Texas Republicans impose heavy fines on boycotting Democratic legislators

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The Republican majority in the Texas state Senate voted August 12 to begin imposing fines of up to $5,000 a day on Democratic state senators who are boycotting a special legislative session in order to block a redistricting plan that would effectively transfer five federal congressional seats from Democratic to Republican control.

Eleven of the twelve Democrats in the state senate refused to attend the special session, convening instead in Albuquerque, New Mexico July 29, outside the jurisdiction of the Republican-controlled Texas state government. New Mexico Governor Bill Richardson, a Democrat, has rebuffed requests that the legislators be extradited.

The Democrats refused to return, defying the fines, which took effect on Thursday, August 14, starting at $1,000 each, doubling to $2,000 on Friday, $4,000 on Saturday and $5,000 on Sunday and every day following until the special session ends August 26. The total fine for boycotting the entire special session would amount to $57,000, and the Republican senators specified that this be paid from personal and not party funds.

Several Republican senators suggested that Democrats who do not pay the fines would be deprived of their votes in the state Senate, an action that would deprive as many as 8 million people of representation (each Senate district has about 700,000 residents). Neither Governor Rick Perry nor state Attorney General Greg Abbott have yet taken a position on disenfranchisement of senators, which has no precedent under the state constitution.

The boycott by the Democratic state senators repeats the tactic employed by Democratic members of the lower house who left Texas as a group three months ago. They waited at a hotel in Oklahoma until the regular session of the legislature ended, frustrating the initial Republicans effort to push through the redistricting plan.

Governor Perry called a special session of the legislature and the redistricting plan was passed through the lower house, but the bill failed in the state Senate for lack of a two-thirds majority. Perry then called a second special session of the legislature, for which the Republicans imposed new rules ending the traditional two-thirds requirement for a bill to pass the Senate.

The move towards fines and disenfranchisement of the Democratic state senators follows a series of rebuffs to the Texas Republican leadership. On Monday, August 11, the Texas state Supreme Court rejected without comment a suit by the Republican majority in the state Senate seeking an order to compel the Democrats to return to Austin. Every member of the court was elected on the Republican statewide ticket. They gave no reason for their decision, but lawyers for the Democrats had argued that the court should respect the separation of powers and refrain from intervening in an internal legislative dispute.

On August 12, the Inspector General of the federal Department of Justice released a report on the conduct of state and federal officials during the flight of the Democratic state legislators to Oklahoma last May. The report was implicitly critical of the Texas Republicans, particularly the office of US Congressman Tom DeLay, the House Majority Leader, whose staff intervened aggressively with federal agencies seeking the arrest of the fugitive Democrats.

The report documented nine separate contacts by DeLay's office or Texas state officials seeking to mobilize federal law enforcement personnel against the Democrats. These included phone calls from DeLay's office to the Department of Homeland Security and the Department of Justice, and other calls to US Attorneys in Texas and Oklahoma, and offices of the FBI in Ardmore, Oklahoma and Corpus Christi and Brownsville, Texas. A state official urged one US attorney to "authorize the filing of a federal criminal complaint" charging the Democrats with unlawful flight, an action which would make it possible to arrest them in Oklahoma.

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In eight of the nine cases, the federal officials said that they had no authority to act. In an internal Justice Department email discussion cited in the report, Acting Assistant Attorney General M. Edward Whelan III called the proposal for federal intervention in the Texas dispute "wacko," while another warned it would open up a "hornet's nest."

The effort to mobilize Texas and federal agencies as a political police force for the Republicans directly interfered with anti-terrorism preparations in Texas, the report said. It quoted a Texas state police sergeant as telling an FBI agent that he could not work on an assignment for a joint anti-terrorism task force because his unit was being deployed to hunt the missing Democrats.

Despite the repeated failures in their efforts to push through the redistricting plan, the Texas Republican leadership is intensifying its campaign and escalating its rhetoric, comparing the Democratic opposition to criminals and terrorists. Governor Perry, in his first public comments after the Democrats fled to New Mexico, said he would call repeated special sessions until there was action on redistricting. Dropping the effort would be "like negotiating for hostages," he said.

The Texas Republican Party requested a federal probe of charges that the Democrats had violated campaign finance laws by using a Texas bank's plane for their trip to New Mexico. State Republican chairwoman Susan Weddington asked the Comptroller of the Currency to investigate the bank's actions.

In response, the Democrats have charged that the redistricting plan violates the Voting Rights Act by concentrating minority black and Latino voters into fewer districts, creating a majority of largely white congressional districts more favorable to Republican candidates. They compared the fines imposed on the 11 Democratic senators—nine of whom are black or Latino—to the poll taxes imposed in the South during segregation.

According to a report in the *Dallas Morning News*, the 11 Democrats sent a letter to President Bush, asking him to intervene against DeLay and Perry. The text of the letter declares: "There is even some belief among our constituents that the Perry-DeLay plan is the first step in a national Republican plan to weaken or repeal the Voting Rights Act in 2006 and to further secure Congressman DeLay's undefeatable majority for his expected speakership race."

While the Bush administration has backed off from using federal law enforcement personnel as DeLay's political bloodhounds, there is no question that the White House fully supports the drive to use every possible means, including criminalizing of political opposition, to pack the Texas congressional delegation with Republicans.

This campaign has been aided and abetted by the conduct of the national media, which treated the initial boycott by Democratic state representatives as something of a joke, and has barely reported the ongoing conflict in the state Senate. The national Democratic Party has also been virtually silent on the issue, and none of the nine candidates seeking the Democratic presidential nomination has sought to focus attention on the attack on democracy in Bush's home state.

The issue in Texas is not simply a partisan conflict between rival big business politicians, the usual electoral horsetrading between the parties that follows each decennial census. It is part of a pattern of Republican Party attempts to suppress political opponents, going back to the impeachment campaign against Clinton, the theft of the 2000 presidential election in Florida and now the recall campaign in California.

In Texas, as in many other states with divided party control of the state government, a three-judge panel drew new congressional boundaries in 2001, after the Republican governor and the state legislature, then under Democratic control, could not reach an agreement.

What is new in Texas—and in Colorado, where a similar campaign has redrawn the boundaries to cement Republican control of that congressional delegation—is the attempt to shift the boundaries a second time, not on the basis of new census data, but simply because the Republicans won control of the state legislature in 2002 and now have the power to gerrymander the boundaries in their favor.

DeLay complains that Texas, with Republicans in control of every statewide elected office, is split 17-15 in favor of the Democrats in its congressional delegation. His model is Florida, a state divided 50-50 in the 2000 presidential vote, where Governor Jeb Bush, the president's brother, and a Republican state legislature have drawn boundaries which produced a congressional delegation numbering 18 Republicans and 7 Democrats.

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