

September 5, 2013

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Dear Commissioners:

Mapping. I contacted several local firms with redistricting experience that could provide real-time mapping of witness proposals and this commission's options. However, when I alerted Craig Tonguet about this fact, he (very correctly) told me that the time for bids had expired and that the commission has received its bids and will act on them. I was too late – sorry.

Gerrymandering. At the hearing on September 4, Commissioner Hewitt asked me to define a gerrymander. To many persons, a gerrymander is defined by its appearance (i.e. bizarre in appearance). Many scholars add the criteria that a gerrymander occurs when the strange appearance is explainable only as an attempt to affect the outcome of future elections by enhancing or diminishing the chances of a candidate for election or the voting strength of a political group.

In accordance with this definition, I have enclosed a map of the congressional districts in Harris County as adopted by the Texas Legislature in 1991. It is one of my favorite illustrations of bizarrely shaped districts. Of course, there are many, many, many examples of bizarrely shaped districts from Texas history that were intended at the time to effect a particular political result. The congressional districts drawn by the Texas Legislature in the Tom DeLay-led redistricting in 2003 was a "masterful" political gerrymandering that ultimately resulted in the defeat of seven of the nine Anglo Democratic incumbents. My book, **Lines in the Sand**, details how this was achieved. All of us in Austin are aware of how the City was divided among five different congressional districts by the Texas Legislature's plan in 2011. This too was a gerrymander.

I have enclosed the 1991 plan for congressional districts in Harris County for several reasons:

1. The bizarre appearance. In so far as someone says "I know a gerrymander when I see it," the plan for 1991 meets that standard.

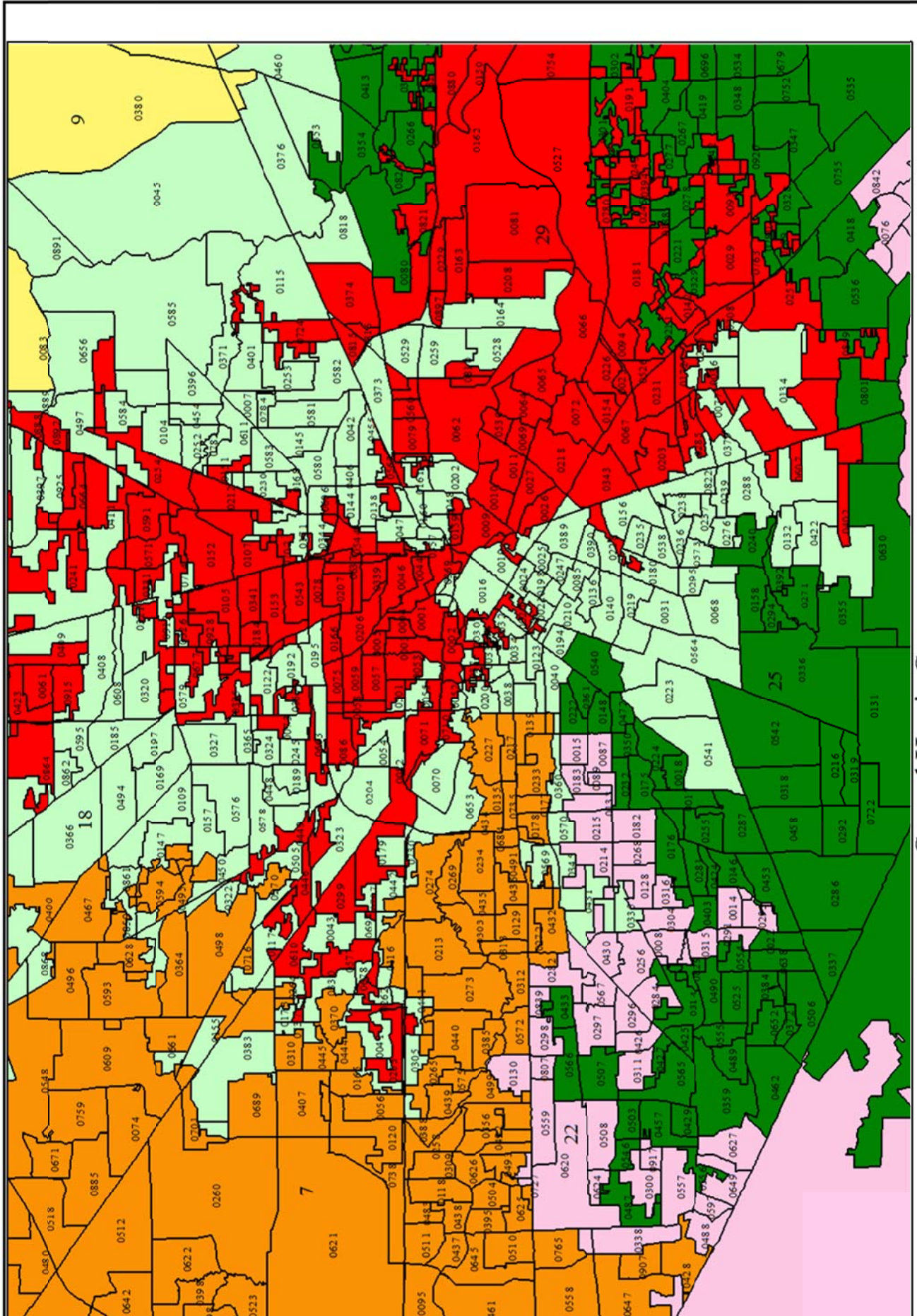
2. Good intentions. These particular districts in Harris County were drawn with the good intention of designing districts that would afford minorities the best opportunity to elect the person of their choice by searching out census blocks with African-American or Hispanic residents. Specifically the district shown in red is an attempt to search out Hispanic residents of Harris County and include them in the same district. The mirror effect is also seen in the attempt to search out white residents to include in the dark green, gold and pink districts. Subsequently a federal court redrew all of these districts using more accepted redistricting criteria and still produced the desired effect for minorities under the Voting Rights Act. In other words, the Legislature's gerrymander in 1991 was both unnecessary to achieve the goals of minority representation and resulted in a map that the state attorney general could not defend in court.
3. The Importance of Election Precincts. If you look closely at the enclosed map, you will see the Harris County election precincts as they existed prior to the redistricting and that many of the election precincts are cut by the congressional plan (and by similarly shaped state house and senate districts). As a result, Harris County had to draw or redraw over 400 election precincts prior to the 1992 primary. It was necessary, but often difficult, to find a satisfactory polling place in the new precincts and to reregister voters. It would not be possible for Travis County to redraw election precincts in this manner for the 2014 elections if this commission's plan for this city's districts cut election precincts.

As I indicated at the last hearing, a gerrymander designed to affect voting strength need not be bizarre in appearance. Some of the most effective gerrymanders in the world are also among the most aesthetically attractive. As an example, I like to point to the congressional districts that existed in North Texas in 1965. One "well-formed" district (District 5) consisted solely of Dallas County and was a nearly perfect rectangle. However, it contained more residents than any other congressional district in the country (951,527) and was over four times the population of a contiguous congressional district (District 4). It so happened that at the time the overwhelming number of Republicans (and African-Americans) in the North Texas area resided and voted in Dallas County so that the effect (and purpose?) was that these voters were "packed" in a single district while white Democrats dominated the surrounding, lesser populated districts.

I hope this is helpful.

Thank you.

Steve Bickerstaff



Central Harris County  
 PLAN C657