



*Used with permission*

## Supreme Court to Review Texas Redistricting

By GINA HOLLAND  
Associated Press Writer

WASHINGTON — The Supreme Court said Monday (Dec. 12, 2005) it would consider the constitutionality of a Texas congressional map engineered by Rep. Tom DeLay that helped Republicans gain seats in Congress.

The 2003 boundaries helped Republicans win 21 of the state's 32 seats in Congress in the last election\_ up from 15. They were approved amid a nasty battle between Republican leaders and Democrats and minority groups in Texas.

The contentiousness also reached Washington, where the Justice Department approved the plan although staff lawyers concluded that it diluted minority voting rights. Because of past discrimination against minority voters, Texas is required to get Justice Department approval for any voting changes to ensure they don't undercut minority voting.

Justices will consider a constitutional challenge to the boundaries filed by various opponents. The court will hear two hours of arguments in four separate appeals. Lawyers have been told the case will be argued March 1, so the outcome could affect 2006 elections.

The legal battle at the Supreme Court was over the unusual timing of the Texas redistricting, among other things. Under the Constitution, states must adjust their congressional district lines every 10 years to account for population shifts.

But in Texas the boundaries were redrawn twice after the 2000 census, first by a court, then by state lawmakers in a second round promoted by DeLay.

DeLay spokesman Kevin Madden said Monday, "The effort to deliver a new congressional map was founded in the belief that a history of gerrymandering efforts by Democrats in Texas had resulted in an unfair representation of Texas voters."

DeLay had to step down as House Majority Leader earlier this year after he was indicted in Texas on state money laundering charges.

DeLay and two people who oversaw his fundraising activities are accused of funneling prohibited corporate political money through the national Republican Party to state GOP legislative candidates. Texas law prohibits spending corporate money on the election or defeat of a candidate.

The alleged scheme was part of a plan DeLay and others set in motion to help Republicans win control of the Texas House in 2002 elections. The Republican Legislature then adopted a DeLay-backed congressional voting district map.

Gov. Rick Perry, a Republican, called lawmakers back for three special sessions in 2003 to tackle the map, despite vehement opposition from Democrats who walked out and even left the state to halt progress.

DeLay was later rebuked by the House Ethics Committee for using the Federal Aviation Administration to track down a private plane that shuttled some Democratic lawmakers out of the state.

The Texas case has been to the Supreme Court once before, and justices ordered a lower court to reconsider the boundaries following a decision in another redistricting case from Pennsylvania. Justices in that splintered opinion left little room for lawsuits claiming that political gerrymandering — drawing a map to give one political party an advantage — violates the "one-person, one-vote" principle protected in the Constitution.

However, now the court will have a chance to revisit that issue and the outcome could change because the court's membership is changing. Justice Sandra Day O'Connor is retiring, and Chief Justice John Roberts has been on the bench just a few months.

"It's all the more intriguing given the likelihood that Justice O'Connor won't be sitting in the case," said Richard Hasen, a professor at Loyola Law School who was surprised the court agreed to hear the case.

A lower court panel ruled that the map is constitutional and does not violate federal voting rights law.

The map was used in 2004 elections, and Texas elected one additional black congressman besides the six additional GOP members. Of the 32 seats, six delegation members are Hispanic and three are black. Minority and Democratic groups argue that the map reduced by two the number of districts considered "safe" for minority candidates.

After Texas decided to redraw its lines, two other states — Colorado and Georgia — also undertook a second round of redistricting.

Paul M. Smith, a Washington attorney representing challengers to the Texas map, told justices that the redoing of maps "is a symptom of the excessively partisan approach to redistricting now in vogue."

"When legislators choose to take such actions, they should be required to demonstrate some legitimate governmental purpose," he wrote in a filing.

The cases are *League of United Latin American Citizens v. Perry*, 05-204; *Travis County v. Perry*, 05-254; *Jackson v. Perry*, 05-276; *GI Forum of Texas v. Perry*, 05-439.

Associated Press writer Suzanne Gamboa contributed to this report.

December 12, 2005 - 3:14 p.m. CST

Copyright 2005, The Associated Press. The information contained in the AP Online news report may not be published, broadcast or redistributed without the prior written authority of The Associated Press.