

**State Defendants' Response to Gonzales Plaintiffs'  
Motion for Preliminary Injunction**

**Exhibit P**

2025 0822 2CS Senate Chambers (Part I) Transcript

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TRANSCRIPTION OF AUDIO

SENATE CHAMBERS

Friday, August 22, 2025 (PART I)

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P R O C E E D I N G S

PRESIDENT LIEUTENANT GOVERNOR PATRICK: Senate will come to order.

Please rise for the invocation delivered by the State Minister Scott Wall, Capital Commission of Texas.

PASTOR SCOTT WALL: Thank you, Mr. President. Morning, members.

Probably some of you know I pray each day in the House, and I have a different theme for the day and -- because I can't say the same prayer every day. And so, I started off doing the fruit of the spirit. So, love, one day, joy, peace, patience. I figured today I'd do love. If you don't mind, I'd to go back to that and pray for love that we feel God's love and that we also demonstrate God's love today. So, let's pray together.

Heavenly Father, thank you. You've brought us through, I know, long days and late nights and moments of unity and also deep disagreement, yet, through it all, you have been faithful, and you loved each of us. So, today, I lift up each member here in the senate, everyone in the chamber too. These men and women have just borne the weight of very difficult decisions. I know throughout session, they've worked very hard, and I thank you for them not just for what they've done but for who they are.

And as this, second special session hopefully

1 begins to wind down and we prepare to go our separate ways to  
2 our homes, our families, our districts, I ask that everybody  
3 here would be able to leave, not just having done the work of  
4 legislation that you've called them here for, but have been  
5 having felt deeply and personally loved by you, especially  
6 through your son, Jesus Christ. And may your love, the kind  
7 that serves, is patient and kind, that's not self-seeking,  
8 not easily angered, let that love be in their hearts and  
9 guide their steps today and in the days to come.

10 In your son, Jesus's name I pray. Amen.

11 PRESIDENT LIEUTENANT GOVERNOR PATRICK: Thank you.  
12 Thank you, Pastor.

13 Members, we're ready to go to work. Senator  
14 Huffman, Chair recognize Senator Huffman for a motion to not  
15 concur on house amendments to Senate Bill 5.

16 SENATOR HUFFMAN: Thank you, Mr. President.

17 This time, I move that the Senate refuse to concur  
18 with the house amendments to Senate Bill 5 and request the  
19 appointment of conferees to a conference committee.

20 PRESIDENT PATRICK: Senator Huffman moves Senate  
21 not concur on house amendments to Senate Bill 5 and request  
22 the appointment of conference committee.

23 Any objections?

24 (No verbal response.)

25 PRESIDENT PATRICK: Chair hears none.

1 Any motions to instruct?

2 (No verbal response.)

3 PRESIDENT PATRICK: The following conferee,  
4 secretary will read the conferees.

5 SECRETARY OF THE SENATE: Conference committee on  
6 Senate Bill 5. Chair, Senator Huffman. Members, Senators  
7 Perry, Flores, Campbell, and Hinojosa of Hidalgo.

8 PRESIDENT PATRICK: Senator King, you're  
9 recognized for a motion to spend the regular order of  
10 business on House Bill 4.

11 SENATOR KING: Thank you, Mr. President, members.  
12 You make that motion and want to lay out with some opening  
13 remarks here before questions, but I also -- when I was  
14 listening to Pastor Scott Wall's prayer, he mentioned he was  
15 talking about the fruit of the spirit, and if I remember  
16 right from Galatians, that's love, joy, peace, patience,  
17 kindness, goodness, faithfulness, gentleness, and self-  
18 control, and I asked him if maybe we could add expedition to  
19 that knowing that this is going to be kind of a long day, but  
20 apparently, you can't add to the scripture. So, that's not  
21 going to work.

22 But anyway, if I can, if you'd wouldn't mind  
23 giving me just a couple of minutes to lay out some things  
24 that to kind of remind us what we've got in front of us  
25 today. But just by way of introduction, when I began this

1 process, I had two goals in mind.

2 The first goal was for the map, which is now HB 4,  
3 that s before us, for the map to be legal in all respects.  
4 That was the first goal. And the second one was that it  
5 would perform better for Republican congressional candidates  
6 in Texas.

7 However, as we heard public testimony, through, I  
8 guess, the seven total hearings we had, six with testimony,  
9 there were numerous citizens and office holders that voiced  
10 concerns over the compactness of some district. Compactness,  
11 as you know, refers to a principle requiring districts to be  
12 where they can be drawn in geographically tight shapes,  
13 trying to avoid irregularities when possible.

14 And so, since that was mentioned so many times  
15 during testimony, I ended up adding a third goal for today's  
16 map and that would be that it would also improve compactness  
17 for the congressional districts in our state.

18 Let me just talk a little bit about that first  
19 goal of the map being legal. With regard to legality and  
20 we've discussed this before when we did HB 4 last special.  
21 The legislature can choose to redistrict at any time,  
22 including during special sessions and even during mid-decade.  
23 Courts have well recognized this broad authority. Therefore,  
24 it is perfectly legal for us to have HB 4 before us today in  
25 this second called special session.

1 Further, another big step in legal compliance is  
2 the one person one vote standard. The U.S. Constitution  
3 requires that congressional districts be drawn with  
4 population as close to equal as possible to achieve the one  
5 person, one vote standard, and the ideal that makes the ideal  
6 district for us, when you divide the 2020 census by the  
7 number of congressional members we have, it comes out to  
8 766,987, and that's our target population for each district.  
9 HB 4, as before us today, also meets this one person, one  
10 vote standard.

11 Now, beyond this, beyond the fact that we can do  
12 redistricting at this term of the redistricting cycle and  
13 beyond the fact that we need to have equal population for one  
14 person, one vote. Beyond this, the area of redistricting law  
15 is very robust and gets very complex very quickly.

16 Therefore, what I've done -- because I'm not an  
17 expert, I'm an attorney but I'm certainly not a redistricting  
18 attorney, but I have relied on legal counsel throughout this  
19 process. And I have been fully assured by that counsel that  
20 HB 4 complies with all applicable law and the House Counsel  
21 has come to the same conclusion. I haven't talked to them  
22 directly, but our counsel has conferred with theirs.

23 So, all that said, members, as we're here today  
24 for however many hours we're here, I want you to know that  
25 I'll do my very best to answer your questions and I know a

1 number of them are going to be about legal matters, but I  
2 would also ask that you please remember that we are not in a  
3 courtroom today. This is not a courtroom and I'm not under  
4 deposition. Again, I'll do my best to answer your questions,  
5 but I don't want us to get into a legal debate over nuances.  
6 That's not our job. Courts take pages and pages just to talk  
7 about some of the definitions that apply to redistricting.  
8 And that's just not what we're here for today. I'll do my  
9 best, but please remember we're not in a courtroom and I'm  
10 not under a deposition today.

11 So, that's what I'd like to say about legality of  
12 this map. Next shift, shifting to that second goal I  
13 mentioned of partisan performance and that's what really  
14 everybody wants to talk about. And HB 4, I believe, should  
15 elect more Republicans to The U.S. Congress, but I'm here to  
16 tell you, there are no guarantees. These are -- there are  
17 competitive districts here now, more competitive than the  
18 current map, and I have no idea who's going to run for what  
19 office. And I'll have no idea which incumbents may decide to  
20 stay or leave, or if they'll decide to run for different  
21 districts. I just don't know. I think the district -- I  
22 believe this map is more competitive, but there are no  
23 guarantees that it elects more Republicans.

24 I also want you to know, and I can't emphasize  
25 this enough, that I have not reviewed any racial data. In



1 contrast to the complications that are involved with race-  
2 based redistricting, political performance is really a pretty  
3 easy map to draw and it's absolutely permissible as a basis  
4 for drawing electoral districts. And this map is drawn based  
5 on political performance. I have not looked at any race  
6 data.

7 Now, regarding the district lines in HB 4, I will  
8 tell you that nearly every one of the 38 Texas congressional  
9 districts boundaries are modified, but they are modified for  
10 the most part, with a few exceptions, in very minor ways.  
11 The most significant changes affect five districts, and I do  
12 believe those districts due to the changes will now lean  
13 republican in political performance. Those five districts  
14 that now will lean Republican in political performance are CD  
15 9 Houston, CD 28 in the RGV, CD 32 in Dallas, CD 34 in  
16 Coastal and South Texas, and CD 35 in San Antonio. I'll be  
17 happy to go into detail on those districts later if anyone  
18 would like to.

19 So, I do believe that the map is legal. That's  
20 our first goal. I do believe it performs better for  
21 Republicans which was the second goal. And the third one,  
22 which I mentioned didn't come up until we went through  
23 hearings, we started listening to people, is the issue of  
24 compactness.

25 As I mentioned earlier, it was developed from

1 these repeated comments and public testimony. In HB 4, which  
2 I believe we have made some significant improvements, the  
3 most improved district in terms of compactness is CD 35 and  
4 that's under both the Reock and the Polsby-Popper measures of  
5 compactness and those are formulas that are used in  
6 courtrooms across the United States to measure compactness.  
7 The most improved district under those measures is CD 35.  
8 The second most improved district would be CD 29. And also,  
9 CD 9 is substantially improved under those measures.

10 So, in summary, I believe HB 4 meets the  
11 critically important goals of legality, of political  
12 performance for Republicans, and of improved compactness.  
13 And that's why I believe it supports or deserves and merits  
14 our support.

15 I will make one final note. HB 4, in addition to  
16 those three goals, also has the added benefit of fixing a  
17 couple of concerns that were raised by our members and  
18 actually brought up in testimony from the El Paso area.  
19 Senator Blanco had mentioned concerns over Fort Bliss having  
20 been taken out in the previous map out of the CD 16 in El  
21 Paso. There were also witnesses that testified when we had  
22 our West Texas focused hearing, witnesses from El Paso that  
23 brought that up as well. And so, in response, Fort Bliss has  
24 been moved back, the critical part of it that they were  
25 concerned about, into CD 16, and I'm glad we were able to

1 help Senator Blanco and his constituents in that regard.

2 Also, Senator Hall had raised concerns about  
3 Navarro County being divided for the first time and the House  
4 actually fixed that as it was going through their process.  
5 So, I'm glad we're able to make a couple of accommodations  
6 there. And with that, again, I would move to suspend the  
7 regular order of business.

8 PRESIDENT PATRICK: Senator Alvarado, what  
9 purpose?

10 SENATOR ALVARADO: To ask the author some  
11 questions.

12 PRESIDENT PATRICK: Do you yield?

13 SENATOR KING: Pardon me.

14 SENATOR ALVARADO: Thank you, Mr. Chairman.

15 We've had a lot of discussion about this bill in  
16 our hearings. Mr. Chairman, we've covered many topics on the  
17 floor, in committee hearings, and my questions today will be  
18 focused on the Houston districts and the changes to my home  
19 district, the current CD 29.

20 The latest map plan C-2333 shifts population in  
21 Bay Town from CD 9 to CD 36 and then shifts nearby population  
22 in Baytown from CD 36 to CD 9. Why does the map shift two  
23 sets of population in the same city back and forth like that?

24 SENATOR KING: Hey, I'm sorry. I'm not sure I  
25 understood your question. Could you walk me through that

1 again?

2 SENATOR ALVARADO: Okay. So, the plan, your plan,  
3 shifts the population in Baytown. Baytown is from CD 9 to CD  
4 36 and then shifts some nearby population in Baytown from CD  
5 36 to CD 9. So, I'm just curious what the reason was for  
6 that shift.

7 SENATOR KING: Well, the best answer that I can  
8 provide you is in CD 9, of course, because of the way it's  
9 drawn today, it is more compact on the standard measures for  
10 compactness, but also, the changes that were made in the  
11 Greater Houston area were made for the purpose of improving  
12 partisan performance. And as you know, CD 9 should now  
13 perform as a Republican district.

14 SENATOR ALVARADO: Okay. Because I know before  
15 you-all were talking about that district being a Latino  
16 opportunity district.

17 SENATOR KING: I haven't ever talked about that.

18 SENATOR ALVARADO: The original plan. Okay. The  
19 h -- the HCVAP population of CD 9 after your amendment is  
20 just barely over 50 percent the CVAP. Do you know what  
21 happened?

22 SENATOR KING: From which district?

23 SENATOR ALVARADO: In CD 9. So, after your  
24 amendment, it's barely over 50 percent. Do you know what  
25 drove that or how that happened?

1 SENATOR KING: And you're referring to CVAP?

2 SENATOR ALVARADO: Yes.

3 SENATOR KING: Okay. Of course, CVAP is Citizen  
4 Voting Age Population. CVAP is really not census data. This  
5 map is drawn and the only way it can be legally drawn is on  
6 the 2020 census data. CVAP is an estimate that's done  
7 annually. It's considered very problematic for a lot of  
8 reasons. I didn't -- so, typically in redistricting, it's  
9 not something that someone would want to rely on. But again,  
10 I haven't looked at any racial data and I haven't looked at  
11 CVAP. And really, there's no reason to look at racial data  
12 or CVAP.

13 The simplest easiest way to draw a map for  
14 political performance is to look at election data, at voting  
15 data with regard to Republican and Democrat votes. And when  
16 you do that, there's simply no need to look at racial data  
17 and you certainly don't, I don't think, want to look at  
18 something as unreliable as CVAP.

19 So, I haven't looked at CVAP. I could tell you  
20 what it is, and I haven't looked at any racial data with  
21 regard to any of the districts in Texas.

22 SENATOR ALVARADO: I have a hard time believing  
23 that you or anybody that had anything to do with the drawing  
24 of the map did not look at racial numbers, demographics.

25 SENATOR KING: All I can tell you is, of course, I

1 didn't draw the map. I adopted the House map as it came over  
2 and filed it. SB 4 had been filed as a companion to it, but  
3 I can tell you that our counsel have looked over it. Other  
4 counsel has looked over it. It is legal under all applicable  
5 law and, again, frankly, there is absolutely no reason to  
6 look at racial data.

7           When you're trying to improve political  
8 performance, the best measure of that is how -- whether  
9 people have been voting Republican or Democrat. And if you  
10 want to draw a map who's good that -- and the goal is  
11 political performance, then that's what you look at. There's  
12 no reason to look at racial data. And frankly, I think in  
13 many cases it's problematic or illegal to do so.

14           SENATOR ALVARADO: Okay. Let's move on to some --  
15 now, we're kind of getting a little into the weeds, but this  
16 is about certain precincts. The map drawer, whoever that is  
17 and we'll get to that in a bit, split Election Precinct 414  
18 four different times. That's a lot of fours, but Precinct  
19 414 was split four different times.

20           What was the purpose of carving up that precinct?

21           SENATOR KING: You know, there's a dozen different  
22 ways you can draw when you get down to the minutiae in a map  
23 and I don't know why the House took that direction and their  
24 counsel in that. Again, when I looked at the House map, it  
25 met my three goals of it being legal, of it improving

1 political performance, and advancing compactness. And so, I  
2 am recommending the map to the Senate today.

3 SENATOR ALVARADO: Okay. The map drawer, whoever  
4 he or she is, also split Election Precincts 533 and 386 in  
5 the same area. Do you have any idea what the purpose of was  
6 for splitting those precincts?

7 SENATOR KING: No. My answer would be the same.  
8 When you get down to that nuance level, it would be the same  
9 as the previous one.

10 SENATOR ALVARADO: Okay. Let's talk about the  
11 origin of the map before changes to the C-2333. You said  
12 that you worked on the House map. I'm sorry. You said that  
13 you took the House map and filed it because it met your goals  
14 and had stalled in the House.

15 SENATOR KING: All right. So --

16 SENATOR ALVARADO: You've stated what your goals  
17 were. What data did you look at to confirm that the House  
18 plan met your goals?

19 SENATOR KING: All right. So, we're -- are you  
20 asking about -- I mean, CD 4 is -- I'm sorry, HB 4 is the  
21 only thing before us today and that's what you're referring  
22 to?

23 SENATOR ALVARADO: Yes.

24 SENATOR KING: All right. So, I reviewed some of  
25 the political performance stats that were provided to me

1 myself or provided to me. I consulted with our legal  
2 counsel, and I mean it's very clear as you review the map and  
3 you look at -- and I can -- you know, particularly those five  
4 districts if you want, I can -- we can talk about how in the  
5 last election and previous elections that district would  
6 perform. If it was drawn today, that's very easy information  
7 for anyone to get.

8 SENATOR ALVARADO: Okay. But in terms of drawing  
9 the map, you don't have any more details on how and why the  
10 map was drawn as it was because Rep Hunter handled it on the  
11 floor?

12 SENATOR KING: So, the predecessor to HB 4, I  
13 guess, would have been HE 4 from the prior session. The  
14 House made some changes primarily in CD 9, El Paso, CD 16 and  
15 then in the Navarro area. I can't think what district number  
16 that is.

17 I don't know all the -- I don't know exactly what  
18 they did, who -- whether the (inaudible) counsel redrew that  
19 for the House. I don't know whether they had outside counsel  
20 do it. All I can tell you is that I found out about it  
21 Monday when everybody else did. I looked over it. I didn't  
22 object to the changes and went ahead and filed SB 4 as its  
23 companion.

24 SENATOR ALVARADO: Okay.

25 SENATOR KING: And but SB 4 did not reflect those



1 new changes and that's why we adopted HB 4 when it came over  
2 because it had those new changes.

3 SENATOR ALVARADO: Okay. I'm going to now really  
4 focus on Houston because that's where my district is and the  
5 districts that are impacted most within my senate district.  
6 Are you aware that the Latino population of Harris County is  
7 well over 2 million?

8 SENATOR KING: Not specifically.

9 SENATOR ALVARADO: Okay. And the total population  
10 of Harris County is roughly 4.7 million people. Were you  
11 aware of that?

12 SENATOR KING: Roughly. Yes.

13 SENATOR ALVARADO: Okay. Are you aware that the  
14 current CD 29 represented by Congresswoman Sylvia Garcia is  
15 the only majority HCVAP district in Harris County under the  
16 2021 map?

17 SENATOR KING: As I've said, I haven't looked at  
18 any racial data.

19 SENATOR ALVARADO: Well, I'm talking about the  
20 2021 map which all of y'all voted for.

21 SENATOR KING: I haven't looked at either racial  
22 data in the 2021 map.

23 SENATOR ALVARADO: And we're just, you know,  
24 getting out of a very recent court case on those maps. What  
25 is the specific purpose of reducing the Hispanic citizen

1 voting age population in CD 29 by 20 percentage points from  
2 63 percent to 43 percent?

3 SENATOR KING: I'm not aware that there was any  
4 intent to do that.

5 SENATOR ALVARADO: Really?

6 SENATOR KING: As I said, I haven't looked at any  
7 racial data. I've just looked at political performance. So,  
8 I don't have an answer to that.

9 SENATOR ALVARADO: Okay. By decreasing the HCVAP  
10 in CD 29 by that amount, 20 percentage points, it means that  
11 no longer -- there's no longer a Hispanic opportunity  
12 district. Do you realize that?

13 SENATOR KING: I assume you're operating off the  
14 assumption that Republicans won't vote for a Hispanic, which  
15 I don't think is a reasonable assumption. But again, I  
16 haven't looked at any of the -- any racial data for any of  
17 the districts including CD 9.

18 SENATOR ALVARADO: Can you explain how the DOJ  
19 letter, which incorrectly referred to Congressional District  
20 29 as a coalition district, relates to the changes that we  
21 see in the current proposed CD 29?

22 SENATOR KING: I don't think it had any impact on  
23 it I personally didn't pay any attention or give any  
24 attention to the DOJ letter. For one, it was not addressed  
25 to the Senate, it wasn't addressed to me, it wasn't addressed

1 to the House, it wasn't addressed to the legislature, it was  
2 addressed to the Governor, and it was addressed to the  
3 Attorney General.

4 My understanding is the Attorney General filed a  
5 response to it in the El Paso trial court, a three-judge  
6 panel. They've already made a ruling on that. I presume  
7 that the Governor has made some response although I'm not  
8 aware of it, but I didn't take the letter into consideration  
9 because it was not addressed to us. I haven't talked to  
10 anyone at the DOJ. I have not talked to anyone at the White  
11 House regarding this map.

12 SENATOR ALVARADO: Well, we talked a lot about  
13 that letter to the point that we did invite Miss Harmeet  
14 Dhillon to the hearing and we still did not get a response.  
15 Is that correct?

16 SENATOR KING: We sent an invitation that if she  
17 wished to testify, we invited her and to date, I have not  
18 received any response.

19 SENATOR ALVARADO: In fact, some of us on the  
20 committee voted for a motion to subpoena Ms. Dhillon. Is  
21 that correct?

22 SENATOR KING: There was a motion, I believe, by  
23 your Senator Miles, and it was voted down by the committee,  
24 but we did issue an invitation instead.

25 SENATOR ALVARADO: Okay. Well, I had a lot of

1 issues with that letter. One is that she referred to CD 29  
2 as a coalition district and it's not. It never was created.  
3 It was created as a Latino opportunity district in the early  
4 1990s. How does that relate to the changes that we see now  
5 in the current proposed CD 29?

6 SENATOR KING: I haven't tried to analyze the HB 4  
7 against that letter, but I'm not aware of any correlation.

8 SENATOR ALVARADO: Okay. Can you explain the  
9 overall purpose behind the changes to Congressional District  
10 29? For example, removing the Latino neighborhoods of Denver  
11 Harbor and Magnolia Park.

12 SENATOR KING: No. I can just tell you that the  
13 changes that were made were made for the primary purpose of  
14 producing a legal map and one that would perform better for  
15 Republicans.

16 SENATOR ALVARADO: Before undertaking these  
17 changes to CD 29, did you consider the district to be  
18 required or protected by the Voting Rights Act for Latino  
19 voters?

20 SENATOR KING: I had come to no conclusion about  
21 that.

22 SENATOR ALVARADO: Do you consider that this new  
23 version of CD 29 to be required under the Voting Rights Act?

24 SENATOR KING: I have no position on that.

25 SENATOR ALVARADO: Do you believe that this new

1 version of CD 29 offers Latino voters the same opportunity to  
2 elect their preferred candidate when compared to the current  
3 CD 29?

4 SENATOR KING: Again, and I don't know how many  
5 any other way to say it. I have not looked at any racial  
6 data, so I don't have any answers to any questions involving  
7 racial data, racial voting performance, any of those type  
8 discussions.

9 SENATOR ALVARADO: The proposed plan pushes much  
10 of the former CD 29 into the new CD 9, my home, my house,  
11 bringing the HCVAP of CD 9 to barely over 50 percent,  
12 correct?

13 SENATOR KING: Again, I don't know. I haven't  
14 looked at the CVAP.

15 SENATOR ALVARADO: Do you believe that a community  
16 that makes up almost half of a county's population should be  
17 able to elect their candidate of choice for congress?

18 SENATOR KING: I hope that everybody has the  
19 opportunity to elect their candidate of choice, but with  
20 regard to CD 9, I believe it is now going to be Republican  
21 leaning.

22 SENATOR ALVARADO: Do you believe that a community  
23 that makes up almost half of a county's population in a  
24 county that is big enough for six congressional districts is  
25 adequately represented by one seat?

1 SENATOR KING: I'm sorry. Could you repeat that?

2 SENATOR ALVARADO: Do you believe that a community  
3 that makes up almost half a county's population, meaning the  
4 Latino community, in a county that is big enough to hold six  
5 congressional districts is adequately represented by one  
6 seat?

7 SENATOR KING: I presume under one person, one  
8 vote, if they have the ideal number of 766 odd number in  
9 population that that's at law adequately represented.

10 SENATOR ALVARADO: Okay. Isn't it true that in  
11 the pending case challenging the State's 2021 maps, Latino  
12 voters argued that the State violated the Voting Rights Act  
13 by failing to create a new Hispanic opportunity district in  
14 Harris County?

15 SENATOR KING: You know, I haven't read all the  
16 pleadings. I've just generally kept up with that case.

17 SENATOR ALVARADO: Did you perform any analysis to  
18 determine if Latino voters in the new CD 9 would be able to  
19 regularly elect their candidate of choice?

20 SENATOR KING: I instructed our counsel at every  
21 matter -- every map we have looked at to analyze it to make  
22 sure that it complies with all constitutional law and  
23 obviously with the Voting Rights Act as well, and I've been  
24 assured that this map meets all applicable legal  
25 requirements.

1           SENATOR ALVARADO: Why did you decide to move a  
2 large portion of the current CD 29 into this newly proposed  
3 CD 9?

4           SENATOR KING: I didn't make that decision. I  
5 decided to adopt the House Bill that was passed out of the  
6 House as it's drawn because I believed it met the three goals  
7 that I had in mind, and I believed it was worthy to recommend  
8 to the body for adoption.

9           SENATOR ALVARADO: Is the new CD 29 which you've  
10 drawn in your proposed map a coalition district?

11           SENATOR KING: I believe that CD 9 meets all the  
12 current legal requirements, and I think --

13           SENATOR ALVARADO: Yeah, I'm asking about 29.

14           SENATOR KING: 29?

15           SENATOR ALVARADO: Uh-huh.

16           SENATOR KING: I believe that CD 29 meets all  
17 current legal requirements.

18           SENATOR ALVARADO: Mr. Chairman, that's all I have  
19 for now. Thank you.

20           SENATOR KING: Thank you.

21           PRESIDENT PATRICK: Senator Zaffirini, for what  
22 purpose?

23           SENATOR ZAFFIRINI: To ask questions, Mr.  
24 President, but may I yield to Senator Menendez?

25           PRESIDENT PATRICK: Yes.

1 SENATOR ZAFFIRINI: Thank you.

2 PRESIDENT PATRICK: Senator Menendez, what  
3 purpose?

4 SENATOR MENENDEZ: Mr. President, to ask questions  
5 of the author.

6 PRESIDENT PATRICK: Do you yield?

7 SENATOR KING: Absolutely.

8 SENATOR ZAFFIRINI: Thank you, Mr. President.  
9 Thank you, Senator King.

10 Senator King, I heard your bill layout and, you  
11 know, in your layout, I was -- I heard you say your opening  
12 phrase, "When I began this process."

13 I was just curious. When did you begin this  
14 process? Because we had a redistricting committee during  
15 session, but I never heard anything about a redistricting of  
16 maps at all during session.

17 So, when did you come up with the thought or the  
18 idea of filing a new map?

19 SENATOR KING: When -- a couple of weeks or so  
20 before, maybe a week or so before special -- the first  
21 special session, I got a call from the Lieutenant Governor  
22 asking if I would be willing to chair the redistricting  
23 committee.

24 SENATOR MENENDEZ: Okay. So, you mentioned that  
25 you believe in your heart of -- that you believe this map is



1 drawn race blind?

2 SENATOR KING: Yes.

3 SENATOR MENENDEZ: Okay. And you've said that you  
4 have not looked at any race data with respect to this map,  
5 correct?

6 SENATOR KING: Correct.

7 SENATOR MENENDEZ: So, to that end, if I hear what  
8 you're telling me, the map then does -- does it take any race  
9 data into account?

10 SENATOR KING: Not to my knowledge.

11 SENATOR MENENDEZ: Okay. Have you had an  
12 opportunity to watch any of the House proceedings or been  
13 present at any of the times that Chairman Hunter has spoken  
14 about the map?

15 SENATOR KING: Sorry. Could you repeat that?

16 SENATOR MENENDEZ: Yes. Have you had any  
17 opportunity to watch any of the House proceedings or any of  
18 the times when Chairman Hunter has been describing the map?

19 SENATOR KING: Very little.

20 SENATOR MENENDEZ: Very little. Okay. Very good.

21 Well, then, you must be aware that each time  
22 Chairman Hunter has laid out the map, he has listed specific  
23 districts and the race population for those districts. So,  
24 I'm not sure. Were you aware of that? Did you -- were you  
25 able to watch that part of his delivery?

1           SENATOR KING: I've actually watched very little  
2 of the House --

3           SENATOR MENENDEZ: Okay.

4           SENATOR KING: -- hearings.

5           SENATOR MENENDEZ: All right. So, if you missed  
6 when Chairman Hunter listed the specific districts and the  
7 race population for those districts, it to me, even though  
8 you've been adamant that you have not looked at race data,  
9 why is that? Why have you not -- if Chairman Hunter's talked  
10 about race data, why have you not looked at race data?

11          SENATOR KING: Well, because it's problematic and  
12 confusing under the law and it gets -- it's very complex as  
13 to how such data applies in redistricting. It's very simple  
14 and very well established in law that you can draw maps on  
15 partisan bay -- on a partisan basis. And so, we've looked at  
16 this from a partisan basis. It's my understanding that  
17 that's the basis from which it was drawn, and it performs in  
18 a manner that should improve -- should be an improvement for  
19 Republican candidates.

20          SENATOR MENENDEZ: When you say it's problematic  
21 with the law, which law are we referring to?

22          SENATOR KING: Well, there's a host of  
23 redistricting law. I've got, you know, one little brief here  
24 that's just a summary of -- you know, we've had 30 years of  
25 cases and I've gone through several redistricting cycles and

1 you have as well, and we have an ongoing trial in El Paso and  
2 it's just a complex, very robust area of law.

3 SENATOR MENENDEZ: Would any of those be the  
4 Voting Rights Act?

5 SENATOR KING: Voting Rights Act is always a  
6 consideration.

7 SENATOR MENENDEZ: Very good. Does it concern you  
8 then that Chairman Hunter has focused so closely on the race  
9 data in his discussions of this very bill, House Bill 4?

10 SENATOR KING: I am only concerned with what's  
11 before the Senate and in my authorship of or sponsorship of  
12 the bill.

13 SENATOR MENENDEZ: So, knowing that the Voting  
14 Rights Act can be in your terms, your words, problematic, why  
15 does it not concern you that Chairman Hunter has been  
16 bringing up race when he's describing these districts?

17 SENATOR KING: I'm not aware whether he has or  
18 not, but from my perspective, why would I use racial data?  
19 Voting history is just much more accurate and is well  
20 established as a legal way to draw maps, a legal process upon  
21 which to base maps.

22 SENATOR MENENDEZ: Okay. So, you mentioned that  
23 you didn't draw this map or these maps. Is that correct?

24 SENATOR KING: That's correct.

25 SENATOR MENENDEZ: Okay. So, then, whoever drew

1 these maps, do we know if they used any racial shading on the  
2 computer at any point? Do you -- are you aware of that?

3 SENATOR KING: So, again, I don't know. I don't  
4 have any personal knowledge as to who drew the changes  
5 between HB 4 as it was entered as it was introduced in this special  
6 session, and HB 4 as it was passed out of the House because  
7 there were some changes.

8 SENATOR MENENDEZ: Correct. And I guess what I'm  
9 trying to find out is what analysis was made during the map  
10 drawing process to determine voter preferences, as you've  
11 mentioned, the -- you've mentioned the partisan preferences,  
12 but also by racial group. That's what I'm trying to figure  
13 out what analysis was made.

14 SENATOR KING: All I can tell you is that I very  
15 specifically ask our legal counsel to run Gingles and the  
16 other analyses that are used to determine if a map complies  
17 with the VRA constitutional and other requirements, and I  
18 have been well assured that this map complies with the VRA in  
19 all respects as well as all other applicable law.

20 SENATOR MENENDEZ: So, I appreciate that. So,  
21 you're telling me that the legal counsel that did know who  
22 drew these maps, that you asked them to run an analysis  
23 through the Voter Rights Act, through Gingles, and tell me  
24 that they're legal. Did they tell you which districts race  
25 was taken into account to make sure that they're legal?

1           SENATOR KING: I was only presented with their  
2 conclusion, not the -- any underlying data, whatever that may  
3 have involved.

4           SENATOR MENENDEZ: Understood.

5           So, we know race was taken into account to make it  
6 legal. We know -- I just -- I'm just curious because you're  
7 confident that the -- you believe that these districts were  
8 presented to you after having been analyzed. I'm curious.  
9 How was race taken into account in the drafting? Do you know  
10 how the race was taken into account?

11          SENATOR KING: All I can tell you is that every  
12 map I have looked at, and I haven't drawn a single map. I  
13 have in years past, but I have no -- but I have not had  
14 anything to do. I have not drawn any map during this  
15 process.

16          SENATOR MENENDEZ: Okay.

17          SENATOR KING: What I have done is the maps that  
18 have been presented to me for consideration before I even  
19 looked at them --

20          SENATOR MENENDEZ: Right.

21          SENATOR KING: -- I turned them over to counsel  
22 and I said, take it, give it a good legal scrubbing, and  
23 bring me back to your conclusions.

24          SENATOR MENENDEZ: Okay. So, the current existing  
25 congressional maps, the ones that were drawn in 2021, did you

1 consider districts that were currently protected by the  
2 Voting Rights Act when these -- this new map was drawn, did  
3 you did you say, hey, these are protected. Make sure they  
4 stay protected when the drawing of this map? Did y'all ask  
5 that?

6 SENATOR KING: My instructions were that I would  
7 not bring a map before the committee and certainly not before  
8 this body until I was told that it was legal in all respects.

9 SENATOR MENENDEZ: Do you -- currently, do you  
10 believe that there's racially polarized voting in Texas?

11 SENATOR KING: I'm not sure if I'm even qualified  
12 to comment on that. I'm familiar with some of the prior case  
13 determinations that have been made in previous years. I  
14 don't know what the state of voting is today. I just know  
15 that the map that is before us today is legal with regard to  
16 the VRA and other applicable law.

17 SENATOR MENENDEZ: Did you do any analysis or  
18 review of whether voting is racially polarized in Texas  
19 before, during, or after the drawing of this map?

20 SENATOR KING: I have not personally done any  
21 analysis.

22 SENATOR MENENDEZ: Okay. Do you know which  
23 districts in this new map and the map that you've laid before  
24 us in this plan c -- plan C-2333? Do you know which  
25 districts are located in areas that have any polarized

1 voting, racially polarized voting?

2 SENATOR KING: I think the map speaks for itself  
3 in terms of its geographic boundaries. I have not personally  
4 made any analysis that you've referenced. All I can tell you  
5 is that I have been assured that this map does not violate  
6 the VRA or any other applicable law.

7 SENATOR MENENDEZ: What analysis of Latino voters'  
8 preferences were conducted before drafting any of the  
9 districts in this plan?

10 SENATOR KING: Well, I'm confident for each  
11 district there was a Gingles type analysis. There are other  
12 things that are done with regards to analysis and others.  
13 I'm not familiar with all of those. What I did, because I'm  
14 not an expert on either the statistician side or the legal  
15 side, was I hired a law firm, engaged a law firm that has  
16 decades of experience and that I could have a lot of  
17 confidence in and I asked them to scrub each map I considered  
18 beforehand.

19 SENATOR MENENDEZ: And you mentioned they  
20 presented you a report that they said that every they -- they  
21 presented you a report because you asked them to make sure to  
22 scrub it using Gingles, Voters Rights Act. Do you know what  
23 elections they looked at?

24 SENATOR KING: Not specifically. I just made sure  
25 that I have the highest confidence that they did a very

1 thorough analysis.

2 SENATOR MENENDEZ: Do you know what kind of  
3 election analysis they conducted?

4 SENATOR KING: Not specifically.

5 SENATOR MENENDEZ: Last two questions. Which  
6 Latino majority districts in this -- in the 2021 maps, the  
7 ones we currently have today, do you consider to be protected  
8 under the Voter Rights Act?

9 SENATOR KING: I don't have a -- I don't have an  
10 opinion on that.

11 SENATOR MENENDEZ: And you don't know which ones  
12 are currently protected so that you can make sure these are  
13 legal?

14 SENATOR KING: Again, I have intentionally not  
15 looked at any racial data. I've tried to just focus on  
16 political performance.

17 SENATOR MENENDEZ: Okay. And since you believe  
18 that these maps that you have before us are legal, could you  
19 please name the districts in this new map that are required  
20 by the Federal Voting Rights Act? So, if these are legal,  
21 which one of the districts in here are going to be required  
22 to be protected under the Voter Rights Act? Can you tell us  
23 which ones?

24 SENATOR KING: No.

25 SENATOR MENENDEZ: So, you -- I'm sorry. This is



1 my last question. You mentioned that this is a compact --  
2 improves compactness, right?

3 SENATOR KING: Yes.

4 SENATOR MENENDEZ: And as I look at this, it  
5 strikes me as odd, and I wonder why, if you could tell me  
6 why, almost all of the -- it seems that many of the rural  
7 districts are somewhat uniformly in shape, but when you get  
8 to the urban districts of Bexar and Tarrant and Dallas and  
9 Travis, they seem to be -- and Harris for sure, they seem to  
10 be carved up.

11 As you look at the colors, they look like a bowl  
12 of something you'd get at Chipotle or something. They just -  
13 - why is it that Travis has got districts that -- you said  
14 compact, but yet you go from Travis down to the coast to  
15 Aransas Pass. How is that compact?

16 SENATOR KING: Within the urban areas, it's  
17 generally a factor of population density.

18 SENATOR MENENDEZ: Population density. And what -  
19 -

20 SENATOR KING: Let me -- let me finish.

21 SENATOR MENENDEZ: I'm sorry. Go ahead.

22 SENATOR KING: It also gets into efforts to try to  
23 -- where you can hold communities of interest together. And,  
24 of course, contiguity, every district has to continue -- they  
25 can't be broken. But the other part of it is that -- and our

1 senate districts are examples of that as well, but when you  
2 have to get, in this case, 766,000 people into 38 districts  
3 and so many of our counties have only five or 10 or 20,000 in  
4 population. It is very common. In fact, it is unavoidable  
5 that you just have to reach into urban areas, perhaps take  
6 population and then reach out and pull in a bunch of rural  
7 and suburban counties to be able to work -- balance out that  
8 one person, one vote, and that's why -- and frankly, it's a  
9 lot easier to draw in an -- in a county like one of mine that  
10 has 4,000 people. It's very easy to draw that whole county  
11 into one district. It's much more complex when you have a  
12 dense urban area.

13 SENATOR MENENDEZ: You've been a legislator for a  
14 long time. Isn't that correct? Many years?

15 SENATOR KING: This, I guess, is my 27th.

16 SENATOR KING: Twenty-seven years. And you -- so  
17 we've been through redistricting many times. You mentioned  
18 that, correct? Right?

19 SENATOR KING: Yes. You and I both.

20 SENATOR MENENDEZ: And isn't it true because  
21 through all of the districting that the overwhelming majority  
22 of racial minorities live in these same urban counties that  
23 you've cut up in little strips in this map? Isn't that true?  
24 I mean, it is true. I mean, it's just population. That's  
25 where they live.

1           SENATOR KING: Again, I haven't looked at any  
2 racial data, but I would just say off the top of my head,  
3 South Texas has a lot of rural areas that are heavily  
4 Hispanic populate -- in population. That's just common.

5           SENATOR MENENDEZ: Right. But I was just asking  
6 about the urban counties that have been cut into little  
7 strips.

8           SENATOR KING: Again, I haven't looked at any  
9 racial data.

10          SENATOR MENENDEZ: Thank you for answering my  
11 questions. Thank you, Mr. President.

12          SENATOR KING: Thank you.

13          PRESIDENT PATRICK: Senator Zaffirini.

14          SENATOR ZAFFIRINI: Thank you, Mr. President.

15          PRESIDENT PATRICK: For what purpose?

16          SENATOR ZAFFIRINI: To ask questions of the  
17 author.

18          PRESIDENT PATRICK: Do you yield?

19          SENATOR ZAFFIRINI: Certainly.

20          SENATOR ZAFFIRINI: Thank you, Mr. President.  
21 He's been waiting for these.

22          SENATOR KING: Pins and needles.

23          SENATOR ZAFFIRINI: Thank you, Mr. President, and  
24 thank you, Mr. Chairman. Mr. Chairman, Representative Hunter  
25 has claimed repeatedly that Senate District 9 and Senate

1 District 35 in this new map are to be Hispanic majority  
2 districts. Is that your understanding?

3 SENATOR KING: I have no personal knowledge of  
4 that.

5 SENATOR ZAFFIRINI: Thank you. And you have said  
6 it is your belief that the Hispanic population in Texas  
7 supports Republicans. Is that correct?

8 SENATOR KING: I think that -- I'm sorry. I'm not  
9 sure how you're phrasing that. Are you asking me if do I  
10 believe that Hispanic citizens will vote for the --

11 SENATOR ZAFFIRINI: That you have said --

12 SENATOR KING: -- Republicans? Yes, I do.

13 SENATOR ZAFFIRINI: That you've said that. Yes.  
14 Thank you. Are you aware that data scientists can calculate  
15 the preferred candidates for racial groups in precise areas  
16 and this is called a racially polarized voting or RPV  
17 analysis?

18 SENATOR KING: I'm generally familiar with that  
19 concept.

20 SENATOR ZAFFIRINI: Thank you. You said in  
21 committee that you were unaware if anyone had performed a  
22 racial polarization analysis of your map. Is that correct?

23 SENATOR KING: That is correct.

24 SENATOR ZAFFIRINI: Do you know if the map drawers  
25 were provided the reams of RPV analysis offered in the El

1 Paso trial in May and June of this year?

2 SENATOR KING: And let me qualify that last answer  
3 if I could a little bit, please.

4 SENATOR ZAFFIRINI: Certainly.

5 SENATOR KING: Again, as I said earlier, I'm not a  
6 redistricting expert and I'm not on the law or on the  
7 statistician side, statistical side. I employed a law firm  
8 as counsel that has decades of experience and my -- and my  
9 direction to them was look at this map, take whatever  
10 analysis steps are necessary and let me know if it complies  
11 with all applicable parts of the law and also will it perform  
12 the way I hope it will politically, and they brought those  
13 conclusions back to me.

14 So, I don't know the specific steps they took, but  
15 I'm very confident that they took all necessary steps to make  
16 those determinations.

17 SENATOR ZAFFIRINI: Thank you. Do you know if  
18 those map drawers were provided the reams of RPV analysis  
19 offered in the El Paso trial in May and June?

20 SENATOR KING: I'm -- I have not been told that  
21 they were short of any data that they required to make their  
22 analysis.

23 SENATOR ZAFFIRINI: Did you look at any of those  
24 data?

25 SENATOR KING: No.

1           SENATOR ZAFFIRINI: Have the map drawers or anyone  
2 else, as far as you know, done an RPV analysis of any mapping  
3 proposal filed during these two special sessions? Not during  
4 the trial, but during these two special sessions.

5           SENATOR KING: Has my legal counsel?

6           SENATOR ZAFFIRINI: No. Have the map drawers or  
7 anyone else including your legal counsel done an RPV analysis  
8 of the mapping proposal?

9           SENATOR KING: I don't have any personal knowledge  
10 of that.

11           SENATOR ZAFFIRINI: Thank you. Are you aware that  
12 a majority of the Hispanic population that your map includes  
13 in CD 9 and CD 35 prefers Democrats in elections?

14           SENATOR KING: Again, I haven't looked at any  
15 racial data, but I can tell you the way the districts are  
16 drawn specifically CD 9. It should perform competitively for  
17 Republicans.

18           SENATOR ZAFFIRINI: Thank you. Have you seen the  
19 data analysis performed by some data scientists at UCLA on  
20 your map? My staff provided yours with a copy of it.

21           SENATOR KING: No, I haven't.

22           SENATOR ZAFFIRINI: Thank you. For example, in  
23 your new CD 9, 61.99 percent of the Hispanic population voted  
24 for Harris for president. Were you aware of that?

25           SENATOR KING: No.

1           SENATOR ZAFFIRINI: For example, in your CD 35,  
2   64.73 percent of the Hispanic population also voted for  
3   Harris for president. Were you aware of that?

4           SENATOR KING: No.

5           SENATOR ZAFFIRINI: Thank you. Based on the map  
6   data, you can clearly see that these two districts will elect  
7   Republicans and the only race or ethnic group in these  
8   districts that support Republicans are white non-Hispanic  
9   voters.

10           Regarding specifically Central Texas, what is the  
11   specific purpose of creating Senate Congressional District 35  
12   representative by Greg Casar with a Hispanic citizen voting  
13   age population of 51.6 percent?

14           SENATOR KING: I can't speak to the minority  
15   representation, but the purpose in drawing the district as it  
16   is was to improve political performance for the Texas  
17   congressional delegations.

18           SENATOR ZAFFIRINI: Did you create Congressional  
19   District 35 with a Hispanic citizen voting age population of  
20   51.6 percent to comply with the Voting Rights Act?

21           SENATOR KING: I haven't looked at CVAP.

22           SENATOR ZAFFIRINI: Thank you. What role did the  
23   metric of Hispanic citizen voting age population play in the  
24   creation of this new version of CD 35?

25           SENATOR KING: All I can tell you is that the map

1 meets all legal requirements under the VRA and should perform  
2 better for Republicans.

3 SENATOR ZAFFIRINI: Thank you. What is the  
4 overall purpose in the changes to CD 35 such as specifically  
5 removing from its Southeast Austin at nearby I-35 corridor  
6 cities such as Kyle and Buda?

7 SENATOR KING: Again, there's always a dozen ways  
8 to draw districts, particularly if you're doing them from a  
9 political performance perspective. I assume that that was  
10 done either to improve that political performance or possibly  
11 to round out population or possibly to hold communities of  
12 interest together.

13 SENATOR ZAFFIRINI: Well, before undertaking those  
14 changes to CD 35, did you consider the district to be  
15 required or protected by the Voting Rights Act for Hispanic  
16 voters?

17 SENATOR KING: I don't have an opinion on that.

18 SENATOR ZAFFIRINI: Do you believe that Hispanic  
19 voters can elect their preferred candidate to congress in  
20 this newly drawn CD 35?

21 SENATOR KING: You give me just a second.

22 SENATOR ZAFFIRINI: Okay. We have all day.

23 SENATOR KING: Trying to double check something,  
24 if I may.

25 SENATOR ZAFFIRINI: Certainly.



1           SENATOR KING: I guess, all I can tell you is I  
2 believe that CD 35 as drawn in HB 4, this before us today,  
3 will lean Republican.

4           SENATOR ZAFFIRINI: Thank you. Do you consider  
5 this newly drawn CD 35 to be a replacement for the current CD  
6 35 under the Voting Rights Act?

7           SENATOR KING: You know, actually the numbers that  
8 designate CDs are kind of irrelevant. I used to be in a  
9 house district and then we did redistricting, and I didn't  
10 move and nothing changed. I just had a new number. And so,  
11 I'm not sure that one number -- I think the boundaries are  
12 what matter not the numbers.

13           SENATOR ZAFFIRINI: Thank you. Are you aware,  
14 Senator King, that there are historic black and Hispanic  
15 neighborhoods in East Austin?

16           SENATOR KING: Yes.

17           SENATOR ZAFFIRINI: Are you aware that there are  
18 also deeply rooted and rapidly growing Hispanic communities  
19 in nearby Hays County?

20           SENATOR KING: I know we have rapidly expanding  
21 Hispanic communities across Texas.

22           SENATOR ZAFFIRINI: Thank you. In your proposed  
23 map, these communities have been moved from CD 35 with the  
24 City of Austin to the newly drawn CD 27, which stretches  
25 through sparsely populated rural counties like Austin and

1 Wharton, all the way to the coast, 170 miles away through  
2 Matagorda and Delta part (inaudible) of Nueces County. Is  
3 that correct?

4 SENATOR KING: Of course, the map kind of speaks  
5 for itself and what the geography is of that district. But,  
6 again, we have in our current map and in every -- probably  
7 every redistricting map ever drawn in Texas history, we have  
8 very vast districts because we have very dispersed  
9 population.

10 SENATOR ZAFFIRINI: So, then, what was the  
11 purpose, Senator King, in this proposed map of moving these  
12 communities in East Austin and Hays County from nearby Austin  
13 into the communities with Port Aransas 200 miles away?  
14 Specifically, what was that purpose?

15 SENATOR KING: Well, it could have been a number  
16 of things. Again, all I have looked at is to make sure the  
17 map is legal, which of course does take into consideration  
18 communities of interest and other traditional redistricting  
19 criteria.

20 But you can draw a map in many ways and I'm not  
21 sure I follow. Are you suggesting that moving those  
22 communities out of one district into another somehow in some  
23 way violated some aspect of redistricting law that's --

24 SENATOR ZAFFIRINI: Could you explain to us how  
25 the dramatic changes in Congressional District 35 would

1 impact specifically the Hispanic population? And 35, of  
2 course, is represented by Greg Casar.

3 SENATOR KING: I haven't looked at any racial  
4 data. So, I wouldn't have that information. I can tell you  
5 that that district will lean Republican in voting  
6 performance.

7 SENATOR ZAFFIRINI: Thank you. The communities in  
8 East Austin that are now connected with Port Aransas used to  
9 be in CD 35. Is that correct?

10 SENATOR KING: I'll take your word for that. I  
11 don't have the old map in front of me.

12 SENATOR ZAFFIRINI: Thank you. Instead of  
13 including these communities along the I-35 Corridor, the  
14 proposed CD 35 extends east into Karnes County. Is that  
15 correct?

16 SENATOR KING: Yes.

17 SENATOR ZAFFIRINI: So, what was the purpose of  
18 replacing these communities in East Austin with communities  
19 in Wilson and Karnes County?

20 SENATOR KING: The purpose was to draw a map that  
21 was legal under all applicable law and that performed better  
22 for Republicans and that created or improved compactness in  
23 some districts.

24 SENATOR ZAFFIRINI: And how were these decisions  
25 made, Senator King?

1           SENATOR KING: Again, I've adopted HB 4, which is  
2 before us today. It -- I don't have -- I wasn't there  
3 participating in the map drawing process. What I can tell  
4 you today though is that this map is legal. It performs  
5 better for Republicans. It improves compactness and it is, I  
6 believe, a good map for the Senate to vote out.

7           SENATOR ZAFFIRINI: Thank you. Did you or the map  
8 drawer at any time perform an analysis to determine if  
9 Hispanic voters in the current CD 35 were able to elect a  
10 candidate of their choice in most elections?

11           SENATOR KING: I'm confident that our counsel  
12 reviewed all appropriate data and made all appropriate  
13 analysis to make sure that the map would be legal in all  
14 respects.

15           SENATOR ZAFFIRINI: Did you or the map drawer  
16 perform any analysis to determine if Hispanic voters in the  
17 current CD 28 were able to elect a candidate of their choice  
18 in most elections?

19           SENATOR KING: Again, it would be the same answer.

20           SENATOR ZAFFIRINI: Thank you. The ultimate  
21 result of your changes in Central Texas is to pair Greg Casar  
22 with Lloyd Doggett in a majority Anglo district. Is that  
23 correct?

24           SENATOR KING: The objective was to create more or  
25 better performing districts from a Republican perspective.

1           SENATOR ZAFFIRINI: But it's correct that the  
2 ultimate result is to pair those two, correct?

3           SENATOR KING: Well, pairing is kind of a relative  
4 concept. It's different in house and senate maps, but in  
5 congressional maps since you don't have to live in the  
6 district you run-in, pairing is not really, I think, a valid  
7 definition concern issue.

8           SENATOR ZAFFIRINI: And that is true, but their  
9 residences are now in the same district, correct?

10          SENATOR KING: That's my understanding.

11          SENATOR ZAFFIRINI: Thank you. Pertaining to  
12 Congressional District 28 in South Texas, what is the purpose  
13 of increasing the Hispanic citizen voting age population in  
14 Congressional District 28 by 18 percentage points in the  
15 newly drawn map?

16          SENATOR KING: I'm not aware that it was. I  
17 haven't looked at any racial data.

18          SENATOR ZAFFIRINI: Thank you. Can you explain  
19 the overall purpose behind the changes to Congressional  
20 District 28?

21          SENATOR KING: All the changes that were made in  
22 the map were made to ensure that it was legal, that it would  
23 improve Republican performance, and hopefully improve  
24 compactness.

25          SENATOR ZAFFIRINI: Thank you. In your opinion,

1 could Hispanic voters elect their preferred candidate to  
2 congress in the newly drawn Congressional District 28?

3 SENATOR KING: I'm sorry. Could you repeat that,  
4 please?

5 SENATOR ZAFFIRINI: In your opinion, could  
6 Hispanic voters in District 28 elect their preferred  
7 candidate to Congress in this newly drawn map?

8 SENATOR KING: I really don't have an opinion  
9 about that. I believe that every voter in the State of Texas  
10 will have the opportunity to cast their vote for the  
11 candidate in their district.

12 SENATOR ZAFFIRINI: Now, at the risk of getting a  
13 little too personal, why would you separate Webb County,  
14 which includes my hometown Laredo, from Bexar County with  
15 which we have an historic relationship and wonderful  
16 community of interest and attach it instead to Hidalgo  
17 County, home of the City of McAllen when everyone in the area  
18 knows that the City of Laredo and the City of McAllen have a  
19 competitive relationship?

20 SENATOR KING: There was nothing personal about  
21 it.

22 SENATOR ZAFFIRINI: Thank you. But do you know  
23 why it was done?

24 SENATOR KING: Again, it was done for the  
25 objectives of increasing political performance for Republican

1 candidates and nothing else.

2 SENATOR ZAFFIRINI: Thank you. Again, continuing  
3 in South Texas, specifically Congressional District 15.  
4 Under the current plan, all of Karnes County, which is in my  
5 senatorial district, is in Congressional District 15. Is  
6 that correct?

7 SENATOR KING: I'm not looking at the map, but I  
8 certainly take your word for it.

9 SENATOR ZAFFIRINI: Thank you. And your proposed  
10 plan replaces Karnes County with all of DeWitt and Lavaca  
11 Counties. Is that correct?

12 SENATOR KING: If the map says what it says, yes.

13 SENATOR ZAFFIRINI: Thank you. Are you aware,  
14 Senator King, that Karnes County is 52.6 percent Hispanic  
15 according to the 2020 census, whereas DeWitt County is 34.8  
16 and Lavaca County is 19.4 percent Hispanic?

17 SENATOR KING: Again, I haven't looked at any  
18 racial data.

19 SENATOR ZAFFIRINI: Thank you. What was the  
20 purpose of taking a more heavily Latino County out of  
21 Congressional District 15 and putting it in a less heavily  
22 Hispanic county?

23 SENATOR KING: The purpose of all the district  
24 changes -- the intent of all district changes were to make  
25 sure that we had a legal map, one that performed better for

1 Republicans and hopefully improved compactness in some  
2 districts.

3 SENATOR ZAFFIRINI: Thank you. Did the DOJ letter  
4 in any way refer to South Texas regarding the re-  
5 redistricting need?

6 SENATOR KING: Well, it pointed out four districts  
7 or five. I can't recall. It's been a while since I've read  
8 it.

9 SENATOR ZAFFIRINI: Thank you. Senator King, is  
10 there any question you expected me to ask that I failed to  
11 do?

12 SENATOR KING: I think you were very thorough.

13 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.  
14 Thank you, Mr. President and members.

15 PRESIDENT PATRICK: Senator Hinojosa, for what  
16 purpose?

17 SENATOR HINOJOSA: Will Senator King yield for  
18 questions?

19 PRESIDENT PATRICK: Do you yield?

20 SENATOR KING: Yes, certainly.

21 PRESIDENT PATRICK: You're recognized.

22 SENATOR HINOJOSA: Thank you, Mr. President.

23 Senator King, I'll try to not repeat questions, but as you  
24 know, some of the questions will overlap with previous  
25 questions.



1           Regarding the 2021 redistricting map, that's plan  
2 C-2193, you have stated that the map was drawn to protect  
3 incumbents and that race was not a factor. So, is the 2021  
4 redistricting map legal? Is it constitutional?

5           SENATOR KING: You're referring to the 2021 map --

6           SENATOR HINOJOSA: Correct.

7           SENATOR KING: -- that's the map for Texas today?  
8 My understanding is at the time I voted for it and was that  
9 it was a legal map.

10          SENATOR HINOJOSA: Do you think it's legal and  
11 constitutional now?

12          SENATOR KING: As far as I know.

13          SENATOR HINOJOSA: Okay. On July 7th, the  
14 Department of Justice sent a letter to Governor Abbott and  
15 Attorney General Paxton stating that four congressional  
16 districts in the 2021 map, that's Congressional District 9,  
17 18, 29, and 33, were unconstitutional racial gerrymandering.  
18 Do you agree with the DOJ's conclusion in the letter?

19          SENATOR KING: No, I believed at the time I voted  
20 for the map that it was a legal map. And, again, I really  
21 didn't take the DOJ's letter into consideration.

22          SENATOR HINOJOSA: But you have read the letter,  
23 have you not?

24          SENATOR KING: Oh, yes.

25          SENATOR HINOJOSA: So, do you agree with the

1 conclusion stated in the DOJ letter?

2 SENATOR KING: There was nothing in the letter  
3 that compelled me to believe that its conclusions were  
4 accurate.

5 SENATOR HINOJOSA: Over the last four years, the  
6 State has argued in court that the 2021 map did not draw  
7 minority coalition districts to address racial disparities  
8 because it draws race blind. In other words, race was not  
9 considered at all. Do you agree with the DOJ conclusion that  
10 minority coalition districts violate the Voting Rights Act of  
11 1965?

12 SENATOR KING: My understanding of the current map  
13 we have today and my understanding of it at the time I voted  
14 for it was that it was a legal map under all applicable law,  
15 and I would assume it remains so today.

16 SENATOR HINOJOSA: So, you don't think that  
17 coalition districts are unconstitutional, do you?

18 SENATOR KING: Well, of course, we've had a new  
19 court case that dealt with that. But, again, with regard to  
20 the map that's before us today, I believe that it is -- I  
21 believe from competent sources that it is legal in all  
22 respects.

23 SENATOR HINOJOSA: But by your answers, I assume  
24 and conclude that you do believe that coalition districts as  
25 drawn in 2021 are constitutional?

1           SENATOR KING: No, I'm not saying that. I'm just  
2 saying I believe that the map that I voted for in 2021, I had  
3 confidence in it from the testimony I heard and the people  
4 that were promote -- that were authoring it and sponsoring  
5 it, that it was legal in all respects.

6           SENATOR HINOJOSA: Okay. That would -- well, let  
7 -- would it be, yes, you think it's constitutional to have  
8 coalition districts?

9           SENATOR KING: You know, I really don't -- I  
10 really respectfully don't want to get into discussions. I  
11 know we just had a recent case on that out of the Fifth  
12 Circuit. I really don't want to get into the nuances of  
13 redistricting law. I probably generally understand it the  
14 way you generally understand it. I did -- this map that's  
15 before us today is not based on coalition districts and I  
16 believe it is legal in all respects.

17           SENATOR HINOJOSA: Well, my questions were on the  
18 2021 map. But let me ask you about House Bill 4. How many  
19 minority coalition district does Texas have under the 2021  
20 map?

21           SENATOR KING: Under the 2021 map?

22           SENATOR HINOJOSA: Correct.

23           SENATOR KING: Again, in terms of relevance, we're  
24 on the -- we're not on the 2021 map. We're on CD 4,  
25 respectfully, this before us today.

1           SENATOR HINOJOSA: Well, it does change some of  
2 the coalition districts in the 2021 map, and I think it's  
3 very important and relevant to House Bill 4 as drawn. Let me  
4 just -- would you agree there were nine coalition districts  
5 on the 2021 map? Congressional District 7, 9, 18, 22, 27,  
6 30, 32, and 33, and 35. Are you familiar with that?

7           SENATOR KING: You know, I just -- intentionally  
8 drawing coalition districts requires looking at racial data.  
9 I haven't drawn any -- I haven't looked at any racial data  
10 with regard to this map. I know that the Petteway decision  
11 said that the -- that Section 2 does not recognize coalition  
12 districts. Beyond that, I think those are more discussions  
13 for the courtroom.

14           SENATOR HINOJOSA: Well, my question is, under  
15 House Bill 4, did you leave any minority coalition districts  
16 in the map?

17           SENATOR KING: Again, to answer that, I would have  
18 had to look at racial data and I have not looked at any  
19 racial data.

20           SENATOR HINOJOSA: Well, do you think that the DOJ  
21 letter of July 7 did research and looked at racial data to  
22 make and come to the conclusion that coalition districts --  
23 which coalition districts are made up by two or more minority  
24 groups, were unconstitutional?

25           SENATOR KING: I have no personal knowledge of any

1 of the underlying data that went into the DOJ's conclusions.

2 SENATOR HINOJOSA: Well, common sense, does it --  
3 how would you point out what the racial makeup was without  
4 doing research and targeting those districts?

5 SENATOR KING: My understanding, if you're going  
6 to determine if something's a coalition district, you have to  
7 take into consideration racial data. So, my presumption  
8 would be that if -- that the DOJ letter had some underlying  
9 data that they were looking at whether they properly assessed  
10 it or not, I don't know. I just don't -- I don't know  
11 anything more about the letter than what you know about it  
12 from reading it on its face value.

13 SENATOR HINOJOSA: Well, do you think it was a --  
14 just a -- I guess, an error or a mistake or just by  
15 coincidence that the congressional district named by the DOJ  
16 letter were all altered under House Bill 4?

17 SENATOR KING: I can just tell you that my  
18 analysis of and my support, rather, of HB 4 does not in any  
19 way take into account the DOJ letter.

20 SENATOR HINOJOSA: So, are you tell -- are you  
21 saying that it's a coincidence that House Bill 4 actually  
22 targets the same four congressional districts that were named  
23 in the DOJ letter?

24 SENATOR KING: I don't have any opinion on that at  
25 all. I can just tell you that to my knowledge, it was not

1 taken into consideration.

2 SENATOR HINOJOSA: There are three white Democrats  
3 in Texas congressional delegation and 10 minority Democrats.  
4 Yet, four out of the five incumbents targeted for elimination  
5 in this map, House Bill 4, are minorities. Why does this map  
6 only seek to eliminate seats held by minority Democrat  
7 members?

8 SENATOR KING: Again, I haven't looked at any  
9 racial data. I have no idea who might run for office as a  
10 candidate, and I have no idea who may be elected. These are  
11 in fact -- frankly, these are going to be very competitive.  
12 These five districts are going to be very competitive.

13 SENATOR HINOJOSA: So, do you think -- well, did  
14 you -- you said you didn't draw the map, correct?

15 SENATOR KING: That's correct. I did not  
16 physically draw the map.

17 SENATOR HINOJOSA: So, you just pick up a map,  
18 draw it -- from somebody.

19 SENATOR KING: The map was drawn by somebody.  
20 That's correct.

21 SENATOR HINOJOSA: And that somebody could have  
22 taken racial data into consideration in drawing House Bill 4.

23 SENATOR KING: All I can tell you is that I don't  
24 really have any personal knowledge of the inner workings that  
25 went into who participated in drawing the maps. I mean, I

1 know some of the people that are involved in it, but I don't  
2 know the inner workings, what they did, how they did it. All  
3 I know is that when I saw the House Bill that was filed, I  
4 asked our counsel to review it. They have assured me that it  
5 meets all legal requirements and that it will also perform  
6 better politically for Republican candidates and that's why  
7 I'm supporting it.

8 SENATOR HINOJOSA: Well, I know you're familiar  
9 with the House Bill 4 and the 2021 map. We have, under  
10 present law, nine coalition districts. One minority --  
11 majority out of the nine. Your map, House Bill 4, eliminates  
12 five of those congressional districts and reduces that to  
13 four. Are you aware of that?

14 SENATOR KING: Again, I haven't looked at any  
15 racial data.

16 SENATOR HINOJOSA: Well, I think it's important to  
17 at least look to make sure, as you said, that this House Bill  
18 4 is in compliance with the Voter Rights Act and the 14th  
19 Amendment of The United States Constitution. Don't you think  
20 so?

21 SENATOR KING: Absolutely. And that's why I made  
22 sure that we -- and we had a hard time actually finding the  
23 right counsel that I could have a lot of confidence in. And  
24 I have a very high level of confidence in their conclusion.

25 SENATOR HINOJOSA: And then, I just on the -- it

1 seems like this House Bill 4 came about because of the DOJ  
2 letter who relies on the Petteway versus Galveston County  
3 decision by the Fifth Circuit.

4 In that letter, it really misinterprets the  
5 decision, and nowhere in that decision does it say that we  
6 need to do away with coalition districts. Does it?

7 SENATOR KING: Well, my general understanding of  
8 Petteway is that the Fifth Circuit held that Section 2  
9 doesn't apply to coalition districts. But to analyze that  
10 and determine that, you have to look at racial data. And I  
11 have not looked at any racial data.

12 SENATOR HINOJOSA: Well, would you agree that the  
13 decision was really a narrow decision based on coalition  
14 districts not being able to claim dilution under Section 2 of  
15 the Voter Rights Act?

16 SENATOR KING: I'm sorry. Could you repeat that,  
17 please?

18 SENATOR HINOJOSA: Would you agree that the  
19 decision by the Fifth Circuit in Petteway versus Galveston  
20 was narrowing scope in that the decision that was made only  
21 talked about coalition districts could not file a claim of  
22 dilution under Section 2 of the Voter Rights Act.

23 SENATOR KING: I'm just generally familiar with  
24 the case. So, I don't have a specific opinion.

25 SENATOR HINOJOSA: So, you're not familiar with



1 the case itself?

2 SENATOR KING: I'm sorry?

3 SENATOR HINOJOSA: You're not familiar with the  
4 case itself?

5 SENATOR KING: No, I am familiar with it but I'm  
6 not -- I'm not prepared to go into the detail that you're  
7 speaking of.

8 SENATOR HINOJOSA: Okay. On the -- let's talk  
9 about communities of interest. Would you agree that the  
10 traditional district and principles that have historically  
11 been considered in drawing legislative districts have  
12 included compactness, contiguity, and the preservation of  
13 political subdivisions and communities at common interest.  
14 Would you agree with that?

15 SENATOR KING: Those are some of the elements of  
16 traditional redistricting criteria. Yes.

17 SENATOR HINOJOSA: And under your proposed map,  
18 plan C-2333, House Bill 4, our communities have common  
19 interest considered and protected?

20 SENATOR KING: You know, I think communities of  
21 interest is kind of a -- in the eye of the beholder. It  
22 certainly can be cities, it can be counties, it can be  
23 historic neighborhoods, it can be school districts, but of  
24 course, none of those align with one another, but it can also  
25 be economic regions, it can be port authority areas, it can

1 be textile regions, it can be river basins, water basins, it  
2 can be suburban, urban, rural. Communities of interest is  
3 really a term of art. It can apply to a lot of things.

4 SENATOR HINOJOSA: Well, in Hidalgo County, you  
5 split the county in half. You split McAllen under  
6 Congressional District 28 and Congressional District 15. You  
7 separate Edinburg and McAllen. Put the whole west side of  
8 Hidalgo County in Congressional District 28, yet, you split  
9 the University of Texas Rio Grande Valley and put it in  
10 Congressional District 34. Those are -- those are  
11 communities of interest.

12 On top of that, the Pharr-San Juan-Alamo School  
13 District, which is one school district, is split in half.  
14 How do you -- how do you justify that?

15 SENATOR KING: Well, a school district itself is  
16 not a singular criterion for determining a community of  
17 interest, but I would ask, what's the population of the  
18 county?

19 SENATOR HINOJOSA: Hidalgo County probably is  
20 close to a million people.

21 SENATOR KING: Okay. So, I hope, you know, I'm  
22 not excited that Parker County is split. It didn't used to  
23 be. But that's just -- you know, when you're trying to draw  
24 766,000 odd numbered people into 38 districts across a vast  
25 state like Texas, counties are going to get split and school

1 districts are going to get split. Cities, counties, it is  
2 unavoidable. And granted, there are different ways to draw a  
3 district, but this map was drawn for the purpose of being  
4 legal, performing better for Republicans, and I believe it  
5 does that.

6 And I know that there's some people happy. I know  
7 Senator Hall is really happy that Navarro is no longer split.  
8 I understood that he was upset that it was split to begin  
9 with, but that's just unavoidable. Somebody is going to be  
10 divided. Wherever you are, there are going to be divided  
11 communities in redistricting.

12 SENATOR HINOJOSA: And probably being divided to  
13 protect political interest.

14 SENATOR KING: Political interest is a con -- is a  
15 valid consideration when drawing maps.

16 SENATOR HINOJOSA: Including when race is taken  
17 into consideration?

18 SENATOR KING: I'm sorry?

19 SENATOR HINOJOSA: Including when race is taken  
20 into consideration?

21 SENATOR KING: Again, I haven't looked at any  
22 racial data and I didn't take race into consideration when  
23 trying to decide whether to support this map.

24 SENATOR HINOJOSA: And Nueces County, in Nueces  
25 County, you also split the county between Congressional

1 District 34 and Congressional District 27. You have the  
2 Hillcrest black community, historical black community, with  
3 long history in Corpus Christi, one of the main common roots  
4 of Corpus Christi and in Nueces County.

5 You have that up down all the way up to South  
6 Austin. What do they have in common with South Austin?

7 SENATOR KING: Again, I don't have specific as to  
8 that district, but neighborhoods, everyone in those  
9 neighborhoods will still get to vote. It -- again,  
10 communities of interest are always in the eye of the  
11 beholder, and whether someone lives on one side of the street  
12 and votes in one CD and on the other side of the street,  
13 somewhere lines are going to be made.

14 And when you are making them for the purpose of  
15 trying to avoid any racial inequities or anything that you're  
16 doing, anything you do is going to create lines, and I don't  
17 have specific knowledge of that one, but I will also say that  
18 that neighborhoods under the current map, under any map we've  
19 ever drawn, neighborhoods are divided, school districts are  
20 divided, cities are divided. It just occurs. Communities of  
21 interest are element of redistricting criteria, but they are  
22 not the only element. And I don't like the way some of my  
23 district is divided as well.

24 I can tell you that I did not take any racial data  
25 into consideration in drawing this map and to my knowledge,

1 no one else did.

2 SENATOR HINOJOSA: Well, you also divide the Port  
3 of Corpus Christi, which is number one in the nation in  
4 exporting crude oil, from Texas A&M University, where they  
5 work very close together for purposes of increasing their  
6 economic impact on Nueces County.

7 In addition to that, the refineries, which are  
8 very strong economic drivers in Nueces County, you even split  
9 the refineries. Half are in Congressional District 28. The  
10 other half are in Congressional District 27.

11 SENATOR KING: Thirty --

12 SENATOR HINOJOSA: I'm sorry. 30 -- Congressional  
13 District 34. Part is in Congressional District 34, and then  
14 the other part of the refineries are in Congressional  
15 District 27, Congressman Cloud.

16 SENATOR KING: I understand, but refineries don't  
17 vote. Hospitals don't vote. Other buildings don't vote.  
18 People vote. And --

19 SENATOR HINOJOSA: The problem is (inaudible) --

20 SENATOR KING: -- I just don't see how dividing a  
21 refinery should be considered.

22 SENATOR HINOJOSA: The workers that work there and  
23 their families vote. The people that have jobs there vote.  
24 Probably, I ask you on the Voting Rights Act. What districts  
25 in the 2021 map do you view as protected under the Voting

1 Rights Act?

2 SENATOR KING: I don't have an opinion on that. I  
3 didn't look at any racial data with regard to this map.

4 SENATOR HINOJOSA: Under your proposed map, House  
5 Bill 4, what districts were drawn in response to court  
6 orders?

7 SENATOR KING: Again, how many -- and I -- please,  
8 I don't mean this directed to you in any way at all. And I -  
9 - and your questions are very valid, and I appreciate them,  
10 but I have not taken any racial data into consideration with  
11 regard to this map. I have requested in a determination and  
12 believe that determination to be correct that this map is  
13 legal and that's what matters to me first and foremost. I  
14 wanted it to perform better for Republicans. I believe it  
15 does. And I also believe it improves some compactness in a  
16 couple of districts and that's why I'm supporting the bill  
17 that's before us today.

18 SENATOR HINOJOSA: Senator King, you previously  
19 stated during your layout for this -- actually, what used to  
20 be Senate Bill 4, now House Bill 4 with some changes. That  
21 you have consulted with your legal counsel and that you are  
22 absolutely confident that House Bill 4 complies with all  
23 applicable laws. Are they -- your legal counsel testify  
24 before the redistricting -- the redistricting committee?

25 SENATOR KING: No, they did not.

1           SENATOR HINOJOSA: Did Dolores express their  
2 opinion to you only? Did Dolores express their legal opinion  
3 to you only whether or not House Bill 4 was constitutional  
4 and in compliance with the Voter Rights Act?

5           SENATOR KING: I don't know actually who all  
6 they've expressed that to. They have expressed it to me.

7           SENATOR HINOJOSA: They have not expressed that to  
8 you?

9           SENATOR KING: No. I said, I don't know who all  
10 they have told that to, that they believe the map is legal in  
11 all applicable law, but they have told that to me.

12           SENATOR HINOJOSA: But I just -- again, those  
13 lawyers have not testified or informed the redistricting  
14 committee that this map is in compliance with the Voting  
15 Rights Act and the United States Constitution?

16           SENATOR KING: No. That is my testimony today as  
17 to the conclusions that have been brought to me.

18           SENATOR HINOJOSA: Thank you, Senator King, for  
19 answering my questions.

20           SENATOR KING: Thank you, Senator.

21           PRESIDENT PATRICK: Members, we are going to stand  
22 at ease for 10 minutes till 12 o'clock, then we'll come back  
23 to Senator Johnson after -- when we -- when we reconvene.  
24 Senator Johnson followed by Senator Cook, and that's who I  
25 have remaining to ask questions.

1           So, with that, members, senate stands in -- stands  
2 at recess till 12:00 o'clock.

3           (Recess taken.)

4           PRESIDENT BIRDWELL: Senate will come to order.  
5 Senator Johnson, for what purpose?

6           SENATOR JOHNSON: To ask questions of the author,  
7 Mr. President.

8           PRESIDENT BIRDWELL: Do you yield, Senator King?

9           SENATOR KING: Yes, of course.

10          PRESIDENT BIRDWELL: You're recognized, Senator  
11 Johnson.

12          SENATOR JOHNSON: Thank you, Mr. President. And,  
13 Senator King.

14                I'm glad you got a break because you deserve a  
15 rest because there's a lot more questions to come, not all  
16 for me, fortunately.

17                Senator King, are you familiar in the context of  
18 the Voting Rights Act with the concept of racially polarized  
19 voting?

20          SENATOR KING: Generally.

21          SENATOR JOHNSON: Generally. And I know you've  
22 said that you're not here to argue a case as a lawyer, but  
23 you do recognize that that's part of the Voting Rights Act  
24 and that these maps will be subject to scrutiny under the  
25 Voting Rights Act in the courts in all probability, yes?



1           SENATOR KING: I'm generally familiar with the --  
2 with the concept, yes.

3           SENATOR JOHNSON: And as to the rest of my  
4 question, you're also probably generally familiar that maps  
5 of this nature are challenged in court, yes?

6           SENATOR KING: Redistricting maps are always  
7 challenged in court.

8           SENATOR JOHNSON: I'll go with always. I was  
9 going to say routinely, but you're probably right. As I  
10 understand it, in the redistricting trial that recently  
11 concluded in El Paso, Texas, there was evidence that the  
12 Attorney General's Office, the Attorney General of Texas, has  
13 a system of analyzing racially polarized voting. Are you  
14 aware of that?

15           SENATOR KING: I don't have any personal  
16 knowledge.

17           SENATOR JOHNSON: Have you ever heard that?

18           SENATOR KING: No.

19           SENATOR JOHNSON: So, you don't know, obviously,  
20 whether the Attorney General's system, if it exists, of  
21 analyzing racially polarized voting was employed in these  
22 maps?

23           SENATOR KING: I know that we did not rely upon  
24 any counsel or seek any counsel from the Attorney General's  
25 Office with regard to HB 4.

1           SENATOR JOHNSON: To be clear then, you're saying  
2 that the Texas State Attorney General's Office was not at all  
3 involved, not at all consulted in the drawing of the maps  
4 that are before us today?

5           SENATOR KING: Not that I'm aware of. I can tell  
6 you that they did not give me any independent legal counsel.

7           SENATOR JOHNSON: Okay. You've said multiple  
8 times, and I think probably justifiably with some  
9 frustration, that you did not consider race in the drawing of  
10 these maps, correct?

11          SENATOR KING: Correct.

12          SENATOR JOHNSON: And that the questions come up a  
13 few times, so I won't ask it. Doesn't the Voting Rights Act  
14 require consideration of race at some level?

15          SENATOR KING: Well, the Voting Rights Act I think  
16 predict -- protects every district in Texas. It applies to  
17 every district in Texas. And, I mean, obviously, since it  
18 prohibits any discrimination of minority groups in the voting  
19 process, in the electoral process, then, yes, it would have  
20 to be considered in doing a legal analysis.

21          SENATOR JOHNSON: Thank you. And my understanding  
22 of Voting Rights Act like yours is not advanced, but what I  
23 do understand is that when it considers racial  
24 discrimination, it looks both at discriminatory intent and in  
25 the absence of intent, a discriminatory effect. Is that also

1 your understanding of the Voter Rights Act requirement?

2 SENATOR KING: That's my general understanding  
3 that intent and effect have been discussed and considered in  
4 case law over the years.

5 SENATOR JOHNSON: And so, if these maps were drawn  
6 with no regard to race solely, as I believe you've stated  
7 here and has been stated in the House, solely with the intent  
8 to elevate Republican partisan performance in elections, and  
9 there was no consideration of race, is there a possibility  
10 that there's going to be a legal consequence for failure to  
11 consider race in the context of maps that are going to be  
12 subject to scrutiny under the Voting Rights Act because  
13 historically, they've come into existence under the Voting  
14 Rights Act?

15 SENATOR KING: It's hard to answer a hypothetical.  
16 I can just tell you that, and I know I've said it before and  
17 I -- please forgive me if I sound repetitive, but before I  
18 considered this map, I asked that it be reviewed by counsel  
19 in which I had a high level of confidence to make sure that  
20 it was legal in all regards and I was assured that it was and  
21 that, of course, included all aspects of compliance with the  
22 Voting Rights Act.

23 SENATOR JOHNSON: So, legally okay under the  
24 Voting Rights Act could take us into the gray area of the  
25 concept of a coalition district. Are you familiar with the

1 term coalition district?

2 SENATOR KING: Yes, I generally am.

3 SENATOR JOHNSON: And what is your understanding  
4 of a coalition district? And I know we're not law professors  
5 here, but it matters.

6 SENATOR KING: Well, generally, it refers to two  
7 groups voting as a single class.

8 SENATOR JOHNSON: Two groups put -- in other  
9 words, with politically cohesive interests. Would you --  
10 fair statement?

11 SENATOR KING: It's probably generally correct.

12 SENATOR JOHNSON: And historically the legal  
13 context in which the con -- in which the concept of coalition  
14 districts has arisen is when two or more typically non-white,  
15 referred to as minority groups, are politically cohesive, and  
16 together they constitute a single political voice, and yet,  
17 there may be a group of typically white voters who have a  
18 different political direction. And the coalition district  
19 would serve to enable the two or more racial groups which  
20 comprise that group to elect candidates of their choice,  
21 where absent the coalition district they would otherwise not.

22 Does that sound like a fair characterization of  
23 whether or not it was the future of the law and at least has  
24 been the law up to this point?

25 SENATOR KING: I would say that's probably a

1 generally good statement, but again, I am not a redistricting  
2 attorney. All I can tell you is that I am confident that  
3 every district in this map complies with the VRA and complies  
4 in light of Petteway.

5 SENATOR JOHNSON: And a group of attorneys have  
6 said that to you and you trust their judgment?

7 SENATOR KING: Correct.

8 SENATOR JOHNSON: Is it your understanding based  
9 on conversation with those attorneys or anybody else or just  
10 your own idea that so long as in drawing the maps, you look  
11 only at partisan political performance, race is irrelevant?

12 SENATOR KING: I'm not sure that race is ever  
13 irrelevant because the VRA is never irrelevant and the VRA is  
14 designed to protect different voting groups, but I believe it  
15 is well established under law that maps can be drawn for the  
16 purpose of political preference, political performance and  
17 frankly, it's personal experience or my understanding is as  
18 well that it's really very easy to draw a map when all you're  
19 looking at is political performance.

20 SENATOR JOHNSON: Is it your intention, the  
21 intention of this bill, through a series of judicial appeals,  
22 to eliminate the concept of coalition districts from the law?

23 SENATOR KING: I don't have any intent at all with  
24 regard to coalition districts from one perspective or  
25 another. My only intent is to make sure that this map

1 complies that it currently complies with all law.

2 SENATOR JOHNSON: You stated earlier that at least  
3 one of the districts under the new maps is more compact. Is  
4 it also more politically cohesive?

5 SENATOR KING: I haven't looked at any racial  
6 data.

7 SENATOR JOHNSON: Is it more politically cohesive?

8 SENATOR KING: How are you defining politically  
9 cohesive?

10 SENATOR JOHNSON: Where racial groups or where the  
11 -- actually, really just the constituents of that district  
12 vote the same way. Would the minority groups in that  
13 district vote the same way as opposed to a different way?

14 SENATOR KING: I haven't looked at that because I  
15 haven't looked at any racial data.

16 SENATOR JOHNSON: Okay. Last segment here. In  
17 North Texas, where I'm from and where Senator West is from --

18 SENATOR KING: And I'm actually from there too,  
19 so- --

20 SENATOR JOHNSON: And where you're from, Senator  
21 King, I apologize, of course, in between Tarrant County and  
22 Dallas County, do you have any reason to doubt the statistics  
23 that I've obtained that say that the counties -- those two  
24 counties have increased in population by 547,000 people in  
25 the last four or five years.

1           SENATOR KING: That certainly sounds right,  
2 particularly Tarrant County.

3           SENATOR JOHNSON: What I've also been told is that  
4 90,000 Anglos moved out of those two counties. And any  
5 reason to dispute that?

6           SENATOR KING: No, I wouldn't know either way.

7           SENATOR JOHNSON: They're just numbers. We're  
8 both going off them. I have reason to trust them. But if  
9 90,000 Anglos left and 547,000 people came in, and at least  
10 500,000 of them were non-Anglo -- I'll represent to you that  
11 that's the case. Would we expect there to be more or fewer  
12 districts that consisted of a majority-minority voters?

13           SENATOR KING: So, my understanding is that you  
14 can only draw a redistricting map off of the preceding  
15 decennial census data and so this map is drawn not off  
16 estimates of years since 2020, but it is drawn directly off  
17 of the 2020 census data.

18           SENATOR JOHNSON: I just want to understand what  
19 you just said. That if you're drawing maps mid-decennial,  
20 much as I detest it, you can't use current data, you have to  
21 use the decennial data when you're conceiving of the maps?

22           SENATOR KING: Yes, that's my understanding.

23           SENATOR JOHNSON: Even if the effect is to shift  
24 the proportion of representation for a smaller ethnic group -  
25 - in favor of an ethnic group that is shrinking and in the

1 disfavor of an ethnic group that is expanding?

2 SENATOR KING: I can only talk -- speak with  
3 reference to this map but it is my understanding that this  
4 map completely complies with the VRA and all other applicable  
5 law, and I presume that would be obviously with regard to  
6 discriminatory intent and effect that you mentioned.

7 SENATOR JOHNSON: Okay. Thank you for this  
8 dialogue.

9 SENATOR KING: Thank you.

10 PRESIDENT BIRDWELL: Senator Cook, for what  
11 purpose?

12 SENATOR COOK: To ask the author some questions.

13 PRESIDENT BIRDWELL: Do you yield, Senator King?

14 SENATOR KING: Yes.

15 PRESIDENT BIRDWELL: You're recognized, Senator  
16 Cook.

17 SENATOR COOK: Thank you, Mr. President. Thank  
18 you, Senator. Okay. You know this is my first redistricting  
19 process. I hope you'll bear with me on some of these. But I  
20 think it's been pretty clearly established. Would you agree  
21 that you did not draw the map? Do you know who drew the map?

22 SENATOR KING: So, HB 4 as it came out of the  
23 House, HB 4 that's before us, I don't have any personal  
24 knowledge as to who physically drew the map. No.

25 SENATOR COOK: Do you know who knows who drew the



1 map?

2 SENATOR KING: I'm assuming it was a product of  
3 the House author and their counsel.

4 SENATOR COOK: But you haven't actually had a  
5 conversation with him about that, or you have?

6 SENATOR KING: I haven't talked to him about that.

7 SENATOR COOK: Okay. So -- yeah. So, you can't  
8 name people who like gave instructions for crafting  
9 boundaries or any lines specifically?

10 SENATOR KING: No.

11 SENATOR COOK: Okay. So, when did you first see  
12 this draft map?

13 SENATOR KING: I guess, it was Monday when it was  
14 laid out in the House committee if I have my days right.

15 SENATOR COOK: But you saw it the same time  
16 everybody else in committee saw it and it was when the  
17 messenger handed it to you in committee?

18 SENATOR KING: Yes.

19 SENATOR COOK: Did you or anyone on your staff or  
20 anything see it before then?

21 SENATOR KING: They saw it the same time I did.

22 SENATOR COOK: Then, how did your legal counsel  
23 get it to scrub it?

24 SENATOR KING: We notified them to go online, take  
25 it off the web, pull it down from the website and look at it.

1           SENATOR COOK: And how did you know what the  
2 number was and all of that?

3           SENATOR KING: Well, actually, I want to correct  
4 that. That's not correct. We found out about it because the  
5 House Counsel called our counsel and said there's a new map  
6 coming out and then they contacted my chief of staff and that  
7 was Monday.

8           SENATOR COOK: Okay. So, House Counsel reaches  
9 out to your counsel, says go pull the map and -- but you guys  
10 never even knew what the map number was until it landed on  
11 your desk in committee hearing?

12           SENATOR KING: No.

13           SENATOR COOK: Okay. Nobody that's paid by you?

14           SENATOR KING: No.

15           SENATOR COOK: Okay. It's kind of wild to me,  
16 I'll be honest. I didn't know that's how it works. And I  
17 think you've said multiple times, like, this is -- you're  
18 trying -- you're establishing, right, the DOJ letter did not  
19 impact you in any way?

20           SENATOR KING: No, none at all.

21           SENATOR COOK: Okay. And are you aware, like, had  
22 your legal counsel seen the DOJ letter?

23           SENATOR KING: Yes.

24           SENATOR COOK: Have y'all had any conversations  
25 about it or anything that --

1 SENATOR KING: Yes.

2 SENATOR COOK: Okay. Okay. Let me ask you  
3 because I'm so curious about this too. Which city in Texas  
4 is the most racially diverse city?

5 SENATOR KING: I don't know actually.

6 SENATOR COOK: You don't know which city?

7 SENATOR KING: If I was going to guess without  
8 having looked at racial data just having lived in Texas, I  
9 would guess it's probably Houston.

10 SENATOR COOK: Yes. And it's very famously the  
11 most racially diverse city in the United States, so. And  
12 you've served on -- this last session was economic  
13 development, criminal justice, education, transportation,  
14 right?

15 SENATOR KING: Yes.

16 SENATOR COOK: Have you ever, like, polled in your  
17 own races at all or seen ever any statewide polling in your  
18 political career?

19 SENATOR KING: Oh, yes.

20 SENATOR COOK: Okay. Did any of those polls have  
21 racial crosstabs?

22 SENATOR KING: Not that I recall.

23 SENATOR COOK: You paid for polling without racial  
24 crosstabs?

25 SENATOR KING: Well, I'm sure they did, but to be

1 honest, I never really dig into the polling. I usually just  
2 go over the conclusions with a pollster.

3 SENATOR COOK: Usually that includes racial data.  
4 As a part of your service on the education committee, I'm  
5 sure you probably had to process a lot of data about  
6 independent school districts and who's on -- you know, who's  
7 on lunch, who's not, racial makeup to those. Is that -- is  
8 that probably accurate?

9 SENATOR KING: Well, this is my first time to ever  
10 -- I guess, second time to ever serve on education, but, yes,  
11 they do talk about poverty levels and who's on school lunch  
12 and things of that nature. But most of the funding formula  
13 stuff though is really -- I mean, finance is so much involved  
14 in that.

15 SENATOR COOK: And I bet on criminal justice; you  
16 probably have processed a lot of jail data for different  
17 counties and have a pretty bird's eye statewide view of some  
18 stuff. And I imagine racial demographics probably comes up  
19 in a lot of those discussions. I've seen it come up in those  
20 discussions, right?

21 SENATOR KING: Not as much as you would think.

22 SENATOR COOK: Okay. And you knew without  
23 flipping through a book or anything that Houston is the most  
24 racially diverse city in the States?

25 SENATOR KING: Yes, I've heard the, you know,

1 statements of -- and I don't remember the numbers but it's an  
2 amazing number of different languages that are spoken. Some  
3 of the school districts and things like that.

4 SENATOR COOK: It's an amazing place. So, I  
5 guess, I'm just trying to understand -- you know, maybe you  
6 didn't sit down with Red Apple and click on racial  
7 demographic data, but is it fair to say with all of the  
8 information access you have, your view of the State, your  
9 tenure as an elected official that you might have some  
10 semblance of some common sense racial data in the State?

11 SENATOR KING: I have common sense. Yes, I guess.  
12 I have common sense data that I -- but I have not drilled  
13 into racial data with regard to redistricting.

14 SENATOR KING: How many hours of testimony did  
15 y'all hear -- I tuned in for most of everything, but how many  
16 hours of testimony did it come out to for the Senate hearings  
17 for redistricting?

18 SENATOR KING: That's a good question. I can tell  
19 you that when we did the South -- well, you know, actually, I  
20 don't know the number of hours. I can tell you, for example,  
21 that when we did South and Central Texas, which also included  
22 Bexar County and Travis County, and the RGV, we had a 112  
23 people registered to testify, 48 testified. We had 778 click  
24 into livestream and view it. We -- you know, I can go  
25 through that type of data, but I actually have to ask my

1 staff. I can't remember how many hours we were in.

2 SENATOR COOK: Hours and hours though.

3 SENATOR KING: Yeah. But --

4 SENATOR COOK: Yeah.

5 SENATOR KING: -- it was long hearings. Yes.

6 SENATOR COOK: Yeah. We had hundreds of people  
7 (inaudible) --

8 SENATOR KING: Get through, like, in that day,  
9 that hearing 48 testifying without it taking some time.

10 SENATOR COOK: Did any of those commenters mention  
11 any racial data? Were there demographers? Did racial data  
12 come up in those hearings?

13 SENATOR KING: At a couple of the hearings like  
14 NAACP or some of the other interest groups who testified and  
15 some of the congressional members who testified gave  
16 reference to -- I wouldn't call it racial data as much as  
17 general statements with regarding to communities of interest,  
18 and groups of interest.

19 SENATOR COOK: Okay. I just have a really hard  
20 time understanding how it's -- there's no regard to race at  
21 all when we heard hours and hours and hours of testimony. A  
22 lot of it focusing on race. You're very aware of some of the  
23 racial demographics of the State even just from, you know,  
24 top of your mind kind of place.

25 SENATOR KING: Well, but --

1 SENATOR COOK: So, can you really say --

2 SENATOR KING: I cannot understand if someone  
3 stands up as someone has if we've heard testimony today and  
4 someone referred to a protected district, well, every  
5 district is protected by the VRA. And if you had someone  
6 testify from maybe (inaudible) Malta for Malcolm and  
7 obviously there's speaking the same -- some of the same that  
8 -- some of the other questions have been today. Are you  
9 aware that Hispanic population has increased x amount in  
10 Texas and -- or X amount in South Texas, and yes, obviously,  
11 we heard things like that and those are very general  
12 statements.

13 But as far as drilling into the racial data to the  
14 extent that you would have to draw a map based upon racial  
15 criteria, I haven't looked at any of that.

16 SENATOR COOK: And does your office have access --

17 SENATOR KING: I'll consider it (inaudible).

18 SENATOR COOK: -- to demographers and that sort of  
19 thing if you --

20 SENATOR KING: Well, I know Red Apple has that,  
21 but I haven't cranked up Red Apple myself throughout this  
22 whole process.

23 SENATOR COOK: And we don't know who did for this?

24 SENATOR KING: Well, I understand there's another  
25 program out there that's -- that most people are using now

1 other than Red Apple. But I know there are programs that  
2 that people have access to that incorporate all types of  
3 data, and, I guess, anybody drawing a map could review that  
4 and use that, but I didn't.

5 SENATOR COOK: Okay. I'm kind of just trying to  
6 figure out how this DOJ letter fits in. My district has been  
7 highly concerned about it, as you can imagine. Are you aware  
8 of any additional DOJ communications to the State of Texas  
9 through the Governor's office, AG's office, or otherwise  
10 regarding the unlawfulness or the claimed unlawfulness of the  
11 current congressional map?

12 SENATOR KING: You know, all I know is that the --  
13 with regard to the DOJ letter, I know that the Attorney  
14 General filed a direct response to it with the author of the  
15 letter disagreeing with the findings in the letter. I know  
16 that the Attorney General's litigation team in the three-  
17 judge federal panel, I know that they, filed a response with  
18 the Court and I believe the Court issued a response.

19 I think there had been a response filed by the  
20 plaintiffs, if I remember, that asked for testimony to be  
21 reopened and some things of that nature. In response to the  
22 letter, the AG's office filed a response to that motion. My  
23 understanding is that the Court denied the motion to reopen  
24 at this time. The Governor, I guess, responded. I don't --  
25 I'm not aware of any direct response by him. It wasn't



1 addressed to the legislature. I really haven't given it any  
2 consideration.

3 At the request of the Democrat caucus chair, and  
4 we did issue an invitation, and I think Senator Miles and  
5 Hinojosa's as well. We did enter -- offer an invitation to  
6 the author of that letter to come and address the committee,  
7 but we have not had any response to that letter.

8 SENATOR COOK: And are you aware if the DOJ has  
9 threatened any enforcement proceeding or action since the  
10 initial letter to Governor Abbott?

11 SENATOR KING: Not to my knowledge.

12 SENATOR COOK: Do you know who decided that there  
13 should be changes made from the committee -- I know you've  
14 kind of talked about this, but I just want to ask it  
15 directly. Do you know who decided that there should be  
16 changes made from the committee version of this bill?

17 SENATOR KING: Say that one more time.

18 SENATOR COOK: Are the changes, I guess, from the  
19 -- to the committee substitute.

20 SENATOR KING: So, do I know -- make sure I  
21 understand the question correctly. Do I know whose decision  
22 it was to make the changes in HB 4 that was originally filed  
23 in the House committee in this special session, the changes  
24 that were made when they laid it out in committee. The main  
25 changes being 16, 9 and Navarro County. I don't know who

1 whose idea that was.

2 SENATOR COOK: Do you know who -- do you know  
3 anyone who proposed any changes throughout this process? Do  
4 you know anybody who had input? I know we don't, you know,  
5 don't know who drew it, you don't know who made those  
6 changes. Are you aware of, like, anyone who participated --

7 SENATOR KING: I don't have --

8 SENATOR COOK: -- in those?

9 SENATOR KING: I don't know the mechanics of how  
10 that came together. I can -- I can -- I presume that their  
11 legal counsel for the House was heavily involved in that, but  
12 I haven't talked to them, and I haven't asked that question.

13 SENATOR COOK: Okay. Have you had any  
14 communication with Hunter at all? With congressman -- I  
15 mean, Representative Hunter?

16 SENATOR KING: Not about those changes, no. I  
17 don't think we've talked since then. I called him the  
18 weekend before just to say when are we having a hearing and,  
19 you know, what are the plans. Just kind of make sure we were  
20 coordinating things, and he didn't mention anything in that  
21 call about any changes and I want to say that was the  
22 Saturday before the Monday that they laid it out.

23 SENATOR COOK: Uh-huh.

24 SENATOR KING: And I haven't -- we have not spoken  
25 since then.

1           SENATOR COOK: Okay. And then you just adopted  
2 the same map. You didn't have any -- you did not have any  
3 hand in?

4           SENATOR KING: No, before I agreed to anything --  
5 because we had filed the companion as SB 4, and before I  
6 agreed to pick that up as the modified version, I again asked  
7 our lawyers to look it over and before I even looked at it,  
8 and make sure it was in compliance. And still performed from  
9 a partisan perspective.

10          SENATOR COOK: Right. When did you -- when did  
11 you find out that the -- that Hunter was making changes or  
12 that changes were going to happen?

13          SENATOR KING: I found out when -- Monday. I  
14 found out Monday.

15          SENATOR COOK: When the public found out too in  
16 committee?

17          SENATOR KING: Yes, as far as I know.

18          SENATOR COOK: Okay.

19          SENATOR KING: Maybe a little bit before it was  
20 laid out -- I think it was before the committee hearing. I  
21 don't remember what time they had the committee hearing, but  
22 -- wow, maybe early afternoon, Monday, something like that.

23          SENATOR COOK: And have you consulted with the  
24 Speaker, the Governor, Lieutenant Governor or AG at any point  
25 during these special sessions about the map, the legislative

1 process for considering them or the characteristics of the  
2 maps?

3 SENATOR KING: Speaker, no. The Governor, no.  
4 Lieutenant Governor, yes, about the process.

5 SENATOR COOK: Okay. And just about the process,  
6 those are not conversations about the characteristics of the  
7 maps at all?

8 SENATOR KING: Well, we haven't sat down and gone  
9 over a map, but he's the -- in his role as the President of  
10 the Senate and my role as a committee chair that he appointed  
11 to that position, we've had the same type of reaction that I  
12 would characterize as normal and standard between the  
13 Lieutenant Governor and any committee chair on issues that  
14 are prominent at the time.

15 SENATOR COOK: Okay. And in your opinion, is this  
16 typically how this goes? You've been through a few of these  
17 or --

18 SENATOR KING: Yeah, this seems like a very  
19 typical redistricting process to me. Yeah.

20 SENATOR COOK: Okay.

21 SENATOR KING: I was through it in -- I guess,  
22 first one was 2001 and then 2003, and then another -- and  
23 then we've had a series of them both interim and decennial  
24 census since then. So, this seems pretty normal.

25 SENATOR COOK: Okay. Awesome. Thank you for

1 answering my questions.

2 SENATOR KING: Thank you.

3 SECRETARY OF THE SENATE: Motion.

4 PRESIDENT BIRDWELL: Members, (inaudible) motion  
5 in writing? Members, (inaudible) motion in writing?

6 SECRETARY OF THE SENATE: Motion in writing. Mr.  
7 President, pursuant to Senate Rule 7.12(a), the (inaudible)  
8 printing rule, I move that the Senate order HB 4 not printed.  
9 Motion by King.

10 PRESIDENT BIRDWELL: Members, is there objection?  
11 Hearing and seeing none. (Inaudible).

12 Members, there is objection. Secretary will call  
13 the roll.

14 PRESIDENT BIRDWELL: Madam Secretary, please read  
15 the motion again for Senator Gutierrez. Madam Secretary,  
16 read the motion again.

17 SECRETARY OF THE SENATE: Mr. President, motion in  
18 writing. Mr. President, pursuant to Senate Rule 7.12(a), the  
19 printing rule, I move that the Senate order HB 4 not printed.  
20 Motion by King.

21 PRESIDENT BIRDWELL: Senator Gutierrez, state your  
22 inquiry.

23 SENATOR GUTIERREZ: I apologize. Mr. President,  
24 parliamentary inquiry. Mr. President, how many votes do we  
25 need to suspend the rules?

1 PRESIDENT BIRDWELL: Okay. To order the bill not  
2 printed is a five ninths threshold.

3 SENATOR GUTIERREZ: I'll ask for strict  
4 enforcement, Mr. President.

5 PRESIDENT BIRDWELL: Okay. Thank you, Senator.

6 SECRETARY OF THE SENATE: Well, Bettencourt,  
7 Birdwell, Blanco, Campbell, Cook, Creighton, Eckhardt,  
8 Flores, Gutierrez, Hagenbuch, Hall, in the House of Nueces,  
9 in the House of Hidalgo, Huffman, Hughes, Johnson, King,  
10 Kolkhorst, Menendez, Middleton, Miles, Nichols, Parker,  
11 Perry, Schwertner, Sparks, West. Oh, yeah. That's right.  
12 We've got Alvarado. Alvarado. Middleton. Middleton? Perry?  
13 Perry? Alvarado?

14 SPEAKER 1: Is the president (inaudible)?

15 PRESIDENT BIRDWELL: Hold, Senator. Continue the  
16 vote, Secretary.

17 SECRETARY OF THE SENATE: Alvarado?

18 PRESIDENT BIRDWELL: Members, there being 16 ayes  
19 and 10 nays, the motion is adopted. Senator Gutierrez, for  
20 your parliamentary motion -- or parliamentary inquiry.

21 You need to go to the microphone to place it on  
22 the record, please.

23 SENATOR GUTIERREZ: Thank you, Mr. President.

24 Was it five-ninths of members present?

25 PRESIDENT BIRDWELL: That's -- that is the

1 standard, and then the -- it passed 16 to 10.

2 SENATOR GUTIERREZ: Did someone do the fraction on  
3 that? I didn't do so well in math, 16.6. And so, we had  
4 16. So, 16.6 is the actual number. I wonder, do we need 17,  
5 Mr. President? Well, 16.6 sure as hell isn't 16.

6 PRESIDENT BIRDWELL: There are 26 members voting.  
7 Five-ninth equals 15, 16 votes were cast in favor.  
8 Therefore, it passes the five ninths threshold.

9 SENATOR GUTIERREZ: Thank you, Mr. President.

10 PRESIDENT BIRDWELL: Senator, I would refer you to  
11 the -- to the Green Book, Senator, that gives you the  
12 thresholds.

13 SENATOR GUTIERREZ: Thank you, Mr. President.

14 PRESIDENT BIRDWELL: You're welcome, Senator.

15 Okay. Members will continue with questions on the  
16 bill.

17 Senator West, for what purpose?

18 SENATOR WEST: Thank you very much, Mr. President.  
19 Questions of the author.

20 PRESIDENT BIRDWELL: Do you yield, Senator King?

21 SENATOR KING: I do.

22 PRESIDENT BIRDWELL: You're recognized, Senator  
23 West.

24 SENATOR WEST: Senator King.

25 SENATOR KING: Senator West.

1 SENATOR WEST: How are you doing today, sir?

2 SENATOR KING: Very good.

3 SENATOR WEST: You know, before I get into  
4 questions, I just want to talk a little bit about your  
5 background. Correct me if I'm wrong about this. You are an  
6 attorney.

7 SENATOR KING: Yes.

8 SENATOR WEST: You've served as Justice of the  
9 Peace.

10 SENATOR KING: I did.

11 SENATOR WEST: You are a former police officer.

12 SENATOR KING: Yes, sir.

13 SENATOR WEST: And you were a police officer for  
14 how long?

15 SENATOR KING: I was with Fort Worth full-time for  
16 about 15 years.

17 SENATOR WEST: And you achieved the rank of -- you  
18 achieved the rank of what in -- at the police department?

19 SENATOR KING: Captain.

20 SENATOR WEST: Captain. And just as importantly,  
21 you spent a significant part of your time in the African-  
22 American community of Fort Worth. Is that correct?

23 SENATOR KING: Yes.

24 SENATOR WEST: What did you do in that community,  
25 sir?



1           SENATOR KING: Well, in the sense of -- I kind of  
2 grew up in the -- next door to that area.

3           SENATOR WEST: Right. And you had --

4           SENATOR KING: I went to Eastern -- if you know  
5 the area, I went to Eastern Hills High School, grew up in  
6 Hanley. First house Terry and I bought when we married was  
7 in Hanley.

8           SENATOR WEST: But would it a fair statement to  
9 say, sir, that you are very familiar with the African-  
10 American community?

11          SENATOR KING: You know, I'm sure there's a  
12 tremendous amount about the African-American community that I  
13 do not know.

14          SENATOR WEST: Okay. Would it be a fair statement  
15 to say that you know about the African-American community  
16 then?

17          SENATOR KING: I'm sorry. Would you repeat that?  
18 I couldn't hear.

19          SENATOR WEST: Would it be a fair statement to say  
20 that you know some things about the African-American  
21 community?

22          SENATOR KING: Well, I know I have friends, good  
23 friends that are African-American. (Inaudible).

24          SENATOR WEST: That would be a fair statement  
25 then. So, it'd be a fair statement then, right?

1           SENATOR KING: I don't know what your measuring  
2 stick is there.

3           SENATOR WEST: Well, I'm just saying, is it a fair  
4 statement that you know something about the African-American  
5 community. That's a yes or no answer.

6           SENATOR KING: The best answer I can give you is I  
7 do my best to represent my district. I do not know  
8 everything about the African-American community.

9           SENATOR WEST: You've already said that.

10          SENATOR KING: But I was --

11          SENATOR WEST: But you know some things about the  
12 community.

13          SENATOR KING: I served as a police officer in  
14 that district almost all those years.

15          SENATOR WEST: Did you ever go to any churches in  
16 the African-American community?

17          SENATOR KING: Interacted with a lot of pastors.  
18 I had African-Americans in churches I attended.

19          SENATOR WEST: Did you ever go to any churches in  
20 the African-American community that you represented as a  
21 police officer? Well, let me -- hold up. Hold on. How do  
22 you find communities of interest?

23          SENATOR KING: I think it's a very broad term that  
24 is really in the eye of the beholder. I think it can be  
25 everything from an economic district to a transportation

1 district to a water district, to an old historic community,  
2 to a church group for that matter.

3 SENATOR WEST: For purposes of redistricting, how  
4 do you define communities of interest?

5 SENATOR KING: Well, I think I just did in part.  
6 It can also be school districts and counties and cities and  
7 portions of cities. It can be a river basin district. It --  
8 you know, we've talked a lot about the flood areas this time.  
9 Those flood regions can be a community of interest.

10 SENATOR WEST: Would you agree with me that there  
11 can be rural communities of interest and urban communities of  
12 interest?

13 SENATOR KING: And suburban.

14 SENATOR WEST: I'm sorry?

15 SENATOR KING: And suburban.

16 SENATOR WEST: And suburban. So, you would agree  
17 with me then?

18 SENATOR KING: Yes.

19 SENATOR WEST: Now, are urban communities of  
20 interest the same as rural communities of interest?

21 SENATOR KING: Well, I would say that they have  
22 overlapping interests --

23 SENATOR WEST: At such a --

24 SENATOR KING: -- but they may not be identical.

25 SENATOR WEST: Would you agree with me that urban

1 rural -- urban communities of interest have little or no real  
2 commonality with the rural communities of interest?

3 SENATOR KING: No, not at all.

4 SENATOR WEST: All right. Let's talk about this  
5 legislature. Let's talk about health care. Would you agree  
6 with me that over the years that you've been here as a part  
7 of this body that we've had issues with having rural  
8 hospitals, funding rural hospitals?

9 SENATOR KING: Yes, that is a continual concern.

10 SENATOR WEST: And that's a rural issue, is it  
11 not?

12 SENATOR KING: It is one rural issue, yes.

13 SENATOR WEST: Okay. We're going to get down to  
14 others too. Okay. But that is a rural interest. Okay.

15 SENATOR KING: It can be in some areas for sure.

16 SENATOR WEST: I mean, in the State of Texas, it  
17 is an issue that we've grappled with here in this legislative  
18 body, correct?

19 SENATOR KING: It is in some rural areas. Yes,  
20 absolutely.

21 SENATOR WEST: Okay. So, we're talking about  
22 health care as a community of interest matter.

23 SENATOR KING: It --

24 SENATOR WEST: Okay. So, as it relates to having  
25 hospitals in urban areas, do we have the same issue in terms

1 of funding hospitals or closing of hospitals in rural area --  
2 in urban areas that they have in rural areas?

3 SENATOR KING: Well, I guess, you'd have to define  
4 urban area. I had one close in Bridgeport in the downtown  
5 area a few years ago.

6 SENATOR WEST: Let me be more specific then. In  
7 Congressional District 33, as is -- as is -- as is right now  
8 composed, do we have any urban hospitals in Congressional  
9 District 33?

10 SENATOR KING: I do not know the answer to that.

11 SENATOR WEST: Do you represent Fort Worth?

12 SENATOR KING: I represent parts of Fort Worth.

13 SENATOR WEST: Do you represent the Stop Six area?

14 SENATOR KING: I do have Stop Six.

15 SENATOR WEST: Do you represent John Peter Smith  
16 Hospital?

17 SENATOR KING: I do.

18 SENATOR WEST: Where's John Peter Smith Hospital  
19 located?

20 SENATOR KING: 1500 South Main.

21 SENATOR WEST: It's what congressional district?

22 SENATOR KING: I think that's going to be -- okay.  
23 Let me think through it. It's Ramon Romero's house district.  
24 It's my Senate District and it would either be -- it's  
25 probably was Kay Granger's, I think. So, it would probably

1 be Senate District 12 on our current map. Now, Craig  
2 Goldman, I guess.

3 SENATOR WEST: So, you said it's Congressional  
4 District?

5 SENATOR KING: I think so. It's right on the  
6 border there, but I think it's in 12.

7 SENATOR WEST: Is that in a rural or urban area?

8 SENATOR KING: Oh, that's an urban area.

9 SENATOR WEST: Has that hospital been faced with  
10 being shut down?

11 SENATOR KING: Well, it's a county hospital, so I  
12 don't think it's ever going to be shut down, but it does have  
13 -- always has financial struggles. Now, I guess, it was  
14 Saint Joe's that's right across the street from --

15 SENATOR WEST: I'm not talking about Saint Joe's.

16 SENATOR KING: -- (inaudible).

17 SENATOR WEST: I'm talking about --

18 SENATOR KING: Let me finish.

19 SENATOR WEST: -- John Peter Smith.

20 SENATOR KING: I am, but I'm just saying it was,  
21 if I recall correctly, Saint Joe's, which I think is 1400  
22 South Main that did close some years ago.

23 SENATOR WEST: So, let me go back to John Peter  
24 Smith. John Peter Smith has not had the same issues of  
25 closing down that rural communities have -- hospitals have.

1 Isn't that correct?

2 SENATOR KING: It has not closed down. That is  
3 correct.

4 SENATOR WEST: Okay. So, continuing with the  
5 communities of interest, and I'm not going to go too far down  
6 this road. As it relates to schools, do we have the same  
7 issues in rural communities without schools as we have in our  
8 urban communities? And if so, what are they?

9 SENATOR KING: Is what are some of the same  
10 issues?

11 SENATOR WEST: Yes.

12 SENATOR KING: Well, the same issues are making  
13 sure that you have a good quality of education, making --  
14 dealing with the curriculums, the funding formulas, the  
15 security is a common issue, attracting teachers, retaining  
16 staff, training of teachers --

17 SENATOR WEST: Okay.

18 SENATOR KING: -- disciplinary actions within the  
19 schools. Those are all --

20 SENATOR WEST: You hit the nail on the head.  
21 Okay. You hit the nail on the head because I wanted to focus  
22 specifically on teachers. Now, you've been here several  
23 sessions. Has there not been a determination by this body  
24 that rural communities were having problems getting teachers  
25 in their communities? Has there not been a problem with

1 that?

2 SENATOR KING: More so, I would say that they've  
3 had difficulty paying their teachers at a competitive wage  
4 (inaudible).

5 SENATOR WEST: That's exactly right. And that's  
6 why they've been having problems attracting teachers to rural  
7 communities. Did we not, as a legislative body in the  
8 finance committee, the education committee, say that we  
9 needed to do something for rural communities in order for  
10 them to be able to attract and pay teachers?

11 Did we not make a difference between teachers in  
12 urban communities and rural communities?

13 SENATOR KING: So, I don't believe we framed it as  
14 rural and urban. We framed it as small districts and large  
15 districts.

16 SENATOR WEST: Okay.

17 SENATOR KING: And the pay incentive differential  
18 was based on the size of the district.

19 SENATOR WEST: Okay.

20 SENATOR KING: (Inaudible) body population.

21 SENATOR WEST: Let's go down that rabbit trail.  
22 Would you agree with me that the smaller districts are, for  
23 the most part, in the State of Texas, located in rural  
24 communities?

25 SENATOR KING: Well, a lot of them are. Yes,



1 absolutely.

2 SENATOR WEST: That the majority of are.

3 SENATOR KING: Like Crowley and -- well, some of  
4 the ones in my district are just barely -- yes, as a general  
5 rule, that is a correct statement.

6 SENATOR WEST: Thank you very much. So, that's a  
7 difference between communities, urban communities and rural  
8 communities. That's another difference. And I can go on and  
9 on down there, but you didn't take into consideration  
10 communities of interest and the differences between them in  
11 approving this map or getting the committee to approve the  
12 map without consideration, did you?

13 SENATOR KING: I would say that as a traditional  
14 redistricting criteria that this bill does not violate any  
15 legal standards with regard to any criteria that would be --  
16 I'm not saying that very well. Let me start over.

17 SENATOR WEST: No, you're not. Start over what  
18 that was.

19 SENATOR KING: Okay. Let me start over. So, I'll  
20 go back to my -- what I have taken into consideration for  
21 this map is that, number one, it'd be legal. Number two, it  
22 perform better politically and that it enhance compactness.

23 SENATOR WEST: So, that's answer my -- that's the  
24 answer to my question about you taking into consideration  
25 communities of interest? I just -- if it is, it is. But I

1 just want to make sure (inaudible) the record.

2 SENATOR KING: I think -- I think communities of  
3 interest, again, are in the eye of the beholder. And I think  
4 that you've named a few, but I think that it is only one of  
5 many considerations that are used to support a redistricting  
6 map.

7 SENATOR WEST: Okay. So, the answer to my  
8 question is you took into consideration communities of  
9 interest?

10 SENATOR KING: Generally, yes.

11 SENATOR WEST: Generally?

12 SENATOR KING: Yes. I mean, I think one of the  
13 things we've done in this is tried to do what Senator Blanco  
14 had asked for and move Fort Bliss, which had traditionally  
15 been in CD 16 because it's an economic part of the City of El  
16 Paso more so than San Antonio, and we moved it into its  
17 community of -- its historic community of interest which is  
18 the El Paso area. And we did the same thing in trying to  
19 recombine Navarro County which was split for Senator Hall.  
20 So, yes, I would say it has been of consideration.

21 SENATOR WEST: And those are the two areas that  
22 was considered. Is that correct?

23 SENATOR KING: Off the top of my head, yes.

24 SENATOR WEST: Let's talk about Congressional  
25 District 33 as it currently exists. Who's the congressperson

1 there right now?

2 SENATOR KING: Just a second. Let me get out my -

3 -

4 SENATOR WEST: Is that Marc Veasey?

5 SENATOR KING: Marc Veasey, yes.

6 SENATOR WEST: Okay. How long has Marc Veasey  
7 been the congressperson there?

8 SENATOR KING: Oh, I'd say at least maybe 12, 14  
9 years.

10 SENATOR WEST: Somewhere up in there, I think so.  
11 And that's been an African-American performing district, has  
12 it not?

13 SENATOR KING: I haven't looked at the racial data  
14 for that district.

15 SENATOR WEST: Okay. But he's been there -- okay.  
16 So, it could be a coalition district where African-Americans  
17 and Latinos have voted for him --

18 SENATOR KING: Again, I --

19 SENATOR WEST: -- it could be a -- it could be a  
20 district where African-Americans, Asians, Anglos, and  
21 Hispanics voted for him, correct? You wouldn't know because  
22 you hadn't taken into consideration race for any purpose in  
23 drafting this map. Is that correct?

24 SENATOR KING: Well, generally, yes, I have not  
25 taken racial data into consideration in drawing the map. I

1 do know in District 33, there is a large African-American  
2 community. There is a significant Hispanic community.  
3 There's people of white community. I mean, I grew up in that  
4 community. I know that from that. I served as a police  
5 officer there. I was a commander of the police division over  
6 there, so I'm familiar with it.

7 But I went to church there for a long time and got  
8 my haircut there until my barber died a few years.

9 SENATOR WEST: And I'm well aware of that.

10 SENATOR KING: But all that said --

11 SENATOR WEST: You know, I'm well aware of that  
12 haircut.

13 SENATOR KING: All that said, I have not looked at  
14 racial data with regard to Senate -- Congressional District  
15 33 or any other districts in the State of Texas.

16 SENATOR WEST: All right. Very good. You know  
17 who this guy is right here?

18 SENATOR KING: Yes, I do.

19 SENATOR WEST: By the way, who is that?

20 SENATOR KING: (Inaudible) Andy Allen Johnston.

21 SENATOR WEST: Right. Do you know whether he was  
22 a slave owner?

23 SENATOR KING: I'm somewhat familiar with civil  
24 war history, yes.

25 SENATOR WEST: Do you know whether or not he was a

1 proponent of slavery?

2 SENATOR KING: It's my understanding that he was.

3 SENATOR WEST: Okay. So, is there discrimination  
4 in the State of Texas?

5 SENATOR KING: I think there's discrimination of  
6 all types everywhere in the world and certainly in the United  
7 States.

8 SENATOR WEST: So, there is --

9 SENATOR KING: I think we've made a tremendous  
10 improvement to the -- in that from my opinion.

11 SENATOR WEST: All right. So, and I don't  
12 disagree with you there, the latter part. But you do agree  
13 that there's still discrimination in the State of Texas?

14 SENATOR KING: Sure. There is of many types.

15 SENATOR WEST: Okay. So, is there discrimination  
16 against ethnic minorities in the State of Texas? Come on.

17 SENATOR KING: Well, look, I think there's ethnic  
18 discrimination. I think there's religious discrimination  
19 where our fallen people --

20 SENATOR WEST: I'm only talking about ethnic --  
21 I'm only talking about ethnic minority discrimination.

22 SENATOR KING: I am highly confident you watch TV  
23 just as I do. You have people, you know, that are -- that  
24 are prejudiced just like I do, but I do not believe that it's  
25 predominant --

1 SENATOR WEST: In the State of Texas.

2 SENATOR KING: Yeah.

3 SENATOR WEST: All right. Let me ask this  
4 question. Are the issues that come to the legislative body -  
5 - listen to this very closely -- that minority legislators  
6 bring to this body and ask for support because we believe  
7 that it's in the best interest of our community? Are you  
8 familiar with any legislation that comes to the floor or to  
9 committees?

10 SENATOR KING: I believe we all bring unique  
11 backgrounds to the floor experientially.

12 SENATOR WEST: Okay.

13 SENATOR KING: And we exercise those, and we try  
14 to do it in the best interest of our constituency and of  
15 Texas.

16 SENATOR WEST: So, the answer to my question is,  
17 all of us bring those types of issues to this body? Is that  
18 what you said? That's the response, correct? I'm just  
19 trying to understand what your answer is, sir, that's all.

20 SENATOR KING: My response was that all of us  
21 bring different backgrounds and interests to this -- to this  
22 body. I think we all try to do the right thing. I think we  
23 all -- I believe we all in this -- in this room are appalled  
24 at any level of racial, any level of ethnic, any level of  
25 religious prejudice.

1           SENATOR WEST: So, if indeed there's a track  
2 record of ethnic minorities in this body, the Senate, jointly  
3 bringing legislation to the floor that specifically impact  
4 communities that they represent that may very well be  
5 predominantly African-American or Latino. That legislation  
6 is not given a hearing or voted down, is that an indication  
7 of discrimination?

8           SENATOR KING: You're going to have to be more  
9 specific. That's very much a hypothetical.

10          SENATOR WEST: Okay. I'm going to leave the  
11 hypothetical on the table right now. Okay. Let's talk about  
12 case law that you considered, if any. It's my understanding  
13 that you depended upon a map -- well, let me back up.

14               My understanding, based on the arguments that have  
15 been made or the debate that's been had, is that you looked  
16 at legality, you looked at compactness, and what other factor  
17 did you look at?

18          SENATOR KING: I'm sorry. Could you repeat that?

19          SENATOR WEST: In terms of bringing this map to  
20 the floor, you took into consideration about three criteria,  
21 legality, compactness, and what else?

22          SENATOR KING: Partisan performance.

23          SENATOR WEST: All right. Let's talk about that  
24 for a little bit. Would it be a fair statement to say that  
25 the predominant factor that you took into consideration is

1 partisan participation? That'd be fair? That was the  
2 dominant factor that you considered in --

3 SENATOR KING: No. The dominant -- the primary --

4 SENATOR KING: The primary. Okay.

5 SENATOR KING: -- the top consideration was that  
6 the map comply with the VRA and that it'd be legal in all  
7 other applicable respects regards, and then the secondary  
8 goal was to try to make it perform better for Republican  
9 congressional candidates.

10 SENATOR WEST: That was the secondary goal. Okay.  
11 Now, and the -- you're telling the Court, because this is  
12 going to court, that you may -- you made certain -- that you  
13 didn't look at specifically whether or not this is legal, you  
14 relied upon map drawers in order to tell you that. Is that  
15 correct?

16 SENATOR KING: No, that's not correct.

17 SENATOR WEST: Well, tell us what you did to make  
18 sure it was legal.

19 SENATOR KING: Okay. Can I finish the whole  
20 answer?

21 SENATOR WEST: Absolutely.

22 SENATOR KING: Okay. Thank you.

23 SENATOR WEST: You're welcome.

24 SENATOR KING: Some years back, I had to have some  
25 very sophisticated real estate work done. I'm an attorney,



1 but I'm not a real estate attorney. So, I went and hired and  
2 unfortunately paid them a lot of money to a very --

3 SENATOR WEST: That wasn't (inaudible) --

4 SENATOR KING: -- to a very good real estate  
5 attorney. I probably should have gone to you, but I went to  
6 a very good real estate attorney. I am not a redistricting  
7 attorney, but my number one objective was to make sure that  
8 we passed a map that was legal.

9 So, we did a nationwide search and tried to find a  
10 firm that had substantial redistricting experience. We did,  
11 Baker Hostetler. They have decades of experience in it.  
12 Great references. And after interviewing them along with  
13 other firms, I hired them because I believed it was someone -  
14 - it was a firm in which I could have confidence that if they  
15 studied this, they did the proper analysis, that they could  
16 bring a conclusion to me of whether or not any map I was  
17 considering met legal standards, legal requirements.

18 I have asked them to scrub HB 4, that's before us  
19 today, and they have told me that in their opinion, in which  
20 I have a complete confidence, that it meets all legal  
21 requirements. And that's what I'm basing my conclusion on  
22 that this is a legal map.

23 SENATOR WEST: So, you're basing it on a legal  
24 opinion, correct?

25 SENATOR KING: Yes.

1           SENATOR WEST:   Okay.   Have you had legal opinions  
2   --

3           SENATOR KING:   Because I'm not qualified to make  
4   an opinion.

5           SENATOR WEST:   Can I finish?   Thank you.   And you  
6   would agree with me that all legal opinions aren't correct.  
7   You would agree with that, would you not?

8           SENATOR KING:   Yes, there are legal opinions made  
9   that are not correct.

10          SENATOR WEST:   All right.   Thank you.   Now, what's  
11   circumstantial evidence?   What does that -- what does that  
12   mean?

13          SENATOR KING:   Yeah.   I'm sorry.   Senator, I'm  
14   just not going to get into a debate with you on --

15          SENATOR WEST:   No, no --

16          SENATOR KING:   -- legal terms and definitions.

17          SENATOR WEST:   Okay.   Fine.   But you know what  
18   circumstantial evidence is?

19          SENATOR KING:   Yes.

20          SENATOR WEST:   Okay.   Now, isn't it strange that  
21   the Department of Justice letter addressed to the Governor,  
22   the Attorney General, it's on July the 7th, 2025, and then we  
23   have a special session where the Governor -- one of the items  
24   that he puts on the call is redistricting.   Do you find that  
25   to be just amount of coincidence, strange?

1           SENATOR KING: The coincidence being that the  
2 Governor put --

3           SENATOR WEST: Redistricting.

4           SENATOR KING: -- redistricting on the call after  
5 having received a letter?

6           SENATOR WEST: Right.

7           SENATOR KING: I haven't had any conversations  
8 with the Governor. I don't know what his motivation was. I  
9 don't know if he had decided to do that before or after he  
10 received the letter. I just know that he placed  
11 redistricting on the call.

12           SENATOR WEST: Okay. Isn't it strange that Donald  
13 Trump asked for 11,000 -- no, that wasn't -- that wasn't --  
14 he asked for five additional seats, Republican seats here in  
15 the State of Texas before the letter went out. Isn't that  
16 strange? And then the letter goes out, this letter, and then  
17 our governor puts on redistricting -- on the special session  
18 call redistricting. You don't find that to be a coincidence?

19           SENATOR KING: I don't find it to be relevant to  
20 HB 4, that's before use today.

21           SENATOR WEST: I didn't ask you whether or not it  
22 was relevant. I just asked you whether you thought it was a  
23 coincidence.

24           SENATOR KING: I don't have any personal knowledge  
25 of that.

1           SENATOR WEST: You have no opinion, in other  
2 words, correct?

3           SENATOR KING: All right. Well, my opinion  
4 wouldn't matter.

5           SENATOR WEST: It matters to me. So, since it  
6 matters to me, what is your opinion?

7           SENATOR KING: I don't have an opinion.

8           SENATOR WEST: You just said you had one. But  
9 anyway, we'll go on. When you look at some of the case law,  
10 you said you're not getting into the case law. I understand  
11 that. Let me ask you. Was the -- we talked about  
12 discriminatory effects. Tell us whether or not there was any  
13 analysis by the top-notch lawyers as it relates to  
14 discriminatory effects of this particular map.

15           SENATOR KING: My instructions to them were that  
16 they be exceptionally thorough in scrubbing this map to  
17 determine if it in any way violated law. Obviously,  
18 discriminatory impact effect are part -- the VRA is there to  
19 protect against such things, right? And I am very confident  
20 that they did a very thorough analysis and their report to  
21 me, and I have confidence in that analysis, is that this map  
22 complies with all applicable law.

23           SENATOR WEST: And the fact of the matter is is  
24 that you hired them as an attorney. Is that correct?

25           SENATOR KING: Sorry?

1           SENATOR WEST: They were -- you hired them as  
2 attorneys?

3           SENATOR KING: Yes, because I'm not qualified to  
4 make those determinations.

5           SENATOR WEST: Sure. So, any conversations  
6 between you and them would be privileged, correct?

7           SENATOR KING: Yes.

8           SENATOR WEST: So, they wouldn't be able to  
9 testify in terms of what they actually did in terms of  
10 developing these maps, correct?

11          SENATOR KING: That's probably correct, yes.

12          SENATOR WEST: That's probably correct?

13          SENATOR KING: Well, it -- under a general rule of  
14 privilege, yes, it would be.

15          SENATOR WEST: So, then the reality is is that  
16 you're assuming that they did that a discriminatory effect  
17 analysis, correct?

18          SENATOR KING: I'm confident that they did all  
19 analysis as necessary as extremely experienced redistricting  
20 attorneys to decide if this map meets legal requirements.

21          SENATOR WEST: Let me ask you this question.  
22 You're familiar with the Texas Legislative Counsel's guidance  
23 and redistricting rules. Are you not?

24          SENATOR KING: It's been a while since I've read  
25 that publication, but yes.

1           SENATOR WEST: You consider the Texas Legislative  
2 Counsel to be an authority on redistricting?

3           SENATOR KING: Not particularly.

4           SENATOR WEST: Why?

5           SENATOR KING: Well, I'm not saying they're they -  
6 - they have a lot of functions. I say they have a working  
7 knowledge of it. They obviously put out their publication.  
8 They help draw amendments for parties. They help draw maps  
9 for members. Whether they're an expert or not, I don't know.

10           SENATOR WEST: Let me -- have you ever utilized  
11 their services?

12           SENATOR KING: Yes, I've had them draw amendments  
13 in the past and --

14           SENATOR WEST: And you've had them also help you  
15 draw maps. Is that correct?

16           SENATOR KING: Not in a long time.

17           SENATOR WEST: No, no, no, no, no. Not in a long  
18 -- all right. Define long time.

19           SENATOR KING: Twenty years.

20           SENATOR WEST: Been 20 years since you've utilized  
21 their services.

22           SENATOR KING: Well, since I actually sat down and  
23 said I would like -- you know, I'm not actually sure I've  
24 ever had them draw a map because when I was filing a bill  
25 that was a full map before, I had used somebody independent

1 to help me and then we submitted that to (inaudible) counsel  
2 and they did whatever they do to get it in the right digital  
3 form.

4 SENATOR WEST: Are you aware of any instance where  
5 the legislature has deviated from the Texas Legislative  
6 Counsel's guidance during the redistricting cycle?

7 SENATOR KING: Say that again.

8 SENATOR WEST: Are you aware of any instances  
9 where the legislature deviated from the Texas Legislative  
10 Counsel's guidance during the redistricting cycle? Are you  
11 aware?

12 SENATOR KING: Not specifically. Not that I can  
13 recall.

14 SENATOR WEST: Do you agree that the rules and  
15 legal landscape for this special redistricting cycle were  
16 different from previous cycles?

17 SENATOR KING: No.

18 SENATOR WEST: You do not agree. So, if there is  
19 evidence that there is some differences, you have no  
20 knowledge of what those differences are, correct?

21 SENATOR KING: And I'm sorry, Senator, I'm not  
22 trying to resist. I'm just not sure I really understand your  
23 question. So, do I think there's been differences -- can you  
24 -- can you say that again?

25 SENATOR WEST: In terms of use and -- I'm sorry.

1 It may very well have been the way that I asked the question.  
2 Let me just ask the four or five questions. You know about  
3 the Texas Legislative Counsel to be an authority on  
4 redistricting. Your answer to that question is?

5 SENATOR KING: I believe they are a -- I believe  
6 they have attorneys over there that have a working knowledge  
7 of redistricting.

8 SENATOR WEST: Do you believe their guidance  
9 should be followed during the redistricting process?

10 SENATOR KING: I don't think we're under any  
11 obligation to follow their guidance.

12 SENATOR WEST: I'd just say whether -- do you  
13 believe it should be followed? No is the answer to that  
14 question?

15 SENATOR KING: I do not have any attorney-client  
16 relationship with them. Personally, I only follow legal  
17 advice of someone I have an attorney-client relationship  
18 with.

19 SENATOR WEST: So, again, the answer to the  
20 question would be no. Are you aware of any instances where  
21 the legislature has deviated from the Texas Legislative  
22 Counsel's guidance during the redistricting cycle? You're  
23 not aware of that?

24 SENATOR KING: I have no knowledge either way.

25 SENATOR WEST: Okay. And do you agree that the



1 rules and legal landscape for this special redistricting  
2 cycle were different from previous cycles to the extent that  
3 in previous cycles, we utilized a counsel?

4 SENATOR KING: I don't have any knowledge of that  
5 either way.

6 SENATOR WEST: But to the extent that we utilize  
7 them in previous counsels, previous redistricting cycles, it  
8 would be different because you utilized --

9 SENATOR KING: Again, I just have no personal  
10 knowledge of that.

11 SENATOR WEST: Okay. But to the extent -- to the  
12 extent, okay, we utilize them in previous redistricting  
13 cycles. You didn't utilize them to this time around,  
14 correct?

15 SENATOR KING: I know they had to take this map at  
16 some point and put it into (inaudible) counsel format and  
17 drafting the bill off of that, but if that's what you're  
18 referring to, that's -- to my knowledge, that's the only  
19 input they've had, at least with me, in this process.

20 SENATOR WEST: Okay. Now, a few more questions.  
21 You didn't consider race. Secondarily, you wanted to make  
22 certain that Republicans got an additional advantage in the  
23 State of Texas regardless of the impact that it had on other  
24 communities. Now --

25 SENATOR KING: I haven't said that. I'm sorry.

1           SENATOR WEST: Oh, you didn't say that. I'm  
2 saying that.

3           SENATOR KING: Okay.

4           SENATOR WEST: Would you agree with me that most  
5 ethnic minorities in the State of Texas voted for Kamala  
6 Harris for president of the United States?

7           SENATOR KING: I don't know if that's -- I just  
8 don't have any -- you're asking me in a setting like this to  
9 give answers that I have knowledge that I can back up. From  
10 an anecdotal statement, I suppose, that's true. I'm sure  
11 I've heard that in the media and other places, but I haven't  
12 looked at who people voted for relative to their race.

13           SENATOR WEST: Okay. That's fine. Okay. But to  
14 the extent that I've looked at it and others have looked at  
15 it, you would not be surprised that most ethnic minorities in  
16 the State of Texas voted for Kamala Harris as the president  
17 of the United States and voted for Trump as president of the  
18 United States? Obviously, those are the only two choices  
19 they had.

20           SENATOR KING: If you say that's correct, I'll  
21 take your word.

22           SENATOR WEST: All right. Thank you. Would you  
23 also agree with me that when you begin to look at the  
24 secondary aspect of your goals in terms of getting more  
25 Republican seats, that those persons in the districts that --

1 and this DOJ letter and others have been cracked out of their  
2 districts and communities of interest into Republican  
3 districts. Did you know that?

4 SENATOR KING: I have specifically asked my legal  
5 counsel if anything in HB 4 was the product of packing or  
6 cracking a minority district and I have been told that it is  
7 not.

8 SENATOR WEST: Okay. So, if for some reason --  
9 so, you've been told that. Have you looked at it?

10 SENATOR KING: I have not.

11 SENATOR WEST: Okay. So, if you hadn't looked at  
12 it, then you're telling us that you have depended 100 percent  
13 on what people have told you as opposed to listening to what  
14 they've said and then going back and verifying yourself. I  
15 think it was Ronald Reagan who said trust but verify. You  
16 didn't verify that?

17 SENATOR KING: Just like you, I am not qualified  
18 to make a Gingles analysis.

19 SENATOR WEST: I didn't ask you whether you was  
20 qualified to make a Gingles analysis.

21 SENATOR KING: No, you just -- no, it's exactly  
22 what you asked me.

23 SENATOR WEST: No, no, no, no, no, no, no. Let's  
24 not get off on that.

25 SENATOR KING: Don't put words in my mouth.

1           SENATOR WEST: I'm not trying to. I'm just asking  
2 you to answer the question. Did you go back and verify?

3           SENATOR KING: I have the highest level of  
4 confidence in the counsel that we've engaged, and I also am  
5 aware that the House Counsel who have extreme experience in  
6 redistricting, they came to the same conclusion.

7           SENATOR WEST: Let me ask the question one more  
8 time. Did you go back and verify anything that your high  
9 dollar lawyers told you about the legality of this map,  
10 specifically whether or not minority communities were  
11 correct?

12           SENATOR KING: Neither I or you or anybody in this  
13 room is qualified to do the type of analysis that it takes to  
14 determine packing or cracking relative to a redistricting  
15 map.

16           SENATOR WEST: How do you know that? That we're  
17 not qualified?

18           SENATOR KING: Because I know all of you. Nothing  
19 personal, but I mean, it takes a lot of experience, a  
20 statistical and legal background in that and unless I'm  
21 wrong, none of us have that.

22           SENATOR WEST: And how many redistricting  
23 chairmanships, both the House and the Senate, have you  
24 occupied?

25           SENATOR KING: One in the House and one in the

1 Senate.

2 SENATOR WEST: How many redistricting committees  
3 have you been on in both the House and the Senate?

4 SENATOR KING: Well, I guess, I don't know, two or  
5 three times in the House.

6 SENATOR WEST: Two or three times?

7 SENATOR KING: Yeah, I kept getting busted when  
8 we'd have different speakers, but I guess, two times in the  
9 House and then this turn in the Senate.

10 SENATOR WEST: So, you have working knowledge of  
11 the concepts of redistricting.

12 SENATOR KING: The concepts, yes.

13 SENATOR WEST: But you have no working knowledge  
14 of how the concepts actually should be applied?

15 SENATOR KING: I don't have the expertise to do  
16 Gingles and similar type analysis.

17 SENATOR WEST: Let me go back. So, you have no  
18 expertise, and you did not do any analysis on packing and  
19 cracking, correct? You depended upon the opinion that you  
20 received or opinions that you received, correct?

21 SENATOR KING: I relied upon the expert opinion of  
22 my counsel.

23 SENATOR WEST: So, therefore, if their opinion is  
24 wrong, then as it relates to cracking and packing, this map  
25 should fail, should it not?

1           SENATOR KING: If their opinion was wrong, I know  
2 there's going to be lawsuits filed, they're already being  
3 filed, then that's a process that they're going to go through  
4 in court to determine, but I have the highest confidence  
5 level that this map is legal. I don't know what else to say  
6 about it. I've asked and --

7           SENATOR KING: Well, I got a couple --

8           SENATOR KING: -- answered this too many times.

9           SENATOR WEST: Oh, okay. Well, you got several  
10 more times. Okay. Because, again, it's important.

11          SENATOR KING: It's going to be the same answer.

12          SENATOR WEST: You know, here's -- but that's  
13 fine. And it can be. I don't have a problem with that, but  
14 just like you have a right to sit up here and defend your  
15 map, I got a right to ask you questions about it because it  
16 impacts my community. Fact is I ask you about this man right  
17 here, a slave owner.

18                 Since the civil war, African-Americans have been  
19 able to work with different persons in the legislative body  
20 to get in the courts in order to get four African-American  
21 representatives in Congress. What your map does is it  
22 reduces it to two. That's what it does. I call that  
23 retrogression. That's what it does.

24                 And then when you begin to look at communities  
25 that have been discussed by Senator Zaffirini, Senator

1 Hinojosa, and others, we said we commit -- we have developed  
2 other Latino districts, which is a force. Because just as  
3 you said that's kind of based on CVAP. That's what you said.  
4 And that is the least liable numbers to rely upon.

5           So, you put Hispanics in a position where a  
6 Republican can (inaudible) in that particular district and  
7 win. You take away two African-American districts, one in  
8 Houston and one in the -- in your county, Dallas County. And  
9 you take -- I'm sorry. Your consultants take away population  
10 in Congressional 33 and put it in rural communities where  
11 they have no common interests at all. And for some reason,  
12 you can't see that.

13           I thought specifically you'd see in Tarrant  
14 County. There's no way in the world that people --  
15 hopefully, one day it will be. There's no way in the world  
16 that people in 33 -- and I'm not in Tarrant County. A little  
17 bit, but not a lot. But when you look at 33, you've now  
18 taken 33 and frankly put people in different rural counties  
19 into that new district. And you're telling us that you  
20 didn't even look at it. You relied upon your consultants to  
21 tell you it was just okay.

22           My friend, it's not just okay. Because again,  
23 African-Americans finally got four congressional seats of  
24 people in Congress that vote on issues that's important to  
25 them and the State of Texas. They're losing two persons to

1 do that now. And you may very well sit up and say that if  
2 this map stands, the new congresspersons whose districts  
3 they'll be in representing less than 10 percent of their  
4 interest will make certain that their issues as a community  
5 of interest are taken care of.

6 But when you do an analysis of potential  
7 congresspersons that would represent them and look at their  
8 voting record, you'll see that that is not the case. But,  
9 again, it's a legislative body, and we have to go through  
10 this. Couple more questions.

11 Voting blocs. What voting blocs do we have here  
12 in the State of Texas?

13 SENATOR KING: I'm sorry?

14 SENATOR WEST: Voting blocs. Part of the Gingle  
15 analysis is voting blocks, is it not?

16 SENATOR KING: I couldn't walk you through all the  
17 things that go into a Gingle analysis. I can tell you -- I  
18 can walk through what the Court has said is involved in that,  
19 but I don't know the specifics.

20 SENATOR WEST: So, you're not familiar with what  
21 the definition is of voting block? Come on now.

22 SENATOR KING: I'm trying to get into -- I'm  
23 trying to avoid getting into a detailed discussion about  
24 things that I don't have a lot of detailed knowledge in. I  
25 know what a census track is. I don't exactly know how



1 they're set up. I know what a voting precinct is. I  
2 understand generally how those are arranged, voting blocks.  
3 But I don't want to talk to you about things I don't have  
4 detailed knowledge about.

5 SENATOR WEST: So, you don't know anything about  
6 what a voting block is, correct?

7 SENATOR KING: Well, tell me what you mean when  
8 you say --

9 SENATOR WEST: No, no, no, no, no, no. I'm not  
10 going to tell you. I'm asking you to tell me. Do you know  
11 what a voting block is?

12 SENATOR KING: Well, I may if you'll tell me how  
13 you're defining it.

14 SENATOR WEST: Let me ask you this. As it relates  
15 to precincts, should precincts be split as a part of this  
16 redistricting process if it results in cracking of districts?

17 SENATOR KING: You should never crack or pack  
18 districts.

19 SENATOR WEST: So, the answer to your question is  
20 is that precincts, if indeed it results in cracking, that  
21 that's an undesirable way to do redistricting, correct?

22 SENATOR KING: Well, precincts are split all over  
23 the State. It is unavoidable. Sometimes, it simply just has  
24 to be done for rounding to get to your one person one vote  
25 target.

1           SENATOR WEST: If you saw an overwhelming of  
2 cracking in a particular district, would you find that to be  
3 suspect of cracking?

4           SENATOR KING: But HB 4, before us today, does not  
5 do that.

6           SENATOR WEST: And you're saying that based on  
7 what? What someone else told you?

8           SENATOR KING: Based on the expert counsel --

9           SENATOR WEST: So, what someone else told you.

10          SENATOR KING: -- that I'm relying upon, and that  
11 I'm very confident when they -- if this goes to court that  
12 that will be proven to be true in court.

13          SENATOR WEST: So, it's based on what someone else  
14 told you, not based on verifying yourself?

15          SENATOR KING: Well, almost everything we do here  
16 is based on us relying on an expert in a field whether that's  
17 telecommunications or electricity or real estate matters,  
18 whatever it is. We always find experts that we trust in, and  
19 we rely upon them and that's what I've done here just like  
20 you've done on probably hundreds of bills that you've carried  
21 over the years.

22          SENATOR WEST: So, based on what someone else told  
23 you, not based on your personal verification. Thank you very  
24 much, sir.

25          PRESIDENT BIRDWELL: Senator Miles, for what

1 purpose?

2 SENATOR MILES: Questions to the author.

3 PRESIDENT BIRDWELL: Do you yield, Senator King?

4 SENATOR KING: Of course.

5 PRESIDENT BIRDWELL: You're recognized, Senator  
6 Miles.

7 SENATOR MILES: Thank you. Senator King, let me  
8 share this with you before I get started. I can't tell you  
9 how extremely, poetically, and politically painful it is to  
10 see you standing there in front of Barbara Jordan while we  
11 discuss Senate Bill 4, or House Bill 4.

12 Senator King, I disagree with the first thing that  
13 you said when you got on the floor this morning that this is  
14 not a courtroom because it is a courtroom, it's the people's  
15 courtroom. It's where they send us to pass policy, make  
16 laws, to protect the citizens of Texas. As my colleagues  
17 always say, this is Texas and we're here to protect Texans.  
18 Unless for the last 27 years, it was Black Texans or Hispanic  
19 Texans trying to vote.

20 Senator King, you and I have been doing this now  
21 for almost a month. I don't think I have to add have to  
22 explain where I stand, and I don't think I have to ask you  
23 where you stand, Senator King. This is it. There is no more  
24 committee hearings. It's just you and I out in the open, on  
25 the open floor, letting it all out for the people of Texas

1 and the nation to see and hear.

2 But I do have some questions that I don't think  
3 were adequately answered in committees, plus a few more that  
4 I think will shed some light on the whole redistricting  
5 situation. So, I would appreciate it if you would bear with  
6 me, Senator King.

7 Senator King, are you aware that Harris County has  
8 the largest Black population of any county in America?

9 SENATOR KING: You have told me that, yes.

10 SENATOR MILES: Well, let me give you some more  
11 information. According to the 2020 census data, what you  
12 claim was used for these maps, Harris County has a Black  
13 population of 900,000. That population by itself is larger  
14 than the population of Wyoming, Vermont, Alaska, and North  
15 Dakota.

16 Fort Bend, which is part of Harris County, which  
17 is right outside Harris County, but part of what we call  
18 Houston Harris County Fort Bend, has a Black population of a  
19 170,000. Together the Black population with Harris by itself  
20 is larger than a population of six states in this country,  
21 colleagues. Six states in this country.

22 Seeing that this is the largest population, how  
23 does your plan affect the Black communities of Harris County  
24 and Fort Bend County, Senator King?

25 SENATOR KING: Well, as I've said before, I did

1 not take racial data into consideration with regard to this  
2 map. I can tell you that the Greater Houston area will  
3 perform with regard to CD 9 better politically for a  
4 Republican candidate. I do not know who's going to run for  
5 office in any of the districts and I can't project whether  
6 they would win or lose.

7 SENATOR MILES: And I'm glad you mentioned CD 9.  
8 From what it looks like, this proposed map takes what is  
9 currently CD 9 represented by the great Congressman Al Green  
10 and pushes it further up into Harris County, Mr. Chairman,  
11 combining with a large part of CD 18. Is that correct, Mr.  
12 Chairman?

13 SENATOR KING: Yes, and it also extends it over  
14 into Liberty County.

15 SENATOR MILES: Mr. Chairman, did you perform any  
16 analysis to determine if under the current enacted plan,  
17 Black voters could elect their preferred candidate in current  
18 CD 18?

19 SENATOR KING: I have not personally performed  
20 such an analysis.

21 SENATOR MILES: Mr. Chairman, did you perform any  
22 analysis to determine if under the current enacted plan,  
23 Black voters could elect their preferred candidate in the  
24 current CD 9?

25 SENATOR KING: I haven't looked at any racial data

1 with regard to this map.

2 SENATOR MILES: Mr. Chairman, did you perform any  
3 racial polarizing voting analysis in Harris County  
4 whatsoever?

5 SENATOR KING: The analysis that was done by our  
6 counsel would have taken into consideration such matters when  
7 determining whether this was a legal map or not. It would  
8 have followed Gingles and other standard analyses and  
9 processes for determining compliance with the VRA and other  
10 applicable law.

11 SENATOR MILES: So, should I take that as a yes or  
12 a no, Mr. Chairman?

13 SENATOR KING: I can just tell you that a complete  
14 legal scrub was done and that I've been assured that this map  
15 complies fully with the VRA and other applicable law.

16 SENATOR MILES: So, should I take that as a yes or  
17 a no, Mr. Chairman?

18 SENATOR KING: Well, I'm not sure how to frame  
19 your question, but that's the best answer I can give you.

20 SENATOR MILES: Let me repeat. Did you perform  
21 any racial polarizing voting analysis in Harris County  
22 whatsoever, Mr. Chairman?

23 SENATOR KING: I did not personally do so.

24 SENATOR MILES: So, should I take that as a yes or  
25 a no, Mr. Chairman?

1 SENATOR KING: You can take it as a yes that I did  
2 not personally do so.

3 SENATOR MILES: Okay. Thank you. Mr. Chairman,  
4 regarding CD 9, it was widely known that Congressman Al Green  
5 had repeatedly filed articles of impeachment against  
6 President Trump and is loudly critical of him and his  
7 administration. Was the dismantling of CD 9 retribution for  
8 Congressman Green's fighting for civil rights for his  
9 constituents?

10 SENATOR KING: No, of course not.

11 SENATOR MILES: Of course not. Mr. Chairman, why  
12 did you decide to draw Congressman Green out of his current  
13 district then and combine him with CD 18 and how was that  
14 decided?

15 SENATOR KING: I actually don't know how the final  
16 decision was made in that. I had made the decision to wait  
17 and see what the House produced when they produced HB 4 in  
18 its prior and current form. I reviewed it. It met with the  
19 goals that I had set for legislation, and I was also assured  
20 that it was legal in all regard. And so -- but as to how the  
21 initial decision was actually made to come back -- to  
22 configure Harris County the way it is today, I wasn't a part  
23 of those discussions.

24 SENATOR MILES: So, the fact that Congressman  
25 Green had filed impeachment against President Trump multiple

1 times and was very critical and vocal about his  
2 administration had nothing to do with miss -- with  
3 Congressman Green's district being drawn out. Is that what  
4 you're telling me today?

5 SENATOR KING: I have never heard anyone say that  
6 it did and it certainly did not with me.

7 SENATOR MILES: Thank you. Mr. Chairman, we have  
8 talked about the big picture, you and I, for long enough.  
9 Let's focus specifically on CD 9 and 18, both of which are in  
10 my district in Harris County and Senate District 13.

11 What was your primary reason for reforming CD 18?

12 SENATOR KING: Well, the primary purpose for  
13 reconfiguring that region was to create a district that  
14 performed better for a Republican candidate and CD 9 meets  
15 that criteria in the proposed form.

16 SENATOR MILES: In the proposed form. Mr.  
17 Chairman, did you -- were you aware before that that CD 18  
18 was one of the largest African-American congressional  
19 districts in the country?

20 SENATOR KING: I was aware that CD 18, though  
21 vacant now, has previously had African-American  
22 representation.

23 SENATOR MILES: And were you aware that CD 18 was  
24 one of the largest Democratic boxes in the entire country?

25 SENATOR KING: No.



1           SENATOR MILES: Are you aware that under the  
2 current congressional map, Mr. Chairman, that 49.1 of the  
3 population in Fort Bend portion of CD 9 is Black and under  
4 new man -- under the new maps, 48 percent of the Fort Bend  
5 portion of CD 18 is now Black too?

6           SENATOR KING: No, I have not looked at any racial  
7 data.

8           SENATOR MILES: If you look and took existing  
9 Black population from one -- from one district and packed  
10 them into an existing Black opportunity district, how is that  
11 not redistricting based on race?

12           SENATOR KING: I'm assured that this map as  
13 currently proposed does not pack or crack any existing  
14 districts.

15           SENATOR MILES: Mr. Chairman, I want you to know I  
16 thoroughly disagree with you because Senate District 18 --  
17 Congressional District 18 is more than packed. Senator 18 --  
18 Senator nine was cracked.

19           Senator, in 2024, ABC News did an exit poll for  
20 the presidential election in Texas. 80 percent of African-  
21 Americans responded identified as Democrats. Mr. Chairman,  
22 in this case, race and partisan advantages are one and the  
23 same. Under the VRA, you don't have to intend to  
24 discriminate, you just have to discriminate based on race.  
25 Do you understand that, Mr. Chairman?

1 SENATOR KING: Yes.

2 SENATOR MILES: This is Harris County portion of  
3 new CD 18 now. The new CD 18 has a total population of 272.  
4 The total Black population of Harris County is 907,000. How  
5 can you say that packing CD 18 was not racially based when  
6 around one third of the largest Black population in the  
7 country is located in one district, Mr. Chairman? One third  
8 of the Black population, okay, is located in one district.  
9 How can you say that's not packing?

10 SENATOR KING: I've been assured that it does --  
11 that that does not meet the legal requirements for packing.

12 SENATOR MILES: Okay. Maybe not meet the legal  
13 requirements, but I want you to understand what I just said.  
14 CD 18 has not racially based when around one third -- is not  
15 racially based as you say, but around one third of the  
16 largest Black population in this country is in one district.  
17 I just want you to know. As of the 2020 census, there were  
18 3.5 million Black people in all of Texas. There are 343,000  
19 Black people in the new CD 18. That means almost 10 percent  
20 of the whole Black population resides in 18.

21 Mr. Chairman, do you believe that it's partisanship  
22 to place almost 10 percent of Texas entire Black population  
23 in one district?

24 SENATOR KING: Do I believe that it's partisan?

25 SENATOR MILES: Do you think it is partisan? Yes,

1 sir.

2 SENATOR KING: It seems that your question is  
3 based on the assumption that there are not African-American  
4 Republicans and that there are not Republican African-  
5 American office holders, and that Republican policies can't  
6 encourage or solicit Democrats to switch to Republican.

7 SENATOR MILES: Well, I don't know.

8 SENATOR KING: So, I would not answer that.

9 SENATOR MILES: How many Republicans are on this  
10 floor?

11 SENATOR KING: Right now? I don't know.

12 SENATOR MILES: 19?

13 SENATOR KING: (Inaudible) go around the room,  
14 count.

15 SENATOR MILES: There's 19 Republicans on this  
16 floor?

17 SENATOR KING: If we're all here.

18 SENATOR MILES: Are there any Blacks? How many  
19 Republicans are on the House floor, roughly? Roughly. 80?  
20 How many Black Republicans are on the House floor? Two?  
21 That's facts.

22 Mr. President, Mr. Chairman, why was Anglo  
23 (inaudible) decreased by 4.7 percent while Black percentages  
24 increased in CD 18?

25 SENATOR KING: I'm sorry. I haven't -- I haven't

1 looked at the racial data so I can't comment on that.

2 SENATOR MILES: Okay. Then why was Hispanic VPA  
3 decreased by 7.6 while the Black percentage increased in  
4 CD 18?

5 SENATOR KING: And again, I haven't looked at any  
6 racial data.

7 SENATOR MILES: I can tell you why. It's in both  
8 of those questions because they're packing. So, it's  
9 obviously looks like you packed Senate District 18. See, I  
10 mean Congressional District 18, but when you went the extra  
11 mile and took out the main economic driver for the district  
12 like Bush Intercontinental Airport. What was the reasoning  
13 behind that, Mr. Chairman?

14 SENATOR KING: Again, airports don't vote, people  
15 vote.

16 SENATOR MILES: It's obviously -- it's obvious you  
17 packed our districts, Congressional District 18. Not only  
18 did you pack the district, you took out one of our largest  
19 economic development developers in Intercontinental Bush  
20 Airport. Please explain that to me, Mr. Chairman.

21 SENATOR KING: I was trying to. And first off,  
22 airports obviously don't vote. People vote. People don't  
23 live at airports. Voters don't live at airports. Voters  
24 don't live at a factory, they don't live at a petroleum plant  
25 as was mentioned earlier. I'm sure you manage your district

1 the same way I do mine. Lockheed is a gigantic economic  
2 driver in Tarrant County. My district goes right up to the  
3 border of it, but I don't technically represent Lockheed, but  
4 I spend a lot of time trying to help and represent Lockheed  
5 even though it's not in my district. And I just don't ever  
6 understand the logic when someone says, well, we took this --  
7 took an airport out of this district. I don't understand how  
8 that affects things because I know you, even though I'm  
9 assuming the airport's not in your district, if it's not, I  
10 know you still represent the airports in Harris County  
11 because you represent Harris County.

12 And so, I can't answer that because I just have  
13 trouble following the logic of the assumptions that underlie  
14 the questions. I'm sorry.

15 SENATOR MILES: Mr. Chairman, you're right.  
16 Airports don't vote, but they are economic drivers. And it's  
17 pretty obvious to me that not only did you pack Congressional  
18 District 18, but you took our biggest economic driver out of  
19 it as well.

20 Let's move on to Senate District -- to  
21 Congressional District 9. Are you aware that the current  
22 Congressional District 9 is a Black opportunity district?  
23 Mr. Chairman, simple question. Were you aware that our  
24 current Congressional District 9 was a Black opportunity  
25 district? Yes or no?

1           SENATOR KING: I have not looked at any racial  
2 data.

3           SENATOR MILES: So, I can take that as a no?

4           SENATOR KING: No, you can take it as a statement  
5 that I have not looked at any racial data.

6           SENATOR MILES: So, you didn't know?

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

9           SENATOR MILES: Sounds like you're saying you  
10 didn't know that it was. Mr. Chairman, are you also aware  
11 that the newly created Congressional District 9 drops off  
12 Black VAP by 28.4 percent?

13           SENATOR KING: I haven't looked at any voting age  
14 population data. CVAP, if that's what you were referring to.

15           SENATOR MILES: Mr. Chairman, why did you decide  
16 to dismantle an existing Black opportunity district?

17           SENATOR KING: I did not.

18           SENATOR MILES: You did not? Because you didn't  
19 know it was or you just did not?

20           SENATOR KING: I have not --

21           SENATOR MILES: Because you did. You dismantled,  
22 Mr. Chairman. This bill -- this map dismantles an existing  
23 Black opportunity district. For the record.

24           SENATOR KING: I can't answer a question like that  
25 unless I have examined racial data and I have repeatedly said

1 that I have not.

2 SENATOR MILES: So, you don't -- you don't believe  
3 what I'm saying to you, Mr. Chairman?

4 SENATOR KING: No. What I'm saying is I don't  
5 know the answer to it --

6 SENATOR MILES: Okay.

7 SENATOR KING: -- because I haven't examined  
8 racial data because I thought that was an inappropriate way  
9 to draw this redistricting map.

10 SENATOR MILES: That is -- well --

11 SENATOR KING: (Inaudible) draw -- I did not draw,  
12 but it's an inappropriate way to approach the redistricting  
13 process.

14 SENATOR MILES: Let me assure you three things.  
15 CD 18, CD 9 is a Black opportunity district. CD 9's Black  
16 VPA dropped by 28 percent. And CD 9 in this new map will be  
17 dismantled. The Black opportunity district will be  
18 dismantled, Mr. Chairman. Let me assure you of that.

19 Finally, I want to end talking about public  
20 participation. I'm sorry. Throughout this whole process,  
21 Chairman, you have stressed public participation. Every time  
22 I wanted more people to testify in committee, you pointed out  
23 to the email submission portal. Let's take a look at the  
24 numbers out of that email submission portal that you kept  
25 speaking of.

1 Chairman King, are you aware that we received  
2 emails into our portal submission system? I'm sure you are  
3 because you talked about it quite a bit.

4 SENATOR KING: Yes.

5 SENATOR MILES: I have my team look up the samples  
6 of how many. The samples of how many went into the portal  
7 were 3,800 submissions, emails. Would you kind of confirm  
8 that number about? Is that about the same number you're  
9 thinking of?

10 SENATOR KING: Sounds about right.

11 SENATOR MILES: Sounds about right. Mr. Chairman,  
12 out of that 3,800 into that portal, do you have any idea, any  
13 idea, how many were in support of this redistricting map?

14 SENATOR KING: I haven't run the numbers. I can  
15 tell you anecdotally most were opposed.

16 SENATOR MILES: How many?

17 SENATOR KING: I can tell you anecdotally -- I  
18 haven't added it up, but anecdotally, the majority were  
19 opposed.

20 SENATOR MILES: Were opposed. The majority.  
21 Well, let me tell you the right number. 44 people out of  
22 3,821 that entered into that portal, there were only 44, not  
23 4,400, 44 people were in support of this redistricting map.  
24 There were 3,739 against this map, Mr. Chairman. That means  
25 that 97.8 percent of the portal submissions from average



1 Texans against redistricting, and only 2.2 percent are for  
2 it. Maybe I'm going to repeat that for all of my colleagues  
3 in this body. 2.2 percent of Texans that responded in the  
4 Texas portal were in support of this redistricting bill.  
5 We're elected to represent the will of the people. The  
6 people have obviously spoken. Then damn it, why are we  
7 passing this bill if only 2.2 percent of Texans supported it?  
8 I'm almost done, Mr. Chairman.

9 SENATOR KING: I didn't know if you wanted me to  
10 respond to that or --

11 SENATOR MILES: Oh, please do.

12 SENATOR KING: No, I was -- I was just going to  
13 say, and of the witnesses that testified too, there's no  
14 question that Democrats are not in favor of this map. That  
15 was very clear from the testimony in the portal because it  
16 elects more Republicans. It was also very clear from the  
17 testimony that a lot of people want us to create maps that  
18 reflect specific percentages of all ethnic groups in the  
19 State and that's illegal. We can't do that. And it was also  
20 very evident that a lot of the witness wanted a more compact  
21 map. A map we've drawn is more compact, but it is going to,  
22 I think, elect more Republicans. And it's clear that  
23 Democrats and majority, the vast, vast majority of those who  
24 testified, clearly Democrats, it's very clear that they did  
25 not favor a map that elects more Republicans.

1           SENATOR MILES: Mr. Chairman, that may sound good  
2 to you, but party affiliation was not even mentioned in that  
3 portal. Okay. But that may sound good to you. You keep  
4 repeating something, you start to believe it. So let me move  
5 on.

6           Harmeet Dhillon. Let's start at the beginning.  
7 We can both agree that the call of the first special session  
8 had an agenda item that stated legislation that provides a  
9 revised congressional redistricting plan in light of  
10 constitutional concerns raised by the U.S. Department of  
11 Justice. Is that correct, Mr. Chairman?

12           SENATOR KING: That is -- I don't have the call in  
13 front of me, but that sounds like an accurate restatement of  
14 the call.

15           SENATOR MILES: If you can allow -- If I can ask  
16 you to trust me, that's what it said. The Department of  
17 Justice reference letter was written by Department of  
18 Justice, Civil Rights Division of the Texas Governor. Is  
19 that correct?

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

21           SENATOR MILES: The letter was written to the --  
22 to the depart -- to the Governor's office. Is that correct,  
23 from the Department of Justice?

24           SENATOR KING: It's addressed to the Governor's  
25 office and the Attorney General.

1           SENATOR MILES: And the Attorney General. Is that  
2 correct?

3           SENATOR KING: Yes. Attorney General and the  
4 Governor.

5           SENATOR MILES: Can we also agree that the letter  
6 specifically targeted four majority-minority districts?  
7 We've both seen that letter.

8           SENATOR KING: It targeted four districts.

9           SENATOR MILES: Okay. Would you believe me if I  
10 told you those four districts were majority-minority? We've  
11 had that conversation, Mr. Chairman.

12           SENATOR KING: I don't have knowledge of that off  
13 top of my head.

14           SENATOR MILES: Well, let me assure you, it was  
15 four.

16           SENATOR KING: I know there are four -- there are  
17 four districts.

18           SENATOR MILES: Three of them, which were in my  
19 district partially a whole. And the other one in Dallas, am  
20 I mistaken? Another one in Dallas. All four of them were  
21 majority-minority districts, Mr. Chairman. I assure you of  
22 that. Okay. Could you go with me on that?

23           SENATOR KING: Yes. I'm sorry. I just don't have  
24 the letter in front of me.

25           SENATOR MILES: All right. Can you tell me who

1 the letter was written by, Mr. Chairman?

2 SENATOR KING: The -- one of the deputy direct --  
3 well, the Director of the Civil Rights Division of the U.S.  
4 Department of Justice.

5 SENATOR MILES: Can you recall her name, chairman?

6 SENATOR KING: Last name was Harmeet --

7 SENATOR MILES: It's Harmeet Dhillon, Mr.  
8 Chairman.

9 SENATOR KING: Yeah, Harmeet Dhillon. I'm sorry.  
10 Thank you.

11 SENATOR MILES: Harmeet Di -- First name Harmeet,  
12 last name Dhillon, Mr. Chairman. Will you agree with me on  
13 that?

14 SENATOR KING: Yes.

15 SENATOR MILES: Do you know anything about Harmeet  
16 Dhillon, Mr. chairman?

17 SENATOR KING: No, not really.

18 SENATOR MILES: Not really? Mr. Chairman, would  
19 it surprise you if I tell you that Harmeet Dhillon strongly  
20 opposed the John R Lewis Voting Rights Advance Act, which  
21 will restore Voting Rights Acts to its full power, and then  
22 she penned an op ad for Fox News, Mr. Chairman, in which she  
23 called the bill a power grab. And if you allow me to quote  
24 her, Mr. Chairman, I'll come right back with a question for  
25 you.

1 Her quote, "All Americans, particularly  
2 Republicans in Congress, need to recognize HR4 for the  
3 unnecessary power grab it truly is, and not be fooled by  
4 false propaganda about voting rights."

5 That's what she wrote about the Voting Rights Act  
6 -- Advance Act from John Lewis. Mr. Chairman, so the letter  
7 is written and the committee is convened. The first question  
8 that we asked you in committee is this redistricting bill  
9 based on a letter from the DOJ. You remember that?

10 SENATOR KING: I remember you asking me that  
11 question.

12 SENATOR MILES: Do you remember what your answer  
13 was?

14 SENATOR KING: Whatever it was, it'd be the same  
15 one I would give right now, if you want me to give it.

16 SENATOR MILES: Do you know what I was? Do you  
17 recall what it was? Good answer. But do you recall what it  
18 was?

19 SENATOR KING: I can tell you I had given no heed  
20 or consideration to that letter.

21 SENATOR MILES: So, your answer was a resounding  
22 no.

23 SENATOR KING: I'm sorry?

24 SENATOR MILES: Your answer from the very first  
25 day was a resounding no, Mr. Chairman. A resounding no. But

1 you know what? It didn't stop there. Many times you were  
2 asked at various times that same question in committee  
3 hearings and the answer almost every hearing was no.

4 SENATOR KING: No, that I have not given  
5 consideration to that letter in the redistricting process.  
6 Yes.

7 SENATOR MILES: Okay. Thank you for agreeing with  
8 me on that. Thanks for being honest with me on that, Mr.  
9 Chairman.

10 What were your primary objectives during the  
11 redistricting process as Chairman of the committee?

12 SENATOR KING: I --

13 SENATOR MILES: Were you what -- and what were you  
14 trying to accomplish? There's two questions. I'm sorry.  
15 What was your -- what your primary, you know, purpose?

16 SENATOR KING: Primary goal was to make sure that  
17 we produced a legal map.

18 SENATOR MILES: Right. And what were you trying  
19 to accomplish?

20 SENATOR KING: The secondary objective, the  
21 secondary goal would have been what is to create a map that  
22 would perform better on a partisan basis for Republican  
23 congressional candidates.

24 SENATOR MILES: And not one time -- not one time  
25 did Ms. Dillon's comments, concerns, or letter from the DOJ

1 to the Governor, or to the Attorney General was considered.  
2 As she wrote, "All Americans, particularly Republicans in  
3 Congress, need to recognize HR 4 for the unnecessary power  
4 grab. It truly is, and not be fooled by false propaganda  
5 voting rights." None of that came into place, not one time  
6 throughout the entire committee process. Is that right, Mr.  
7 Chairman? Is that what you want us to believe?

8 SENATOR KING: Well, back it up a little bit.  
9 When you're talking about HR 4, what are you referring to?

10 SENATOR MILES: HR 4 is a congressional --

11 SENATOR KING: Okay.

12 SENATOR MILES: -- House congressional bill.

13 SENATOR KING: I'm not familiar with it.

14 SENATOR MILES: Okay. But not one time did you  
15 want us to believe it had anything to do. One time --

16 SENATOR KING: No, I don't know what she is --

17 SENATOR MILES: You know all these was out -- all  
18 these was out here, not one time did you want us to believe  
19 that the letter coming from the DOJ to the Governor, to the  
20 Attorney General, none of it had to do with --

21 SENATOR KING: I'll be honest with you; I'd never  
22 even heard her name before I read it in the letter.

23 SENATOR MILES: Okay. Let me try one more time  
24 then. Let's see about this. On August 6, Harmeet Dhillon  
25 appeared on Just the News, No Noise. It was a TV show. Just

1 the news. Just -- okay. Just the facts, no news. No what  
2 is it? What was it called? Let's get it right.

3 Just the News, No Noise. Where on that program  
4 Ms. Dhillon stated, while discussing Texas redistricting,  
5 that we wrote to Texas telling them that though the law had  
6 been struck down a couple of years ago, their districts are  
7 now in compliance with the federal voting's right, are not in  
8 compliance. Let me repeat that. Are not in compliance with  
9 federal voting right laws. So, they need to take action to  
10 fix them. This is what triggered the Texas legislature to  
11 the Governor to call a legislative special session to put new  
12 maps together. She admits on a show why she sent this to the  
13 State of Texas, to the Governor, and to the Attorney General.  
14 You weren't aware of that, were you, sir?

15 SENATOR KING: No, I didn't see that interview.

16 SENATOR MILES: So, throughout this whole  
17 committee process, you have stated that the DOJ had no  
18 bearing on this redistricting, correct?

19 SENATOR KING: It had -- it has had no bearing on  
20 my -- on me personally, no. None whatsoever.

21 SENATOR MILES: Okay. But recently, you and  
22 Chairman Hunter have pivoted to stating that it's all about  
23 partisan advantage. Is that correct, Mr. Chairman? It's all  
24 about partisan advantage now, right?

25 SENATOR KING: I have said that my objective in



1 this map was to create a map to perform better for Republican  
2 congressional candidates.

3 SENATOR MILES: Partisan advantage. Would you  
4 agree?

5 SENATOR KING: It would perform better. I like  
6 the words perform better for Republican partisan --

7 SENATOR MILES: Partisan advantage.

8 SENATOR KING: Yes.

9 SENATOR MILES: Yet, here, we have Harmeet  
10 Dhillon, who already has opened has an open problem with  
11 minority voting, who wrote a letter targeting majority-  
12 minority districts, taking credit for the redistricting  
13 process. She did it for our redistricting process, Mr.  
14 Chairman. Right here in Texas.

15 SENATOR KING: Senator, I'm sorry. I couldn't  
16 pick her out of a lineup. I haven't met her, I haven't  
17 talked to her.

18 SENATOR MILES: I understand.

19 SENATOR KING: I never saw her name before I saw  
20 the letter.

21 SENATOR MILES: I understand.

22 SENATOR KING: I disregarded the letter because it  
23 wouldn't address the legislature.

24 SENATOR MILES: I understand.

25 SENATOR KING: I don't know what else to say about

1 it.

2 SENATOR MILES: I understand. And I'm closing.  
3 Her explanation regarding the need for redistricting is  
4 literally based on race. I'm going to repeat that. Her  
5 explanation regarding the need for redistricting in Texas is  
6 literally based on race.

7 Further, those very districts were either redrawn  
8 or completely dismantled. Your explanation is based on  
9 partisan advantage. Somebody's not telling the truth. I'm  
10 not going to say who it is. I don't know who it is, but it's  
11 obvious somebody's not telling the truth.

12 Are you also aware that the agenda items related  
13 to redistricting and the proclamation for the second call,  
14 Mr. Chairman, the second call special -- call special session  
15 got rid of the reference to the DOJ letter. Let me say that  
16 again so my colleagues can understand, Royce. The special --  
17 the second call letter, it got rid of the DOJ letter. It was  
18 nowhere in the -- in the picture. Is that just coincidence,  
19 Mr. Chairman?

20 SENATOR KING: I honestly hadn't noticed that  
21 until now. I haven't read the second call.

22 SENATOR MILES: You know --

23 SENATOR KING: I just knew that congressional  
24 redistricting had been placed on it, and once it's placed on  
25 it, it's a very general topic for the Senate.

1           SENATOR MILES: I close with this. I find it very  
2 interesting, there's a lot of coincidences going on here that  
3 we said from the very first day. That when you and Chairman  
4 Hunter start calling this, you know, a partisan advantage  
5 move, and then in the second call, special -- the special  
6 second call, it didn't make reference to the DOJ letter.  
7 Nobody has answers. Something's not adding up.

8           You know, I call in the phrase, "rig-districting"  
9 throughout this process. This whole process is a sham. This  
10 whole process is a farce. And it will forever be called  
11 rigged districting. Thank you, members. Thank you, Mr.  
12 President.

13           PRESIDENT BIRDWELL: Members, we're going to get a  
14 motion here for a moment. Our staff up here hasn't -- you  
15 all can step off the floor and eat, they can't. So, we're  
16 going to take a little break here for them to have lunch.

17           We're going to get the motion here for a moment.  
18 Chair recognizes the Dean of the Senate.

19           SENATOR ZAFFIRINI: Thank you, Mr. President.

20           I move that the Senate stand in recess for 30  
21 minutes until 2:30 p.m. today, Friday, August 22nd.

22           PRESIDENT BIRDWELL: Any objection?

23           (No verbal response.)

24           PRESIDENT BIRDWELL: Please everyone be back on  
25 time at 2:30. We have a long way to go.

1 Senate stands at recess until 2:30.

2 (Adjourned.)

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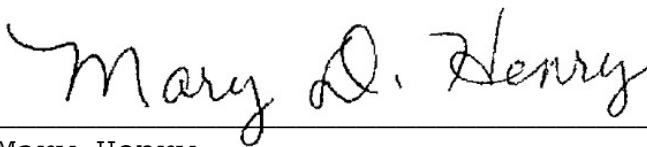
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I further certify that I am neither counsel for, related so, not employed by any of the taking parties to the action in which this deposition was taken, and further that I am not financially or otherwise interested in the outcome of the action.

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



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