



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 1, 2011

Sent via facsimile and U.S. mail

The Honorable Tom Perez
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Perez:

I write regarding the Civil Rights Division's efforts to delay Section 5 preclearance of the State of Texas' redistricting maps. Throughout this process, the Department of Justice has used dilatory tactics in an apparent effort to stall the process so that interim legislative and congressional maps are imposed upon the State of Texas. This approach is not only detrimental to Texas voters, it is inconsistent with our mutual agreement to resolve this matter in an expeditious and professional manner. Accordingly, I write to request that the Department of Justice end its attempts to further delay court proceedings in *State of Texas v. United States* and work proactively with the State of Texas to encourage the D.C. District Court to conduct a trial on the merits as soon as possible.

When we spoke on July 19, shortly after Texas sought a declaratory judgment from the D.C. District Court preclearing the State's redistricting maps, we both agreed that our offices could—and should—approach this litigation in a manner that was cooperative, productive, and professional. As you may recall, I specifically mentioned that the Texas Legislature moved up the candidate filing period in order to comply with the federal MOVE Act. In order to help expedite the process, I informed you that Texas would voluntarily provide the Civil Rights Division informal preclearance submissions so that your staff would have all the information necessary to review the State's maps as quickly as possible. You indicated that you understood the need for a quick resolution of this matter given Texas' advanced filing period.

Because I assume your assurances were made in good faith, perhaps you are unaware of your Division's repeated efforts to draw out the litigation—rather than expedite the process. For example, shortly after Texas filed its petition for declaratory judgment, we filed a motion asking the district court to review this matter on an expedited basis. Your office opposed that motion. Further, despite the fact that we promptly responded to the Civil Rights Division's repeated requests for additional information about the State's redistricting plans, your office nonetheless demanded extensive discovery that further delayed the process. Indeed, although the Civil Rights Division—with logistical assistance from my office—conducted multiple witness interviews outside the formal discovery process, your staff nonetheless insisted upon taking many of those very same witnesses' depositions. By any objective measure, this redundant approach unnecessarily delayed the preclearance process.

Most recently, the State of Texas requested that the district court hold a Section 5 trial the second week of December to help ensure that the State can conduct its primary elections, as required by the Texas Election Code, in March. Nonetheless, the Civil Rights Division has asked the D.C. District Court to delay the Section 5 trial until after the Supreme Court has resolved the State's emergency applications to stay implementation of the interim maps ordered by the Western District of Texas. Your office's motion to abate will only unnecessarily delay the preclearance process even further. But worse, as an apparent dilatory backup plan, the Division has asked the court for an additional 150 days of discovery in the event the Division's motion to abate is denied. The Division's request for five additional months of unnecessary delay can only be construed as a misguided effort to further postpone an expeditious resolution of this case. Indeed, only yesterday, your office objected to holding a status conference with the D.C. District Court to discuss these very issues. The Division's objection to a mere conference call with the court – the sole purpose of which would be to help resolve the parties' differing views on when a trial should be held – can only be viewed as another attempt to delay preclearance of Texas' redistricting plans.

Given your assurances during our telephone call, I hope you will review the Civil Rights Division's dilatory legal strategy and consider working proactively with my office to ensure that the preclearance trial proceeds as quickly as possible. Further, I request that the Civil Rights Division withdraw its motion to abate and that we finally allow the court to resolve this case. While I understand that we may disagree on the legal issues, hopefully we can both agree that federal law gives the courts authority to resolve our disagreement—and similarly recognize that this matter therefore needs to be resolved by courts as quickly as possible.

Sincerely,


Greg Abbott
Attorney General of Texas