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Legal fight over redistricting focuses on name-calling

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AUSTIN - The state court trial over Texas congressional redistricting opened Monday, with Democratic lawyers claiming Republicans just want to beat incumbent Democrats and the other side saying Democrats are trying to protect "the white good old boys."

The legal battle to draw Texas' 32 congressional districts for the 2002 elections quickly fell into a partisan fight over which party would dominate the state's congressional delegation for the next decade. Democrats hold a 17-13 advantage in the current 30-member delegation.

The state will gain two seats because of population growth recorded in last year's census.

Richard Mithoff, a lawyer representing the Democratic congressional delegation from Harris County, argued that Republican redistricting plans have an unfair, single purpose - "to knock off Democratic incumbents."

But Irvin Terrell, representing the Associated Republicans of Texas, said Democratic plans are meant to protect the dominance of Democratic incumbents at the expense of minority population growth in Texas.

"Their math - so much of it is devoted to the white good old boys. That won't pass muster with the United States Supreme

Court," Terrell said.

Both sides were arguing before state District Judge Paul Davis, a Travis County Democrat who will draw the first official redistricting plan for the 2002 congressional elections. Davis has until Oct. 1 to issue a ruling before a federal court takes over.

The chore has fallen to Davis because the Legislature failed to pass a plan during its regular session, and Gov. Rick Perry has refused to call a special session.

Whatever plan Davis draws will be subject to review by the Justice Department for violations of the federal Voting Rights Act; by a three-judge federal court panel in Tyler; and ultimately by the U.S. Supreme Court.

Courts also eventually will draw new districts for the state House of Representatives and Senate, but redistricting for those bodies is not part of the case now on trial.

A dozen proposed congressional plans have been submitted to Davis.

Essentially, the Democrats are arguing for plans that would protect incumbents in both parties.

Republicans are pushing plans that would tip the delegation to a GOP majority at the expense of white Democrats, while adding districts that likely would be won by blacks or Hispanics.

Mithoff told Davis that the Democrats had tried to draw plans that recognized historic core districts dating to the

1930s.

Mithoff said some changes are required because of population shifts and because Texas has gained two congressional seats, but he said the changes can be done subtly.

"Many of the Republican maps prefer radical surgery when an outpatient procedure is all that is necessary," Mithoff said.

To emphasize the point, Mithoff noted that a Republican plan for Houston's 7th Congressional District even has drawn fire from its Republican incumbent.

U.S. Rep. John Culberson, R-Houston, has sent out a mailing complaining that maps drawn by Texas Attorney General John Cornyn and Lt. Gov. Bill Ratliff, both Republicans, would destroy the historic nature of the 7th District, which once was represented by former President Bush.

Culberson's mailing to 75,000 Houston residents complains that the Cornyn and Ratliff maps would move core portions of his district along Memorial Drive into districts represented by U.S. Reps. Tom DeLay, R-Sugar Land, or Sheila Jackson Lee, D-Houston. Culberson's new district would stretch out through rural counties west of Houston.

Culberson said Monday a redistricting plan that he and DeLay submitted to the court would preserve the 7th District while maximizing Republican gains in the delegation.