

In The Supreme Court of the United States

GREG ABBOTT,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS, ET AL.,
Applicants,

V.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL.,
Respondents.

**RESPONDENT TEXAS NAACP'S RESPONSE IN OPPOSITION TO
EMERGENCY APPLICATION FOR STAY PENDING APPEAL**

**Directed to the Honorable Samuel A. Alito, Jr.,
Associate Justice of the Supreme Court of the United States
and Circuit Justice for the Fifth Circuit**

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STATEMENT PURSUANT TO SUPREME COURT RULE 29.6

Pursuant to Rule 29.6, none of the Respondents filing the instant Opposition to Emergency Application has a parent corporation or issues stock. The Texas State Conference of NAACP Branches is an affiliate of the national NAACP.

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	ii
BACKGROUND	4
ARGUMENT.....	10
I. The District Court Properly Applied this Court’s Precedent to Deny Applicant’s Request for Stay Pending Appeal.....	10
A. Overwhelming Direct Evidence Demonstrates That Applicants are Not Likely to Succeed on the Merits.....	11
1. The Direct Evidence of Racial Intent Overcomes the Presumption of Legislative Good Faith	16
2. The Intent of the Map Drawer, a Non-State Actor, is Irrelevant to Legislative Intent	19
B. Respondents Were Not Required to Produce an Alternative Pictorial Map	22
II. Neither Defendants’ Harm Argument, the Balance of Equities and Public Interest, nor <i>Purcell</i> Justifies the Issuance of a Stay in this Case.....	26
CONCLUSION	31

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Abbott v. Perez</i> , 585 U.S. 579 (2018)	17
<i>Alexander v. S.C. State Conf. of the NAACP</i> , 602 U.S. 1 (2024)	<i>passim</i>
<i>Ardoin v. Robinson</i> , 142 S.Ct (2022)	28
<i>Cooper v. Harris</i> , 581 U.S. 285 (2017)	19, 20, 22
<i>DeLeon v. Perry</i> , 975 F. Supp. 2d 632 (W.D. Tex, 2014)	26
<i>Diaz v. Silver</i> , 978 F. Supp. 96 (E.D.N.Y, Feb. 26, 1997).....	19
<i>Glossip v. Gross</i> , 576 U.S. 863 (2015)	12, 20
<i>Harper v. Va. Bd. of Elections</i> , 383 U.S. 663 (1966)	27
<i>Heckler v. Lopez</i> , 463 U.S. 1328 (1983)	2
<i>Hollingsworth v. Perry</i> , 558 U.S. 183 (2010)	2, 10
<i>Merrill v. Milligan</i> , 142 S. Ct. 879 (2022)	28
<i>Nken v. Holder</i> , 556 U.S. 418 (2009)	27
<i>Purcell v. Gonzalez</i> , 549 U.S. 1 (2006) (per curiam).....	<i>passim</i>
<i>Robinson v. Callais</i> , 144 S.Ct. 1771 (2024)	28

<i>Ruckelshaus v. Monsanto Co.</i> , 463 U.S. 1315 (1983)	2, 10
<i>Students for Fair Admissions v. Harvard</i> , 600 U.S. 181 (2023)	30
<i>Trump v. CASA, Inc.</i> , 606 U. S. 831 (2025)	2

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT:

This case presents a far clearer, stronger, and more direct showing of racial gerrymandering than in *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1 (2024). In *Alexander*, this Court noted multiple times in its decision that the plaintiffs failed to present direct evidence of racial gerrymandering. *Id.* at 1, 18-19, 33. Here, the direct evidence of racial intent was overwhelming, and more than sufficient to overcome the presumption of legislative good faith. The District Court documented a sequence of events that demonstrated the predominance of race in Texas’s 2025 redistricting process. First, the U.S. Department of Justice directed the State, in a public letter to Governor Abbott, to dismantle four identified majority-minority Congressional districts based on their racial composition. *See* App. 17-19. In response, the Governor put redistricting on the agenda for the Legislature’s special session and pledged repeatedly in videotaped interviews that Texas would follow DOJ’s directive to “remove” so-called coalition Congressional districts. App. 61-63. The Legislature fell quickly in line, with the Lieutenant Governor, the House Speaker, and key legislators reaffirming this exactly-stated legislative mission—in writing, on television, on podcasts, and in the legislative proceedings—before, during, and after the legislative special sessions in which the 2025 map was considered and passed. App. 67. They enacted a map that redrew the same specific districts DOJ had targeted. In doing so, they took a sledgehammer to the voting power of Black and Latino citizens in those districts.

The public statements of legislators and key state actors by themselves proved the racial motivation behind the 2025 redistricting process. But there was more: unrebutted statistical evidence demonstrating that race—not partisanship—is the principal explanation for the decision to adopt these maps. App. 66-67, 105. The expert analysis, moreover, was tailored to address each of this Court’s critiques of similar evaluations in *Alexander*. In short, the firsthand, verbatim, and direct evidence of racial gerrymandering, along with the refined expert analysis, distinguishes this case from *Alexander* and validates the District Court’s careful factual findings. They are entitled to deference from this Court. There was also substantial circumstantial evidence the court found in support of the racial motivation of the Legislature’s 2025 Congressional Plan. *See* App. 105-08.

In the face of all this evidence recounted by the District Court in its Order, the State cannot meet its “heavy burden” to justify the “extraordinary” relief of a stay of the District Court’s preliminary injunction. *Ruckelshaus v. Monsanto Co.*, 463 U.S. 1315, 1316 (1983). Indeed, such relief is “rarely” warranted. *Heckler v. Lopez*, 463 U.S. 1328, 1330 (1983) (Rehnquist, J., in chambers). The State “must show a likelihood that it will suffer irreparable harm absent a stay.” *Trump v. CASA, Inc.*, 606 U. S. 831, 859 (2025). As argued below, Texas cannot meet its burden. The District Court’s well-reasoned and legally sound 160-page opinion is unlikely to be “reverse[d]” by this Court, and the State fails to show any “irreparable harm [that] will result from the denial of a stay.” *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010).

Beyond denying that the Governor and legislators said what they were recorded saying, the State has two principal attacks on the District Court opinion. The first relies on misdirection, citing the testimony of map-drawer, Adam Kincaid, of the National Republican Redistricting Trust, that he did not consider race in crafting the map. But this case turns on *the Legislature's intent*, not Mr. Kincaid's. Mr. Kincaid is not a member of the Legislature; he was not retained by the Legislature; and he did not report to the Legislature. App. 90, 100. In fact, key legislators testified that they did not know how he drew the maps. TXNAACP App. 29, 33, 104. The evidence shows, and the District Court found, that the legislative intent here was to follow DOJ's directive and target the majority-minority districts specifically identified by DOJ in the 2025 redistricting process. On their face, the maps the Legislature adopted do that.

The State's second line of attack is that Respondents' preliminary injunction motions, which on the one hand the State disparages because they were filed before the Governor signed the 2025 redistricting legislation, came too late to remedy this intentional discrimination. The thrust of the State's argument is that the Court should excuse and allow racial discrimination to go unchecked because stopping it entails too much dislocation. Defendants are wrong for two reasons. First, *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam), compels an equitable balance. The rights of voters weigh in that balance, and the State utterly disregards them. Second, contrary to the State's claims, the sky is not about to fall in Texas. The District Court ordered that the 2026 Elections proceed under the 2021 districts put in place and

used by voters for *the last four years* (and maps the state defended only months ago), rather than the never-before-used maps enacted just three months ago. Weighed against the rights of the voters subject to racial gerrymandering, returning to the status quo is not a substantial imposition. The State, moreover, could have avoided even that minimal imposition simply by following the law and not embracing DOJ's directive to target minority voters of Texas in a mid-decade redistricting mere months before the deadlines, within its control, which it complains are too close or cannot be extended.

BACKGROUND

Far from being predisposed to overturn Texas's redistricting process, the three-judge panel below unanimously denied a request by some of the Plaintiffs in 2021 for a preliminary injunction against the then-newly adopted Texas Senate map. But when Texas drew new maps in 2025, the panel confronted a mountain of direct evidence—nine days of testimony from 24 witnesses, thousands of exhibits, videotaped statements of key participants in the redistricting process—and two out of the three judges could not avoid the conclusion that race had predominated in the process. In a carefully reasoned 160-page ruling containing more than 600 citations to the evidence, the District Court found the following:

1. In the 2025 regular legislative session that ran from January through May 2025, Republican lawmakers did not consider any legislation concerning redistricting. TXNAACP App. 37. On June 10, 2025, during the trial of Plaintiffs' claims relating to the 2021 Plan, the Chair of the Senate Redistricting Committee

testified that, despite partisan pressure, the Texas Legislature was not considering redrawing their congressional districts. *See* App. 17.

2. Sometime in early 2025, the Republican National Committeeman for Texas and Galveston County Commissioner, Robin Armstrong, contacted Adam Kincaid about redrawing Texas’s Congressional map. TXNAACP App. 76-76.¹ Neither the Texas Legislature nor any of its members retained Mr. Kincaid. In fact, the chairs of both legislative committees—Senator King and Representative Vasut—testified that they were unsure of the extent of Mr. Kincaid’s involvement in the map drawing. *See, e.g.*, App. 82 n. 297, 83 n. 300; TXNAACP App. 103-04.

3. During February or March of 2025, Mr. Kincaid, White House officials, and Robin Armstrong, met to discuss Texas’s mid-decade redistricting. App. 470-71. During these conversations, Mr. Armstrong told Mr. Kincaid that the *Petteway* case provided Texas an opportunity to redraw the Texas congressional map. TXNAACP App. 80-81.

4. In June 2025, Governor Greg Abbott began discussing redistricting with the White House and Mr. Kincaid. One such conversation involved discussion of a draft of a letter that the U.S. Department of Justice intended to send to Governor Abbott related to redistricting. Not only did the White House share a draft of that letter with Mr. Kincaid prior to sending it, but they also alerted Governor Abbott of its existence a week before DOJ sent it. App. 98.

¹ In 2021, Mr. Kincaid was retained by members of the Texas Legislature to draw the maps eventually passed in 2021 and that were the subject of the May/June 2025 trial. App. 14.

5. On June 23, 2025, Governor Abbott announced a planned special session to begin on July 21, 2025, that did not include mid-decade congressional redistricting as an agenda item. *See* App. 2.

6. On July 7, 2025, the United States Department of Justice issued the letter to Governor Abbott and Texas Attorney General Ken Paxton (the “DOJ Letter”), which had previously been discussed between the Governor, the White House, and Mr. Kincaid. *Id.* This letter, signed by the Chief of the DOJ Civil Rights Division, Harmeet Dhillon and another DOJ attorney Michael Gates, stated that “Congressional Districts TX-09, TX-18, TX-29, and TX-33 currently constitute unconstitutional ‘coalition districts’” and urged the state to change the racial composition of those districts. App. 17-19. Of the supposedly “racially gerrymandered” districts targeted by the DOJ letter, three (TX-9, TX-18, and TX-29) are in Houston. One, TX-29 was not a “coalition district” but rather majority Hispanic CVAP. App. 24.

7. The DOJ Letter further stated:

It is the position of this department that several Texas congressional districts constitute unconstitutional racial gerrymanders under the logic and reasoning of *Petteway*. Specifically, the record indicates that TX-9 and TX-18 sort Houston voters along strict racial lines to create two coalition seats, while creating TX-29, a majority Hispanic district. Additionally, TX-33 is another racially based coalition district that resulted from a federal court order years ago, yet the Texas Legislature drew TX-33 on the same lines in the 2021 redistricting. Therefore, TX-33 remains as a coalition district.

App. 17-19

8. As the District Court noted, the DOJ Letter, contains “many factual, legal, and typographical errors.” Even Counsel for Defendants has described the

letter as, “legally[] unsound,” “baseless,” “erroneous,” “ham-fisted,” and “a mess.” App. 19.

9. This, however, was not the State’s view at that time. On July 9, 2025, two days after receiving the letter, Governor Abbott issued a new proclamation for the July 21, 2025 special session that added redistricting to the call. App. 30.

10. Specifically, Governor Abbott’s proclamation called a special session to enact “***legislation that provides a revised congressional redistricting plan in light of constitutional concerns raised by the U.S. Department of Justice.***” App. 30-31 (emphasis added).

11. Two days later, on July 11, 2025, Lieutenant Governor Dan Patrick (President of the Texas Senate) and Speaker of the House Dustin Burrows also identified the DOJ letter as central to the redistricting effort. They issued a joint statement “highlighting the close collaboration between the House and Senate on legislation to address concerns raised by the U.S. Department of Justice over Texas congressional districts.” TXNAACP App. 1.

12. During a public interview on July 22, 2025, Governor Abbott reiterated, “[W]e want to make sure that we have maps that don’t impose coalition districts[.]” App. 33 n.115.

13. On August 6, Rep. Oliverson—chair of the House Republican Caucus—denied that the Legislature was taking up redistricting for political reasons and said redistricting discussions began “as a result of a court case where the federal appeals court basically rejected the idea of coalition districts[.]” App. 67-68.

14. On August 11, 2025, Governor Abbott reiterated the central role of the DOJ Letter during an interview with CNN’s Jake Tapper, where he stated: “Again, to be clear Jake the reason we’re doing this is because of that court decision.” App. 31-33.

15. Discussion about redistricting among members of the House Redistricting Committee did not begin until Governor Abbott received the DOJ Letter. TXNAACP App. 37-38. After that, the DOJ Letter and its directive to target majority-minority districts for legally unsupported reasons was central to the legislative discussion. *Id.*

16. Representative Todd Hunter was also appointed to serve alongside Rep. Gervin-Hawkins on the Redistricting Committee in the Special Sessions and was the sponsor of Plan C2333 (the redistricting plan that would ultimately be passed into law). In a prior round of redistricting, a panel of three federal judges found evidence “that the map drawers, including specifically Rep. Hunter, racially gerrymandered the districts that remained in Nueces County to further undermine Latino voting strength.” TXNAACP App. 39-40.

17. On August 18, 2025, Mr. Kincaid called Sen. King to get Rep. Toth’s contact information. Mr. Kincaid also told Sen. King that a new map was going to be released. TXNAACP App. 97-99. That same day the House Redistricting Committee departed from ordinary procedure by giving only same day notice of a special meeting of the committee. TXNAACP App. 43-45. At this meeting, Rep. Hunter introduced a

new map, Plan C2333, that the committee voted out less than an hour later, giving members no time to meaningfully review it. *Id.*

18. On August 20, 2025, the full House debated Plan C2333. During these debates, Rep. Gervin-Hawkins asked Rep. Hunter directly about the DOJ letter. Rep. Hunter acknowledged that the DOJ letter was considered in the formation of a map. TXNAACP App. 49.

19. Later in their exchange, Rep. Hunter conceded that he considered race in the redistricting process. TXNAACP App. 55.

20. As the District Court noted, “[u]ltimately, the 2025 Map did all but one of the things that DOJ and the Governor expressly said they wanted the Legislature to do”; namely, it “fundamentally changed the racial character of three of the four districts identified in the DOJ Letter, and dramatically dismantled and left unrecognizable all four districts.” App. 35, 50.

21. Rep. Toth—one of the few legislators Kincaid sought to contact—still maintains that Plan C2333 was not a partisan gerrymander but rather was drawn to dismantle coalition districts following *Petteway*. As recently as October 2, one day after the District Court’s preliminary injunction hearing began, Rep. Toth rejected the idea that Plan C2333 was motivated by politics. Rather, in a videotaped interview, he said emphatically that “it was required of us to do it [in] response to *Petteway* to get compliant.” App. 68.

22. Additionally, following the adoption of the map, Speaker Burrows issued a press release announcing that the House had just “delivered legislation to redistrict

certain congressional districts *to address concerns raised by the Department of Justice* and ensure fairness and accuracy in Texans’ representation in Congress.” App. 66 (emphasis in original). As the District Court found, this press release “publicly announces that high-ranking legislators honored and followed the instruction in the Governor’s proclamation to redistrict for the racial reasons cited in the DOJ Letter.” *Id*

23. It was confirmed during the preliminary injunction hearing that Kincaid was responsible for drawing all or most of the 2025 Congressional Plan. App. 83. Mr. Kincaid, however, was not a member of the Texas Legislature, was not retained by the Texas Legislature, and did not include legislators in his map drawing process; in fact, Mr. Kincaid admitted that he had no direct contact with members of the respective legislative redistricting committees regarding their criteria, goals, objectives, or parameters. App. 90, 100.

ARGUMENT

I. The District Court Properly Applied this Court’s Precedent to Deny Applicant’s Request for Stay Pending Appeal

Defendants cannot satisfy their “heavy burden” to justify the “extraordinary” relief of a stay of the District Court’s preliminary injunction. *Ruckelshaus*, 463 U.S. at 1316. The District Court’s well-reasoned order is not likely to be “reverse[d]” on appeal, and no “irreparable harm” will come to Defendants if a stay pending appeal is not issued. *Hollingsworth*, 558 U.S. at 190. The District Court’s preliminary injunction order directs that the 2026 elections proceed under the 2021 maps enacted by the Texas Legislature—maps that Defendants staunchly defended in a trial held

before the District Court less than six months ago, and which are still under challenge by the Plaintiffs in this litigation as unlawfully racially discriminatory, as well. The Legislature enacted the new plan three months ago, preliminary injunction motions were filed immediately, an evidentiary hearing was held on the earliest dates the District Court was available, and the District Court’s opinion was issued promptly, and nearly two weeks before the current candidate filing deadline. Under the State’s suggested approach, from the day of its enactment, the Legislature locked in the 2025 Congression Plan for the 2026 elections, even though, in the District Court’s assessment, Plaintiffs are “likely to prove [the plan was] racially gerrymandered.” *See App. 3.* A stay of the District Court’s decision would require voters to vote in racially gerrymandered districts, and would send a message that mid-decade, racially gerrymandered redistricting passed close to filing deadlines is insulated from judicial review. That is not the law.

A. Overwhelming Evidence Demonstrates That Applicants are Not Likely to Succeed on the Merits.

The District Court’s finding that “Plaintiff[s] have successfully shown a likelihood of success on their racial-gerrymandering challenges to CDs 9, 18, 27, 30, 32, and 35” is based on the substantial and often undisputed record evidence detailed above. *App. 54.* Unlike *Alexander*, where the Court noted multiple times the absence of direct evidence showing racial intent, *see* 602 U.S. at 18-19, 33, the record here is replete with such direct evidence.

The District Court’s findings, summarized below, stand unless they are clearly erroneous. *See Glossip v. Gross*, 576 U.S. 863, 881 (2015) (“[W]e review the District

Court’s factual findings under the deferential ‘clear error’” standard. This standard does not entitle us to overturn a finding ‘simply because we are convinced that we would have decided the case differently.’” (quoting *Anderson v. Bessemer City*, 470 U.S. 564, 573 (1985))). The Court should accept the District Court’s well-substantiated conclusions and the evidence marshaled in support of them, including that:

a. ***The Governor directed the Legislature to undertake redistricting in response to DOJ’s instructions to target coalition districts.*** Prior to receiving the DOJ Letter, the Governor and the Legislature “showed little appetite to redistrict . . . for exclusively partisan reasons,” including during the 2025 regular legislative session. App. 62. Even when the Governor called the first special legislative session, redistricting did not appear on the agenda. App. 2.

DOJ’s July 7, 2025 Letter directed Texas to dismantle four minority-controlled districts. As the District Court found, the Letter “command[ed] Texas to change four districts for one reason and one reason alone: the racial demographics of the voters who live there.” App. 30.

It was not until Governor Abbott received the DOJ Letter that he placed redistricting on the agenda for the first special session. App. 3. The amended agenda specifically stated that redistricting was being added “***in light of constitutional concerns raised by the U.S. Department of Justice.***” App. 30-31. The Governor’s media statements during this time confirm that he “was asking the Legislature to redistrict for racial rather than partisan reasons.” App. 31.

b. ***The 2025 Congressional Plan specifically targeted coalition districts.*** As the Court below found, the 2025 Congressional Plan “did all but one of the things that DOJ and the Governor expressly said they wanted the Legislature to do.” App. 35. As detailed more fully below, legislators repeatedly and publicly stated that the 2025 Congressional Plan was motivated by the DOJ’s and Governor’s directive to remove coalition districts. App. 66-79.

c. ***The testimony of legislators that the 2025 Congressional Plan was motivated by partisanship is unsupported by the record.*** During the preliminary injunction hearing, the State called several legislators to testify that partisanship, not race, was the impetus behind the drawing of the 2025 Congressional Plan. That self-serving revisionism, however, was less probative than, inconsistent with, or directly contradicted by contemporaneous recorded statements of those same legislators, and which the District Court found was direct evidence of the Legislature’s intent.

d. ***The testimony of the map-drawer, Adam Kincaid, was irrelevant and not credible.*** While Mr. Kincaid testified that he focused on partisan gain and did not look at racial data in drawing districts, App. 91-96, the District Court found that it was “extremely unlikely that Mr. Kincaid could have created so many districts that were just barely 50%+ CVAP by pure chance.” App. 96. Specifically, it was not credible that Mr. Kincaid “with racial data [available to him] on his mapping program turned off, and relying purely on race-neutral criteria . . . coincidentally happened to transform not one, but ***three***, coalition districts into districts that are single-race-

majority by half a percent or less.” App. 97. Further straining credulity is that the three coalition districts where Mr. Kincaid achieved these pinpoint results were the ones identified in the DOJ Letter—CDs 9, 18, and 30. Whether Mr. Kincaid had racial data on his screen, he knew what DOJ wanted. He conceded that he had reviewed and discussed the DOJ Letter with the White House and DOJ before DOJ sent it to the Governor. App. 98. Mr. Kincaid also admitted, while drawing the 2025 map, he had knowledge of the racial composition of the districts at issue based on his drawing of the 2021 maps. App. 187.

e. ***The testimony of Plaintiff’s expert, Dr. Duchin, confirms that the maps were drawn with racial, not partisan, intent.*** Dr. Duchin’s analysis, presented at the preliminary injunction hearing, demonstrates that “it is highly unlikely that a Legislature drawing a map based purely on partisan and other race-neutral considerations would have drawn a map with the 2025 Map’s racial characteristics.” App. 121. Dr. Duchin’s conclusion that race predominated in the process that led to the passage of the 2025 Congressional Plan was presented through three distinct forms of evidence presented to the Court: (1) racial dot-density maps with a conspicuous race-based pattern in the line drawing; (2) primary and general election data for the districts, which showed that the net loss in Democratic-favoring districts specifically targeted those aligned with minority preferences; (3) an analysis of alternative maps (referred to as an “ensemble”) to illustrate that the level of “packing and cracking” of minority voters in the 2025 Plan was seldom or never

observed in alternative maps, even when accounting for partisanship. *See* Duchin Report; App. 108-21.

Dr. Duchin's ensemble analysis follows a series of steps to create a suitable set of maps for comparison. First, Dr. Duchin randomly generates large samples of alternative maps for each of the district clusters at issue, applying traditional redistricting principles such as contiguity, compactness, and core retention, among others. App. 108. In addition, the maps are generated to prefer districts that perform just as well for Republicans *and* President Trump as in prior election cycles. *Id.* After generating these generally Republican-favoring maps, Dr. Duchin further winnowed the results by limiting the universe of maps to only those maps that performed as well for Republicans and President Trump as the 2025 Congressional Plan. App. 109. Dr. Duchin ultimately sub-sampled 40,000 maps for each cluster of districts that matched all of these criteria. App. 109. In this way, she confirmed that any maps generated were *at least as favorable* to Republicans and President Trump as the 2025 Congressional Plan.

Dr. Duchin then compared the racial demographics of each set of 40,000 maps for each district cluster to the 2025 Congressional Plan. App. 110. The results of these comparisons are reflected in the box-and-whiskers plots included in her report and introduced into evidence at the hearing. *See* App. 116. These plots show that the 2025 Congressional Plan's "racial composition is a statistical outlier," *i.e.*, the level of packing and cracking of minority voters in the 2025 Congressional Plan was observed in an extremely low percentage of the 40,000 ensemble maps for each

cluster—and in some instances, the same levels *were never observed at all*. App. 118-21.

As an expert that also provided testimony and evidence in *Alexander*, Dr. Duchin incorporated the critiques of *Alexander* to refine and reinforce her methodology and analysis in this case. Specifically, Dr. Duchin incorporated an additional checklist of principles that might reasonably be viewed as having relevant impact on the findings, including increased margins of Trump advantage, urban-rural balance similar to the 2025 Congressional Plan, incumbency protection, and heightened preservation of counties and county subdivisions. App. 122-27. Thus, the District Court held, “the issues that caused the Supreme Court to discredit Dr. Duchin’s conclusions in *Alexander* don’t lead us to do the same here.” App. 123.

1. The Direct Evidence of Racial Intent Overcomes the Presumption of Legislative Good Faith

The direct evidence detailed above shows conduct that is more overt, more racially explicit, and more unapologetically racially discriminatory than those in the cases Defendants cite. The District Court correctly held that the direct evidence of racial motivation underlying the 2025 Congressional Plan surmounted the presumption of legislative good faith. *See* App. 72. As this Court observed in *Alexander*, there is a “starting presumption that the legislature acted in good faith,” but that this presumption is overcome—and “the burden shifts to the State”—when, as here, a plaintiff “demonstrate[s] that race drove the mapping of district lines.” *Alexander*, 602 U.S. at 11.

“Direct evidence often comes in the form of a relevant state actor’s express acknowledgment that race played a role in the drawing of district lines.” *Id.* at 8. Defendants do not dispute that state legislators are “relevant state actors” whose express acknowledgement that race played a role is direct evidence of intentional discrimination. *See* App. 281-84. At the preliminary injunction hearing, Plaintiffs introduced statement after statement by Texas state legislators acknowledging, either explicitly or by reference to the DOJ letter, that race played a motivating role.

As discussed above, the District Court detailed at length the contemporaneous statements made by legislators in the legislative proceedings themselves, as well as in the public domain, demonstrating that the 2025 redistricting process was directed at dismantling minority coalition districts under an illegal, misleading, and distorted reading of *Petteway*. *See supra* Section I.A.

This evidence “plausibly support[s]” the District Court’s conclusion that the Texas Legislature was directed by DOJ and Governor Abbott to target districts ***on the basis that they were majority-minority districts***, and it did just that. *Alexander*, 602 U.S. at 10; *cf. Abbott v. Perez*, 585 U.S. 579, 608 (2018) (applying the presumption of good faith where “[t]he only direct evidence . . . suggests that the . . . Legislature’s intent was legitimate”). To be sure, these statements by Texas legislators relieve the Court of having to make the uncomfortable inference that the Legislature “engaged in offensive and demeaning conduct that . . . resemble[s] political apartheid.” *Alexander*, 602 U.S. at 11 (internal quotations and citations omitted). Rather, these statements stand on their own to “rule[] out [the] possibility”

that partisanship rather than race drove the decision-making in enacting the 2025 Congressional Plan. *Id.* at 20. When legislators not only concede, but publicly aver, that the objective of the redistricting process was to break up districts ***precisely because they were majority-minority districts***, it is appropriate, as the District Court did here, to take those legislators at their word.

Further, the District Court correctly determined that the DOJ letter and statements of Governor Abbott constitute additional direct evidence of the Legislature's racial intent. While Defendants now claim that Governor Abbott and DOJ are not "relevant state actor[s]," see Mot. at 25, that was not Defendants' position throughout the District Court's 9-day hearing. Then, Defendants and counsel for Governor Abbott repeatedly asserted the ***legislative*** privilege to block inquiry into Governor Abbott's discussions concerning redistricting. They argued that "the Governor's participation in possible redistricting legislation was a ***legislative*** function." TXNAACP App. 83-84 (emphasis added). They further claimed ***legislative privilege*** on behalf of Governor Abbott on the basis that the discussions would have included "deliberations on whether to issue a special session call. If so, how? [and] What the scope of it might have been." TXNAACP App. 87. And they further maintained that the Governor's legislative privilege could be asserted ***even*** as to his discussions with federal officials—including discussions about the DOJ letter—because those federal officials were "third parties that inform[ed] the legislative process." TXNAACP App. 85. Defendants cannot have it both ways. The DOJ Letter and the Governor's statements are direct evidence for the same reason

they claim those discussions were privileged: the Governor who called the special session, set its agenda, and signed the new map into law, is a “relevant state actor.” *See, e.g., Diaz v. Silver*, 978 F. Supp. 96, 116 (E.D.N.Y, Feb. 26, 1997) (relying in part on statements by the Governor to conclude race predominated in the passing of the state’s redistricting plan). Indeed, but for the Governor’s actions, neither the special session nor the 2025 redistricting would have taken place. And even if that were not the case, DOJ’s and the Governor’s statements before and during legislative deliberations still would be probative regarding the Legislature’s intent.

Taken together, the direct evidence is substantial, straightforward, and compelling. The DOJ told Texas to dismantle districts based on their racial composition. App. 17-19. Governor Abbott said Texas would do it. App. 62-63. Governor Abbott convened the Legislature and told them to do it. App. 61-62. Legislators said they would do it. App. 67. Legislators did it. App. 105. Legislators said that they did it. App. 66-67. And Governor Abbott signed it into law.

2. The Intent of the Map Drawer, a Non-State Actor, is Irrelevant to Legislative Intent

The District Court correctly concluded that the intent of the map-drawer, Adam Kincaid, was “irrelevant” to the question whether the Texas Legislature enacted the 2025 Congressional Plan with racial intent. App. 104. Perplexingly, after arguing that Governor Abbott’s statements are irrelevant because he was not part of

the Legislature (Application at 25), Defendants rest their case on Mr. Kincaid.² But Mr. Kincaid is **not** a member of the Legislature, was **not** hired by the Legislature, was **not** paid by the Legislature, and did **not** take instruction from the Legislature when he initially drew the proposed maps. Mr. Kincaid never even explained to the Legislature how he drew the maps, despite being invited to appear before the Legislature to testify as to the maps that he drew. App. 87 n. 314. He provided the Legislature a product: a redistricting map, one that on its face reflected compliance with the DOJ mandate when it came to the Legislature for adoption. What matters here is not Mr. Kincaid’s purported intent in manufacturing the product, but the Legislature’s intent in using it.

Even if Mr. Kincaid’s intent were at issue (and it is not), Defendants provide no good reason to second guess the adverse credibility determination of the two-judge majority of the District Court. This Court gives “singular deference to a trial court’s judgment about the credibility of witnesses.” *Cooper v Harris*, 581 U.S. 285, 309 (2017); *see also Glossip v. Gross*, 576 U.S. 863 (2015) (holding that when multiple courts (*i.e.*, multiple judges) have reached the same finding review is even more deferential).

Here, Defendants time and again describe Mr. Kincaid’s testimony as “uncontroverted.” Application at 25. It is not. The analysis of Plaintiffs’ expert, Dr.

² Contrast, *Cooper v. Harris*, 581 U.S. 285, 299-301 (2017), where the mapmakers whose intent this Court found probative included the chairs of the State House and Senate Committees overseeing redistricting, a fact the U.S. Amicus Brief fails to note.

Moon Duchin, disproves Mr. Kincaid's claims that he drew the maps race blind. And, while much of Mr. Kincaid's testimony dwelled on unwitnessed acts in his office and matters over which privilege was asserted, nearly every time Mr. Kincaid testified as to something within the personal knowledge of another witness, the other witness disputed his testimony. *See, e.g.*, App. 83-84, 99.

Finally, Mr. Kincaid failed to provide any basis other than his self-serving testimony that he drew the map race blind. Mr. Kincaid conceded that the images he prepared for the District Court in the form of demonstratives were not accurate representations of what he viewed when he was drawing the maps. TXNAACP App. 91. Instead, the images displayed during the evidentiary hearing in the District Court were generated from his proprietary software to make his district lines look as partisanly-drawn as possible, even though the parameters applied to produce those images were indisputably not the ones he applied when he actually generated the maps. *Id.* Further, Mr. Kincaid exhibited detailed knowledge of precisely where people of color lived in the challenged areas, based, at least in part, on his extensive work drawing all of the 2021 maps for the State of Texas. App. 187. And he knew which districts DOJ had demanded be modified, because he had read DOJ's letter (before it was even sent). App. 98. Mr. Kincaid did not need to consult demographic data to implement DOJ's directive. App. 96-98.

B. Respondents Were Not Required to Produce an Alternative Pictorial Map

Defendants claim that Plaintiffs failed to meet their burden under *Alexander* because they “fail[ed] to produce an alternative map.” Application at 21. Defendants misstate the facts and the law.

The Court in *Alexander* recognized that an alternative map is essential “when all plaintiffs can muster is ‘meager direct evidence of a racial gerrymander.’” 602 U.S. at 30 (quoting *Cromartie II*, 532 U.S. at 258). As already discussed, and as exhaustively cataloged by the District Court, the direct evidence of racial predominance was by no means “meager.” See, e.g., App. 59-79. In modern redistricting litigation, it is extremely rare, if not unprecedented, for plaintiffs to provide evidence that is so voluminous, diverse, pervasive, and unequivocal as the evidence adduced here. App. 6. In light of this direct evidence confirming that “race furnished ‘the overriding reason’” for the districts drawn in the 2025 Congressional Plan and for their adoption by the Texas Legislature, “a further showing of ‘inconsistency between the enacted plan and traditional redistricting criteria,’” through an alternative map “is unnecessary to a finding of racial predominance.” *Cooper v. Harris*, 581 U.S. 285, 301 (2017). *Alexander*, where there was no such direct evidence, does not hold otherwise.

Moreover, even if Plaintiffs had not introduced a mountain of direct evidence showing the Legislature’s discriminatory intent (which it did) and this was a “circumstantial-evidence-only case” (which it is not), Plaintiffs have nevertheless satisfied their burden under *Alexander* to show through alternative maps that “a

rational legislature sincerely driven by its professed partisan goals would have drawn a different map with greater racial balance.” *Alexander*, 602 U.S. at 10.

While Plaintiffs do not dispute the Court’s finding that Plaintiffs did not introduce an alternative map into evidence at the hearing (*see* App. 132), Defendants are wrong that Plaintiffs produced no alternative maps in this litigation. Indeed, Plaintiffs’ expert, Dr. Duchin, produced tens of thousands of alternative maps. *See id.* As Dr. Duchin explained, the ensemble analysis she performed generated alternative maps adhering to traditional redistricting principles for each of the relevant “clusters” of districts. *See* TXNAACP App. 3, 58-70. All these maps were provided to Defendants as part of Dr. Duchin’s report. Counsel for Defendants acknowledged during cross-examination of Dr. Duchin that she did, in fact, provide her alternative maps to Defendants:

Q. In the weeks leading up to this hearing, I asked for you to produce the data -- to produce data in support of your reports; and you provided a ton of it, right?

A. Yes. Quite a lot.

Q. 300 gigabytes, something like that, right?

A. I -- that's a lot. I believe you.

Q. And that data you provided in support of your map drawing project included the code that you used, right?

A. Definitely.

Q. The inputs that you would have then -- the input data that you would have then run through the code; is that right?

A. Yes.

Q. And then also the outputs or the literal maps; is that right?

A. Yes.

TXNAACP App. 72-73 (emphasis added).

Moreover, Defendants’ expert, Dr. Sean Trende, conceded as much in his report, stating that “Dr. Duchin has provided her chains to defense to examine.” App. 599. The “chains” to which Dr. Trende refers are the Markov chains, which are sequences of districting plans and would have allowed Dr. Trende (or any other redistricting software user) to regenerate Dr. Duchin’s same set of maps. Dr. Duchin’s report, in turn, which was introduced as evidence at the hearing, demonstrates that the vast majority (and in some cases, every one) of the alternative maps she generated for the relevant clusters could have achieved the same (or better) partisan results “with greater racial balance.” *Alexander*, 602 U.S. at 10; *see also* App. 121 (“According to Dr. Duchin’s analysis, it is highly unlikely that a Legislature drawing a map based purely on partisan and other race-neutral considerations would have drawn a map with the 2025 Map’s racial characteristics.”).

Dr. Duchin’s report also included visual representations—in the form of boxplots—reflecting the citizen age voting population of voters of color (POC CVAP) in the alternative maps generated by Dr. Duchin’s analysis. These figures included plots both with and without constraints of a panoply of traditional redistricting principles. The boxplots compare the State’s 2025 Congressional Plan to the alternative plans in the ensemble. These images demonstrate a pattern of packing and cracking of voters of color in the State’s plan “above and beyond the mere consequences of pursuing partisan aims” when compared to the alternative maps reflected in Dr. Duchin’s ensembles, a pattern even more noticeable in maps designed

to achieve multiple measures of partisan Republican advantage. App. 110-22; TXNAACP App. 15.

Neither the Federal Rules of Evidence nor this Court’s precedent require or express a hierarchical, non-technological preference for maps in pictorial form over ones reflected in computer code, and in fact, the parameters applied by Dr. Duchin could only be viewed and verified through the production of those data files. Consequently, Dr. Duchin’s report, which contains Plaintiff Texas NAACP’s ensembles of alternative maps, taken together with the plots to assist in visualizing the racial demographics of those alternative maps that were put before the Court, more than satisfies Plaintiffs’ burden under *Alexander* to show that “the legislature could have achieved its legitimate political objectives in alternative ways that are comparably consistent with traditional districting principles.” *Alexander*, 602 U.S. at 10 (quoting *Easley v. Cromartie*, 532 U.S. 234, 258 (2001)).

Finally, Defendant’s argue that Dr. Duchin’s maps did not satisfy the Legislature’s criteria. The Legislature alleges that its partisan goals were to “increase the likelihood that the districts would elect republicans.” App. 80. Dr. Duchin’s maps do just that. What Defendants actually mean, is that Dr. Duchin did not input the exact same metrics allegedly used by Mr. Kincaid when generating her maps. Of course she did not, nor could she have. Throughout this case Defendants have hidden—and continue to hide—the full list of Kincaid’s considerations behind layers of privilege. See TXNAACP App. 93-95 (asserting privilege over certain “significant” considerations). It cannot be the case that plaintiffs are required to use

a map drawer's secret parameters when creating their alternative maps. Further, as the District Court found, the criteria Dr. Duchin used was sufficiently similar to create maps that did not “deviate[] materially” from the State's plan. *See* App. 125.

II. Neither Defendants' Harm Argument, the Balance of Equities and Public Interest, nor *Purcell* Justifies the Issuance of a Stay in this Case

Defendants' irreparable harm argument is circular; it presupposes that they will win on the merits. The District Court held, however, that Plaintiffs are “likely to prove at trial that [the Texas 2025 Congressional Plan is] racially gerrymandered.” App. 3. There is no right to engage in racial gerrymandering. Being barred from racial gerrymandering is not irreparable injury. To the contrary, it is *Plaintiffs* who would be irreparably injured if forced “to proceed with elections under a congressional map that likely unconstitutionally sorts voters on the basis of race” and therefore “deprives the Plaintiff[s] of their right to participate in a free and fair election.” *Id.* at 151. There is no adequate remedy at law for the injury Plaintiffs will suffer if forced to vote under a racially discriminatory map that violates their constitutional rights. App. at 137-38. As this Court noted, “the loss of constitutional freedoms ‘for even minimal periods of time . . . unquestionably constitutes irreparable injury.’” *Id.* at 138 (citing *BST Holdings, LLC v. OSHA*, 17 F.4th 604, 618 (5th Cir. 2021), quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Federal courts have found that violations of constitutional rights “constitutes irreparable harm as a matter of law.” *DeLeon v. Perry*, 975 F. Supp. 2d 632, 663 (W.D. Tex, 2014), *aff'd sub nom. DeLeon v. Abbott*, 791 F. 3d 619 (5th Cir. 2015). This case is no different. Issuing a stay will perpetuate the harm caused by constitutionally impermissible Congressional districts.

Moreover, any harm stemming from the inability of the State to enforce statutes that it has enacted is substantially mitigated when the State has in place ***another*** redistricting plan—adopted by the Legislature, signed by the Governor, and used in the last two congressional election cycles—under which it can proceed. The District Court’s order granting the preliminary injunction directed Texas to “proceed under the map that the Texas Legislature enacted” four years ago in 2021, that it has used in every election since then, and that it just used in Congressional elections in 2024. *Id.* at 1. Defendants vociferously defended the 2021 Congressional maps as lawful, appropriate, and drawn free from racial considerations in a trial on the merits of those claims just six months ago. Although litigation regarding the constitutionality of that plan will continue in 2026 and beyond, by Defendants’ own admission, the 2021 Congressional maps are an appropriate and functional vehicle for the 2026 elections. Accordingly, Defendants’ claim that they will suffer “the irreparable harm” if they are unable to hold an election under an unlawful plan (Application at 39) cannot support a stay here.

Additionally, the balance of the equities and the public interest counsel against a stay. Courts assess the balance of the equities and the public interest together because they “overlap considerably.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). Here, the Plaintiffs seek to enforce the Constitution’s prohibition on racial discrimination in map drawing for elections. The Fourteenth and Fifteenth Amendments guarantee citizens the right to vote free of discrimination on the basis of race, a right “preservative of all rights.” *Harper v. Va. Bd. of Elections*, 383 U.S. 663, 667 (1966)

(citation omitted). Requiring Black and Brown Texans to vote under an illegally racially gerrymandered plan in the upcoming election cycle would send the message that courts are powerless to protect the rights of impacted voters and the Constitution's protections are meaningless. That outcome gravely disservices the public interest.

Finally, *Purcell* does not counsel the grant of a stay here. Defendants contend that a stay is warranted under *Purcell* for two principal reasons: (1) the candidate filing deadline is underway and changing the map would cause voter confusion and (2) Defendants are denied an opportunity to create a remedial map. *Id.* at 13.

The present case is distinct from the situations in the three cases on which Defendants rely most heavily: *Robinson v. Ardoin*, 142 S. Ct. 2892 (2022); *Robinson v. Callais*, 144 S. Ct. 1171 (2024); and *Merrill v. Milligan*, 142 S. Ct. 879 (2022). Each of those cases presents a vastly different timeline in connection with the election than here. In *Milligan*, the order issued by the lower court and stayed by this Court came just weeks before the early voting period began in Alabama. *See* 142 S. Ct. at 879 (Kavanaugh, J., concurring). Similarly, *Robinson* and *Callais* involve scenarios in which this Court invoked *Purcell* in the middle of a general election year. *See Robinson*, 142 S. Ct. 2892 (stay granted on June 28, 2022); *Callais*, 144 S. Ct. 1771 (stay granted on May 15, 2024).

As the District Court detailed, the 2026 primary election is more than three months away and the general election nearly a year away.³ App. 142-44. And despite claims that election officials have begun to move forward with preparations under the 2025 Congressional Plan, Texas elections held just weeks ago were conducted under the 2021 Congressional map. Indeed, Congressional District 18 will hold a runoff election under the 2021 Congressional map on January 31, 2026—approximately 31 days before the 2026 Primary. *Id.* at 144-45.

It defies common sense to argue that *Purcell* compels use of the 2025 Congressional Plan to avoid voter confusion in elections nearly three and eleven months from now, respectively, when the State has never used the 2025 Congressional Plan in any election to date and the 2021 Congressional map will still be used in an election two months from now.⁴ To the contrary, the Court’s order that elections continue to be conducted under the 2021 map that has been used in the last several election cycles is the prudent course of action to avoid any risk of voter confusion. At bottom, Defendants’ decision to enact an entirely new Congressional map outside the mid-decade redistricting and normal legislative processes weighs in

³ The December 8 candidate filing deadline that Texas cites to justify emergency relief is earlier than the deadlines in 47 other states. National Conference of State Legislatures, 2026 Candidate Filing Deadlines. Texas is entitled to set early deadlines if it chooses, but the practice in other states casts doubt on the frantic claim that extending them is an undue burden.

⁴ Additionally, it defies common sense to argue that, under *Purcell*, states can enact a map that violates the Constitution and federal law in proximity to election filing deadlines and render courts powerless to protect the fundamental right to vote of injured voters. Equitable principles are supposed to achieve equity. The result the State advocates bears no resemblance to it.

favor of maintaining the status quo until this Court can hold a full trial on the merits of Plaintiffs' claims as they relate to the 2025 Congressional Plan. *See Callais*, 146 S. Ct. at 1172 (Jackson, J., dissenting).

Put differently, even if Defendants were correct that using the 2021 map would cause some confusion, so would using the 2025 map. As discussed above, the 2025 map was enacted just three months ago, elections proceeded under the 2021 map just weeks ago, and uncertainty has abounded since the map was passed. *See App.* 145. Therefore, this case does not present the same choice between voter confusion and voter clarity that this Court addressed in *Purcell*. Instead, even if Defendants are correct, the choice here is merely between voter confusion standing alone, and voter confusion combined with likely unconstitutional discrimination. If “eliminating racial discrimination” truly “means eliminating all of it,” *Students for Fair Admissions v. Harvard*, 600 U.S. 181, 184 (2023), it means eliminating it here, over 340 days before the next election.

Finally, citing *Wise v. Lipscomb*, Defendants argue that “[w]hen a federal court declares an existing apportionment scheme unconstitutional, it is therefore, appropriate, whenever practicable, to afford a reasonable opportunity for the legislature to meet constitutional requirements by adopting a substitute measure rather than for the federal court to devise and order into effect its own plan” and the districts court's decision to allow them to redistrict again just months before the 2026 primary elections compounds their perceived *Purcell* issue. Application at 18-19 (quoting 437 U.S. at 540 (1978) (opinion of White, J.)). The critical caveat in *Wise* is

that it applies “*whenever practicable.*” Here it is not. Defendants’ arguments on this point, like many others, are circular and contradictory. On one hand they claim *Purcell* demands a stay because we are too close to the 2026 elections for the District Court to instruct the state to use the duly legislatively passed map that has been in effect since 2021. Application at 15-16. At the same time, they contend that the Legislature be given an opportunity to redistrict again months before the start of the 2026 primary. As the 2025 Congressional Plan has not been used in any election to date, falling back to the 2021 Plan as instructed by the District Court preserves the status quo, remedies the egregious constitutional violations in the 2025 Congressional Plan, and ensures that the State suffers no prejudice by continuing to utilize the plan it crafted, vigorously defended, and is currently using.

This Court should deny the stay.

CONCLUSION

For the reasons set forth above, Respondents respectfully request that this Court deny Applicants’ motion for emergency relief, vacate the administrative stay issued by this Court, and reinstate the District Court’s preliminary injunction.

November 24, 2025

Respectfully submitted,

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In The Supreme Court of the United States

GREG ABBOTT,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS, ET AL.,
Applicants,

V.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL.,
Respondents.

**RESPONDENT TEXAS NAACP'S APPENDIX TO RESPONSE IN
OPPOSITION TO EMERGENCY APPLICATION FOR STAY PENDING
APPEAL**

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INDEX

Texas NAACP Exhibit 171	TXNAACP App. 1
Texas NAACP Exhibit 208	TXNAACP App. 2
October 1, 2025 AM Hearing Transcript Excerpts.....	TXNAACP App. 27
October 1, 2025 PM Hearing Transcript Excerpts	TXNAACP App. 31
October 3, 2025 AM Hearing Transcript Excerpts.....	TXNAACP App. 35
October 3, 2025 PM Hearing Transcript Excerpts	TXNAACP App. 47
October 7, 2025 AM Hearing Transcript Excerpts.....	TXNAACP App. 74
October 7, 2025 PM Hearing Transcript Excerpts	TXNAACP App. 78
October 8, 2025 AM Hearing Transcript Excerpts.....	TXNAACP App. 89
October 9, 2025 AM Hearing Transcript Excerpts.....	TXNAACP App. 96
October 9, 2025 PM Hearing Transcript Excerpts	TXNAACP App. 101



Mr.

▼

First Name

Last Name

Email

Zip

SUBMIT

TEXAS SENATE AND TEXAS HOUSE WORKING IN LOCKSTEP ON CONGRESSIONAL REDISTRICTING LEGISLATION TO ADDRESS CONCERNS

Office of the Lieutenant Governor

Plaintiff-TXNAACP
Exhibit 177

Report on Congressional Plan C2333

Moon Duchin
Professor of Data Science, University of Chicago

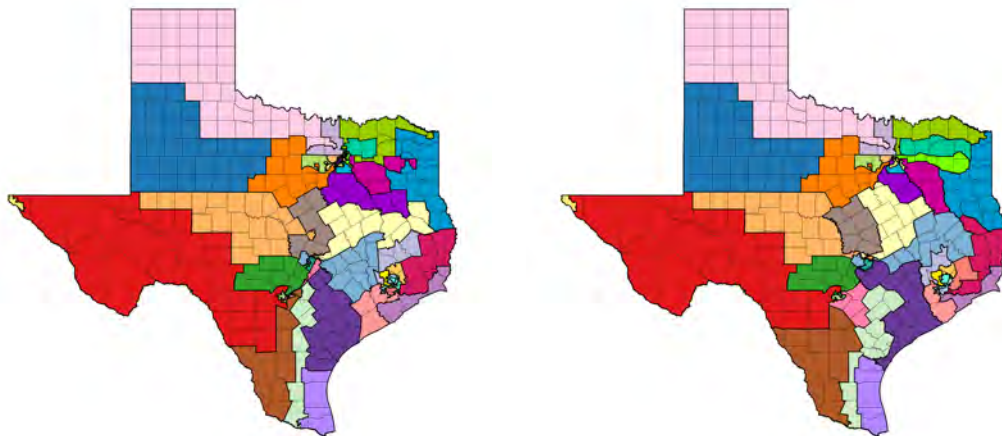
September 7, 2025

I am a Professor of Data Science and Computer Science and the Director of the Data and Democracy Research Initiative at the University of Chicago. I refer to my previous reports for a discussion of my qualifications and prior testimony as an expert in the field of redistricting. I have submitted an updated CV with this extended report.

1 Summary

In this report, I offer metrics and analysis for Texas Congressional Plan C2333, recently signed into law.¹ I have examined evidence relating to the claims of overriding partisan motives for changes to the map, particularly as partisan aims relate to opportunity-to-elect for minority groups. I find that the map is dilutive of minority voting strength. I also find strong evidence that race data was used by the line-drawers in a manner consistent with demographic targets—aiming for particular shares of minority population— and/or as a proxy for partisanship. In my analysis, the changes are not consistent with the race-neutral pursuit of pure partisan aims.

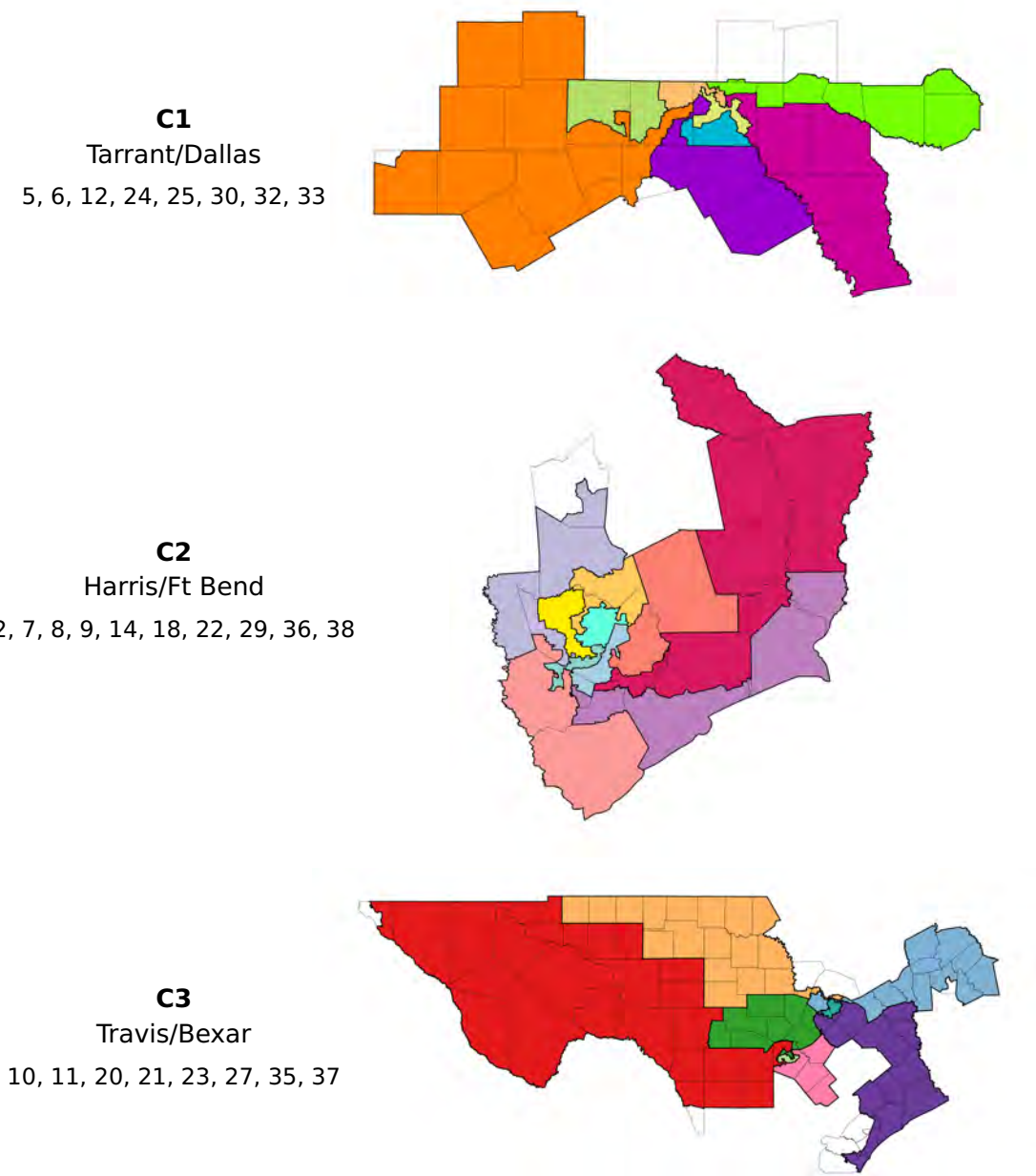
Figure 1: Plan C2193 (left) and Plan C2333 (right). Though most of the map looks similar at a glance, nearly every district has been changed.



¹This report builds on my earlier Declaration of August 25, 2025, and is meant to be self-contained. The findings of the previous report are confirmed and extended using simpler district clusters, adding more electoral data from 2022-2024, and adding a fuller description of robustness checks. I am not aware of any errors in the previous Declaration, and the current report is intended to address the same topics more comprehensively.

Below, I reprise my previous use of regional district clusters formed by groupings of the State's districts. In addition to clusters in Tarrant/Dallas and Harris/Fort Bend, I have added a third cluster in Travis and Bexar Counties.² The purpose of these clusters is to allow for localized analysis, including the comparison of C2333 districts to randomly generated alternative districts that span the same land area (§5.2).

Figure 2: The three district clusters C1, C2, C3.



²I tested nine different choices of district grouping in these areas, and the results are always materially the same. For simplicity and clarity, the clusters that are set in this extended report are made up of *exactly* those districts in C2333 that touch the named counties.

2 Population shifts

Population growth was steady at 5-7% in the six Texas anchor counties in a recent five-year span, and in any event population growth could not be a valid justification for this mid-decade redistricting: the new map is population-balanced with respect to the 2020 data, just as the previous map was.³

Across the areas of Texas covered by this report, nearly all of the population growth in the recent past is accounted for by minority groups. People of color ("POC")—defined as those Texans who are either Hispanic or selected a non-White race in the Census or ACS—make up large majorities of the VAP and CVAP growth in each of the six urban counties that anchor the district clusters; in some cases, the POC growth actually exceeds the total growth, because non-Hispanic White population has declined over the same period.⁴

Table 1: Shifts in population according to American Community Survey 5-year rolling averages from five years apart, so that the survey years do not overlap. Statewide, people of color account for at least 94% of the growth, whether using voting age population or citizen voting age population. In clusters C1 and C2, the growth of POC communities has driven overall increases despite the decline of non-Hispanic White population. In cluster C3, POC make up about four-fifths of the growth.

Texas	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	27,885,181	—	29,640,343	—	1,755,162	—
VAP	20,592,495	—	22,157,813	—	1,565,318	—
NH White	9,483,944	46.1	9,571,408	43.2	87,464	5.6%
POC	11,108,551	53.9	12,586,404	56.8	1,477,853	94.4%
Black	2,482,337	12.1	2,706,261	12.2	223,924	14.3%
Hispanic	7,323,498	35.6	8,070,575	36.4	747,077	47.7%
Asian+PI	1,026,506	5.0	1,250,462	5.6	223,956	14.3%
AMIN	100,468	0.5	144,320	0.7	43,852	2.8%
CVAP	17,859,482	—	19,470,070	—	1,610,588	—
NH White	9,317,648	52.2	9,413,882	48.4	96,234	6.0%
POC	8,541,834	47.8	10,056,187	51.6	1,514,353	94.0%
Black	2,371,995	13.3	2,585,888	13.3	213,893	13.3%
Hispanic	5,243,696	29.4	6,088,062	31.3	844,366	52.4%
Asian+PI	664,736	3.7	846,133	4.3	181,397	11.3%
AMIN	88,931	0.5	115,161	0.6	26,230	1.6%

³Using the Census Bureau's Annual Estimates of the Population for Counties, we see a growth from 2020 to 2024 on the following scale, in millions: Tarrant 2.12 → 2.23; Dallas 2.61 → 2.66; Harris 4.74 → 5.01; Fort Bend 0.83 → 0.96; Travis 1.30 → 1.36; and Bexar 2.02 → 2.13.

⁴In order to present changes across five years, we compare ACS totals by race from the 5-year 2014–2018 tabulation and the 5-year 2019–2023 tabulation. The 2024 results are due to be released in September 2025. See Appendix A for more information on the use of ACS data.

Cluster C1 Tarrant/Dallas	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	5,894,695	—	6,218,577	—	323,882	—
VAP	4,351,844	—	4,648,999	—	297,155	—
NH White	2,150,102	49.4	2,124,567	45.7	−25,535	−8.6%
POC	2,201,818	50.6	2,524,541	54.3	322,723	108.6%
Black	724,257	16.6	797,856	17.2	73,599	24.8%
Hispanic	1,181,838	27.2	1,338,585	28.8	156,747	52.7%
Asian+PI	225,932	5.2	264,711	5.7	38,779	13.0%
AMIN	21,453	0.5	28,081	0.6	6,628	2.2%
CVAP	3,716,257	—	4,019,715	—	303,458	—
NH White	2,119,809	57.0	2,095,539	52.1	−24,270	−8.0%
POC	1,596,570	43.0	1,924,325	47.9	327,755	108.0%
Black	689,400	18.6	756,591	18.8	67,191	22.1%
Hispanic	697,446	18.8	876,997	21.8	179,551	59.1%
Asian+PI	143,859	3.9	172,906	4.3	29,047	9.6%
AMIN	18,764	0.5	21,124	0.5	2,360	0.8%

Cluster C2 Harris/Ft Bend	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	7,331,287	—	7,795,496	—	464,209	—
VAP	5,379,626	—	5,769,492	—	389,866	—
NH White	2,232,040	41.5	2,187,174	37.9	−44,866	−11.5%
POC	3,147,567	58.5	3,582,363	62.1	434,796	111.5%
Black	950,499	17.7	1,023,138	17.7	72,639	18.6%
Hispanic	1,718,818	32.0	1,939,710	33.6	220,892	56.7%
Asian+PI	414,779	7.7	478,939	8.3	64,160	16.5%
AMIN	21,063	0.4	38,925	0.7	17,862	4.6%
CVAP	4,475,743	—	4,876,543	—	400,800	—
NH White	2,167,162	48.4	2,131,396	43.7	−35,766	−8.9%
POC	2,308,553	51.6	2,745,166	56.3	436,613	108.9%
Black	905,833	20.2	976,150	20.0	70,317	17.5%
Hispanic	1,063,611	23.8	1,288,440	26.4	224,829	56.1%
Asian+PI	281,742	6.3	346,991	7.1	65,249	16.3%
AMIN	17,426	0.4	28,095	0.6	10,669	2.7%

Cluster C3 Travis/Bexar	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	5,834,341	—	6,232,214	—	397,873	—
VAP	4,409,405	—	4,771,099	—	361,694	—
NH White	2,035,540	46.2	2,113,665	44.3	78,125	21.6%
POC	2,374,066	53.8	2,657,330	55.7	283,264	78.3%
Black	313,118	7.1	337,079	7.1	23,961	6.6%
Hispanic	1,858,576	42.2	2,018,991	42.3	160,415	44.4%
Asian+PI	144,816	3.3	176,664	3.7	31,848	8.8%
AMIN	24,445	0.6	38,316	0.8	13,871	3.8%
CVAP	3,969,569	—	4,350,870	—	381,301	—
NH White	2,005,105	50.5	2,083,266	47.9	78,161	20.5%
POC	1,964,593	49.5	2,267,488	52.1	302,895	79.4%
Black	301,189	7.6	325,752	7.5	24,563	6.4%
Hispanic	1,518,130	38.2	1,701,950	39.1	183,820	48.2%
Asian+PI	89,461	2.3	118,500	2.7	29,039	7.6%
AMIN	21,755	0.5	32,157	0.7	10,402	2.7%

The tables for the six urban counties that anchor the district clusters are shown in the Appendix [B](#).

3 Metrics

Next, we turn to metrics that relate to the traditional districting principles (TDPs). All districts are contiguous. Regarding one-person-one-vote population balance (with respect to total population from 2020), all plans have *de minimis* population deviation: one person top-to-bottom difference between districts. In the newest enacted plan (C2333), every district has 766,987 people according to the Decennial Census enumeration, except for CD 38, which has 766,986.

3.1 Compactness, political boundaries, and core retention

The new C2333 (2025) is significantly more compact than the prior enacted plan C2193 (2021). With respect to C2308 (2012), it is more compact by two measures but not by a third measure known as the Reock score. The newest plan splits one more county than its predecessor but several fewer than the benchmark from last decade. However, the new plan splits hundreds of precincts (discussed below in [§3.2](#)).

For the compactness scores, Polsby-Popper and Reock are contour-based scores that were computed in the EPSG:32614 projected coordinate reference system and averaged over the districts in the plan. Cut edges is a measure of the "scissors complexity" of the plan: it counts the number of pairs of neighboring census blocks that receive different district assignments. Higher scores are considered better for Polsby-Popper and Reock, while lower scores are better for cut edges.

Table 2: Compactness, splitting, and core retention are presented through common quantitative metrics. Polsby-Popper and Reock are district-level scores; cut edges is a plan-wide score. Of the 254 counties in Texas, we first report the number that are split across multiple districts; then, the total number of pieces the counties are cut into. Splitting numbers for precincts at the time of plan adoption are highlighted. Core retention is calculated through population: it is the share of people in the 2020 Census that have the same district assignment in a given pair of plans.

	2012 Enacted	2021 Enacted	Plan C2333
Avg Polsby-Popper	0.1968	0.1886	0.2218
Avg Reock	0.3599	0.3322	0.3444
(Block) Cut Edges	20,976	21,355	17,618
County splits	36	30	31
County pieces	323	313	310
2024 Precinct splits	162	7	291
2022 Precinct splits	162	7	288
2020 Precinct splits	35	205	264
Core retention vs 2012	—	64.5%	54.2%
Core retention vs 2021	—	—	66.8%

Note on district numbers. A standard practice when issuing a new plan is to number the new districts so as to have maximum population overlap with the ones they are replacing. That way, an incumbent running in a certain district faces familiar voters.

C2333 uses optimal numbering in 35 of its 38 districts. However, the numbering of CD 9, CD 18, and CD 29 has been shifted around in a cycle, as follows:

C2333 (2025)	<i>max overlap</i>	C2193 (2021)
New CD 9	↔	Prior CD 29
New CD 18	↔	Prior CD 9
New CD 29	↔	Prior CD 18

That is, former CD 18 has its largest population overlap with current CD 29, and so on. The reasons for this permutation of district numbers are not clear, but one effect is to make it somewhat harder to talk clearly about the changes to a particular district. The reconfiguration of CD 18 is explored further below in Appendix [F](#).

3.2 Precinct splits

As far as I am aware, the State has disclosed no use of partisan data below the precinct level, while race data comes at the block level. Therefore the high number of precinct splits seen in Table [2](#) is more indicative of a focus on race than on partisanship.

It is important to note that precincts can and do change at between-census intervals; it is common practice for a districting plan to split precincts, and then for the precincts to be adjusted after the fact to better nest within districts. This is why the 2021 enacted plan splits a large number of 2020 precincts (205), but a much smaller number of 2022 precincts (7). However, the high level of precinct splitting in C2333 (291 splits) is notable because it is at odds with the stated goal of precision-targeted partisanship.

In the *Guide to 2021 Redistricting*, the Texas Legislative Council describes Election Data provided to the legislature within the Redistricting Data section of the report. They write: "Because election information is also required for analyzing a redistricting plan, a statewide election database compiled by legislative council staff provides county voting precinct boundaries, the results of statewide and many local primary, runoff, and general elections, and voter registration information by precinct for all counties. This election data is allocated to each census block within each voting precinct to allow for election data to be estimated for any district."

This account of allocating election data from precincts to blocks is typically referred to in spatial statistics as *proration*; the standard method would be to assign votes to blocks in proportion to their population (either TOTPOP, VAP, or CVAP). Thus, for instance, if a particular block has ten percent of the population of the precinct, it will be assigned ten percent of the vote totals. Thus every block within the precinct will have partisan shares equal to that of the precinct as a whole.⁵

When the allocation is proportional, no sub-precinct specificity is provided. This means that a redistricting plan created with overriding partisan intent would have no particular reason to split precincts. (In fact, each time a precinct is split, the plan faces a *loss* of precision in its partisan balance.) By contrast, race data does have block-level granularity coming from the Census, so a redistricting plan aiming to hit demographic targets (such as a particular share of Black or Hispanic CVAP) would have a clear reason to split precincts.

4 Effective minority representation

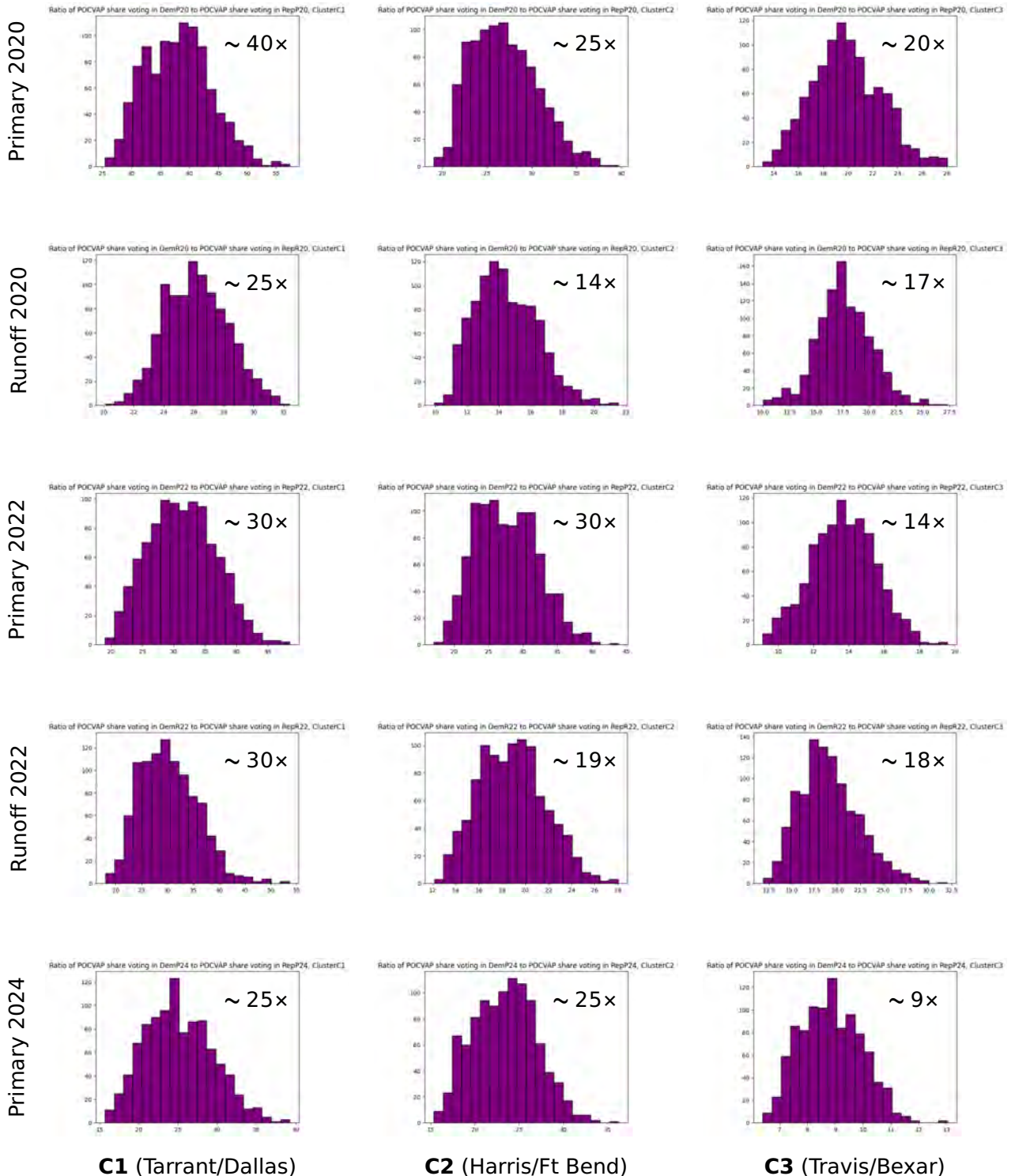
Some advocates for the new map have pointed to the creation of new majority-minority districts as a signal of increased electoral opportunity. However, I perform an analysis of opportunity-to-elect through the use of electoral history rather than demographic targets, and this analysis makes it clear that these new majority-minority districts do not provide increased electoral opportunity. Instead, the new plan effects a **net loss of three districts** that could previously reliably elect minority candidates of choice.

4.1 Focus on Democratic primaries

Effectiveness analysis makes crucial use of primary elections in order to disentangle racial/ethnic group preference from party. I first confirm that the opportunity to elect candidates of choice for minority groups in the three cited areas runs through the Democratic rather than Republican primaries and runoffs. I find that this remained clearly true in 2024, despite conventional wisdom holding that minority voters in Texas have moved sharply in a Republican direction. Using leading statistical inference techniques—namely the hierarchical Bayesian model of ecological inference that has been the preferred RVP tool for twenty years—I conclude that Black voters, Hispanic voters, and non-White voters overall consistently chose Democratic primaries and runoff elections over the Republican options. Minority voters turned out in Democratic nominating contests by an estimated **factor of nine to forty times** more than in concurrent Republican nominating contests. This is independent of the question of partisanship in general elections and is used here to confirm that the Democratic nominating contests remain the most relevant ones to assess minority electoral opportunity in Texas.

⁵Beyond this interpretation of the TLC allocation process, this analysis assumes that the line-drawers used TLC electoral data and not ancillary sources like voter registration, commercial voter files, and so on.

Figure 3: Estimated turnout ratios for minority voters in Democratic versus Republican nominating contests. For instance, the top-left plot shows that in the primary elections conducted in March 2020, the statistical methods estimate that roughly 40 times as many minority-group voters turned out for the Democratic primary as the Republican primary in Tarrant/Dallas. In the March 2024 primary in the Tarrant/Dallas cluster, the factor was roughly 25.



4.2 Electoral alignment

The opportunity to be represented by candidates of choice has two components: minority groups must be able to both *nominate* preferred candidates through the primary/runoff process, and then to *elect* those preferred candidates in the general. To that end I am using the same scores of electoral alignment defined and explained in previous reports. Previously, I conducted a serial analysis of electoral opportunity using a bundle of primary, runoff, and general elections from 2012-2020. Here, I have updated the collection of elections that comprise the scoring to include elections from 2022 and 2024 in order to provide the clearest picture of current conditions.

Table 3: In each cluster, we use a mix of primary/runoff and general elections in which people of color had a clear candidate of choice. This table summarizes how many would have had that candidate of choice advance from the primary or get the most votes in the general.

		C2193 (2021)			C2333 (new)		
		Primary	General	Effect	Primary	General	Effect
C1	CD 5	13/14	0/14	Republican	10/14	0/14	Republican
	CD 6	13/14	0/14	Republican	13/14	0/14	Republican
	CD 12	12/14	0/14	Republican	13/14	0/14	Republican
	CD 24	7/14	0/14	Republican	7/14	0/14	Republican
	CD 25	13/14	0/14	Republican	14/14	0/14	Republican
	CD 30	14/14	14/14	POC-preferred D	14/14	14/14	POC-preferred D
	CD 32	8/14	14/14	White D	9/14	0/14	Republican
	CD 33	13/14	14/14	POC-preferred D	9/14	14/14	White D
C2	CD 2	10/14	0/14	Republican	9/14	0/14	Republican
	CD 7	7/14	14/14	White D	7/14	14/14	White D
	CD 8	11/14	0/14	Republican	12/14	0/14	Republican
	CD 9	11/14	14/14	POC-preferred D	13/14	0/14	Republican
	CD 14	11/14	0/14	Republican	11/14	0/14	Republican
	CD 18	11/14	14/14	POC-preferred D	11/14	14/14	POC-preferred D
	CD 22	10/14	0/14	Republican	11/14	0/14	Republican
	CD 29	13/14	14/14	POC-preferred D	12/14	14/14	POC-preferred D
	CD 36	10/14	0/14	Republican	11/14	0/14	Republican
	CD 38	6/14	0/14	Republican	7/14	0/14	Republican
C3	CD 10	10/14	0/14	Republican	8/14	0/14	Republican
	CD 11	12/14	0/14	Republican	11/14	0/14	Republican
	CD 20	13/14	14/14	POC-preferred D	13/14	14/14	POC-preferred D
	CD 21	10/14	0/14	Republican	10/14	0/14	Republican
	CD 23	13/14	0/14	Republican	11/14	0/14	Republican
	CD 27	13/14	0/14	Republican	10/14	0/14	Republican
	CD 35	11/14	14/14	POC-preferred D	12/14	0/14	Republican
	CD 37	6/14	14/14	White D	7/14	14/14	White D

There is no ambiguity about the partisan character of the districts in Table 3, as each one examined here either went for Democratic candidates in each of the 14 general elections or went for Republicans every time. The use of primaries to decide whether minority groups have an opportunity to nominate preferred candidates is more gradated. When 11-14 of the fourteen primaries went to POC-preferred candidates, that indicates reasonably clear ability to nominate. When only 6-9 of the fourteen do, that correlates better with control by White Democrats.⁶

The clear conclusion of the effectiveness analysis shown here in Table 3 is that each of these three district clusters sees a net loss of one district that can reliably nominate and elect a POC-preferred candidate. The number of districts likely to elect White-preferred Democrats does not change: one in Tarrant/Dallas, one in Harris/Ft Bend, and a possible one in Travis/Bexar.

5 Racial vote dilution vs. partisanship

5.1 Dot density diagrams

In this section, I present dot density plots similar to those from earlier reports. To achieve the best visibility at the needed resolution, I have placed a dot for every 25 people from the Decennial Census data (TOTPOP). A green dot represents 25 people designated as Hispanic in the Census; amber dots show Black people; red dots show Asian and Pacific Islander people; and lavender dots show non-Hispanic White people. When district lines carve cleanly along racial lines in residential patterns, you can see one dot color pre-dominate on one side of the line and a different set of colors on the other. This is visible, for instance, in CD 24, which dips down to encompass the heavily White enclaves of University Park and Highland Park while neatly avoiding Black and Latino neighborhoods of Dallas.

⁶This kind of analysis builds on peer-reviewed work such as Becker et al., *Computational Redistricting and the Voting Rights Act*, Election Law Journal, December 2021. By comparing performance history in both Congressional and legislative districts with alignment scores in primary elections in Texas, one can create rough thresholds for electoral opportunity. In particular, though all of the 14 primary and runoff contests selected in the clusters have a clear minority candidate of choice, some of them have a shared candidate of choice between White and POC voters. This means that a threshold over half may be needed to indicate likely performance for minority-preferred candidates in polarized conditions.

Figure 4: Dot density from Cluster C1 in Tarrant/Dallas shows that CD 24 is carefully designed to include White population and avoid pockets of minority groups.

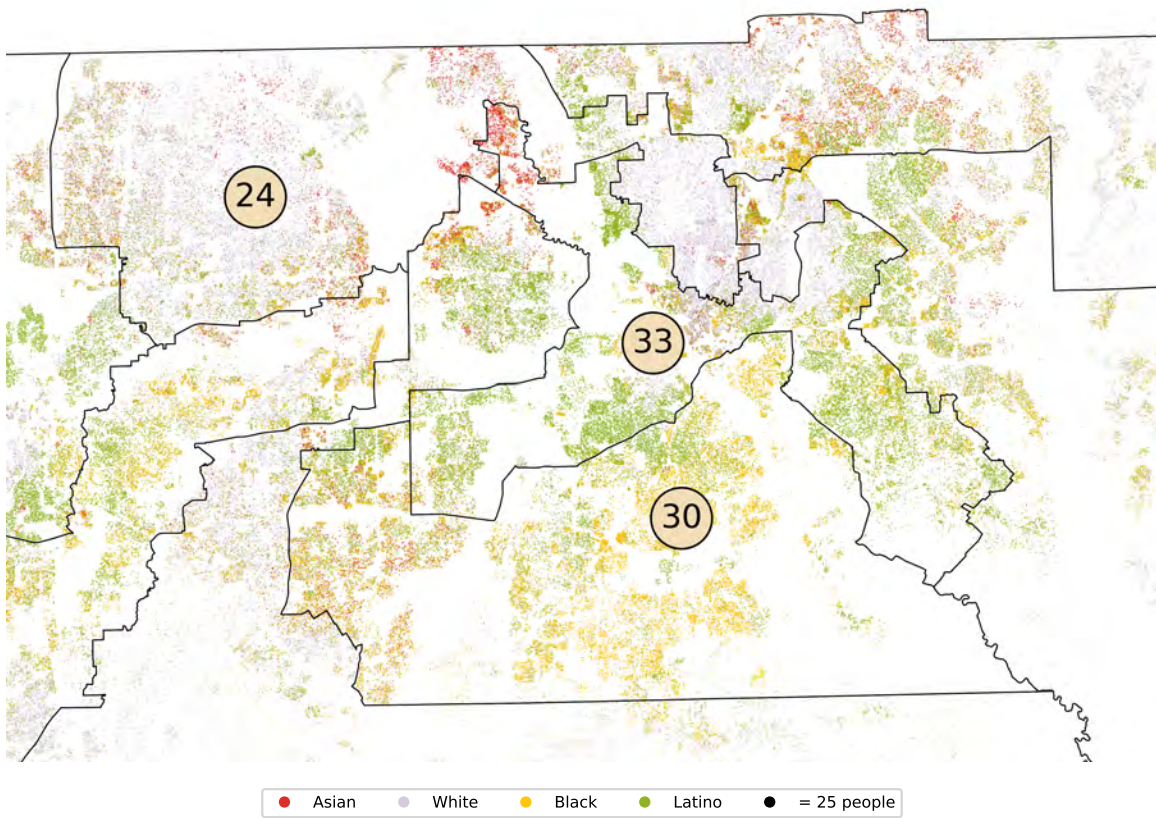
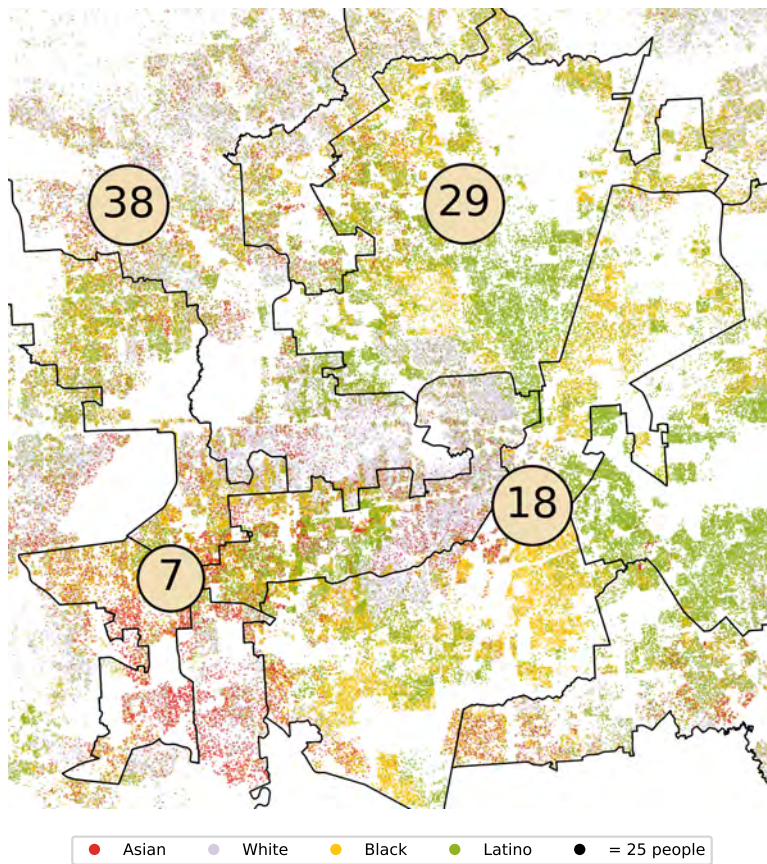


Figure 5: Dot density from Cluster C2 in Harris/Ft Bend shows patterns of sorting by race.



Similar dot density plots show detailed demographics for district clusters C2 (Figure 5) and C3 (Figures 6 and 7).

Figure 6: Dot density from Cluster C3 shows districts extending from rural surrounding counties to take strips of Travis County.

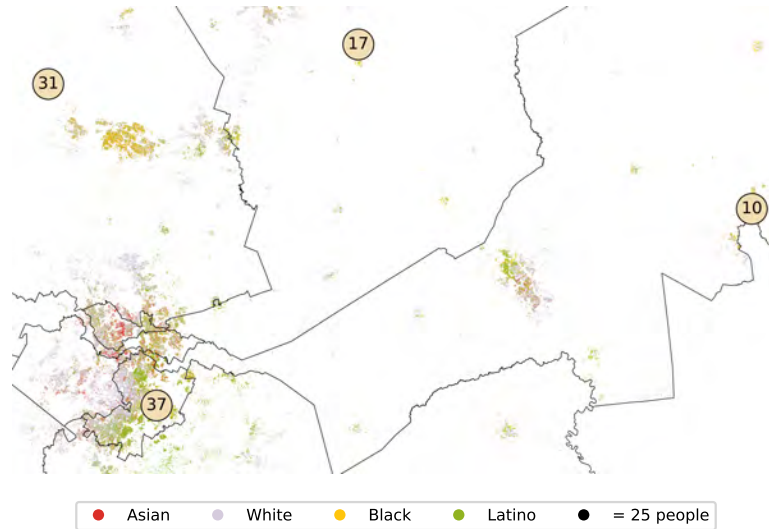
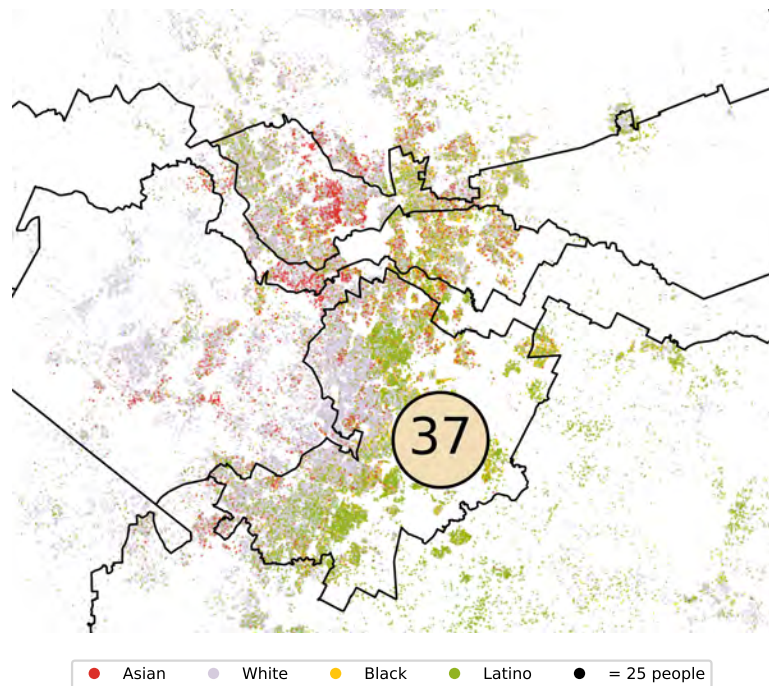


Figure 7: Close-up on Travis, showing the skinny layers of numerous districts that cut through the diverse areas in north Austin.



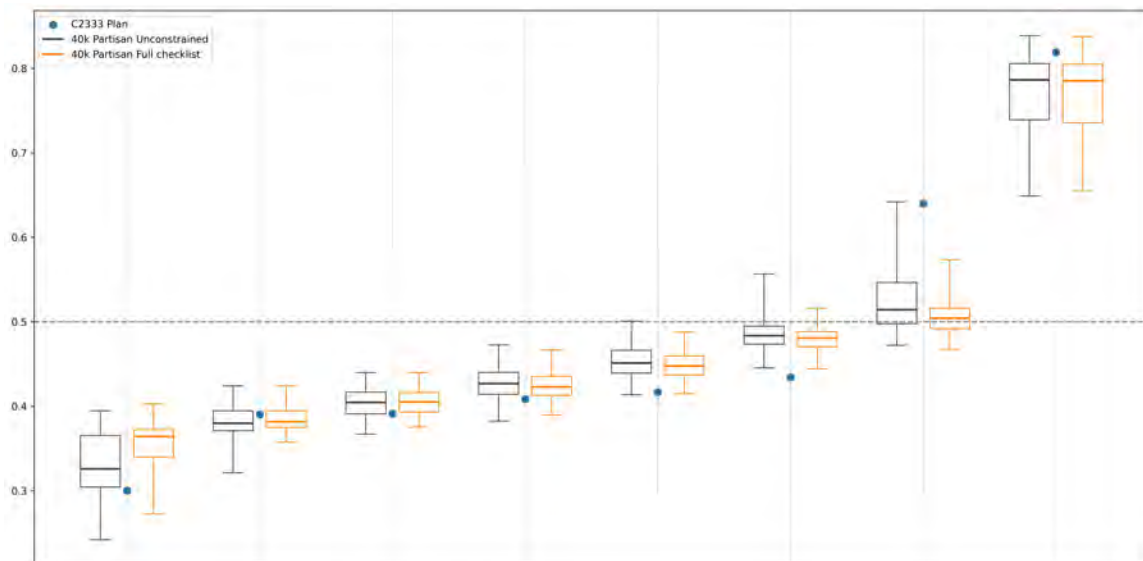
5.2 Assessing "packing and cracking" through outlier analysis

The use of algorithmically-generated alternative plans to assess the effects (and illuminate the intents) of proposed plans is an important emerging technique in redistricting analysis.⁷ In this section I present evidence through the creation of comparison ensembles that race was heavily used by the line-drawers—possibly as a proxy for partisanship—in the creation of Plan C2333.

Figures 8-10 show that the racial composition of the districts is highly atypical of random plans whose partisan performance is at least as favorable to Republicans generally and to Donald Trump in particular. A checklist of traditional districting principles is incorporated into the methodology, and it only strengthens the finding that C2333 is an outlier in its racial composition. Details are provided in Appendix E.

Across the three clusters, the pattern is clear: as the expected demographic composition of the districts nears 50% POC CVAP share, the State's plan has far lower levels of minority citizens than is found in the comparison plans. Where districts would be expected to be near even, one or more districts have sharply decreased minority share—this is what is informally known as *cracking*. In each case, one or more districts that would be expected to have majority-POC CVAP has notably elevated minority share—consistent with *packing*. This strongly suggests the use of race in crafting plans, above and beyond the mere consequences of pursuing partisan aims.

Figure 8: Cluster C1 (Tarrant/Dallas): The eight columns show the POC CVAP in districts of this cluster in C2333 as blue dots. The results of the algorithmic runs are shown in the boxplots in black, where the whiskers span from the 1st to the 99th percentile in each case. The orange boxplot shows the statistics once we have filtered the ensembles to only include plans that meet the full checklist of districting principles. We see that two of the eight districts—both where we would expect districts near the 50% mark—show that the POC CVAP is outlyingly low. In the next district, it is outlyingly high. This is true of the entire unfiltered set of partisan-preferring plans, and is more stark when filtering for the full checklist.



⁷My research group has created pioneering methods in this field—namely the use of a mathematical construct called *spanning trees* to divide districts—that are now used by experts on all sides of redistricting cases.

Figure 9: Cluster C2 (Harris/Ft Bend): This time, four of ten districts—again, all with expected POC CVAP near 50%—have outlyingly low levels of minority citizens, while one district far above 50% is elevated to an outlying degree. Filtering by the full checklist of TDPs (orange) does not change this finding.

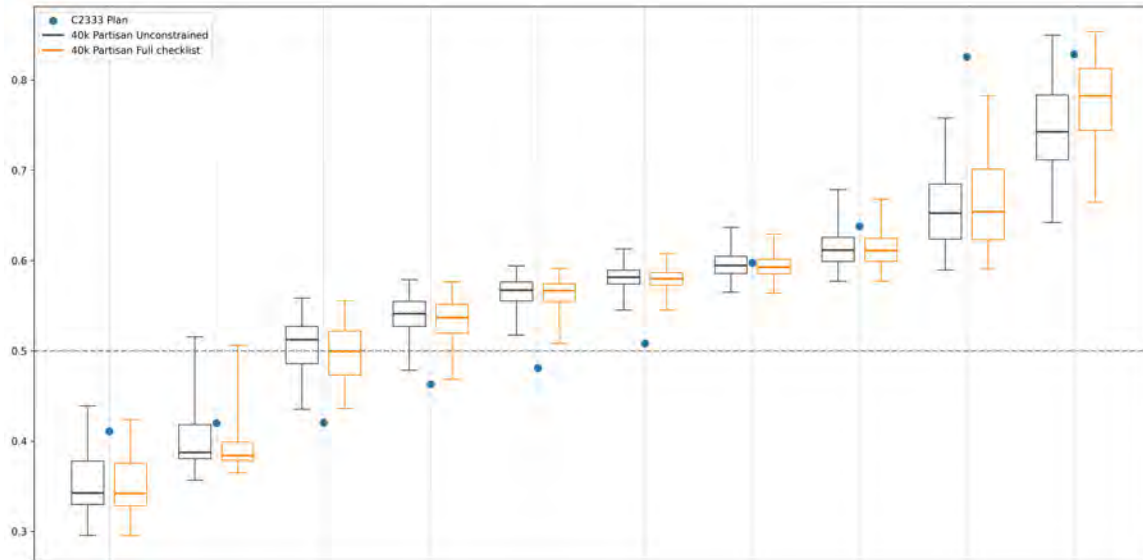
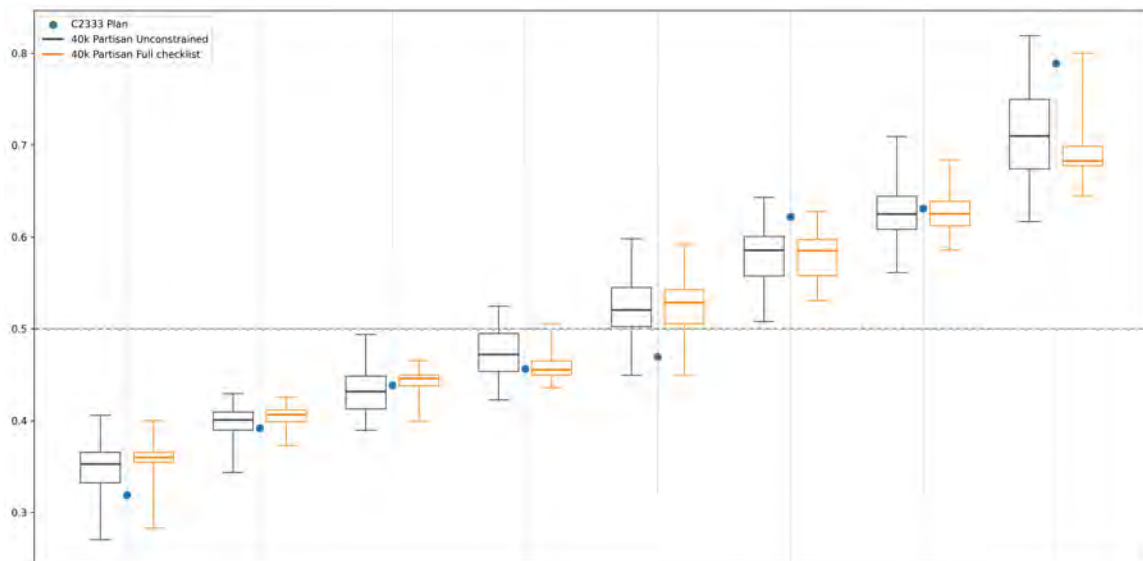


Figure 10: Cluster C3 (Travis/Bexar): The signs of packing and cracking are less severe in this cluster, but the characteristic pattern is still present: one district near an expected 50% POC CVAP status has markedly diminished minority citizen share, while the next district is elevated to over 60%.



6 Conclusion

After presenting basic statistics for population shifts and plan metrics, this report offers tools for a localized study to disentangle the racial and partisan elements of the line-drawing decisions in Plan C2333. The main findings are as follows.

- **Population shifts.** In each of the three district clusters studied here, the population growth is driven by people of color. (§2)
- **Precinct splitting.** Precincts are split at a level nearly 50% higher than in the previous plan. As far as the State has disclosed, this precinct splitting can serve no partisan purpose and is consistent with primary attention to race data. (§3.2)
- **Effective opportunity-to-elect.** Meaningful electoral opportunity requires the ability to both nominate and elect candidates of choice, irrespective of whether demographic targets have been hit. Each of the three clusters sees the net loss of one district whose electoral history demonstrates a record of success for POC-preferred candidates. (§4) Thus, despite driving the population growth, minority groups will see their voting strength further diluted by the new map. In particular, people of color make up an outright majority in each of the three regional clusters (over 54% of adult population in Tarrant/Dallas, 62% in Harris/Ft Bend, and 55% in Travis/Bexar, per Table 1), but they will have reliable opportunity to elect candidates of choice in only four out of 26 districts across these clusters (about 15% of representation).
- **Outlier analysis.** Patterns characteristic of packing and cracking include depression of minority CVAP in districts where around 50% share would be expected, accompanied by elevation of minority CVAP in districts expected to have well over 50% share. These patterns are present in each of the three clusters, especially in clusters C1 (Tarrant/Dallas) and C2 (Harris/Ft Bend). This is true when comparing to sets of tens of thousands of plans that match or exceed the partisanship of C2333, and it remains true whether or not a long checklist of traditional districting principles is incorporated in map generation. (§5.2)

Taken together, this evidence suggests that the C2333 plan uses race to achieve its ends and is dilutive of minority voting strength, beyond the mere consequences of intensified partisan gerrymandering.

A ACS data

In most parts of this report (particularly Table 4 and §5.2), CVAP is created by applying citizenship rates obtained at the tract level to the VAP in each census block. Details of this construction can be found in a white paper at <https://mggg.org/VAP-CVAP>.

In order to facilitate a comparison at a shorter interval than Decennial, §2 above and the supplemental tables in Appendix B below use the race categories native to the ACS because they cannot take advantage of the finer classification available in the Decennial data. Those values come directly from the 5-year ACS ending in 2018 and the 5-year ACS ending in 2023.

B County population shifts

Tarrant	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	2,020,691	—	2,135,743	—	115,052	—
VAP	1,480,163	—	1,587,266	—	107,103	—
NH White	765,692	51.7	745,943	47.0	−19,749	−18.4%
POC	714,457	48.3	841,323	53.0	126,866	118.4%
Black	233,890	15.8	270,440	17.0	36,550	34.1%
Hispanic	369,559	25.0	426,679	26.9	57,120	53.4%
Asian+PI	85,671	5.8	101,298	6.4	15,627	14.6%
AMIN	7,585	0.5	8,858	0.6	1,273	1.2%
CVAP	1,300,114	—	1,401,301	—	101,187	—
NH White	755,037	58.1	733,670	52.4	−21,367	−21.1%
POC	545,055	41.9	667,631	47.6	122,576	121.1%
Black	219,969	16.9	253,785	18.1	33,816	33.4%
Hispanic	242,431	18.6	302,533	21.6	60,102	59.4%
Asian+PI	59,201	4.6	71,000	5.1	11,799	11.7%
AMIN	6,636	0.5	6,713	0.5	77	0.1%

Dallas	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	2,586,629	—	2,603,816	—	17,187	—
VAP	1,898,830	—	1,941,989	—	43,159	—
NH White	649,013	34.2	599,605	30.9	−49,408	−114.5%
POC	1,249,810	65.8	1,342,384	69.1	92,574	214.5%
Black	428,454	22.6	441,796	22.7	13,342	30.9%
Hispanic	667,201	35.1	713,554	36.7	46,353	107.4%
Asian+PI	124,963	6.6	139,870	7.2	14,907	34.6%
AMIN	7,219	0.4	13,567	0.7	6,348	14.7%
CVAP	1,494,377	—	1,558,943	—	64,566	—
NH White	633,838	42.4	587,592	37.7	−46,246	−71.6%
POC	860,530	57.6	971,351	62.3	110,821	171.6%
Black	408,678	27.3	420,104	26.9	11,426	17.7%
Hispanic	350,472	23.5	420,196	27.0	69,724	108.0%
Asian+PI	74,155	5.0	85,895	5.5	11,740	18.2%
AMIN	6,283	0.4	9,445	0.6	3,162	4.9%

Harris	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	4,602,652	—	4,758,579	—	155,927	—
VAP	3,362,261	—	3,515,154	—	152,893	—
NH White	1,121,829	33.4	1,059,575	30.1	−62,254	−40.7%
POC	2,240,423	66.6	2,455,578	69.9	215,155	140.7%
Black	640,438	19.0	674,901	19.2	34,463	22.5%
Hispanic	1,303,803	38.8	1,418,489	40.4	114,686	75.0%
Asian+PI	258,000	7.7	279,951	8.0	21,951	14.4%
AMIN	13,344	0.4	29,223	0.8	15,879	10.4%
CVAP	2,662,104	—	2,845,384	—	183,280	—
NH White	1,077,530	40.5	1,024,706	36.0	−52,824	−28.8%
POC	1,584,567	59.5	1,820,677	64.0	236,110	128.8%
Black	605,011	22.7	640,133	22.5	35,122	19.2%
Hispanic	774,189	29.1	902,084	31.7	127,895	69.8%
Asian+PI	171,859	6.5	200,519	7.0	28,660	15.6%
AMIN	11,119	0.4	19,981	0.7	8,862	4.8%

Fort Bend	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	739,133	—	859,721	—	120,588	—
VAP	533,693	—	628,018	—	94,325	—
NH White	188,623	35.3	195,500	31.1	6,877	7.3%
POC	345,074	64.7	432,518	68.9	87,444	92.7%
Black	109,692	20.6	130,531	20.8	20,839	22.1%
Hispanic	120,960	22.7	146,803	23.4	25,843	27.4%
Asian+PI	108,359	20.3	139,378	22.2	31,019	32.9%
AMIN	1,506	0.3	2,318	0.4	812	0.9%
CVAP	449,343	—	538,144	—	88,801	—
NH White	179,544	40.0	185,432	34.5	5,888	6.6%
POC	269,802	60.0	352,712	65.5	82,910	93.4%
Black	103,435	23.0	122,200	22.7	18,765	21.1%
Hispanic	85,223	19.0	112,735	20.9	27,512	31.0%
Asian+PI	75,797	16.9	103,601	19.3	27,804	31.3%
AMIN	1,422	0.3	1,900	0.4	478	0.5%

Travis	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	1,203,436	—	1,307,625	—	104,189	—
VAP	934,080	—	1,039,958	—	105,878	—
NH White	495,004	53.0	530,413	51.0	35,409	33.4%
POC	439,073	47.0	509,545	49.0	70,472	66.6%
Black	76,296	8.2	85,649	8.2	9,353	8.8%
Hispanic	281,757	30.2	307,907	29.6	26,150	24.7%
Asian+PI	65,208	7.0	82,345	7.9	17,137	16.2%
AMIN	5,257	0.6	7,309	0.7	2,052	1.9%
CVAP	806,571	—	921,600	—	115,029	—
NH White	482,741	59.9	516,314	56.0	33,573	29.2%
POC	323,822	40.1	405,286	44.0	81,464	70.8%
Black	71,686	8.9	81,030	8.8	9,344	8.1%
Hispanic	195,712	24.3	236,798	25.7	41,086	35.7%
Asian+PI	40,822	5.1	55,180	6.0	14,358	12.5%
AMIN	4,233	0.5	5,966	0.6	1,733	1.5%

Bexar	ACS 2018 Count	2018 Pct	ACS 2023 Count	2023 Pct	Diff	Share of Diff
TOTPOP	1,925,852	—	2,037,344	—	111,492	—
VAP	1,426,732	—	1,529,319	—	102,587	—
NH White	440,445	30.9	445,670	29.1	5225	5.1%
POC	986,287	69.1	1,083,649	70.9	97,362	94.9%
Black	109,912	7.7	119,779	7.8	9867	9.6%
Hispanic	814,132	57.1	874,254	57.2	60,122	58.6%
Asian+PI	45,142	3.2	54,064	3.5	8922	8.7%
AMIN	9,546	0.7	17,194	1.1	7648	7.5%
CVAP	1,287,758	—	1,392,898	—	105,140	—
NH White	431,330	33.5	438,465	31.5	7,135	6.8%
POC	856,428	66.5	954,433	68.5	98,005	93.2%
Black	106,462	8.3	116,886	8.4	10,424	9.9%
Hispanic	704,937	54.7	766,047	55.0	61,110	58.1%
Asian+PI	29,555	2.3	37,142	2.7	7,587	7.2%
AMIN	8,789	0.7	14,324	1.0	5,535	5.3%

C Details of primary/runoff turnout analysis

Datasets used in this analysis are drawn from the Texas Legislative Council. The site data.capitol.texas.gov/dataset/comprehensive-election-datasets-compressed-format includes shapefiles of General VTDs Election Data, which report the number of voters from 2020, 2022, and 2024 D and R primary and runoff elections. Turnout ranges from a low of roughly 300,000 people in a cluster on a given primary/runoff election day (across the two partisan contests) to a high of over a million.

The hierarchical Bayesian model of $R \times C$ ecological inference, as implemented in the open-source package PyEI (github.com/mggg/ecological-inference), is used to compare racial and ethnic shares of voting age population to a three-way choice of voting behavior: DemContest, RepubContest, or DidNotVote. I performed analysis both with $R = 2$ (White/POC) and $R = 4$ (White/Black/Latino/Other). Once an EI run has been executed with strong convergence diagnostics, I take 1000 draws from the posterior distribution and for each draw I tabulate the ratio DemContest/RepubContest. This properly takes uncertainty into account, whereas a simple ratio of point estimates could hide high variability. Figure 3 shows the output plots from the 2×3 runs, tabulating the 1000 ratios in a histogram for each choice of region and election day.

D Details of updated effectiveness analysis

I next conducted a large batch of ecological inference runs to identify minority candidates of choice and selected a set of six contests from the three most recent cycles (2020, 2022, 2024). Importantly, I use regionally specific results to do this analysis, carefully avoiding the assumption that members of a racial or ethnic group would have the same preferences in one part of Texas as they do in another.

As shown above in Figure 3, 90-97% of the minority-group voters who vote in a primary or runoff election do so in the Democratic nominating contests. This justifies the focus on Democratic primaries.

Selected elections and POC candidates of choice

General elections in all clusters (14): PresG12 (Obama) RRComm3G14 (Brown), RRComm1G16 (Yarbrough), CompG18 (Chevalier), GovG18 (Valdez), RRComm1G18 (McAllen), SenG20 (Hegar), PRSG20 (Biden), AGG22 (Garza), GovG22 (O'Rourke), LandCommG22 (Kleberg), PresG24 (Harris), SupCt2G24 (Jones), SenG24 (Allred).

C1 primaries and runoffs (14): GovP14 (Davis), AgCommP14 (Hogan), RRComm3P14 (Brown), AgCommR14 (Hogan), RRComm1R16 (Yarbrough), LtGovP18 (Cooper), CompP18 (Mahoney), SenP20 (West), ATGP22 (Merritt), ATGP22 (Garza), LandCommP22 (Lange), CompR22 (Dudding), RRComm1P24 (Culbert), SupCt2P24 (Jones)

C2 primaries and runoffs (14): GovP14 (Davis), AgCommP14 (Hogan), RRComm3P14 (Brown), AgCommR14 (Hogan), RRComm1R16 (Yarbrough), LtGovP18 (Cooper), CompP18 (Mahoney), SenP20 (West), ATGP22 (Garza), LandCommP22 (Lange), CompR22 (Dudding), LandCommR22 (Martinez), RRComm1P24 (Culbert), SupCt2P24 (Jones)

C3 primaries and runoffs (14): GovP14 (Davis), RRComm3P14 (Brown), RRComm1P16 (Yarbrough), RRComm1R16 (Yarbrough), SenP18 (O'Rourke), LtGovP18 (Cooper), GovP18 (Valdez), GovR18 (Valdez), LandCommP22 (Martinez), LandCommR22 (Martinez), AGR22 (Garza), CompR22 (Vega), RRComm1P24 (Culbert), SupCt2P24 (Jones)

As before, scoring is conducted by awarding a point if the candidate of choice would advance from a primary (by winning outright or by a top-two finish in a plurality setting) or would win a runoff or general contest in that district.

E Ensemble methods and "checklist" of factors

Some responses to the use of ensemble evidence in litigation have faulted expert work for using statewide analysis rather than focusing on particular districts; likewise, some ensemble analysis has been criticized for failing to take various relevant districting principles into account.

For instance, a fairly comprehensive list of possible principles to incorporate in comparative study of redistricting alternatives includes those mentioned by Justices Alito and Thomas in their *Alexander* opinions: compactness, contiguity, respect for political subdivisions, communities of interest, incumbency, partisanship, urban character, media sources, transportation networks, and least change from a preferred map.

With these remarks in mind, I have constructed extremely thorough methods in the current analysis to take nearly every one of this long list of principles into account in generating ensembles of comparator plans. Furthermore, those plans are not made on a statewide basis, but in clusters of Congressional districts that are regionally proximate to the district at hand. This is as close as one can reasonably get to studying districts individually: since redistricting is a fixed-sum game with respect to Census population, changing one district must necessarily change its the boundaries of its neighbors; manipulating a single district necessarily has consequences on those neighbors.

District generation parameters.

- Contiguity is enforced throughout runs of the Markov chain recombination algorithm.⁸ Population balance is enforced by requiring each step to leave districts within 1% of ideal population.⁹
- Compactness is favored through the use of spanning trees to draw districts. Spanning trees are selected using a Kruskal-style minimum spanning tree (MST) algorithm where initial weights are drawn uniformly from $[0, 1]$.
- County integrity is favored through the use of a "surcharge" of 0.5 on the edge weights for edges whose endpoints lie in different counties.
- A additional surcharge of 0.2 is used to encourage integrity of COUSUBs, or county subdivisions. In Texas, these are Census County Subdivisions, loosely parallel to Minor Civil Divisions in states that are partitioned into townships. In general, COUSUBs will respect the boundaries of small municipalities to the extent possible, while dividing cities into pieces with "stable boundaries" and "recognizable names." This can help here as a proxy for municipality preservation, communities of interest, transit networks, and local media.
- Core retention with respect to the State's new plan is implemented with a surcharge of 0.2 on edges that span across two of the State's new enacted congressional districts.
- Partisanship favoring Republican candidates in general is accounted for with a score based on the number of Republican district wins across a set of 29 general elections:
 - SenG12 - PRSG12 - RRComm3G14 - GovG14 - AgCommG14 - SenG14 - LtGovG14
 - RRComm1G16 - PRSG16 - RRComm1G18 - LandCommG18 - LtGovG18 - CompG18

⁸Daryl DeFord, Moon Duchin, and Justin Solomon, *Recombination: A Family of Markov Chains for Redistricting*, Harvard Data Science Review **3**(1) (Winter 2021).

⁹The adequacy of this level of population balance for ensemble generation has been discussed at length elsewhere, including in earlier reports filed in this case.

- AGG18 - GovG18 - SenG18 - RRCComm1G20 - PRSG20 - SenG20 - AgCommG22 - ATGG22 - ComptrollerG22 - GOVG22 - LandCommG22 - LTGG22 - RRCComm1G22 - PRSG24 - RRCComm1G24 - SenG24

- Partisanship specific to the performance of Donald Trump is accounted for in two ways: counting the number of Trump district wins in three elections (2016, 2020, 2024) and by simply considering the most recent election, Pres2024.

I then perform heuristic optimization runs using the short bursts local search method studied by Cannon et al., launched from multiple starting points, where the objective function is either general Republican partisanship or specific Trump partisanship.¹⁰ Hundreds of thousands of maps are generated in each congressional cluster. These are then combined into a single large collection, then reduced to a smaller set of maps by imposing the following filters.

Winnowing conditions.

- Republican performance: Republicans overall have at least as many wins in each cluster as in C2333. For instance, out of a total of $29 \cdot 8 = 232$ district-level contests in the C1 Tarrant/Dallas cluster, the number won by Republicans must be at least as high as in C2333.
- Trump performance: at least as many districts have a plurality win for Donald Trump from the 2024 election as in C2333. For instance, out of 8 districts in the C1 Tarrant/Dallas cluster, the number favoring Trump must be at least six, as in C2333.
- Urban/rural composition: no district differs by more than ten percentage points from its counterpart in C2333 in its urban vs. rural composition. This is accomplished by labeling each census block as urban or rural according to the block group it belongs to, which has that attribute assigned by the Census Bureau. The urban vs. rural balance is measured by the basis of the share of population belonging to urban block groups.
- Incumbency: the double-bunking of incumbents with respect to the address file provided by counsel is no greater than in C2333.

After filtering down to maps that meet all of these conditions, there are at least 40,000 maps left in each of the three district clusters. I finally sample 40,000 districting plans uniformly at random from the filtered ensembles and use those to generate the boxplots in Figures 8-10.

Robustness checks. Variations on the choices that define the ensemble analysis included the selection of districts to include in the clusters; the "surcharges" that promote the intactness of counties, county subdivisions, and prior districts; the starting points and random number seeds for the Markov chain runs; and the flavor of partisan advantage. In addition to the principal runs that optimize for Republican wins across a range of contests, I also executed a run seeking to match the number of districts with Trump's 2024 major-party vote share over 55%. The consistency of findings across these variations raises my confidence, based on my experience researching the sound interpretation of outlier tests, that the following results from Figures 8-10 are robust.

¹⁰Sarah Cannon, Ari Goldbloom-Helzner, Varun Gupta, J.N. Matthews, and Bhushan Suwal, *Voting Rights, Markov Chains, and Optimization by Short Bursts*, *Methodology and Computing in Applied Probability* **25** (1): 1-38 (2023).

- C1: two cracked, one packed (all in most extreme 2 percent)
- C2: four cracked, one packed (all in most extreme 0.5 percent)
- C3: one cracked (most extreme 9 percent), one packed (most extreme 2 percent)

F Changes to CD 18

Of the 766,987 census-enumerated people who were assigned to CD 18 in the last election, only 25.8% are assigned to the district now labeled CD 18. Over half (58.1%) now live in CD 29, and the others are scattered across districts 2, 7, and 38 (see Figure 12 and Table 4).

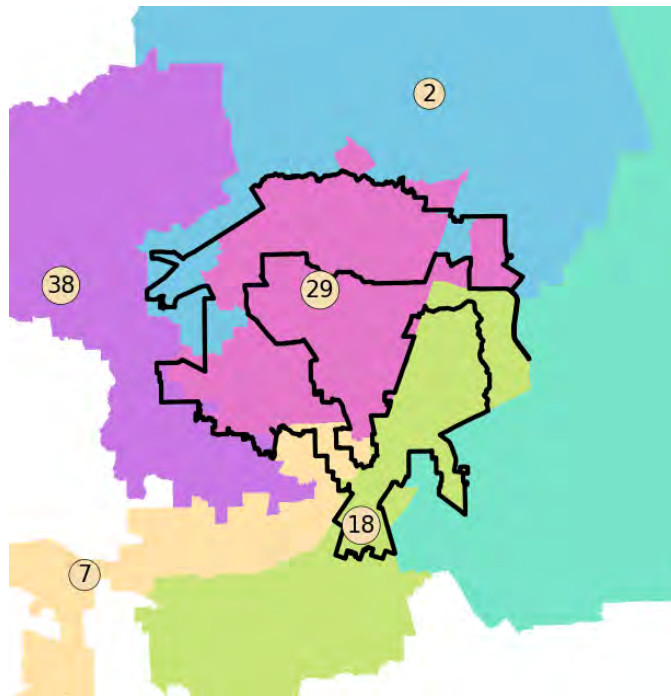
Table 4: The population dispersion from prior CD 18 is shown here, with more than twice as much going to new CD 29 as to new CD 18. The CVAP here is from the 5-year ACS ending in 2022.

	TOTPOP	VAP	NH White	POC	CVAP 5-yr	NH White	POC
CD 2	59,105	43,558	8907	34,651	35,499.6	8589.7	26,909.8
CD 7	41,884	35,122	23,173	11,949	32,376.8	22,418.8	9957.9
CD 18	197,949	158,904	27,089	131,815	138,280.2	26,165.5	112,114.7
CD 29	445,987	322,052	52,116	269,936	253,806.4	50,865.3	202,941.1
CD 38	22,062	16,655	4277	12,378	11,563.9	4024.6	7539.3

Figure 11: New CD 18 (C2333) is shown in green, while prior CD 18 (2021 plan) is shown in gray.



Figure 12: The contours of prior CD 18 (as used in the 2024 election) are shown as a black outline, while the new districts from C2333 are shown in color.



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
AMERICAN CITIZENS, ET AL §
§
V. § 9:02 A.M. TO 1:04 P.M.
§
GREG ABBOTT, IN HIS §
OFFICIAL CAPACITY AS §
GOVERNOR OF THE STATE OF §
TEXAS, ET AL § OCTOBER 1, 2024

PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
DAY 1 (MORNING SESSION) OF 9 DAYS

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Laura Wells, RPR, RMR, CRR, RDR

17:31 1 Q. Who was the felon in chief you were talking about?

2 A. I was referring to the president.

3 Q. President Trump?

4 A. Yes, sir.

5 Q. In the same hearing do you remember saying, quote, "This is
6 politics"?

7 A. I mean, I have my written remarks somewhere, but...

8 Q. Sure.

9 MR. THOMPSON: Why don't we bring up, Richard, if you
10 don't mind Defendant's Exhibit 1291, at -- the Bates number is
11 TXRD25_005062. And I'm looking at lines 15 to 17.

12 A. Yes.

13 Q. (BY MR. THOMPSON) Do you see where it said, "This is
14 politics"?

15 A. Yes. And that's why I was pausing, because I remember I
16 said something in addition to that.

17 Q. That's right. And you were saying, "It's a power grab"?

18 A. I did. I said, "This is politics over people in the
19 grossest way possible. It's a power grab, and I feel sick in
20 my soul that we have stooped this low."

21 Q. You stand by all that, right?

22 A. I do.

23 Q. Now?

24 A. I stand by every word I made in those remarks.

25 Q. Appreciate it.

Leticia D. Perez
525 Magoffin Avenue
El Paso, Texas 79901

1 Do you recall that?

2 **A.** Yes.

3 **Q.** Is it fair to describe that each time he had similar
4 responses to the one I just played?

11:57:21

5 **A.** Yes.

6 **Q.** All right. Now, transitioning to a different subject,
7 we have shown a few excerpts of involvement of the
8 Attorney General's Office in the redistricting process.

9 And there was more discussion of that on the floor.

11:57:33

10 Is that fair?

11 **A.** Yes.

12 **Q.** Let me take you to page 52, line 9 to 53, line 3.

13 (Video played.)

14 CHAIRMAN KING: Everybody knows that Adam Kincaid
15 had been involved in the redistricting process since this
16 began. In fact, the committee had considered a subpoena
17 to bring him to testify. And I sent a formal letter from
18 the committee to Mr. Kincaid inviting him to testify.

11:57:54

19 He has been involved throughout this process. I just
20 don't know the extent to which he has been involved. I
21 know he had been involved in some of the early map
22 drawing. I don't know what role he played in the changes
23 between H.B. 4 and the committee substitute that was
24 passed out as H.B. 4.

11:58:16

11:58:37

25 So everyone knows, Senator, that he has been involved

1 in this from the beginning. That has been discussed and
2 brought out in committee. I have sent him a personal -- a
3 letter myself inviting him to testify before the
4 committee.

11:58:52

5 There is nothing that is not transparent in this
6 process. If you want to know what his specific roles have
7 been, you probably need to have asked the House about that
8 during their committees -- or have someone ask it in their
9 floor debate. I do not know the specifics of his

11:59:13

10 involvement. I just wanted to clarify that.

11 (Video concluded.)

12 BY MR. DUNN:

13 **Q.** Would you describe the Senate process as transparent?

14 **A.** No.

11:59:21

15 **Q.** You note there, at the end of that, Chairman King
16 referenced you need to ask the House about it.

17 Did you hear that?

18 **A.** Yes.

19 **Q.** Let me show you Exhibit 309, which is the August 1,
20 2025, House committee hearing, pages 88, line 9 to 89,
21 line 24.

11:59:38

22 (Video played.)

23 REPRESENTATIVE THOMPSON: -- resolution we are
24 being asked by the governor to consider redistricting
25 again. And I'm trying to figure out whether or not the

12:00:02

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

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

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

7 **v.**

2:20 p.m. to 5:57 p.m.

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

OCTOBER 1, 2025

12 **INJUNCTION HEARING**
13 **BEFORE THE HONORABLE DAVID C. GUADERRAMA**
14 **HONORABLE JERRY E. SMITH**
15 **AND HONORABLE JEFFREY V. BROWN**
16 **AFTERNOON SESSION, DAY 1 OF 9 DAYS**

17 **APPEARANCES:**

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16:21 1 majority-minority Black CVAP. The compactness stays the same
2 overall. CD18 decreases Black CVAP slightly, from
3 50.81 percent to 50.71 percent, but increases Hispanic CVAP
4 from 22.40 percent to 23.83 percent.

5 REPRESENTATIVE THOMPSON: So there was a decrease in
6 the CVAP of the African Americans, but an increase in the
7 Latino, in that area, right?

8 REPRESENTATIVE HUNTER: Very, very small, but you're
9 correct.

10 REPRESENTATIVE THOMPSON: I noticed that also it
11 looked like a little part it looks like a little boot. You put
12 that in what area?

13 REPRESENTATIVE HUNTER: You would have to pull up the
14 District Viewer and see exactly where those lines are.

15 (Video concluded.)

16 Q. (BY MR. DUNN) Now, you note that Dean Thompson asked first
17 about what the district is, and she says, "Well, let's talk
18 about District 18. What did you do in 18?" And how would you
19 characterize the response from Chairman Hunter? Was it about
20 lines and neighbors and communities of interest, or race?

21 A. I mean, the references to CVAP and Black and Hispanic CVAP.

22 Q. Now, at the same hearing, Exhibit 315, page 31, line 24 to
23 32, line 10.

24 (Video played.)

25 REPRESENTATIVE TURNER: Thank you, Mr. Chairman.

16:22 1 Chairman Hunter, when we were last here I asked you, on the
2 previous plan that we had before us, if you knew who draw
3 the -- drew the plan, drew the map, and you -- I think you had
4 said you had gotten it from a law firm but didn't know who
5 actually drew it. Do you know who drew this map?

6 REPRESENTATIVE HUNTER: Be the same answer.
7 Everything I've gotten is from a law firm. Don't know who drew
8 it. Same answer as previous.

9 REPRESENTATIVE TURNER: Okay. Thank you.

10 (Video concluded.)

11 Q. (BY MR. DUNN) So here we're on the verge of passage of the
12 measure out of the committee, after the quorum's restored.

13 What is the status of determining who the actual mapdrawer was?

14 A. It was -- still don't know. Don't know to this day.

15 Q. Was that out of the ordinary for a measure that passes the
16 Legislature?

17 A. I mean --

18 Q. You typically --

19 A. -- I can only speak from my experience. Legislation that I
20 pass, I'm working with someone directly on the language. You
21 know, you change. Sometimes it comes directly from an -- I'm
22 an attorney. My chief of staff is an attorney. He's my
23 general counsel as well. Sometimes we draft it ourselves and
24 then we work with Legislative Council. They make conforming
25 changes or whatever.

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16:24 1 But, I mean, yeah, it -- yeah, it certainly seems to
2 be out of the ordinary.

3 Q. All right. Now, the bill, it sound like from your earlier
4 testimony, goes from Calendars to the floor. Is that fair?

5 A. Yes, sir.

6 Q. And the record reflects that the floor vote was on August
7 the 20th. The video is at 316. And I'm going to call your
8 attention to page 29, line 19 to 31, line 18. Nice opening
9 graphic.

10 (Video played.)

11 REPRESENTATIVE HUNTER: All right. I'm gonna go by
12 district for partisan purposes. It is important to note --
13 please note, members -- four of the five new districts are
14 majority-minority Hispanic, what we call CVAP districts.
15 That's a Citizen Voting-Age Population.

16 Each of these newly drawn districts now trend
17 Republican in political performance. While there's no
18 guarantee that electorate success, Republicans will now have an
19 opportunity to potentially win these districts.

20 The five new districts we have CD9, 50.15 percent what
21 we call Hispanic Citizen Voting-Age Population. That's HCVAP.

22 CD28, which is approximately 86.72 percent HCVAP.

23 CD32 remains a non-minority district.

24 CD34, 71.93 percent, HCVAP.

25 CD35, 51.57 percent State CVAP.

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UNITED STATES DISTRICT COURT
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LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
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DAY 3 (MORNING SESSION) OF 9 DAYS

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Laura Wells, RPR, RMR, CRR, RDR

1 in educational leadership. Also, I'm a certified middle
2 school math teacher, certified principal/school
3 administrator.

12:36:58

4 **Q.** Tell us about some of the roles you have handled in
5 the educational arena.

12:37:16

6 **A.** So I started one of the first charter schools in the
7 state of Texas. So we were first generation. The George
8 Gervin Academy. And I served in the role as the
9 superintendent. And later on, now I'm the special
10 projects coordinator at the organization.

11 **Q.** And tell us about your accounting background.

12:37:37

12 **A.** So getting my undergrad degree from Eastern Michigan
13 University. And I first worked for Ford Motor Company
14 directly out of college. And then I went to Detroit
15 Edison. And then in 1980 my brother called me to come to
16 be his personal business manager.

17 **Q.** Now, do you hold any special positions of significance
18 within the legislature?

12:38:01

19 **A.** I do. I am the chair of the Texas Legislative Black
20 Caucus. I'm also a member of the redistricting committee,
21 a member of the appropriations committee, a member of the
22 ways and means committee. I'm also the Texas caucus chair
23 for tourism.

12:38:26

24 **Q.** Now, Madam Chair, tell me about the Black caucus of
25 the Texas Legislature. How many members, et cetera?

Laura Wells, RPR, RMR, CRR, RDR

1 **A.** There is 19 House members and two Senators. So it's
2 21 of us.

3 **Q.** The -- in reference to the election of -- as chair,
4 you have been chair since when?

12:38:50

5 **A.** November of 2024.

6 **Q.** Now, when you were on the committee, you say, in 2025
7 regular session; is that correct?

12:39:10

8 **A.** I want to be clear. I'm not clear. What was your
9 previous question? Was it I on the election commission or
10 as Black caucus chair, like you said, in November of 2024?

11 **Q.** Were you on the redistricting committee for the
12 regular session in the 2025 89th regular session?

13 **A.** I was. Yes, sir.

12:39:35

14 **Q.** Was there any discussion of creating a new
15 congressional map on that committee during the regular
16 session?

17 **A.** None at all. We never had one meeting.

18 **Q.** Okay. So you had a redistricting committee during the
19 regular session, and you had no meetings?

12:39:52

20 **A.** Correct.

21 **Q.** So in the summer of 2025, something changed in
22 reference to there being some discussion about
23 redistricting.

24 Could you tell us what happened?

12:40:12

25 **A.** So it's my understanding that the governor received a

1 letter from the Department of Justice saying that the maps
2 were wrong. They were not proper. And so we were told
3 that we needed to do this midterm redistricting.

12:40:40

4 **Q.** Okay. And so when you say "letter," what letter are
5 you referring to?

6 **A.** The Department of Justice letter.

7 MR. BLEDSOE: Thank you, guys.

8 BY MR. BLEDSOE:

12:41:27

9 **Q.** Okay. So can you take a look at this document and
10 tell us if this is the letter that you were talking about?

11 **A.** It is the letter that we were talking about.

12 **Q.** Okay. And does it indicate anywhere here in the
13 letter if any particular districts are at issue?

14 **A.** It does. It lists districts on here, correct.

12:41:50

15 **Q.** And are you familiar with those four districts that
16 are listed there?

17 **A.** Somewhat familiar.

18 **Q.** Okay. And are those districts that are held by
19 minorities or majority individuals?

12:42:03

20 **A.** Minorities.

21 **Q.** Okay. All four of them?

22 **A.** All four of them.

23 **Q.** Okay. And did this letter continue to be part of the
24 legislative discussion?

12:42:15

25 **A.** Yes, sir.

1 Q. Now, when was it that the appointments were made by
2 the speaker to the select committee on redistricting for
3 the summer session?

4 A. I believe it was July 21st, the date of the letter,
5 where he appointed the select committee.

12:42:41

6 Q. And you were appointed to that committee; is that
7 correct?

8 A. I was.

9 Q. And was Todd Hunter also appointed to that committee?

12:43:08

10 A. Yes, sir.

11 Q. Okay. So -- thank you.

12 MR. DUNN: I think we need to switch back over.

13 MR. BLEDSOE: I need to turn this on.

14 MR. DUNN: Mr. Bledsoe, do you want the video or
15 documents?

12:43:24

16 MR. BLEDSOE: Oh, no. The exhibit.

17 MR. DUNN: The order?

18 MR. BLEDSOE: Yes. Could we --

19 BY MR. BLEDSOE:

12:43:57

20 Q. So, Madam Chair, I think you've seen this. Do you see
21 a reference to Representative Todd Hunter in this?

22 A. I do.

23 Q. Okay. Now, this is an opinion from a three-judge
24 panel in the last round of redistricting. And what did it
25 say about Todd Hunter in that first sentence?

12:44:20

1 **A.** It says [as read:] Further, there is evidence that
2 the mapdrawers, including specifically Rep. Hunter,
3 racially gerrymandered the districts that remained in
4 Nueces County to further undermine Latino voting strength.

12:44:41

5 **Q.** And read just the next sentence, and I'll ask you a
6 question.

12:45:01

7 **A.** [As read:] There are ten precinct splits along the
8 HD32/HD34 border (see U.S.-387) indicating that mapdrawers
9 were likely using race to assign population since accurate
10 political data is not available below the precinct level.

11 **Q.** Now, so knowing that Chair Hunter has this kind of
12 history, does that cause you any concern regarding his
13 appointment to be on the redistricting committee and,
14 secondly, to be the sponsor of the new redistricting bill?

12:45:28

15 **A.** Yes. It did.

16 **Q.** Okay. Can you tell us why you would have concern with
17 his appointment based on this information?

12:45:49

18 **A.** Because it was already determined that he was using
19 and/or engaged in racially identifying the precincts in
20 these maps, and it appears the same thing was going on in
21 this 2025 redistricting.

22 **Q.** So after you were appointed to the committee, you guys
23 ended up having a schedule, did you not, of different
24 meetings that took place?

12:46:13

25 **A.** Yes, sir.

1 Q. Okay. And those meetings were first public hearings
2 that were around the state; is that correct?

3 A. Correct. Some parts of the state.

12:46:35

4 Q. And did you have concern with how you all undertook
5 those public hearings?

6 A. Yes.

7 Q. Could you explain to the Court what your concerns
8 were?

12:46:47

9 A. Well, my concerns initially was there were no maps.
10 So how could we have public hearings if there are no maps?
11 So the community, our constituent base, never had any idea
12 of what those maps looked like, nor did we.

12:47:09

13 So two days -- prior to the first meeting, it was just
14 two days supposedly the maps were put out on RedAppl where
15 we were supposed to look at it. So we didn't have any
16 time to do any analytics or see what the impacts were. So
17 that was one of the concerns.

12:47:26

18 As well as when we had the first hearing, which was in
19 Austin, the folks that came to testify was told you can't
20 vote "yea" or "nay." You had to be neutral, since there
21 were no maps.

12:47:46

22 So during that hearing, particularly that first one in
23 Austin, when people were adamantly against the midterm
24 redistricting, and they were just -- I would say 99.5 was
25 against it, and they were asking for the maps and we were

1 you have got to lay out the scope of work.

2 But he said he didn't know what the scope of work was.

3 And so there was just a lot of vagueness and things
4 that just didn't make sense.

12:54:43

5 **Q.** Did you ask for legal counsel?

6 **A.** We did. We said if the majority party has legal
7 counsel and advice, we should have the same right. And
8 the Chairman said, Hmm, I never thought about that. Okay.
9 But nothing ever happened.

12:54:56

10 **Q.** Now, some people might say, well, why didn't you go
11 out and hire legal counsel. Is there anything about how
12 their legal counsel was being paid for that was part of
13 your request?

14 **A.** We asked how was it being paid for, but they said they
15 didn't know.

12:55:08

16 And I said, Well, I think the State probably paid for
17 legal counsel. So we should be entitled to legal counsel,
18 too.

19 It's like, well, I don't know.

12:55:19

20 **Q.** So let me understand what you just said.

21 Did you say you asked the committee leadership how
22 their lawyer was being paid for?

23 **A.** Correct. I said if it's taxpayer money -- if it's
24 taxpayer money, then we need to know that.

12:55:39

25 **Q.** Their answer again was?

1 **A.** They didn't know.

2 **Q.** So they are getting a lawyer and a lawyer is going to
3 be retained, but they don't know who is paying for the
4 lawyer?

12:55:47

5 **A.** Right. And I specifically asked the chairman
6 specifically myself, where is the engagement letter and
7 how much was paid. Nothing to this date.

8 **Q.** Now, if we take a look at -- so on 8-18. Let me get
9 that exhibit here. I'll get it from here in a second.

12:56:52

10 Exhibit 45 is the next one here.

11 On August 18th did you all end up having a special
12 meeting of the committee?

13 **A.** Yes.

12:57:43

14 **Q.** Okay. And was this special meeting of the committee,
15 did you get notice of it on the same day as the meeting?

16 **A.** Yes.

17 **Q.** And could you tell the Judges how -- is that usual or
18 unusual to get a meeting notice on the same day?

12:58:06

19 **A.** Well, something that is as important as this, we
20 normally get an opportunity to have notice prior to the
21 same day.

22 **Q.** And the August 18th meeting was the meeting where a
23 new map was introduced; is that correct?

24 **A.** Yeah. Seven new districts was added.

12:58:24

25 **Q.** And did you have a regular meeting scheduled earlier

1 in the day when you were going to discuss the earlier map
2 that was canceled?

3 **A.** It was canceled.

4 **Q.** All right. And so how many hours would you
5 guesstimate before the special meeting at 5:00 did you get
6 notice that there was going to be a 5:00 special meeting?

7 **A.** I think it was just a couple of hours.

8 **Q.** Okay. And at the time they noticed the meeting, did
9 you have a copy of the new map?

10 **A.** No.

11 **Q.** Did you understand that there was going to be a new
12 map introduced?

13 **A.** No.

14 **Q.** And so you were informed to be at the meeting at 5:00
15 at this new special called meeting?

16 **A.** Correct.

17 **Q.** Okay. And so you talked earlier about the analytics
18 and things like that in analyzing the map; is that
19 correct?

20 **A.** Correct.

21 **Q.** Okay. And as a member of the redistricting committee,
22 could you tell the panel how important that is to perform
23 your role on the redistricting committee to be able to
24 have time to look at things like that?

25 **A.** Well, it was very difficult to vote on something that

1 you haven't seen and that you don't know about.

2 Not only that, giving the public time also to weigh in
3 I feel is always important as we speak about transparency
4 and then the importance of making sure the citizens know
5 what is going on.

12:59:59

6 And none of that occurred.

7 **Q.** And the -- now, when the first map was issued, 2308,
8 I'll ask you if you recall if a link was sent to the
9 members of the committee so they would have access to the
10 leg. counsel RedAppl connection to be able to make
11 recommended changes to the bill?

01:00:27

12 **A.** I'm not aware of any links that were sent. The first
13 I heard about these seven additional districts that were
14 added was at the meeting itself.

01:00:43

15 **Q.** But in the first bill was such a link sent to invite
16 access or opportunity to make --

17 **A.** Yeah. Two days before the public hearing.

18 **Q.** Right.

19 **A.** But it -- I mean, basically, no amendments were going
20 to be accepted.

01:00:55

21 **Q.** All right. And so we'll talk about that in a second.

22 But in terms of the one that happened on the 18th,
23 there was no link, no opportunity, no access for
24 amendments; is that correct?

01:01:08

25 **A.** Correct.

1 Q. Okay. And, in fact, do you remember how long that
2 meeting lasted?

3 A. It was a pretty short meeting.

4 Q. Okay. And I think the record indicates 46 minutes.

01:01:21

5 Is that about right?

6 A. Approximately. Yeah. I wasn't counting, but sounds
7 about right.

8 Q. Okay. And so that bill was unveiled and introduced
9 and laid out in whatever discussion was had, and I think

01:01:37

10 you had to have two votes that day; is that right? Did
11 you have to have a vote to substitute this new bill?

12 A. Correct.

13 Q. And then did you have to have a vote to vote that bill
14 out?

01:01:47

15 A. Correct.

16 Q. So all that occurred in 48 minutes?

17 A. Correct.

18 JUDGE GUADERRAMA: Mr. Bledsoe, before we go on,
19 it's 1:00 and time for our lunch break.

01:01:56

20 MR. BLEDSOE: Yes, Your Honor.

21 JUDGE GUADERRAMA: Be back at 2:15. We'll resume
22 our proceedings.

23 MR. BLEDSOE: Thank you, Your Honor.

24 JUDGE GUADERRAMA: Back at 2:15, please.

01:02:22

25 MR. VELEZ: This Court stands in recess.

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

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

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

7 **v.**

2:19 p.m. to 6:00 p.m.

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

OCTOBER 3, 2025

12 **INJUNCTION HEARING**
13 **BEFORE THE HONORABLE DAVID C. GUADERRAMA**
14 **HONORABLE JERRY E. SMITH**
15 **AND HONORABLE JEFFREY V. BROWN**
16 **AFTERNOON SESSION, DAY 3 OF 9 DAYS**

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14:20 1 wanted to be clear and I needed my colleagues to be clear on
2 the fact that there is, we started with five, now it's 12
3 districts that had been changed, and we had minimum to no time
4 to really review and/or look at.

5 Q. So let's understand what you mean by that. So are you
6 saying there was more impact on minority districts in 2333 than
7 existed under 2308?

8 A. Correct.

9 Q. Okay. And so that was -- and so 2333 was the new map that
10 came in that Monday at 5:00?

11 A. Correct.

12 Q. Okay. And so you're saying there were -- how would you
13 describe the level of changes that were between 2308 and 2333?

14 A. If you had seven new districts, I felt it was substantial.

15 Q. Okay. And was there ever debate or discussion about those
16 additional changes?

17 A. During the committee, I did ask. I said, "What are you
18 talking about?" You know, when we were told that the new
19 districts were added. And I said, "There's been no time for
20 public comment. No time for public input. We haven't had an
21 opportunity to analyze the changes." So of great concern, I
22 was.

23 Q. Okay. And so did that make a difference to your
24 colleagues?

25 A. It did. I mean, everybody was shocked that we went from

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14:22 1 five to 12. And then what did those changes look like?
2 Because people hadn't had time to really look at it very
3 closely.

4 Plus, the no-public-input was a concern for everybody.

5 Q. The --

6 MR. BLEDSOE: Mr. Dunn, could you play clip 1, please?

7 MR. DUNN: This is from Brooks Exhibit 316, page 111,
8 96 to 111, line 16.

9 (Video played.)

10 REPRESENTATIVE HUNTER: In committee. I get lots of
11 letters, been through lots of letters, in these redistrictings.
12 To me, there's a letter.

13 REPRESENTATIVE GERVIN-HAWKINS: So did you --

14 REPRESENTATIVE HUNTER: And the lawyers looked at it,
15 took it all into account, and then we came up with this plan
16 that said it met the threshold, it met the requirements, it met
17 the law. So --

18 (Video concluded.)

19 Q. (BY MR. BLEDSOE) All right. And is the Chair
20 acknowledging to you that the DOJ letter was considered in the
21 formation of a map?

22 A. During this exchange?

23 Q. Yes.

24 A. I don't recall directly. We had many conversations, so
25 this particular interaction I'm not sure, but ongoingly, he

14:24 1 kept saying the maps weren't and then finally he did admit they
2 were. I'm not exactly sure of the date.

3 Q. But in this dialogue, he's talking about whether the letter
4 was considered. Is that right?

5 A. Correct.

6 Q. Okay.

7 A. And that's why he was saying he read many letters. Again,
8 this has been the ongoing, "I don't know. I read many. I
9 don't understand. It wasn't the reason." And we knew that
10 wasn't true.

11 Q. You knew what wasn't true?

12 A. That the DOJ letter -- I knew it wasn't true that -- well,
13 I knew it was true that the letter prompted all of this. And
14 so, when he was saying he didn't know and, you know, he reads
15 many letters and this wasn't pertinent, then I knew that was a
16 lie.

17 MR. BLEDSOE: Clip 2, please, Mr. Dunn.

18 MR. DUNN: This is Brooks Exhibit 316, page 116,
19 line 24 to 117, line 17.

20 (Video played.)

21 REPRESENTATIVE GERVIN-HAWKINS: At several hearings
22 before the master. Would you agree with that?

23 REPRESENTATIVE HUNTER: Ma'am, you just said the map
24 was dropped, and then we heard it. The fact is, it was filed
25 that Wednesday. The hearing was Friday. Let's get the

14:30 1 A. Well, first of all, I thought it was offensive. The
2 reality is this. We're making decisions that impact people.
3 We owe it to the people to make sure they're well informed. So
4 when one of my colleagues are acting, like, cavalier about it,
5 like it wasn't important, and then with so many things
6 happening that I know was out of the bounds of how we should be
7 operating, it was concerning to me of how he acted. And I
8 thought it was totally inappropriate.

9 Q. Did you think his response indicated to you, one way or the
10 other, whether he probably took seriously the concerns of
11 minority legislators about the vote dilution that was being
12 discussed on the floor?

13 A. It was obvious he didn't take it serious. Not only not
14 because of what he said on the floor, but throughout this whole
15 process. Not engaging us in any meaningful or rich
16 conversations. It was just, "This is gonna happen, and we
17 don't care what you-all think."

18 Q. Okay.

19 MR. BLEDSOE: Number 4, please, Mr. Dunn.

20 MR. DUNN: Brooks Exhibit 316, page 121, line 10 to
21 121, line 19.

22 (Video played.)

23 REPRESENTATIVE GERVIN-HAWKINS: I'm talking to the
24 Representative here, please, sir.

25 My other question is, do you believe the State of

14:31 1 Texas is required to create and maintain Minority Opportunity
2 Districts?

3 REPRESENTATIVE HUNTER: I think the State of Texas
4 should use every effort to follow the Voting Rights Act, *Rucho*,
5 *Pettaway*, and all the laws. And the law firm told me that they
6 had.

7 (Video concluded.)

8 Q. (BY MR. BLEDSOE) So he discusses -- he mentions *Pettaway*
9 case here that talks about coalition districts. So did that
10 indicate that that was still being considered well into the
11 process, that *Pettaway* was still part of the discussion,
12 *Pettaway* that was mentioned in the DOJ letter?

13 A. I don't -- I've read a couple cases. What is the *Pettaway*
14 based on?

15 Q. Yes. But he said here you need to comply with *Pettaway*.
16 Did he not?

17 A. He did say that.

18 Q. Okay. And so he was saying that *Pettaway* was referred to,
19 did he not, in determining what the map should look like?

20 A. I'm not clear on your question.

21 Q. Okay. Well, he referenced *Pettaway* as one of the cases he
22 looked at, right?

23 A. He did.

24 Q. Okay. And did he directly answer your question about
25 whether or not it's important to keep Minority Opportunity

14:32 1 Districts? Did he directly answer your question?

2 A. No, he didn't.

3 Q. Okay. He could have simply said, "Yes." Is that correct?

4 A. Correct.

5 Q. Okay. But he just gave you the explanation about following
6 the Voting Rights Act and *Rucho* and *Pettaway*?

7 A. Correct.

8 Q. Okay.

9 MR. BLEDSOE: Next. Number 5, please, Mr. Dunn.

10 MR. DUNN: This is Brooks Exhibit 316, page 125,
11 line 7 to 125, line 21.

12 (Video played.)

13 REPRESENTATIVE HUNTER: That was incorporated into
14 this bill.

15 REPRESENTATIVE GERVIN-HAWKINS: So we revised the maps
16 yesterday so the public has not had a chance to --

17 REPRESENTATIVE HUNTER: Well, no. It was on Monday.

18 REPRESENTATIVE GERVIN-HAWKINS: All right. Monday.
19 Whatever day you say. But the public hadn't had a chance to
20 look at it.

21 REPRESENTATIVE HUNTER: What -- I think everybody in
22 the world that knows how to use District Viewer, social media,
23 gets on the computers. They can see the map.

24 (Video concluded.)

25 Q. (BY MR. BLEDSOE) So Madame Chair, how do you assess his

14:35 1 did those demographics I just read change? The answer's yes.

2 REPRESENTATIVE GERVIN-HAWKINS: So there is your
3 racism right there. Correct?

4 REPRESENTATIVE HUNTER: I disagree.

5 REPRESENTATIVE GERVIN-HAWKINS: Okay.

6 REPRESENTATIVE HUNTER: Now, look, "racist" is a
7 discussion factor, and so is "political performance." And all
8 of this can be used. But let's not use it in a negative. I
9 respect you, and I hope you respect me. But we may disagree.
10 But all these factors are looked at.

11 The problem is, we've had new court cases that provide
12 new elements to the redrawing and redistricting. And that's
13 what we're following.

14 REPRESENTATIVE GERVIN-HAWKINS: Representative Hunter,
15 I do respect you tremendously, and I respect this body, but
16 what I don't respect is an obvious racist move on what we
17 try -- what you're attempting to do. But --

18 REPRESENTATIVE HUNTER: We disagree 100 percent.

19 REPRESENTATIVE GERVIN-HAWKINS: -- when you lose two
20 African American-leaning seats, then that tells you there is a
21 race issue going on.

22 REPRESENTATIVE HUNTER: And *Rucho*, it gave the exact
23 same argument --

24 REPRESENTATIVE GERVIN-HAWKINS: *Rucho*, *Bucho*, *Mucho*,
25 [inaudible] African American seats.

14:37 1 REPRESENTATIVE HUNTER: U.S. Supreme Court,
2 Representative. I don't think that's right. Let's not demean
3 the process. You know, I'm listening to your comments, and I
4 haven't shot at you. But is race a factor? Yes. But I'm not
5 gonna use it in a negative in our discussion.

6 (Video concluded.)

7 Q. (BY MR. BLEDSOE) So Madame Chair, could you tell the
8 judges why it is that you raised race into the discussion?

9 A. First of all, CD9, which is held by -- currently held by
10 Congressman Al Green, has been an African American seat for
11 decades. So Representative Hunter is well aware of what that
12 district represents.

13 Also, when you look at the other district, again,
14 these are historically African American districts.

15 And so no doubt I felt that there was an attack. When
16 you take two districts that, for decades, have been African
17 American-leaning and you change them, that tells me you're
18 focusing on race. And that, to me, was a problem.

19 Q. And how did you assess Chair Hunter's response?

20 A. Well, he was evasive, as he's been throughout the whole
21 process, and not being genuine in his responses in terms of
22 what's been taken into consideration.

23 And I want to reiterate, this process was so
24 disrespectful and demeaning and race based. And when you look
25 at even the percentages of how the cracking and packing

14:38 1 occurred, it's obvious what was happening.

2 MR. BLEDSOE: 8 is it?

3 MR. DUNN: This is Brooks Exhibit 116, page 168, line
4 16 to 171, line 1.

5 (Video played.)

6 REPRESENTATIVE REYNOLDS: Would the gentlelady yield
7 for questions?

8 REPRESENTATIVE PLESA: I will.

9 REPRESENTATIVE REYNOLDS: The gentlelady yields for
10 questions. Thank you. Thank you, Representative Plesa.

11 Are you aware that in Houston, voting precincts with
12 high populations of non-citizens east of downtown would be
13 carved out of CD29, currently represented by increase woman
14 Sylvia Garcia's district and moved to a newly drawn district
15 that would have supported President Trump by 15 percentage
16 points in the 2020 election?

17 REPRESENTATIVE PLESA: Yeah, CD29 includes many low
18 citizenship voting precincts, especially in the areas east of
19 Downtown Houston. Many of these precincts also saw very low
20 turnout in November 2024.

21 In some precincts, only 30 percent of registered
22 voters cast ballots, versus the 62 percent in a typical Texas
23 precinct.

24 REPRESENTATIVE REYNOLDS: So this new district is
25 packing non-citizens who are predominantly Latino, and also

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
AMERICAN CITIZENS, ET AL §
§
V. § 9:01 A.M. TO 12:50 P.M.
§
GREG ABBOTT, IN HIS §
OFFICIAL CAPACITY AS §
GOVERNOR OF THE STATE OF §
TEXAS, ET AL § OCTOBER 6, 2025

PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
DAY 5 (MORNING SESSION) OF 9 DAYS

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1 party.

2 **Q.** So let's turn to what I think you've called outlier
3 analysis or ensemble analysis. It's page 14.

4 It says -- the heading is [as read:] Assessing
5 Packing and Cracking Through Outlier Analysis.

6 **A.** Yes.

7 **Q.** Now, you do not use the term "simulation." Why is
8 that?

9 **A.** That's right. That is a term that you'll see coming
10 up very frequently throughout the use of these and related
11 methods in court cases. But I have always avoided it and
12 even written in published papers about the wisdom of
13 avoiding that term. I avoid simulations because it
14 invites confusion about the purpose of the method.

15 Simulation, I think, can lead to the supposition that
16 the point of this kind of analysis is to simulate human
17 judgment to become like the person drawing the map and in
18 some way to read the mind of the person drawing the map.

19 And that's not what an ensemble analysis does. I'm
20 here to speak as one of the people who has created the
21 method. The point of an ensemble analysis is to answer
22 what we perceive as a need for a baseline for comparison.

23 So you take the stated rules and priorities and you
24 try to build a collection of maps pursuant to the stated
25 rules and priorities. It's a method that lets you test

1 the importance of different rules. You can add a rule or
2 take it away and see what changes about the maps as you do
3 that. It lets you test how the rules interact.

10:19:26

4 And so it's a powerful way to understand kind of the
5 universe of valid plans under different constructions of
6 the rules.

10:19:44

7 The point of this is just to show you what plans look
8 like when created by known rules. So it lets you assess
9 whether a proposed plan behaves as though it was created
10 by the stated rules. I think that's actually pretty
11 important. You don't need mind reading to do that. You
12 just need to say, the rules that I was aware of, the ex
13 ante framework, does that explain the features that I
14 observed at this time.

10:19:57

15 So, again, I really would avoid thinking of it as a
16 simulation of what people do. What it's doing is
17 constructing a baseline for comparison, as in my
18 understanding the courts have asked.

10:20:13

19 **Q.** So in this methodology you use a number of parameters
20 to generate a sample of maps, correct?

10:20:32

21 **A.** Right. I would say this is one of the contributions
22 of my research group to the study of redistricting is that
23 we created a class of new methods that I think are now
24 widely used, in particular by all the experts in this
25 case, as far as I'm aware, to generate alternative plans.

Laura Wells, RPR, RMR, CRR, RDR

1 **Q.** And after you do that first run to generate, about how
2 many maps do you generate in the first instance?

3 **A.** As a general matter, it's become quite fast to
4 generate maps and to understand something about how they
5 are distributed.

10:20:54

6 I guess it's worth saying, without going into any
7 great detail, that that matters, too. It's never going to
8 be sheer volume that gives you a good sample. You need a
9 kind of mathematical guarantee that you are getting a
10 representative sample. You need to understand how they
11 are distributed.

10:21:07

12 That's something that these methods do provide is
13 theorems that tell you how -- that you are able to get a
14 sample that represents plausible plans for redistricting
15 in the first instance.

10:21:20

16 So it's worth saying the basic method creates plans
17 that take into account population balance that ensure
18 contiguity and that prioritize compactness, upweight
19 compactness. But they do that without having to set --
20 dial a knob to the preferred level of compactness. It's
21 kind of baked into the mathematical calculation.

10:21:39

22 **Q.** How did you become familiar with this methodology?

23 **A.** By introducing it.

24 **Q.** So you are one of the inventors of the approach?

10:21:55

25 **A.** Yeah. And to be precise, the approach that I'm

1 talking about here, since the 1960s people have thought
2 computers could be used to do this kind of thing. But the
3 approaches that were most popular when I started working
4 in this area would take a districting plan and change
5 one -- the assignment of one small particle at a time. So
6 you would take a single precinct, sometimes even a single
7 census block, and change its assignment from one district
8 to another.

9 Think about this as like seeing a picture and changing
10 the color of one small pixel at a time. That's certainly
11 something you could do, but it would take longer than a
12 human life to get a good sample using processes like that.

13 And so the contribution of my research group was a
14 whole new idea that uses what, in technical jargon, would
15 be spanning tree methods. That's a construct from
16 theoretical computer science.

17 What it lets us do is take two whole districts at a
18 time, fuse them, and draw a whole new boundary between
19 them. So you can picture this as taking not just one
20 pixel but two entire districts and just simply redrawing
21 the boundary between them on each step.

22 Together with that, we came up with very fast
23 implementations. So now we can, in a simple example,
24 build you a million alternative plans in, I think the last
25 speed test was, eight seconds.

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1 So what we see here is both powerful computing and
2 good mathematics under the hood that tells you that we're
3 able to construct samples that have good distributional
4 qualities.

10:23:33

5 **Q.** How many times have you performed this type of
6 ensemble analysis?

10:23:50

7 **A.** One of -- this was the heart of my research program
8 for at least five years. So I have done this nationally
9 and in many different local instances and have figured out
10 a range of techniques for taking additional districting
11 principles into account. So we can now layer in, in a
12 flexible way, many other kinds of redistricting
13 principles, as I did in this report.

10:24:07

14 **Q.** And is there another method that is used for these
15 ensembles that is called redist?

10:24:28

16 **A.** Redist isn't a method. It's a software package. And
17 redist implements several different kinds of district
18 generation methods. But the main ones, and the ones that
19 I'm aware of in this case, all use the spanning tree idea
20 that I alluded to.

21 **Q.** Let's turn to page 22 of your report to talk a little
22 bit about -- in a little more detail about the methods
23 reflected in your analysis.

10:24:57

24 And you talked about district generation parameters.
25 What are those?

1 **A.** Okay. This is a piece of the report where I'm trying
2 to be very transparent without being overly technical
3 about entertaining all of the choices that went into the
4 creation of the ensembles. So I have distinguished what I
5 call here district generation parameters from what we'll
6 presumably talk about next, which is what I call winnowing
7 conditions. Let me briefly explain the difference.

8 The way we're creating plans, through the process I
9 just described, you start with the plan and then you fuse
10 districts and you split them in a new way. And you repeat
11 that many times.

12 This means that from the starting point, which is one
13 plan, jump to the next plan and the next plan and the next
14 plan; and you do that many times. In math we call that a
15 random walk.

16 So what I'm describing here is the parameters that you
17 can think of as instructions along the walk, along the
18 process of traveling through this space of points.

19 So, for instance, this tells you what is enforced;
20 what is upweighted; and where, in some cases, a new
21 proposed plan will face a coin flip about whether to
22 accept it or not. And that's what is explained in
23 district generation parameters. So, in other words, these
24 were the parameters available to the random agent walking
25 around and collecting plans.

1 Q. Now, I don't want to talk about all of these, but I do
2 want to focus in on the partisanship parameter.

3 A. Yes.

4 Q. And what is that? And how did you do it?

10:26:22

5 A. And so I -- because I was not made aware of exactly
6 how partisanship might have been taken into account in the
7 creation of the new plans, I check that my findings are
8 consistent with multiple different ways of seeking
9 partisanship.

10:26:41

10 So I describe here -- across two bullets, I describe
11 three different ways of seeking partisanship. One is to
12 take 29 general elections -- so a big span of general
13 elections -- and assess the partisanship of a plan by just
14 counting up in how many of its districts the Republican
15 would have won in one of those contests.

10:26:58

16 Okay. So that's quite broad. Many different kinds of
17 contests, railroad commissioner to, you know, agriculture
18 commissioner, lieutenant governor, many different kinds of
19 contests, many different kinds of candidates.

10:27:15

20 A second style of taking partisanship into account
21 just looks at the performance of Donald Trump and
22 particularly in the three elections in which he ran for
23 president: 2016, 2020, and 2024. There we just look at
24 Trump wins across those three contests.

10:27:33

25 And then finally, a most limited style of seeking

1 partisanship, if you would just look at Trump's
2 performance in the presidential contest of 2024. So we
3 have the most specific to the most broad, and the findings
4 are entirely constant.

10:27:46

5 **Q.** When you look at Republican wins across the 29
6 elections, does -- does 50.1 percent count as a win?

7 **A.** Right. So one of the reasons to look at such a large
8 collection of elections, the big advocate of looking at
9 many elections rather than trying to boil them all down

10:28:07

10 into a single election index, is because there is a bright
11 line in American politics where 50.1 percent is
12 meaningful, meaningfully different from 49.9.

13 But in a big election dataset like this where you
14 might have very close wins in some of the contests, you'll
15 have very close losses in the others. So it gives you a
16 kind of robustness against that bright line in those
17 contests. Some post wins and some post losses.

10:28:24

18 **Q.** So these parameters, do they generate a large number
19 of maps?

10:28:38

20 **A.** Under these parameters I then generate a very large
21 number of maps, correct.

22 **Q.** And do you winnow them down?

23 **A.** Right. Okay. So what we just went through was how
24 the sample is collected.

10:28:51

25 The second stage is to filter it. So by winnowing,

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1 that's all I mean. I mean I'll take all those maps and
2 I'll filter them down by whether they meet some checklist
3 of other conditions.

10:29:05

4 **Q.** And I want to just focus on not all of the items on
5 that checklist, but just some of them -- well, the
6 partisan ones, the first Republican performance, the first
7 one.

10:29:25

8 **A.** Right. Right. So as I said before, some of these
9 samples were collected by trying to drive up Republican
10 performance. But trying to drive it up doesn't mean you
11 succeed. And so the winnowing, the filter, ensures that
12 they are getting at least as strong Republican performance
13 as the State's plan.

10:29:41

14 So first I try to do it, and then I confirm that it
15 worked.

16 **Q.** So -- and then you say in the C1 Tarrant/Dallas
17 cluster, the number won by Republicans must be at least as
18 high as in 2333?

19 **A.** Right.

10:30:02

20 **Q.** That is -- right.

21 In your analysis, it would have to be at least as
22 high?

23 **A.** That's right. This restricts to the ones that have at
24 least as many Republican wins as C2333.

10:30:15

25 **Q.** And then you have a second winnowing condition which

1 is Trump performance?

2 **A.** That's right.

3 **Q.** What does that have to do?

4 **A.** That checks that the plurality win for Donald Trump

10:30:28

5 matches or exceeds -- the number of plurality wins for

6 Donald Trump matches or exceeds that.

7 Actually, while we're mentioning this, it's worth

8 saying -- maybe we'll get to this a little bit later, but

9 these initially were done -- one set of runs were done

10:30:42

10 under just simple Trump wins. Did Trump have more votes?

11 But later, as a check, I also sought out plans in

12 which Trump's percentage was at least 55 percent, to make

13 sure that that 50 percent line wasn't guiding the

14 findings.

10:30:57

15 **Q.** So let's talk about that analysis. That was the

16 robustness checks, right?

17 **A.** That's right. It's under the heading here of

18 robustness checks.

19 **Q.** And you say that you executed a run to match the

10:31:21

20 number of districts with Trump's 2024 major party vote

21 share over 55 percent.

22 How did you do that?

23 **A.** So that was accomplished in the first instance with

24 what is called a parameter here. And so when you find a

10:31:36

25 new district and you measure whether to accept it or not,

1 in other words, you sort of flip a weighted coin to decide
2 whether to accept the change, this drives up your
3 probability of accepting a plan that increases the number
4 of Trump 55 districts.

10:31:51

5 **Q.** So this robustness check was applied to the original
6 with -- it was a run that included the Trump 55 percent
7 among the parameters to generate the large collection of
8 maps, right?

10:32:09

9 **A.** Right. I think something I would like to try to get
10 across is that I'm trying to establish a high degree of
11 scientific confidence in the robustness of the results.
12 And so I take the entire pipeline, and I execute it under
13 many different variations.

10:32:27

14 And each time I'm looking at the question: Did that
15 matter? Did that matter? Did that change the
16 observations?

10:32:40

17 And I present some evidence that shows that, yes,
18 sometimes layering in additional principles can change the
19 observed range. But it never changes the finding that the
20 State's plan is an outlier in its racial composition. And
21 that includes the Trump 55 plus.

10:32:53

22 **MR. KERCHER:** Objection to a narrative response.
23 The question was leading as well, and we would object to
24 that. I would ask just if we could proceed in question
25 and answer.

1 JUDGE GUADERRAMA: All right. Going forward,
2 question and answer, please.

3 MR. WEINER: Yes, Your Honor.

4 BY MR. WEINER:

10:32:57

5 **Q.** The last sentence, is that what you were referring to?
6 The one that starts "The consistency of findings"?

7 **A.** Sure. Let's read that. [As read:] The consistency
8 of findings across the variations raises my confidence,
9 based on my experience researching the sound

10:33:14

10 interpretation of outlier tests, the following results
11 from Figures 8 to 10 are robust.

12 **Q.** What is the significance of the 55 percent threshold?

13 **A.** Well, it's my understanding that when trying to
14 execute partisan gerrymandering, you don't just want to

10:33:38

15 win narrowly. You would like it to be durable and
16 withstand some swing in partisan performance. So 55 is a
17 threshold that tells you that even if the vote were to
18 swing by 5 percent you would still win.

19 **Q.** And is the use of the 55 percent threshold a response
20 to the criticism that you didn't account for durability?

10:34:00

21 **A.** It's the kind of thing I might do with or without a
22 criticism, but I am aware that durability has been raised
23 in this case.

24 **Q.** Do these filters allow you to determine whether the
25 racial composition of the districts is attributable to

10:34:21

1 partisanship?

2 **A.** Well, they allow me to compare the racial attributes
3 of the map to a baseline that's been constructed according
4 to these parameters.

10:34:36 5 **Q.** So to put it another way, does it permit you to
6 disentangle partisanship and race?

7 **A.** Well, that's right. It's an attempt to disentangle
8 partisanship and race.

9 **Q.** Turning to Figure 8 on page 14 of your report, which
10:34:55 10 applies these methodologies, could you tell us what
11 Figure 8 is?

12 **A.** Sure. And if we zoom out so I can confirm this is
13 cluster C1, which I think it is. Yes. Okay.

14 So this is showing the eight districts that touch
10:35:15 15 either Tarrant County or Dallas County. And let me just
16 very briefly explain how to read a figure like this. This
17 is called a box and whiskers plot or sometimes just a box
18 plot.

19 What you see first in the blue dots, you see the eight
10:35:30 20 districts drawn by the State. And I'm showing you what is
21 abbreviated POC CVAP, which means the minority citizen
22 voting age percentage in each of the districts.

23 **Q.** And this is under the new plan?

24 **A.** That's correct. This is C2333.

10:35:44 25 **Q.** Okay.

1 **Q.** And so your project here, the purpose for which you
2 are drawing these maps, is to draw partisan maps so you
3 can compare the racial features of this sort of baseline
4 of partisan maps to the enacted maps; is that right?

11:35:08

5 **A.** Right. I think the way I described it before is the
6 parameters attempts to achieve partisanship and the winnow
7 confirms that partisanship is at least as strong as the
8 map I'm comparing to.

11:35:24

9 **Q.** One of the winnowing conditions that you set concerns
10 incumbency, right?

11 **A.** That's right.

12 **Q.** And you write [as read:] Incumbency, the double
13 bunking of incumbents with respect to the address file
14 provided by counsel, is no greater than in C2333.

11:35:37

15 Is that right?

16 **A.** Yes.

17 **Q.** And so, again, with the incumbency parameter that you
18 are using in this report, you are not concerned about the
19 partisan nature of the double bunking or the pairing of
20 incumbents, right?

11:35:55

21 **A.** Right. What I did -- so this report just looked at
22 the number of double bunks.

23 **Q.** Stands to reason that a Republican partisan map drawer
24 would care more about not pairing Republican incumbents
25 than pairing Democrat incumbents. Fair?

11:36:08

1 **A.** That goes further than I'm comfortable saying. I
2 don't --

3 **Q.** In either event, for this report, you did not tell the
4 map drawing robot or -- to winnow out maps that paired
5 Republicans, true?

11:36:27

6 **A.** Right. For this report I just filtered on the basis
7 of a count of double bunks.

8 **Q.** You describe the way that you are using -- the way
9 that you are analyzing for incumbency is that you are
10 relying on an address file provided by counsel for this
11 report, right?

11:36:54

12 **A.** That's what it says, yes.

13 **Q.** In the weeks leading up to this hearing, I asked for
14 you to produce the data -- to produce data in support of
15 your reports; and you provided a ton of it, right?

11:37:06

16 **A.** Yes. Quite a lot.

17 **Q.** 300 gigabytes, something like that, right?

18 **A.** I -- that's a lot. I believe you.

19 **Q.** And that data you provided in support of your map
20 drawing project included the code that you used, right?

11:37:23

21 **A.** Definitely.

22 **Q.** The inputs that you would have then -- the input data
23 that you would have then run through the code; is that
24 right?

11:37:34

25 **A.** Yes.

1 Q. And then also the outputs or the literal maps; is that
2 right?

3 A. Yes.

11:37:43

4 Q. So I can see what your code was supposed to do, what
5 you ran through the code, and what resulted from you
6 running through the code. Is that -- or what resulted
7 from running that data through your code, right?

8 A. That's right.

11:37:57

9 Q. Is it your standard practice to produce all of your
10 inputs, all of your code, and all of your outputs?

11 A. My standard practice varies a little by context,
12 depending on whether it's academic publication or court.

13 Q. I'm sorry. In litigation?

14 A. I try to do that, yes.

11:38:19

15 MR. KERCHER: Richard, let's look at Defendants'
16 Exhibit 1573, please. If we could zoom in a little bit on
17 that. Even I can't see that. Maybe just give us the top
18 left quadrant.

19 BY MR. KERCHER:

11:38:40

20 Q. All right. Dr. Duchin, this is the incumbent file you
21 used for your August and September reports, true?

22 A. That looks possible.

23 Q. And I'll represent to you that I have redacted out the
24 actual addresses of the members of congress for obvious

11:38:56

25 reasons, right?

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
AMERICAN CITIZENS, ET AL §
§
V. § 9:00 A.M. TO 12:58 P.M.
§
GREG ABBOTT, IN HIS §
OFFICIAL CAPACITY AS §
GOVERNOR OF THE STATE OF §
TEXAS, ET AL § OCTOBER 7, 2025

PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
DAY 6 (MORNING SESSION) OF 9 DAYS

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1 district and then gone back and made changes to that
2 district based on that racial understanding?

3 **A.** No.

4 **Q.** I want to turn your attention now to how you came to
5 draw the maps in Texas in 2025 or the map.

6 We've heard evidence about a *New York Times* article in
7 June of 2025 that said something to the effect of
8 President Trump having conversations with Texas Republican
9 officials about mid-cycle redistricting.

10 **A.** Uh-huh.

11 **Q.** When, if ever, did you first become aware that the
12 White House was having conversations about redistricting?

13 **A.** It would have been earlier in 2025. I think I
14 was -- I was aware that people were meeting with White
15 House officials on redistricting probably February or
16 March.

17 **Q.** When you first learned about those meetings, did you
18 know at that point whether Texas would redistrict in 2025?

19 **A.** No.

20 **Q.** You have testified -- you testified that you wound up
21 drawing most of the map that passed in 2025 in Texas. How
22 did it happen that you got involved in that process?

23 **A.** Yeah. So running the National Republican
24 Redistricting Trust, typically when redistricting comes up
25 in conversation, you know, people suggest that they talk

1 to me about it.

2 So I was -- in early 2025, during these conversations
3 there was somebody going around Washington, D.C. talking
4 about redrawing the Texas congressional map; and they were
10:05:30 5 directed repeatedly to me. And eventually they got my
6 contact information.

7 **Q.** Don't be coy, Mr. Kincaid. Who was it?

8 **A.** It was the national committeeman for Texas, Robin
9 Armstrong.

10:05:42 10 **Q.** What does "national committeeman" mean?

11 **A.** He is one of the three members of the Republican
12 National Committee from Texas.

13 MR. KERCHER: Richard, could you please bring up
14 the demonstratives of Mr. Armstrong.

10:06:04 15 BY MR. KERCHER:

16 **Q.** Is this him?

17 **A.** Yes.

18 **Q.** Do you recall when you first began speaking with
19 Mr. Armstrong about redistricting in Texas?

10:06:12 20 MR. KERCHER: Thank you, Richard. You can take
21 it down.

22 **A.** I believe it was in March was when I first had a
23 conversation with Robin about this.

24 BY MR. KERCHER:

10:06:25 25 **Q.** Did you ever get hired by anybody as a part of

1 mid-cycle redistricting in 2025?

2 **A.** Yes.

3 **Q.** Who?

4 **A.** The Republican National Committee.

10:06:35

5 **Q.** And how does that work? Does the Republican National
6 Committee contract with NRRT? Is that directly with you?

7 **A.** It was directly with me.

8 **Q.** Are there -- was the work that you were doing with the
9 RNC, the Republican National Committee; is that right?

10:06:52

10 **A.** That's correct.

11 **Q.** Was the work that you were contracted to do with the
12 RNC, is any of it confidential, to your knowledge?

13 **A.** Yes.

14 **Q.** To your knowledge, has the RNC waived confidentiality
15 concerning the work you did for Texas?

10:07:07

16 **A.** I'm authorized to speak on my work for Texas, yes.

17 **Q.** So when you -- and what kind of an agreement is it?
18 Do they just -- do you become an employee for the RNC?
19 How does that work?

10:07:21

20 **A.** It's just a retainer. So it's a retainer to provide
21 redistricting support to the RNC counsel's office.

22 **Q.** So, at that point, what are you doing for the RNC?
23 Are you drawing maps?

24 **A.** It's more than just drawing maps. I mean, that's part
25 of it. But it's also process and procedure research and

10:07:39

Laura Wells, RPR, RMR, CRR, RDR

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

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

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

7 **v.**

1:40 p.m. to 6:03 p.m.

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

OCTOBER 7, 2025

12 **INJUNCTION HEARING**
13 **BEFORE THE HONORABLE DAVID C. GUADERRAMA**
14 **THE HONORABLE JERRY E. SMITH**
15 **AND THE HONORABLE JEFFREY V. BROWN**
16 **AFTERNOON SESSION, DAY 6 OF 9 DAYS**

17 **APPEARANCES:**

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14:18 1 were meeting with White House officials about Texas
2 redistricting. Is that right?

3 A. That's correct.

4 Q. Who -- which people were meeting with White House officials
5 that you were aware of?

6 A. Robin Armstrong.

7 Q. Anyone else?

8 A. Not that I'm aware of.

9 Q. Okay. And you mentioned that Robin Armstrong was going
10 around DC and asking about redistricting, and that each time he
11 would do that, he would be sent to you. Is that right?

12 A. That -- yes.

13 Q. About how many times did you have conversations with
14 Mr. Armstrong to that effect?

15 A. I had one primary conversation with Mr. Armstrong.

16 Q. And when was that?

17 A. I don't recall the exact date. I think it was in March.

18 Q. And when did you become aware that he was talking to folks
19 at the White House about Texas redistricting?

20 A. When he reached out to me.

21 Q. How long was that conversation?

22 A. Not very long.

23 Q. And how did you have that conversation? By phone, Zoom,
24 something else?

25 A. I believe he called me.

Leticia D. Perez
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14:19 1 Q. And what did he say?

2 A. He said that he was -- no, he believed it was possible to
3 redraw the Texas Congressional Map to pick up more seats, and
4 that he had been talking to people in DC about it, and that he
5 kept being told to talk to me.

6 Q. Did he give any justification for why it was appropriate to
7 do mid-decade redistricting in Texas at that time?

8 A. I don't recall that specifically.

9 Q. He's the county commissioner in the Galveston County
10 Commissioners Court. Is that right?

11 A. That's correct.

12 Q. And did you know that about him prior to your conversation?

13 A. Yeah, yeah.

14 Q. And did you and he talk about the *Petteway* case in that
15 conversation?

16 A. I don't remember talking to him about *Petteway* in that
17 conversation, no.

18 Q. Okay. Have you talked to him about *Petteway* before?

19 A. It came up in a separate -- second conversation, yes, but
20 not the first one.

21 Q. All right. And what did he say about the *Petteway* case?

22 A. He -- he referred to it as a big win, and it gave them the
23 opportunity to redraw.

24 Q. Gave them the opportunity to --

25 A. Republicans the opportunity to redraw.

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14:20 1 Q. And to redraw what? Texas' congressional map?

2 A. Yeah.

3 Q. Okay. And what did he say was his rationale based on
4 *Petteway*?

5 A. I didn't get into a rationale.

6 Q. Okay. And did you agree with him in his view that that was
7 a rationale to redraw?

8 A. Not directly, no.

9 Q. And explain what you mean by that.

10 A. My view of *Petteway* was that the Fifth Circuit had ruled
11 that coalition districts were not required but were not
12 necessarily prohibited.

13 Q. And you gained that view by reading the *Petteway* decision?

14 A. I gained that view from the *Petteway* decision, yes. Yeah.
15 But it was also my take on the case before the case was
16 decided, too.

17 Q. Did you read *Petteway* shortly after it was released?

18 A. The Fifth Circuit?

19 Q. Yes.

20 A. Yes, I did.

21 Q. Did you relay to Mr. Armstrong that it was your view that
22 the *Petteway* case meant that there wasn't a requirement to
23 create coalition districts in the Fifth Circuit, but the
24 corollary to eliminate them was not -- didn't follow from the
25 case?

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14:41 1 privileged communications.

2 MR. GABER: I asked if he had had a conversation.

3 JUDGE GUADERRAMA: If he ever had?

4 MR. GABER: Yes. I can raise it in a moment if you
5 want.

6 JUDGE GUADERRAMA: I'm sorry?

7 MR. GABER: I can raise it in the next question if you
8 like. But I was just getting it out there.

9 JUDGE GUADERRAMA: Okay. So let's ask the next
10 question.

11 Q. (BY MR. GABER) Have you had conversations with
12 Governor Abbott related to Texas redistricting?

13 A. Yes.

14 Q. And when were those conversations?

15 MR. EZELL: Objection, Your Honor. Calls for
16 privilege.

17 I know you're probably wondering why you're not
18 hearing from Ryan Kercher. I'm Trevor Ezell from the
19 Governor's Office. My colleague would do a much better job,
20 but we're here trying to comply with the Court's 2022 decision
21 saying that the -- you need someone from OOG to assert the
22 Governor's privilege. And I'm pretty confident that where my
23 friend on the other side here is taking these questions is
24 going to implicate the Governor's legislative privilege and the
25 process privilege.

14:42 1 I'd be happy to explain why that is, maybe a little
2 skeptical, but in 1932, Supreme Court of the United States said
3 that in the redistricting context, the governor's participation
4 in possible redistricting legislation was a legislative
5 function. And the Supreme Court cited that in *Scott v.*
6 *Bogan-Harris* [sic] to say that an executive officer, like the
7 Governor, has legislative privilege even though he's an
8 executive officer.

9 Multiple federal circuits have held that the Governor
10 has legislative privilege; 1st, 11th. I'm aware of no circuit
11 that hold the opposite.

12 (Sotto voce discussion off the record.)

13 JUDGE GUADERRAMA: We'll sustain the objection to the
14 substance of the conversation.

15 MR. EZELL: Thank you, Your Honor.

16 MR. GABER: Hmm. I was unaware of the Governor's
17 executive -- executive legislative privilege so...

18 Q. (BY MR. GABER) All right. When -- when did you have the
19 conversations with Governor Abbott?

20 A. I spoke to him a couple of times in June.

21 Q. Okay. A couple times in June.

22 Anytime before that?

23 A. No.

24 Q. And what was the form of these communications?

25 A. Conference calls.

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14:44 1 Q. Conference calls?

2 A. Conference calls.

3 Q. Who was present on those calls?

4 A. Different people on different calls.

5 Q. Which people on which calls?

6 A. So the first call would have been counsels for -- and I
7 don't know all the names of everybody that was on that call.
8 Counsels for the Governor's office; Counsels for the Republican
9 National Committee; Counsels for the White House; myself and
10 James Blair and the Governor.

11 Q. To your knowledge, had Governor Abbott entered into any
12 sort of contract or retention for legislative purposes with
13 respect to the White House?

14 A. I don't have any idea.

15 Q. What about with respect to the Republican --

16 MR. EZELL: I'm gonna object again, Your Honor. I
17 think he's getting to the substance of --

18 JUDGE GUADERRAMA: I'm not sure he's getting into
19 the -- depending on who's there, I don't know if that privilege
20 has been waived. I mean, how is someone from the White House
21 part of the legislative group or something the legislators need
22 to protect their privilege?

23 MR. EZELL: Yes, sir. And so the answer to that, I
24 think, is Judge Smith's decision last year for the Fifth Circuit,
25 talking about how legislative privilege includes not only aides

14:45 1 to legislative actors, but also the third party that informs the
2 legislative process. So in that case, Judge Smith, for the Fifth
3 Circuit, found that it included even, you know -- for lack of a
4 better term, just policy advocacy groups.

5 So his conversation with someone outside of the
6 Governor's Office doesn't -- you don't even need a
7 common-interest privilege for a legislative privilege to cover
8 a third party.

9 JUDGE GUADERRAMA: Okay.

10 (Sotto voce discussion off the record.)

11 JUDGE GUADERRAMA: All right. So apparently, the White
12 House is an outside advocacy group. So we'll sustain the
13 objection.

14 Q. (BY MR. GABER) So just so -- and I'm just trying to get
15 the identity of the people right now, so I don't want to get --
16 I'm not asking you for the content of the communication.

17 We have counsel for the Governor's Office and these
18 are lawyers?

19 A. Yes.

20 Q. Counsel for the Governor's Office, counsel for the White
21 House. Is that correct?

22 A. Yes.

23 Q. Counsel for the RNC?

24 A. Yes.

25 Q. Counsel for Mr. Blair. Is that right?

14:53 1 A. Late August.

2 Q. Had the legislation passed at that point, the new map?

3 A. I think so. I don't -- I think it had passed the Senate at
4 that point.

5 Q. And when did you talk with Mr. Strach about that
6 conversation with Governor Abbott?

7 A. Over the past week or two.

8 Q. And what about with respect to Mr. Cycon?

9 A. Um, that was back in August. John was on a call with me
10 and Ryan.

11 Q. Any other conversations with Governor Abbott?

12 A. No.

13 Q. What about with respect to anyone on Governor Abbott's
14 staff?

15 A. I met Trevor a couple days ago.

16 Q. That was the first time you met Mr. Ezell?

17 A. I believe so, yes.

18 MR. GABER: Did I say that correctly?

19 MR. EZELL: "Ezell."

20 Q. (BY MR. GABER) Anyone else from Governor Abbott's staff?

21 A. Not that I'm aware of.

22 Q. What about Lieutenant Governor Dan Patrick?

23 A. I've never talked to the Lieutenant Governor.

24 Q. Anyone from his staff?

25 A. I talked to Darrell Davila, his Chief of Staff.

14:54 1 MR. GABER: Your Honor, I'm just -- given the testimony
2 that the conversations occurred before there was the Governor's
3 proclamation with respect to the special session while the Texas
4 Legislature was not in session and when no bill was pending
5 before the Texas Legislature, it's my view that that falls
6 outside of the legislative privilege as there was no contemplated
7 legislation at that point.

8 JUDGE GUADERRAMA: Mr. Ezell?

9 MR. EZELL: Your Honor, so, obviously, I can't get into
10 specifics of the conversations, but, at that time, there would
11 have been deliberations on whether to issue a special session
12 call. If so, how? What the scope of it might have been? So
13 clearly germane to possible redistricting legislation.

14 JUDGE GUADERRAMA: Let me check with my two colleagues
15 that produced that opinion.

16 (Sotto voce discussion off the record.)

17 JUDGE GUADERRAMA: Mr. Gaber, we're sustaining the
18 privilege objection.

19 MR. GABER: Thank you.

20 Q. (BY MR. GABER) Have you talked to Representative Todd
21 Hunter about Texas mid-decade redistricting?

22 A. I have not.

23 Q. What about anyone on Representative Hunter's staff?

24 A. I have not.

25 Q. What about Representative Cody Vasut?

14:56 1 A. I did not.

2 Q. Anyone on his staff?

3 A. No.

4 Q. Any other members of the Texas House with respect to the
5 mid-decade redistricting?

6 A. No.

7 Q. Any staff for any House members?

8 A. You mean United States House or what --

9 Q. I mean the Texas House.

10 A. No.

11 Q. Okay. Did Mr. Gober play the same role in this round of
12 Texas redistricting as he did in the 2021 round, to your
13 knowledge?

14 A. No.

15 Q. How -- what was the difference?

16 A. The difference was -- I'm not sure how much this goes into
17 his own privilege issue, so I'm not sure what I should or
18 should not say.

19 Q. Okay. Do you -- do you understand him to be counsel for
20 the Texas Republican Congressional Delegation?

21 A. Yes.

22 Q. For the 2025 redistricting?

23 A. Yes.

24 Q. And is that your understanding of his role with respect to
25 the 2021 redistricting?

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
AMERICAN CITIZENS, ET AL §
§
V. § 9:01 A.M. TO 1:04 P.M.
§
GREG ABBOTT, IN HIS §
OFFICIAL CAPACITY AS §
GOVERNOR OF THE STATE OF §
TEXAS, ET AL § OCTOBER 8, 2025

PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
DAY 7 (MORNING SESSION) OF 9 DAYS

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Laura Wells, RPR, RMR, CRR, RDR

1 **A.** No. I used 42.9.

2 **Q.** Why did you select 42.9 percent?

3 **A.** Because I was trying to make the line as clear as
4 possible for folks to look at it. If you do 43, there is
10:50:56 5 a couple that bleed in on the side, and it doesn't make it
6 clear what I was looking at.

7 So as you are building up, again -- I don't know.

8 I've tried to say this a few times. I will literally go

9 41, 42, 43, and put them in that way, right? So that's

10:51:14 10 how I'm building out the seats. And then if something is
11 isolated, like that triangle in the middle, that would go
12 into the district that it's isolated within.

13 Does that make sense?

14 **Q.** It does.

10:51:25 15 42.9 percent, is that the break that you use when you
16 are actually drawing maps?

17 **A.** I probably had it at 43 at some point and then I had
18 it at 42 at some point. So yes. It was not at 42.9 most
19 likely, but I don't recall.

10:51:43 20 **Q.** So sitting here today, you are not sure if this map
21 showing the partisan differences is actually the same as
22 the one you used to generate the map that you ultimately
23 drew; is that correct?

24 **A.** What I'm trying to say is that I put it at 42.9 so you
10:51:58 25 could see clearly what I was drawing off of. That's all.

1 Q. And my question is: Is 42.9 percent what you set it
2 at when you were drawing the districts to actually
3 generate C2333?

4 A. I don't recall specifically if it was at 42.9.

10:52:13

5 Q. Okay.

6 A. I may have -- there are times where I work up by
7 decimal. So that is something I do.

10:52:26

8 Q. Sitting here today, you cannot tell us that this image
9 is the one that you worked off of to generate the maps
10 that we are ultimately here about?

11 A. I have already said that what I tried to do was show
12 the contrast between the borders of the districts, and so
13 that's what I was doing. So what I'm saying is this data
14 that's reflected here is the data I'm working with. The
15 image itself is made to be sharp in contrast for the sake
16 of a demonstrative, but it's not necessarily how it would
17 look on my screen as I'm drawing it.

10:52:44

18 Q. And I can appreciate that.

19 You wanted this image to look as contrasting as
20 possible when you are putting it up in front of the Court;
21 is that correct?

10:52:58

22 A. Yeah. I wanted to make it as clear as I could, yes.

23 Q. But it's not actually -- sitting here today, you can't
24 tell me that this is the break that you used to draw these
25 districts; is that correct?

10:53:11

1 **A.** Yeah. I don't recall that.

2 **Q.** Thank you.

3 Now, I also want to pull up next what has been marked
4 as Plaintiffs' [sic] Exhibit 1541. And can you see that
10:53:32 5 on your screen now, Mr. Kincaid?

6 **A.** I can, yeah.

7 **Q.** And I believe that you previously testified that this
8 sort of very central area with a lot of blue is CD 37; is
9 that correct?

10:53:43 10 **A.** It is.

11 **Q.** And CD 37 is Austin?

12 **A.** Yes.

13 **Q.** Okay. And I'm going to say CD 37 is near and dear to
14 my heart because that's actually my district. But unlike
10:53:56 15 Mr. McCaffity, I'm not brave enough to put my address on
16 the record.

17 MR. McCAFFITY: Not afraid to be public.

18 BY MS. COHAN:

19 **Q.** I see in the file name and also yesterday you
10:54:09 20 testified that you applied a 30 percent break to this
21 image; is that correct?

22 **A.** That's correct.

23 **Q.** And 30 percent, is that another percentage that you
24 picked just to show the contrast in the area?

10:54:21 25 **A.** No. This was the actual percentage I used here.

1 him just about what requests he received. I'm not asking
2 about any underlying conversations. I just want to know
3 what -- the things he was trying to do when he was drawing
4 the map.

12:32:16

5 JUDGE GUADERRAMA: Well, is that factual
6 statement true? You don't have an attorney-client
7 relationship with Mr. Gober on this issue?

12:32:27

8 THE WITNESS: So I am not the expert on
9 attorney-client privilege, so I will spell out the
10 relationship and then you-all can tell me if it's
11 privileged or not, I guess.

12:32:40

12 So I was retained by the RNC. Chris Gober is also
13 retained by the RNC to represent the delegation in this
14 matter. And so Chris was giving me direction -- well,
15 requests from the delegation as part of this work. And he
16 has operated as counsel in that capacity.

17 JUDGE GUADERRAMA: So he is the RNC's counsel but
18 not your counsel?

12:32:58

19 THE WITNESS: But we are both under the same
20 retainer kind of structure at the RNC. So I'm not sure
21 how to frame that. I know we had various privilege issues
22 before with all of this, so I just don't know how to --

23 MR. STRACH: It sounds to me like, Your Honor,
24 that they were all under a common interest privilege.

12:33:14

25 JUDGE GUADERRAMA: So he is an employee of the

1 RNC, who is a client of Mr. Gober?

2 MR. STRACH: Right.

3 JUDGE GUADERRAMA: And so a claim of privilege.

4 What do you think, Mr. Fox?

12:33:23 5 MR. FOX: Well, I think it's a little
6 extraordinary if Mr. Kincaid has been called here to
7 testify about drawing a map and can't tell us what he was
8 told to do in drawing that map. I'm not sure how we are
9 supposed to conduct an effective examination or understand
12:33:34 10 what Mr. Kincaid did under those circumstances.

11 JUDGE GUADERRAMA: I suppose he can tell us what
12 he did. I mean, that's not privileged.

13 MR. FOX: That's true, but I don't think he can
14 tell us why.

12:33:41 15 Also, it's not clear to me that Mr. Gober represented
16 Mr. Kincaid or that this was legal advice. It seems to me
17 to have been an instruction about drawing a map. But, of
18 course, I don't know the substance of what the
19 communications were.

12:33:52 20 JUDGE GUADERRAMA: Very good.

21 (Sotto voce discussion amongst the Judges.)

22 JUDGE GUADERRAMA: So we're going to sustain the
23 privilege objection.

24 BY MR. FOX:

12:34:16 25 Q. And so just for the record, Mr. Kincaid, you are not

1 able to tell me what requests you received from members of
2 congress that influenced your drawing of the map; is that
3 right?

4 **A.** The requests I received from Mr. Gober?

12:34:27

5 **Q.** Yes.

6 **A.** Yes. They sustained the privilege, so I cannot.

7 **Q.** And did the requests that you received from Mr. Gober
8 influence your drawing of the map?

9 **A.** Yes.

12:34:34

10 **Q.** Substantially?

11 **A.** I mean, I don't know how to frame "substantially," but
12 there were significant requests that I had to consider,
13 yes.

14 **Q.** And did you honor many of those requests in drawing
15 your map?

12:34:48

16 **A.** As many as I could, yes.

17 **Q.** Mr. Kincaid, did anyone tell you which districts were
18 the five districts that you were supposed to set up to
19 flip from Republican to Democrat?

12:35:03

20 **A.** No.

21 **Q.** That was a choice that you made?

22 **A.** Yes.

23 **Q.** And there were 13 Democratic districts in the prior
24 plan; is that right?

12:35:11

25 **A.** That's correct.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN § 3:21-CV-00259-DCG-JES-JVB
AMERICAN CITIZENS, ET AL §
§
V. § 8:59 A.M. TO 1:00 P.M.
§
GREG ABBOTT, IN HIS §
OFFICIAL CAPACITY AS §
GOVERNOR OF THE STATE OF §
TEXAS, ET AL § OCTOBER 9, 2025

PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
DAY 8 (MORNING SESSION) OF 9 DAYS

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1 heads-up?

2 SENATOR KING: No. He was actually looking for a
3 contact with someone with the House.

4 (Video concluded.)

12:47:10 5 MR. DUNN: Excuse me. That ended on 85, line 9.

6 BY MR. DUNN:

7 Q. This is one of your conversations with Mr. Kincaid
8 that we talked about earlier today on Monday, right, that
9 you are now describing to Senator Eckhardt?

12:47:21 10 A. Yes.

11 Q. And one of the things that she asked you about is that
12 Mr. Kincaid informed you that there had been some changes
13 to the map.

14 Did you hear that just now?

12:47:28 15 A. Yes, I did.

16 Q. And is it your testimony that he also didn't share
17 with you one bit of information about what those changes
18 were when he made that call to you?

19 A. He asked --

12:47:43 20 Q. And --

21 A. I'll try to answer that if you want me to. I'm trying
22 to think back --

23 Q. Be my guest.

24 A. -- think back through the conversation.

12:47:52 25 He called looking for a member's phone number. He

1 said, Are you aware that the House is going to lay out a
2 substitute map today?

3 And I said, No, I'm not. And I said something to the
4 effect of, what are the -- what are they amending?

12:48:15

5 And he said they were amending the -- they were moving
6 Fort Bliss back into metropolitan CD 16, which had been
7 requested by Senator Blanco in the Senate. So I was aware
8 of that.

12:48:32

9 I believe Representative Moody had requested that in
10 the House, I had heard.

11 He said they were taking the split out of Navarro
12 County and that they were making some adjustments in the
13 Houston area.

12:48:46

14 And I said, okay, I don't want to know anything else
15 about it.

16 **Q.** And he honored that and told you nothing else other
17 than what you just shared with us?

18 **A.** I don't believe he told me anything else.

12:49:00

19 **Q.** And is that the normal way this works? The map drawer
20 from Virginia calls up the senator and tells him
21 procedurally here is what is going to happen next?

22 **A.** Well, as I said, he called. He said the reason I'm
23 calling, or something to that effect, the reason I'm
24 calling is I need to get -- he asked for a House member's
25 mobile number. And he said, by the way, are you aware.

12:49:18

1 So I -- I mean, it's a very interactive process all we
2 do on legislation.

3 **Q.** Well, I can see where you interacted with Kincaid.
4 You testified earlier today that you didn't interact with
5 Chairman Hunter.

12:49:33

6 **A.** You know, we talked a couple of times during the
7 session. We never talked about the bill. We talked about
8 are you planning on having a hearing or something like
9 that. But he knows how I work. I know how he works. We
10 both know how the House and Senate process works. We just
11 never really had a need to call up and discuss things.

12:49:48

12 **Q.** But you did have a need to speak with Mr. Kincaid four
13 times about the map?

14 **A.** I didn't have a need. That third call that you have
15 referred to, I had been asked enough times I thought I
16 just ought to pick up the phone and ask him the question.
17 The other times were just really almost anecdotal
18 discussions.

12:50:04

19 **Q.** Senator Eckhardt asked you at the end of this
20 [as read:] Did he just want to give you a heads-up?

12:50:19

21 And your response was [as read:] No. He was actually
22 looking for a contact with someone in the House.

23 That was your answer to her. Is that true?

24 **A.** Yes. That's true.

25 **Q.** Who was this contact in the House?

12:50:27

1 **A.** He was looking for Representative Steve Toth's mobile
2 number.

3 **Q.** Do you know why?

4 **A.** No. I didn't ask.

12:50:38

5 **Q.** As a former member, longtime member of the House and a
6 Senator, do you know why Representative Toth might be a
7 relevant person in this mapping discussion?

12:50:55

8 **A.** My guess was that he had -- I think by that time
9 Representative Toth had announced that he was going to run
10 for Congress. But to be honest, I just didn't have time
11 to get into a discussion or want to.

12 **Q.** What part of the state does Representative Toth
13 represent in the House, the State House?

12:51:10

14 **A.** He's southeast Texas. I think he takes in part of
15 Harris County.

16 **Q.** So the changes in Harris County are going to impact
17 Representative Toth?

18 **A.** I would think they would, but I'm not 100 percent sure
19 he has any of Harris County in his rep district.

12:51:22

20 **Q.** These changes that were made in Harris County to
21 Congressional District 9, what is your testimony as to
22 whether any of those changes were made as a result of
23 something Representative Toth wanted?

12:51:43

24 **A.** Oh, I have no idea. I just knew that at the end of
25 the day it improved Republican performance in the

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

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

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

7 **v.**

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

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

OCTOBER 9, 2025

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

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17:15 1 you need to follow historical practice. And the historical
2 practice in mid-decade redistricting was that you have pre-map
3 hearings and then post-map hearings. So number one, that's to
4 do that. Be consistent.

5 The second is to hear from the public to determine if
6 there's going to be a map, if I'm going to look at that map or
7 someone's going to look at that map, to be able too evaluate
8 whether that's a map that needs to be filed or not. And the
9 only way to really be educated and prepared to do that would be
10 to hear from the public on whether or not there are defects
11 with the current map or not, whether or not there are issues
12 politically, nationally, what other states are doing on
13 redistricting, whether we need to wade into this issue or not.
14 And any other concerns that are raised.

15 All of those things bear into your evaluation of a
16 proposal. So I wanted to do that first.

17 Q. Why three?

18 A. Three was chosen because of the time that we had. This
19 wasn't a regular session; we only had 30 days. You have to
20 basically -- the House -- if the House was gonna move first on
21 the bill, if that was gonna be the state of play, you have to
22 back up under the parliamentary rules, and figure out how much
23 time it takes to get to the point where a Conference Committee
24 could be appointed, how long it takes for the Senate to take
25 action, how long it takes for the Senate committee to take

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17:16 1 action, how long it takes the House floor to take action,
2 putting it on the calendar, voting it out. And you backdate
3 it.

4 And so we had to have a bill on the floor of the House
5 out, I think, by the middle of the second week. And then
6 you've backed from that -- you have to schedule these public
7 hearings with sufficient notice. So we couldn't do something
8 during the first three days of session because we needed to
9 give notice. And so the timeline was such that we were gonna
10 be able to do three public hearings.

11 Q. Who made that decision?

12 A. I did.

13 Q. And ultimately, the decision was made that Chairman Hunter
14 will file the bill. Is that true?

15 A. I did.

16 Q. That also was your decision?

17 A. That was my decision, as Representative Hunter said it
18 publicly.

19 Q. Now, if it's been stated here in this courtroom under oath
20 by Adam Kincaid that he didn't consider any of the public
21 testimony in how he crafted the map, would that surprise you as
22 a Chairman of the committee?

23 A. I have no idea what Mr. Kincaid would or would not have
24 reviewed or should or should not have reviewed. That -- I
25 don't have any knowledge of that.

17:17 1 Q. Do you know that Chairman Kincaid -- or excuse me, that
2 Mr. Kincaid drew this map?

3 A. My understanding -- do I actually know that definitively,
4 personally, still, no. I mean, my understanding was a comment
5 was made by -- I think it was Senator King in answering a
6 question from someone at a Senate hearing that Mr. Kincaid was
7 the map author. I can only assume that he was. I believe he
8 was a witness. I think you mentioned he testified here. So --

9 But did I receive a map from Adam Kincaid and got an
10 email, hey, this is Adam Kincaid to Cody Vasut? No. So I can
11 only tell you what I know.

12 Q. You are a lawyer, I think I heard you say.

13 A. I am.

14 Q. Is it normal in your practice of law, as a lawyer, to keep
15 secrets from your clients?

16 A. To keep secrets from your clients would be to -- your
17 client asks for information and you can't lie to them. You
18 have a duty of candor to your client, loyalty to your client.
19 You don't have to disclose every single email you ever do. You
20 know, I report to clients on a regular basis. I don't copy
21 them on every single email I send. I don't copy them on every
22 single consulting expert I talk to.

23 And so I don't know how else to answer your question
24 about normalcy, other than -- other than that.

25 Q. All right. There was -- transitioning here, there was some