
16 the map, that you liked the map -- the new one -- as it was
17 adjusted, and then you adopted it and are sponsoring it
18 today.

19 SENATOR KING: I don't know if
20 Representative Hunter, I doubt he physically drew the map.

21 SENATOR ECKHARDT: And you've testified that you
22 didn't see the map that's before us today until the 18th?

23 SENATOR KING: Say that again.

24 SENATOR ECKHARDT: You testified earlier today
25 that you had not seen the map that's before us today until it

1 was made available to the public at the hearing in the House
2 on the 18th?

3 SENATOR KING: Yes, I actually don't think I --
4 Yeah, that was the first day it was available, yes.

5 SENATOR ECKHARDT: And you did not see it before
6 then?

7 SENATOR KING: No.

8 SENATOR ECKHARDT: Now, you have testified both
9 that --

10 SENATOR KING: And actually, this isn't testimony;
11 this is Q&A on the Senate floor.

12 SENATOR ECKHARDT: You have shared with us that
13 your first knowledge of the map that's before us today was
14 when the lawyers in the House sent it to your chief of staff
15 on the 18th.

16 SENATOR KING: I don't think they sent it. I
17 think that they called my chief and said we just got a call
18 from the House Counsel, and be aware there's going to be an
19 amended map put out.

20 SENATOR ECKHARDT: And you have also shared with
21 us that Adam called you and said there were differences in
22 the map?

23 SENATOR KING: Yes. Interestingly, at the same
24 time.

25 SENATOR ECKHARDT: Coincidentally?

1 SENATOR KING: I have no idea. I just thought it
2 was interesting that he called at the same time because when
3 I hung up, I picked up my phone to call my chief of staff and
4 said, "Are you aware of any new map?" and she said she had
5 just got a call.

6 SENATOR ECKHARDT: Just wanted to give you a heads
7 up?

8 SENATOR KING: No, he was actually looking for a
9 contact with someone with the House.

10 SENATOR ECKHARDT: Did you watch the House hearing?

11 SENATOR KING: I listened to a little bit of it,
12 but it was sporadic.

13 SENATOR ECKHARDT: Did you hear the portion
14 where --

15 SENATOR KING: Back -- let me correct that. I'm
16 not sure I listened to any of the hearing. The floor -- no,
17 the hearing on Monday, when they laid it out, yes. I
18 listened to parts of it.

19 SENATOR ECKHARDT: And did you listen to any of
20 the floor layout on Wednesday?

21 SENATOR KING: Very, very little. I was busy both
22 those days, and I just kind of flipped it on a few times and
23 flipped it off.

24 SENATOR ECKHARDT: During the committee hearing as
25 well as during the floor layout, Representative Hunter

1 repeatedly refers to the CVAP, the Hispanic CVAP, and the
2 Black CVAP.

3 SENATOR KING: Okay.

4 SENATOR ECKHARDT: So it -- is it your testimony
5 that it was not -- is it you're sharing with us, that it's
6 not appropriate for you to look at race data, but it is
7 appropriate for Representative Hunter to look at race data?

8 SENATOR KING: You know, all I can tell you, it
9 wasn't necessary for me to look at race data to decide
10 whether I wanted to carry this map and whether I thought it
11 was a good map for the State of Texas and whether I thought
12 it was legal. It's not been necessary for me to --
13 appropriate to -- is another word. It's just not been
14 necessary for me to look at racial data.

15 SENATOR ECKHARDT: But it was somehow necessary
16 for your colleague in the House to look at it?
17 Representative Hunter?

18 SENATOR KING: You know, I can't answer for him,
19 and I -- you need to ask him questions like that. But for
20 me, you know, once a map is drawn, I felt like and feel like
21 my job was to make sure it was a legal map. I very simply
22 had our legal counsel review it. They came back and said
23 yes, it is legal. And, you know, looked at what districts it
24 enhanced from a partisan perspective.

25 It enhances these five, and then, oh by the way,

1 the changes they made improved compactness.

2 SENATOR ECKHARDT: How many maps did you ask your
3 law firm to scrub?

4 SENATOR KING: I looked at each one that the House
5 initially filed.

6 SENATOR ECKHARDT: How many was that?

7 SENATOR KING: Oh wow, they filed originally filed
8 HB-4 the first session, and then when they stalled, I filed
9 it as SB-4, same map. And then they filed HB-4 in the second
10 session, and then they filed the committee substitute for
11 HB-4 in the second session, so I guess it was technically
12 three maps.

13 SENATOR ECKHARDT: So technically, three maps that
14 law -- your law firm needed to take a look at under a Gingles
15 analysis, which by definition requires that they look at
16 race?

17 SENATOR KING: Yes, I mean, in doing a legal
18 analysis. I mean, the map is drawn. They're going to do --
19 I've asked them to tell me if it's legal, if it's got any VRA
20 problems or anything else, and they did their analysis, yes.

21 SENATOR ECKHARDT: Now, you had said that you're
22 not an expert in redistricting law, and so you hired an
23 expert in redistricting law. That makes all the sense in the
24 world. You also said it's no different than hiring a real
25 estate lawyer to handle a real estate transaction because

1 you're not an expert in real estate law, correct??

2 SENATOR KING: Not maybe one of the best
3 metaphors, but it's what came to mind at the time.

4 SENATOR ECKHARDT: Sure. So if you hire a real
5 estate lawyer and they do something that's illegal, you're
6 liable, aren't you?

7 SENATOR KING: Not necessarily.

8 SENATOR ECKHARDT: No. Not necessarily.

9 SENATOR KING: That's what they have malpractice
10 for.

11 SENATOR ECKHARDT: But if you have the information
12 available to you and you chose not to look at it?

13 SENATOR KING: Then I'd be the infraudulent.

14 SENATOR ECKHARDT: Yes.

15 SENATOR KING: Are you accusing me of being
16 fraudulent?

17 SENATOR ECKHARDT: What I'm suggesting is that you
18 are willfully not looking at important information about
19 whether this map is a racial gerrymander.

20 SENATOR KING: And my response is, and it has been
21 all day, that for me this was the simplest process. The
22 House produced a map. I asked our Counsel to look at it and
23 make sure it was a lawful map, and they have reported to me
24 that it is a legal map. And apparently, the House Counsel
25 came to the same conclusion. But now that I know the map is

1 lawful, does it perform better for Republicans, and it does.
2 And it also helped a little bit with compactness.

3 Y'all are trying to make complicated what, from my
4 perspective, has been very, very simple. We checked to make
5 sure it was legal; the map that the House sent over. It is.
6 We -- I checked to make sure it performed better for
7 Republicans. It does, and it's more compact.

8 This has been a very simple process for me, that
9 y'all are trying to make very, very difficult for reasons
10 that I believe have nothing to do with what we're doing here
11 today.

12 SENATOR ECKHARDT: The law firm represented your
13 goal to get five Republican seats, correct?

14 SENATOR KING: No. They represented me in my
15 request, and my request was: tell me if this map is legal.

16 SENATOR ECKHARDT: Who represented, who executed,
17 who was your agent to get five Republican seats?

18 SENATOR KING: I'm sorry. I don't know what you
19 mean by that question.

20 SENATOR ECKHARDT: Well, you've testified that you
21 didn't draw the map. You've testified that you didn't look
22 at the racial data required to make sure that the map met
23 legal muster. You've testified that you were not directly
24 involved in the statistical analysis because it's beyond your
25 capabilities. So you had someone or a firm or people to

1 execute on the goal of five Republican seats.

2 SENATOR KING: Senator, I'm sorry, but you see
3 conspiracies and long tales where there are none. This is
4 the Senate --

5 SENATOR ECKHARDT: I don't think -- you testified
6 that was your goal.

7 SENATOR KING: No. This is the Senate.

8 MR. PRESIDENT: Senator Eckhardt, if you would,
9 this is not a trial, again. I'll remind you that this is
10 questions and answers and is not testimony. This is not a
11 courtroom. This is the floor of the Senate, and if you would
12 please refrain from "on testimony" because it's not, and
13 allow him to answer the questions, and he'll respond to
14 yours.

15 SENATOR ECKHARDT: You have shared with us that
16 your goal was to get five Republican seats.

17 SENATOR KING: That is not what I've said. I've
18 said my goal was to improve political performance for
19 Republicans so that more Republicans can hopefully be
20 elected. This has been a very simple, non-conspiratorial,
21 non-confusing process, like with hundreds of bills in our
22 regular session.

23 The House passes something out. They send it over
24 to us. It looked like a good bill to me. I had our
25 attorneys double-check it to make sure it was legal. I look

1 at it, it looks like it's going to make at least five
2 districts more competitive. It added to compactness, which
3 was something that came up in the public hearings. It's
4 totally within our normal practice for me as a Senator to say
5 yes, I like this bill. I'm going to be the sponsor.

6 SENATOR ECKHARDT: It's totally within our normal
7 practice to rely on experts, correct?

8 SENATOR KING: Sure, we do it all the time.

9 SENATOR ECKHARDT: Will you share with the rest of
10 the body your expert's analysis of this map?

11 SENATOR KING: I've given it to you. They said it
12 is legal with all respects.

13 SENATOR ECKHARDT: Including their linear
14 regression on ecological regression, including their racial
15 polarization analysis?

16 SENATOR KING: I have not requested those
17 documents from them, and I haven't reviewed any similar
18 documents.

19 SENATOR ECKHARDT: But they have done those
20 analyses, and you know it. So would you instruct them to
21 share them with us?

22 SENATOR KING: I have the highest level of
23 confidence that they have done -- taken all steps necessary
24 to determine that this map meets the VRA and all other
25 applicable law. I have confidence in them. They have

1 assured me that is the case.

2 SENATOR ECKHARDT: You know, I always like the
3 term "trust but verify." I believe that Senator West actually
4 raised that term. So I will try one more time. Will you
5 instruct the law firm that you hired to share with us the
6 RPVA and the ecological inference analysis that they most
7 certainly did in order to determine whether or not this map
8 complies with the Voting Rights Act?

9 SENATOR KING: Counselor, you understand privilege
10 law in the waiver of privilege law as well as I do. Now
11 those type of things will be available if and when this case
12 goes to litigation, and I'm sure it will. We're already told
13 that there's steps being done to do that. Those things will
14 be available in the normal process for receiving experts'
15 information and -- but I'm not going to stand up here and you
16 wouldn't either and waive any attorney/client privilege.

17 SENATOR ECKHARDT: It is convenient that the
18 experts that you are utilizing to draw maps of the State of
19 Texas are under attorney/client privilege to you and you
20 alone.

21 Thank you for answering my questions.

22 SENATOR KING: To my knowledge, that's the way it
23 has always been for anyone carrying a redistricting bill.

24 MR. PRESIDENT: Senator Miles, what purpose?

25 SENATOR MILES: Just a point of clarification with

1 the Chairman.

2 MR. PRESIDENT: Senator King, do you yield?

3 SENATOR KING: Yes.

4 SENATOR MILES: Thank you. Mr. Chairman, you
5 recall -- I'm assuming now that you recall being asked if you
6 knew or ever talked to Adam Kincaid in our hearings. Is that
7 correct? Do you recall those?

8 SENATOR KING: I know that we've talked about
9 Adam Kincaid several times in the hearings.

10 SENATOR MILES: Right. And do you recall your
11 answer when we -- when you were asked if you knew or talked
12 to Adam Kincaid? I'm assuming that's why you're -- well, do
13 you recall your answer?

14 SENATOR KING: I've been asked a number -- no, I
15 don't recall any specific -- I can tell you that to the best
16 of my recollection today, I think he and I have talked three
17 times.

18 SENATOR MILES: So you have talked to Adam
19 Kincaid?

20 SENATOR KING: Yes. I said that earlier today.

21 SENATOR MILES: And what's your most recent time
22 you've talked to Adam Kincaid?

23 SENATOR KING: Last Monday, he called me looking
24 for a contact.

25 SENATOR MILES: Last Monday. Okay. So that's --

1 because we were asked -- you were asked multiple times in the
2 committee --

3 SENATOR KING: So --

4 SENATOR MILES: And you volunteered the fact that
5 you had never talked to Adam Kincaid.

6 SENATOR KING: I don't think I've said anything
7 incorrect in the hearing. If I have -- had, it was in error.

8 SENATOR MILES: Okay. Thank you for the
9 clarification, Mr. Chairman. That you have spoken to him.

10 SENATOR KING: Thank you, and I have went over
11 those three occasions, sir, with Senator Gutierrez a few
12 moments ago.

13 SENATOR MILES: Thank you for that clarification,
14 Mr. Chairman.

15 MR. PRESIDENT: Senator King, moves to
16 (indiscernible) the regular order of business on
17 House Bill 4. There is objections.

18 Secretary, call the roll.

19 THE SECRETARY: Alvarado, Bettencourt, Birdwell,
20 Blanco, Campbell, Cook.

21 MR. PRESIDENT: 18 ayes, 11 nays.

22 Rules are suspended. Chair lays out on second
23 reading

24 Rules are suspended. Chair lays out on second
25 reading, House Bill 4, the secretary will read the caption.

1 THE SECRETARY: House Bill 4. Relaying the
2 composition of the districts for the election of Members of
3 the United States House of Representatives from the State of
4 Texas.

5 (Pause)

6 MR. PRESIDENT: All in amendment.

7 Secretary, read the amendment.

8 THE SECRETARY: For Amendment No. 1, by Zaffirini.

9 MR. PRESIDENT: Senator Zaffirini, you're
10 recognized.

11 SENATOR ZAFFIRINI: Thank you, Mr. President.

12 Mr. President and Members, modern technology has
13 made map drawing more precise than ever, increasing the
14 potential for partisan advantage or discrimination. These
15 advances also provide an opportunity for an independent
16 redistricting commission to leverage data and tools to create
17 fair, more equitable maps that better reflect Texas
18 communities.

19 This amendment would establish a bipartisan Texas
20 redistricting commission and transfer responsibilities for
21 redistricting congressional districts from the legislature to
22 the commission.

23 The commission would comprise two Members chosen
24 by House Democrats, two by House Republicans, two by Senate
25 Democrats, two by Senate Republicans, and one independent

1 member chosen by those eight. Members would serve three-year
2 terms beginning February 1st of the year following the
3 census. The commission would meet the first business day in
4 February, following the census here, and could vote to
5 terminate their terms early and is following the adoption of
6 all redistricting plans.

7 The legislature would fund the commission's
8 operations, while granting a data access and support from the
9 Texas Legislative Counsel. The commission would adopt its
10 own rules and approve each redistricting plan by at least
11 five votes by November 15th, after the census here. If it
12 didn't, the Texas Supreme Court would adopt a plan by
13 December 30th, with all approved plans submitted to State
14 leaders.

15 Aggrieved persons could challenge a redistricting
16 plan by petition to the Texas Supreme Court. If a final
17 judgment in State or Federal Court invalidated all or part of
18 the plan or otherwise made it unenforceable, the commission
19 would reconvene to modify and adopt a new plan. The
20 redistricting plan would be required as practicable under
21 Federal Law to create contiguous, compact, and convenient
22 districts with nearly equal populations.

23 Each adoptive redistricting plan would be required
24 to include a report of the Secretary of State detailing
25 district populations and deviations, criteria and

1 justifications, district maps, commission expenditures, and
2 related materials, and the report would be made public. This
3 article would take affect, January 1st, 2030.

4 Members establishing a redistricting commission
5 would reduce the opportunity for gerrymandering and improve
6 voters' confidence in our democratic process. Senator Jeff
7 Wentworth, a Republican from San Antonio, first filed a
8 redistricting commission bill in 1993, and Senators Menendez,
9 West, Johnson, and I have done so since. In fact, I've filed
10 six senate bills and seven senate joint resolutions across
11 three regular and five special previous legislative sessions,
12 but have never received a hearing.

13 With redistricting being such an important
14 decision, an independent commission would make the
15 redistricting process more fair. Given this need and
16 justification, I hope it is acceptable to the author.

17 MR. PRESIDENT: Senator Menendez for what purpose?

18 SENATOR MENENDEZ: Questions to the author of the
19 amendment, Mr. President.

20 MR. PRESIDENT: Do you yield?

21 SENATOR ZAFFIRINI: I do.

22 SENATOR MENENDEZ: Thank you, Mr. President.
23 Thank you, Senator Zaffirini.

24 And Senator, I appreciate the acknowledgement of
25 the work that many of us have done on this. I really

1 appreciate you bringing this amendment forward because you've
2 been -- you've reviewed the maps that have been presented to
3 us today --

4 SENATOR ZAFFIRINI: Yes.

5 SENATOR MENENDEZ: -- and you currently represent
6 a district that goes all the way from Lidell to Travis
7 County, correct?

8 SENATOR ZAFFIRINI: My Senatorial district? Yes.

9 SENATOR MENENDEZ: Your Senatorial district. Have
10 you seen what this map does to Travis County in terms of its
11 congressional representation?

12 SENATOR ZAFFIRINI: I certainly have, and I asked
13 questions about, and so did Senator Eckhardt.

14 SENATOR MENENDEZ: So one of the things that was
15 mentioned is a goal earlier today, and you brought it up as
16 well, is compactness. Is that correct?

17 SENATOR ZAFFIRINI: Yes, it is.

18 SENATOR MENENDEZ: Would it surprise you to know
19 that, out of Travis County, or I think it's three, at least
20 three of its districts start at Travis County. One goes all
21 the way down to Corpus. The other one goes all the way down
22 to almost the edge with New Mexico. I think it's past
23 Midland, Ector County, and then one goes from Travis County
24 to Polk County in East Texas. Those three range in distance
25 from 218 miles to 357 miles apart.

1 Does that sound compact to you?

2 SENATOR ZAFFIRINI: It does not sound compact, and
3 it surprised me when I saw it.

4 SENATOR MENENDEZ: It seems that compactness is a
5 matter of convenience, but your amendment is one where you
6 think that it -- instead of the politicians drawing the lines
7 and picking their voters, you want an independent commission
8 of people taking everything into account and drawing maps to
9 represent the community.

10 SENATOR ZAFFIRINI: That is correct and many of us
11 have tried, certainly the person who tried hardest, as far as
12 I know was Senator Jeff Wentworth. He really worked at it
13 and I'll remind you again, he was a Republican from
14 San Antonio. He first filed a bill in 1993 and then you have
15 filed several bills, I believe, five or six times?

16 SENATOR MENENDEZ: Yeah.

17 SENATOR ZAFFIRINI: And I have sent to West House
18 and to Johnson House.

19 SENATOR MENENDEZ: And I don't think any of them
20 ever have received a hearing.

21 SENATOR ZAFFIRINI: Never.

22 SENATOR MENENDEZ: I want to thank you for
23 bringing this forward. I think that when people -- if these
24 maps become law, and you live in that part of Travis County,
25 and you know that your Congressional Representative might be

1 from Midland, you might lose the interest in going because
2 that person may not relate to the issues that are important
3 to you in Travis County.

4 SENATOR ZAFFIRINI: That's exactly right. And
5 believe me, Senator. I understand the issue, and during the
6 1990s redistricting, at one point, my district from Laredo
7 was redrawn, all the way to El Paso, 615 miles away. New
8 Orleans is closer to Laredo than El Paso. Yet for two years,
9 I represented part of El Paso.

10 SENATOR MENENDEZ: Wow. Well, thank you for
11 bringing the amendment forward. I see that you have quite a
12 few co-authors, and I think it's an excellent amendment, and
13 I mean, if for nothing else, to save future chairs of
14 redistricting. If we had your amendment, we wouldn't have to
15 do this ourselves. The commission would do it, and then
16 people could have confidence and faith that politicians
17 weren't picking their voters. That the voters would get to
18 select and elect their politicians.

19 SENATOR ZAFFIRINI: Well, we've never had a
20 hearing, but at least we have some floor attention today.

21 SENATOR MENENDEZ: Thank you. Thank you.

22 SENATOR ZAFFIRINI: Thank you.

23 SENATOR MENENDEZ: Thank you, Mr. President.

24 Thank you, Senator, for answering my questions.

25 SENATOR ZAFFIRINI: Thank you.

1 MR. PRESIDENT: Senator Johnson, what purpose?

2 SENATOR JOHNSON: Statement on the bill.

3 MR. PRESIDENT: Statement on the bill. That would
4 be --

5 SENATOR JOHNSON: Are we not there yet?

6 MR. PRESIDENT: We're on an amendment.

7 SENATOR JOHNSON: Oh, no, no. That's not really
8 on --

9 MR. PRESIDENT: Senator Zaffirini, I thought when
10 you spoke, everyone hung on every word, and Senator Johnson
11 didn't know it was an -- your amendment.

12 SENATOR ZAFFIRINI: I'm so disappointed.

13 MR. PRESIDENT: I know. Okay. Well, that would
14 have still been too soon. Yeah. It's one third and final
15 passage you can make your statements.

16 Senator King, on the amendment.

17 SENATOR KING: Thank you, Mr. President, and
18 Senator Zaffirini, these are -- the redistricting commission
19 is always a very, very interesting discussion. It's been
20 brought up in the legislature many times, although I'm not
21 sure this is germane to this bill, but I'm not going to call
22 -- I'm not calling a point of order on that. I also wonder
23 if it requires a constitutional amendment, which I'm not sure
24 for.

25 But the larger question is that this is a really

1 substantial change in how Texas operates and I think it's
2 more appropriate that it be brought up in a stand-alone bill
3 during the next regular session, where it can be considered
4 in hearing and where we can hear from all the interested
5 stakeholders and constituents on that because it is such a
6 substantial change to our process.

7 I know that in talking to other states, I know in
8 some places it has worked out well, in others, it has not at
9 all. It's just become another political problem. And so
10 with that, I would respectfully oppose the motion with the
11 suggestion that it be brought up next session or a full
12 discussion before the legislature.

13 MR. PRESIDENT: Secretary, will call the roll.
14 Secretary will call the roll when ready.

15 THE SECRETARY: Alvarado, Bettencourt, Birdwell,
16 Blanco --

17 MR. PRESIDENT: 11 ayes and 18 nays. The
18 amendment fails. You're recognized for passage to
19 engrossment. The -- sorry, the third reading. It's a House
20 Bill. The secretary will call the roll when ready.

21 THE SECRETARY: Alvarado, Bettencourt, Birdwell,
22 Blanco, Campbell.

23 MR. PRESIDENT: 18 ayes, 11 nays. The Bill passed
24 the third reading. We'll hold there.

25 SENATOR KING: Thank you, Mr. President.

1 Thank you, Members, for the long day. Thankfully.
2 Not snarkily. Thank you for being patient with me.

3 MR. PRESIDENT: Members filing bills and
4 resolutions on first reading and reference to committee.
5 Secretary will read the bills and resolutions.

6 THE SECRETARY: House Bill 1: Relating to Youth
7 Camp and Campground Emergency Preparedness to the Select
8 Committee on Disaster Preparedness and Flooding.

9 House Bill 3: Relating to the inoperability of
10 emergency communication equipment and infrastructure in this
11 State to the Select Committee on Disaster Preparedness and
12 Flooding.

13 House Bill 20: Relating to certain measures to
14 prevent and reduce fraudulent charitable solicitations and
15 theft during disasters to the Select Committee on Disaster
16 Preparedness and Flooding.

17 House Bill 22: Relating to the authority of the
18 controller to provide funding for the deployment and
19 operation of certain emergency communication equipment to the
20 Select Committee on Disaster Preparedness and Flooding.

21 (Glitch in the audio).

22 MR. PRESIDENT: Members, if everyone could take
23 their seats, we have a memorial adjournment today.

24 The Chair recognizes Dean of the Senate for a
25 highly privileged motion.

1 SENATOR ZAFFIRINI: Thank you, Mr. President.

2 Mr. President and Members, before I move to adjourn for the
3 day, to reconvene later, I yield to Senator King for a
4 memorial statement.

5 MR. PRESIDENT: Senator King.

6 SENATOR KING: Thank you. I have a very, very
7 dear friend whose funeral is today, and I was unable to make
8 the gathering, the celebration of his life, because we're all
9 here today.

10 A good friend, Robbie Hollier, our kids grew up
11 together. We've been going to church together for, I don't
12 know, since the early 80s. Wonderful man. Suffered quite a
13 bit the last few years. His family has suffered along with
14 him. They're wonderful people. He's with the Lord.
15 Couldn't be here today, but I thought it would be a neat
16 thing if I could tell his family that we adjourned today in
17 the memory of Robbie Hollier.

18 MR. PRESIDENT: Thank you, Senator.

19 Senator Zaffirini.

20 SENATOR ZAFFIRINI: Thank you, MR. President.

21 Mr. President and Members, I move that the Senate adjourn
22 until 5:45 today, August 22, in memory of Robert Hollier, a
23 constituent of Senator King.

24 MR. PRESIDENT: Any objection? Hearing none.

25 Senate stands adjourned until 5:45.

1 Thank you, Members.

2 (Adjourned.)

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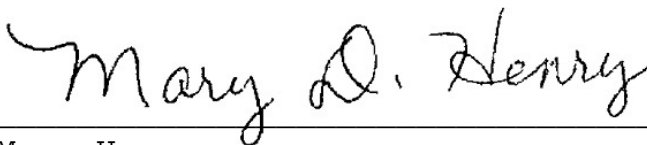
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I further certify that I am neither counsel for, related so, not employed by any of the taking parties to the action in which this deposition was taken, and further that I am not financially or otherwise interested in the outcome of the action.

SUBSCRIBED AND SWORN TO under my hand and of office on this 15th day of September, 2025.



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