

Judicial Reform and Selection in Texas:  
What about Single Member Districts  
for All Appellate Judges?

By

Eric Welch

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FACULTY APPROVAL:

Patricia Shields  
Howard F. Balow  
Carol Kes

## Table of Contents

Table of Tables .....	iv
Chapter 1 -- Introduction .....	1
Introduction to Other Chapters .....	3
CHAPTER TWO -- Review of Literature .....	5
Accountability vs Independence .....	5
Role of the Judiciary .....	5
Judicial Independence .....	6
Judicial Accountability .....	7
Judicial Elections .....	8
Judicial Selection .....	9
Merit Selection .....	10
Popular Elections -- Nonpartisan .....	14
At-Large and Single Member Districts Elections .....	17
Hypothesis .....	24
Summary .....	25
Chapter Three -- Setting .....	26
History of Judicial Selection .....	26
Early Texas History .....	28

The Current Debate in Texas . . . . .	29
Diversity of the Bar: Accelerating . . . . .	32
The Cost of Judicial Elections	
Dramatic Population Growth . . . . .	37
Demands for a More Representative Judiciary . . . . .	39
Summary . . . . .	42
Chapter Four -- Methodology . . . . .	43
Data . . . . .	44
VARIABLE MEASUREMENTS . . . . .	45
Measurements . . . . .	45
Population -- Per Judge and Deviation . . . . .	45
Minimum Minority Strength . . . . .	45
Polarization . . . . .	47
<b>Drop-off Rate</b> . . . . .	48
Summary . . . . .	49
Chapter Five -- Analysis . . . . .	51
Women and Minority Appellate Judges . . . . .	52
Large Geographic Size and Population . . . . .	54
Ideal Population . . . . .	57
Minimum Minority Strength . . . . .	58

## Chapter One

### -- Introduction --

"But if I say only one memorable thing today, let it be this: the status quo in judicial selection is not an option. Change is occurring across the entire nation, either by popular will or federal judicial decree. Change will inevitably come to Texas. The only vital questions are what those changes will be, and who will make them."

State of the Judiciary Address by Chief Justice Thomas R. Phillips, to the Texas Legislature in 1989

Judicial selection has been the subject of a long-standing debate both in Texas and the other states (Slotnick, 1988). In the last few years the debate, in Texas has focussed on the large amount of money needed to run judicial campaigns, partisan elections and scandals on the Texas Supreme Court. Reformers have called for the implementation of the Texas Merit **Selection/Retention** Plan, which is essentially the Missouri Plan, to put respectability back in the court. Supporters of the current system, although themselves calling for some reform, criticize the Texas Plan, as being elitist. They contend that the plan would not lead to the appointment of more meritorious judges by citing a 1978 study by Glick, that concluded there were no significant difference in the characteristics of merit selection and partisan elected judges (Champagne, 1988:154). Anthony Champagne, who in 1986 with a grant from the Texas Bar foundation, produced a major study on the Selection and Retention of Judges in

Texas, wrote that: "At this point it is difficult to imagine that merit selection of judges in Texas is in the offering (Champagne, 1988:154)."

In 1988 another ingredient was added to the "Court Reform Debate." Minorities filed two separate suits with federal judges in Midland and Brownsville claiming that the at-large method of electing certain district-court and court of appeals judges violated section two of the U.S. Voting Rights Act (42 U.S.C. Section 1973 (1985)). This section prohibits election systems that dilute, even unintentionally, the ability of minorities to elect a representative of their choice. One of the cases *League of United Latin American Citizens v. Attorney General of Texas*, 914 F.2d 620 (1990) recently received a boost, when the Supreme Court overruled the 5th Circuit decision that the federal Voting Rights Act does not apply to election of state judges. Both cases are presently before the 5th Circuit Court of Appeals in New Orleans. There are a number of lawsuits similar to the Texas cases that are now pending or have been litigated in other states (Landis, 1990).

It is highly probable that if the legislature does not reform the judicial selection system in the near future the federal courts will. The legislature has the opportunity to reform the court in a manner that could satisfy not only minorities, but also the proponents and opponents of the current system. With this prognosis in mind, the following research question problem is proposed: Would voting for appellate judges in single member district elections increase the likelihood of more minority judges winning seats on the appellate courts in Texas. Would this in turn, not only make the courts more representative, but more respectable? Smaller districts is another probable benefit of single member districts. This would reduce campaign cost and hence, enable

candidates to campaign more effectively.

### **Introduction to Other Chapters**

This research will attempt to analyze the controversies surrounding the selection reform. In chapter two, the Literature Review, scholarly literature from a cross-section of political scientist and the legal community was analyzed and discussed with a focus towards the judicial selection reform debate in Texas. The last section in chapter two considered the single member district concept, which until recently has not been a major topic in the judicial selection reform movement. Chapter three is a comprehensive and historical look at the current Texas judicial system. Methods, to evaluate the Texas appellate selection system and its implication on minorities, are offered and discussed in chapters four and five. The final chapter will be a discussion of the findings and what implications they may have on the judicial selection reform movement. Also included in this chapter is a new judicial selection proposal that may or may not satisfy the critics and supporters of the current system.

## CHAPTER TWO

### Review of Literature

The topic of Judicial Reform and Selection has been hotly debated since the foundation of state courts two hundred years ago. Dubois (1986) notes that "no single subject has consumed as many pages in law reviews and law-related publications over the past fifty years as the subject of judicial selection (Dubois, 1986:31)". The vast majority of the academic research has been produced in the past twenty-five years (Slotnick, 1988). The topics vary widely, but tend to focus on which selection method is best at selecting the most qualified person to serve as a judge. The research shows that no one method is markedly superior to the other, but it does indicate the positive and negative aspects of each method.

Single member districts have been seen by many as the only method of achieving equal representation in not only local jurisdictions, but also in the judiciary. Since the Voting Rights Act of 1964 there has been numerous studies made on the dilution and disenfranchisement of minorities caused by at-large elections in local jurisdictions (Taebel, 1978; Karnig, 1982). Very little of this research has focussed on the judiciary. Many minorities in Texas believe that they have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their

choice.

### **Accountability vs Independence**

Thomas Brennan, in his article "Nonpartisan Election of Judges: The Michigan Case" states that "Thomas Jefferson said that if the voters make unwise or foolish choices, the remedy is not to disenfranchise them, but to inform their discretion. To say that voters do not know what they are doing is a glib denigration of democracy (Brennan, 1986:28)." This is just one of the many quotes that supporters of nonpartisan elections use to indicate how they feel about merit selection. Part of the unique feature of the American judiciary is found in the inherent tension between democratic accountability and judicial independence (Lovrich and Sheldon, 1984:23). Much of the debate over accountability vs independence is emotionally charged or based on personal experience. The diversity of systems of judicial selection reflects the uncertainty and ambiguity that surrounds the public attitudes toward the role of judges within the political process.

### **Role of the Judiciary**

The key to the debate over judicial selection lies in the priority given to the core values of accountability and independence. The controversy surrounding judicial selection hinges on the conflict between public accountability and judicial independence. Everyone agrees that good judges are essential, nonetheless, the problem of selecting the best qualified individual continues (McMillian, 1986:9). Many people feel that judges

are public officials and, hence, should be held accountable to the public for their behavior. The rule of law, however, dictates that judges remain independent from the ebb and flow of public opinion and politics (Lovrich and Sheldon, 1984:23).

### **Judicial Independence**

Those that believe strongly in judicial independence argue that the only major objectives in judicial selections are to secure judicial independence and to recruit the highest quality legal professional to staff the bench. They deem it unappropriated to hold judges accountable to the will of the people. They maintain that the will of the people has nothing to do with their functions. Judges decide cases upon the merits not on the perceived will of the majority. By "permitting the popular election of judges, the public fails to understand that judges do not make decisions based upon their views or the views of the public but, rather on the law's view on the matter (Krivosha, 1986:17)."

Dubois quotes a California appellate judge describing his job: "A judges responsibility is to interpret and apply the Constitution, legislative enactments, and the decisions of higher courts to cases or controversies presented to the court. This function must be performed by relying on legal training and knowledge of the law, and cannot, in any conscious way, be dependent upon personal or public opinion. A judge may not consciously follow subjective social, political, or economic views if the law requires a contrary result (Dubois, 1986:36)."

On the other hand, **Dubios** questions that statement and declares that it is "unrealistic and naive, however, to assume that judges will entirely set aside their own

attitudes and values in determining the relevant facts, in interpreting the applicable legal rules, and in reaching the result that they consider just, equitable or most consistent with sensible public policy (Dubois, 1986:38)." The fact that judges can be held accountable through elections actually "reinforces and legitimize judicial power on those occasions when judicial decisions offend a substantial portion of the citizenry (Dubois, 1986:38)."

### **Judicial Accountability**

The predominant notion is that courts serve a critical role in the maintenance of limited government by being a check on the legislative and executive branches. To perform this job the courts need to be independent. On the other hand, the courts must rule on laws and statutes that effect all the people. Judges should be sensitive and responsive to the political, economic, social, moral and ethical views held by a majority of citizens. Since judges must make these decisions they should be held popularly accountable for their decisions -- so say the Legal Realists -- who urges "a realistic understanding of the creative and innovative aspects of the judicial role (Dubois, 1986:38)" and that the "myth that judges have no opinions and that they go with an empty head to hear each case (Dubois, 1986:38)" is not true.

Judges called to decide constitutional, statutory and common law cases are required to make choices in their determination of the relevant facts, in the selection of the appropriate legal principles and precedents and in the application of those principles to the determined facts. These choices are full of underlying questions of equity, justice and public policy, which are inevitable influenced by the judges personal attitudes and

values. To make these choices judges act like other political decision-makers favor some individuals and groups and others are not favored (Dubois, 1986:38).

Judges as major governmental actors perform two distinct functions resolving disputes between litigants and "increasingly" establishing directions for public policy. To resolve the disputes judges need to be independent and to establish direction for public policy judge needs to be held accountable. This means judges must be both independent and accountable. (Lovrich and Sheldon, 1985:276)

### **Judicial Elections**

Judicial elections are "a symbol of the ongoing struggle between those who favor a judiciary that is held accountable to the public and those who seek a judicial system that provides for an independent judiciary (Hall & Aspin, 1987:340). Proponents believe that popular election at frequent intervals provide for the best opportunity to hold judges accountable for their actions. On the other hand, lifetime appointment by an independent commission would probably guarantee the greatest degree of independence, both in selection and tenure. Nonpartisan elections for long terms and merit selection -- Missouri Plan -- are compromises between absolute independence and maximum accountability (Jenkins, 1977:79). Lovrich and Sheldon (1984) maintain that "democratic accountability has lost the upper hand in its struggle with judicial independence in this post-reform period, and that the average voter has been reduced to the position of an unknowledgeable participant in a largely symbolic process (Lovrich and Sheldon, 1984:24)." Krivosha (1986:15) is afraid that the merit selection system has to a large

extent removed the judiciary from the political arena.

## **Judicial Selection**

There are myriad of ways to select judges in the United States. One would be hard press to find any two states with the identical systems. Most states use hybrid systems in which some judges will be chosen under one method and judges at another level of the court system will be chosen by a completely different method (Champagne, 1986:57). A state's choice of a system of judicial selection may be explained in large part by historical trends. These different methods can be classified in five major selection methods: partisan election, non-partisan election, merit\retention also know as the Missouri Plan, gubernatorial appointment and legislative selection (Davidow, 1981).

The research does not show that one method of selection has proven superior than the others. It does recognize, however, that all the selection methods have room for improvement. Researchers are currently asking whether the method of selection makes any difference in determining who becomes a judge. Simple background analysis of current and past judges show that most judges are white males. Consequently, women and minority groups have expressed great interest over whether judicial recruitment and selection at the state level provides new opportunities on the bench. They maintain that issues of fairness, representation, access and participation in the judicial arena must be addressed. The research topic confines the discussion to literature concerning merit selection and popular elections.

## **Merit Selection**

Merit selection presumes to combine the best features of all the selections processes. Under this plan, judges are appointed to the bench by the governor after making a selection from a list proposed by a judicial nominating commission. After a short probationary period on the bench, the new judge faces the voters who decide whether he or she should be retained in office (**Aspin and Hall, 1989:703**). These retention elections are nonpartisan, which means that voters cannot use party as a primary voting cue. When a candidate runs for retention, there is no opponent and the only name on the ballot is the person running for retention. The voters vote that candidate either up or down (**Champagne, 1986:61**). Throughout the history of retention elections only a handful of candidates have been defeated. This is a major criticism of retention elections (**Jenkins, 1977; Griffin and Horan, 1979; Hall and Aspin, 1987**).

Voters have shown little interest in retention elections. Dubois (1986) credits this lack of interest to the absence of competition and voting cues (Dubois, 1986). About 90 percent of the voters going to the polls voted for judicial candidates running against other candidates in partisan elections (Dubois, 1980). This compares to only 60 percent of those voting for a candidate in retention elections (**Beechen, 1974; Hall and Aspin 1987**). **Aspin and Hall (1987)** cite studies that show that "if the voting cues of partisanship, issues, incumbency and candidate appeal are unavailable, voters will be forced to look to other cues for guidance (**Aspin and Hall, 1987:705**). This led them to empirically examine the "friends and neighbor" effect in judicial retention elections.

One of the methods employed to gauge voter interest in judicial elections is the

"drop-off" rate. Drop-off rates are determined by comparing the total vote received by judicial candidates with the total number of ballots cast in the election (Beechen, 1974:243). Aspin and Hall (1987) compared the voting patterns of the voters in the current residence county of the judge with the voting patterns of the voters in the remainder of the district. If the "friends and neighbors" hypothesis is correct than two patterns should occur: 1) there should be less drop-off in the home county of the judge up for retention than in the rest of the district; 2) the percent in the home county voting 'yes' should be greater than in the rest of the district. The data confirmed the hypothesis, home county voters were more likely to vote either "yes" or "no" in the retention election than are the non-home county voters. The drop-off was higher in non-home counties. The findings also indicated that home county voters are not only greater supporters, but also greater critics of judges standing for retention (Aspin and Hall, 1987: 705-712).

The "friends and neighbor" effect shows that voters in smaller areas know their candidate better and are more willing to go to the polls, than voters in outlying areas. This substantiates another study by Hall and Aspin (1987). In that study they also found that voters in the candidates home county vote more heavily either for or against the judge, than do non-home county voters (Hall and Aspin, 1987:343-344).

Griffin and Horan (1979) studied the factors that influence voters in merit retention elections? The study suggested that people are more likely to vote in retention elections if they have learned something about the candidates from even a single source. The study used national data and a case study of the 1978 retention elections in

Wyoming. On the basis of the results of 17 states which conducted retention elections last year, the authors were able to find patterns and compare these with the trends observed in previous analyses of such elections (Griffin & Horan, 1979:81). The relationship between voting behavior and the impact of informational sources and levels upon voters was analyzed. The findings (impressive majorities in favor of retention) were similar to both the **Aspin** and Hall (1987) and Hall and **Aspin** (1987) studies. For the people that voted, information was obtained from personal contacts or observation of the judge. Like the **Aspin** and Hall (1987) study, higher levels of knowledge concerning the judicial election was reported by the voters of a judge's "home" county (Griffin & Horan, 1979:88). These finding strengthen the thesis that single member district appellate courts would hold judges more accountable.

In a nationwide study Glick and **Emmert** (1978) investigated why there are so few women and non-whites on state supreme courts. Measuring judicial qualifications is subjective, but there are several objective criteria available that can be analyzed, such as education and amount and type of legal and prior judicial experience. Merit systems are expected to favor individuals with extensive prior legal and judicial experience over those with extensive local and partisan political careers. A questionnaire was used to supplement data gathered from published sources to obtain a more complete biographic profile on the judges. The study included all state supreme court judges in the fifty states in 1980 and 1981.

Contrary to expectation, the findings indicate that merit plan judges have a larger variety of governmental experience than judges chosen by other selection methods (Glick

and Emmert, 1987:230-232). The study demonstrates clearly that judges from merit selection states do not possess greater judicial credentials than judges from popular election states. It also found that more of the gubernatorial appointment and merit selection judges have practiced in large firms. The study confirms many of the fears that minorities have indicated. Merit selection appears to limit the recruitment of minorities, especially blacks and hispanics (Glick and Emmert, 1987:230-232).

Elliot **Slotnick** (1984) conducted a similar study on the Federal level. Federal judges are recommended by their U.S. senator, than appointed to the bench by the president. When Carter came to office he issued Executive Order 11972 which officially established the U.S. Circuit Judge Nominating Commission to serve as a set advisory panels for aiding in generating candidates for appellate court vacancies (Slotnick, 1984:226). Although President Carter encouraged the senators to employ commission procedures for district court vacancies in their states, many of the senators used their own selection methods to select nominees.

The study utilized judicial selection procedures of the Omnibus Judgeship Act of 1978, which created 152 new judgeships. The Act required every judicial nominee to fill out a personal data questionnaire and go through confirmation hearings. Slotnick's study examined whether the four different types of recruitment methods employed by the senators, (1 personalized senatorial processes, (2 senatorially sponsored panels with candidate recommendations, (3 senatorially sponsored panels with all names forwarded, (4 presidentially sponsored panels, were associated with difference in a nominee's demographic profile, education, politicization, legal career and professional qualifications

(Slotnick, 1984:228).

As in the Glick and Emmert (1987) study one would expect merit selection nominees to exhibit exceptional legal qualifications and achievements in ways not necessarily shared by nominees chosen through personalized selection procedures. There were, however, no significant differences between nominees chosen by merit panel procedures and those emerging through personalized senatorial processes. Professional experience did not appear to make any difference whatsoever. For the most part the legal careers of nominees were similar in the aggregate regardless of whether personalized or panel process were used. The study suggest that "the identity of the actor [who] is predominantly responsible for designating nominees is at least as important and often more important for understanding the outcomes of judicial selection than the nature of the name generation processes utilized (Slotnick, 1984:234-235)."

### **Popular Elections •• Nonpartisan**

Nonpartisan elections is another system of reform that has taken root in a number of jurisdictions. These de-politicized contests, are criticized as symbolic exercises, because of the lack of interest displayed by voters. Nonpartisan elections are interesting because they function like primaries or municipal elections in Texas. In fact, when Texas was considered a one party state, the primaries were essentially nonpartisan, because of the lack of a viable republican party and the winner of the democratic primary generally went into the general election unopposed. Again one of the major cues most voters use is party and in these elections they are missing. As noted earlier, without this voting cue

in judicial races, turnout decreases and "drop-off" increases.

To gauge voter interest in judicial elections Beechen (1974) compared the "drop-off" rate of Californian municipal and superior court election from June 1968 to November 1972 to other elective offices and ballot measures. Judicial races received the lowest level of voter attention. The results show that judicial drop-off rates ranged between 24.5 and 15.1 percent, while in other races drop-off was between 4.3 and 15.7 percent (Beechen, 1974:244). Because smaller districts have less drop-off, Beechen (1974:245) deduced there was greater voter interest.

Lovrich and Sheldon (1984 and 1985) focused on individual electoral behavior in two of their studies. They explored voter knowledge and voting behavior in the context of accountability and elections. The more interesting facet of the Lovrich and Sheldon studies is their exploration of public attitudes on the appropriate balance between judgeship accountability and independence. They believed that a balance between the often contradictory demands of popular accountability and judicial independence is more likely to lie in high articulation than in low articulation electoral systems. They also maintained that the more knowledge the voters acquire, the more likely they are to appreciate the unavoidable tension between judicial independence and popular accountability (Lovrich and Sheldon, 1985:278-279).

Lovrich and Sheldon (1985) designed a judicial recruitment model that displayed the number of recruitment actors involved in the judicial selection processes, along with differences in the frequency of their interaction throughout the recruitment process. A mail survey of voters, attorneys, and judicial candidates in Oregon and Washington after

the 1982 primary elections was employed to fill in the cells of the recruitment model (Lovrich and Sheldon, 1985:276-279). The evidence confirmed the hypotheses that high articulation jurisdictions are a responsible electorate which comes to the polls relatively well informed to cast ballots and reflect an appreciation of the special character of judicial elections. Their findings led the authors to conclude that contrary to popular belief among critics of judicial elections, the broadening of the popular base outside of the legal profession may well enhance the prospect of an appropriate balancing of accountability and independence. (Lovrich and Sheldon, 1985:282-292).

In an earlier study, Lovrich and Sheldon (1984) found that the first two elements of Gabriel Almond's model of the three essential criteria of a democratic policy making process, (1) formal opportunity for mass participation, (2) genuine autonomy and (3) competition among the elites, are found in judicial elections. They argue that if the third criteria (an attentive public and informed and interested stratum before whom elite discussion and controversy takes place) can be shown, then the conventional view of judicial elections and their participants should be changed (Lovrich and Sheldon, 1984:25).

To test their hypothesis the authors mailed a survey to three jurisdictions to find out the existence of an attentive public. The findings indicated that potential voters who did vote had a higher knowledge about the courts and legal processes than those that did not participate in the election (Lovrich and Sheldon, 1984:30).

Lovrich and Sheldon (1988) also examined the role of race in judicial elections. Specifically they explored the extent to which the racial factor might reflect an

"irrational" consideration of voter choice (Lovrich and Sheldon, 1988:807). They used the May 1984 primary elections returns in Oregon for assessing the impact of the race factor on non partisan judicial contests. Two judicial electoral contests involving black judicial candidates running against white candidate were studied. The voting results were gathered and black and white precincts with comparable socioeconomic backgrounds and voting results were compared with percentage of votes cast for the minority candidate and the vote drop-off.

They hypothesize that if race is a significant voting cue, than there should be clear evidence that black candidates attract a significantly higher proportion in black precincts than in matching white precincts (Lovrich and Sheldon, 1988;808). The findings support their hypothesis. Blacks tended to vote for black judicial candidates. **Furthermore**, support for black judicial candidate falls off dramatically in comparable white precincts. The results also showed that political party preferences and ideological leanings are clearly relevant to racial issues with that ideological orientation outweighing party (Lovrich and Sheldon, 1988; 814).

### **At-Large and Single Member Districts Elections**

There is a large volume of litigation involving minorities attempt to replace at-large districts with smaller single member districts (Commentary, 1982; **Marovitz**, 1989). Davidson and Korbel (1981:1003) conclude from their examination of the history of reform during the Progressive Era that "many reformers, recruited from the business classes, introduced at-large elections to wrest control of municipalities from the laboring

classes and ethnic minorities." Minorities have been successful in persuading the courts to declare that at-large districts dilute minority votes representation. The courts, however, have been reluctant to overturn at-large districts in state judicial elections (Marovitz, 1989), despite the fact that blacks constitute only 3.8 percent of the more than 12,000 seats on state courts (Fund for Modern Courts, 1985:13). These statistics lead to the central question of whether methods of selection make any difference in determining who becomes judge (Graham, 1990:316).

In Barbara Graham's (1990) study of black representation on state courts, she notes that "despite historical patterns and traditional explanations of judicial recruitment and selection, an analysis of the background characteristics of state judges shows that one operative effect of judicial selection is that white males dominate state courts at all levels (Graham, 1990:316)." Her research examined whether and to what extent structural **characteristics** of judicial selection influence the racial distribution of state trial court judges. There were two interrelated questions; (1) Do formal and informal methods of judicial selection predict the likelihood of a black or white attorney serving as a state trial judge? (2) Are black judges more likely to reach the state trial court bench through elections or appointment (Graham, 1990:317)?

There are two competing approaches in explaining the scarcity of black judges on state benches. First, the structural dimension of judicial recruitment and selection in accounting for black underrepresentation, ie., method of selection, the South's repressive social and political tradition, one party system and discrimination. Second, the homogeneous composition of the legal profession, ie., unavailability of statutorily

qualified black attorneys explains the lack of representation of judges. Without greater representation of blacks in the legal profession, blacks will be under represented on the benches (Graham, 1990:318-319).

The study relied on data from the Joint Center for Political Studies for the black judges and data from *The American Bench: Judges of the Nation* for the white judges. The study was based on a sample size of 3,823 black and white trial court judges, constituting 50 percent of the entire general jurisdiction trial court bench in thirty-six states. The white cases were weighted to reflect their correct proportion in the population of judges (Graham, 1990:325-326).

The major findings of the study indicated that formal methods of judicial selection are insignificant in determining the racial distribution of judges on the state trial court bench, although informal methods were found to be significant. Appointment, both formal or informal, increases the chance of a black getting on the bench, however, among the appointive system the Missouri plan was the best for white judges. At-large-type judicial districts dilute black voting strength, which in turn, deprives black voters of the representatives of their choice (Graham, 1990:331).

A number of empirical studies have indicated that at-large electoral systems account for the inequality of black representation on governing bodies (Welch and **Karnig**, 1978; Taebel 1978; Davidson and Korbel, 1981). Collin (1980) observed that in municipal mayoral elections held in a nonpartisan setting, black political participation increases significantly in races where one of the candidates is black. The purpose of the inquiry was to examine whether or not race acts uniformly as a salient factor across

different types of municipal elections held in a nonpartisan setting. The study explored the municipal elections in Atlanta in 1973, which happened to be highly contested among blacks and whites (Collins, 1980:330).

By comparing two separate sets of elections for the same offices, which were held at different points in time, it was possible to observe the extent to which race acts as a means of organizing political behavior when the party label is absent. This study measured turnout, defined as the total vote cast in a particular contest as a proportion of the total registered vote; income, which was used as a proxy for social class; and the racial indicator, operationalized as a dichotomous variable (1 = precincts greater than 80 percent black registered voters and 0 = precincts greater than 80 percent white registered voters) (Collins, 1980:331). The method of analysis displayed the relationships among race, class and turnout in contests for the city's two executive posts as well as the at-large city council seats and the political behavior observed in both white and black precincts. The authors hypothesized that in nonpartisan electoral settings it is expected that those precincts higher in social class will turn out uniformly at a higher rate than those lower in social class. They expected that race to be a more salient variable for blacks than for whites when a black candidate is a contestant in nonpartisan election for mayor (Collins, 1980:332).

The results confirmed the importance of social class in each race. Relationship between turnout and social class increased by as much as 17%. In elections for mayor the differences in turnout were significant and as expected in the other elections the differences were not significant or the difference went in an opposite direction. Race

was a salient factor in the mayor election, however, for most cases the race variable failed to achieve significance. In other words it failed to stimulate higher levels of turnout among black precincts in those contests where there were black candidates (Collins, 1980:332). These results are comparable to Lovrich and Sheldon's (1988) research.

Lieske and Hillard (1984) perceived urban politics as full of the most perplexing and intractable issues that confront a liberal democracy, ie., racial segregation, social exclusion and political fragmentation. The primary vehicle of reform had been the introduction of at-large districts, nonpartisan ballots, off-year elections and multi-member races. These reforms (as in judicial races) have taken away the partisan voting cue. The author theorizes that the voter in need of new cues have turned to racial and ethnic identities and social group memberships to invoke political trust (Lieske and Hillard, 1984:545).

This study assessed the issues in a quasi nonpartisan, at-large electoral setting where racial and partisan factors compete as alternative voting cues -- the electability of white and black council candidates in Cincinnati was analyzed from 1969-1977. The authors hypothesized that in quasi nonpartisan, at-large elections, race and partisan endorsement may tend "to divide the vote along separate crosscutting cleavages (Lieske and Hillard, 1984:546-551)." To test this cleavage they analyzed the individual vote percentage in Cincinnati for each election year.

The outcome indicated that the council vote in Cincinnati was highly, polarized along racial and partisan lines. This division provided the authors an empirical basis for

grouping the candidates into eight (2 racial & 4 partisan) different voting groups. The results of the regression analysis indicated that the effects of race, class, and party vary both by election year and racial-partisan characteristics of the candidates themselves. Whites, however, tended to do significantly better in predominantly white precincts than in black precincts and blacks tended to do significantly better in predominantly black precincts and than in whites precincts. It was also clear that racial differences in the electorate were generally less important than partisan differences in explaining the vote for white candidate slates. The extent to which the vote is polarized along racial, class, and partisan lines is: greatest for white Republican, black democrat; next, greatest for white Democrat, white independent, black republican (Lieske and Hillard, 1984:53-55).

Taebel (1978) examined the impact of local governmental structural arrangements (plan of council member election and size of the council) on the representation of Blacks and Hispanics. The study investigated the extent of inequity of minority representation, and equity of minority representation and the linkage between type of council member selection plan and size of council. Equity (or the inequity) of minority representation on city councils was used as the dependent variable. Equity of representation was determined by subtracting the percentage of the city's minority population from the percentage of the city's minorities. A minus score thus indicates underrepresentation and a positive score indicates overrepresentation. The study used data collected from 166 Black and 60 Hispanic cities in which minorities had a statistical chance of electing a member of their group to the city council.

The results reflected not only a significant inequity in representation of minorities

on city councils but also a significant difference in the representation of Blacks and Hispanics on city councils. The data showed that Hispanics have done relatively better than blacks. When region was taken into account, inequity of representation for both Blacks and Hispanics, was much greater in the South.

The study used type of selection plan and the size of the council as the independent variables in determining the relationship between structural arrangements and equity of minority representation. The results clearly showed that for Blacks the actual size of the council is equally as important as the type of selection plan. Inequity for Blacks was much less in large city councils (ten or more) that employed district elections than large city councils that used at-large elections. The size of the council, however, was much more important to Hispanics than the type of election. Hispanics gain only marginally from district elections but significantly from larger-sized councils.

Another interesting finding revealed that as the population base of blacks increase the inequity of representation increases. The study showed that two important features of the municipal reform movement -- at-large elections and small city councils -- had an adverse impact on the equity of representation of two significant minority groups.

All of the previous mentioned studies had used the election or selection methods (formal, informal, at-large, mixed, district, ect.) as an independent variable and minority representation as the dependent variable. Davidson and Korbel (1981) conducted a before and after study of voting districts in Texas that had changed from an at-large elections to either mixed or pure single member district elections between 1971 and 1980. In most instances the changes had resulted from vote-dilution litigation initiated

by minority plaintiffs or from Justice Department intervention under Section 5 of the 1965 Voting Rights Act. The sample consisted of forty-one cases (twenty-one cities, twelve state legislative districts and eight educational districts) representing various subcultures throughout Texas.

The findings showed a dramatic increase in the percentage of minority officials. Before the changes, only 10 percent of the 259 officials were Black or Hispanic, but after the changes the percentage of minority officials jumped to 29 percent of the 283 officials. Black officials increased from 6 to 17 percent and Hispanic officials increased from 5 to 12 percent. These findings differed from Taebel (1979), who doubted whether single member districts would benefit Hispanics, on the one hand, but substantiated his findings that Blacks benefit most from single member districts.

The study also investigated if minority representation was affected by who draws the district boundaries. The results suggested that minority representation is much greater if minority groups or the justice department draw the districts (+ 34.3) than if authorship is unknown (+13.3) or groups hostile to minorities draw the districts (+3.8).

## **Hypothesis**

The summary of the literature establishes two criteria for determining whether the Texas Appellate Court judicial system frustrates the ability of a minority to elect candidates of its choice and therefore has a discriminatory effect. These criteria are (1) racially polarized voting patterns in the at-large system, and (2) less than proportional representation of the minority group on the appellate court. If either polarized voting

patterns or under representation is present a discriminatory effect should be presumed.

## **Summary**

The topic of Judicial Reform and Selection has been hotly debated since the foundation of state courts two hundred years ago. Despite all the volumes of literature and research, no consensus on what has been become a philosophical debate on whether or to what degree a judge should be held accountable to the voter or independent from the voter. This debate seems to be the main force behind the judicial reform movement.

The chief problem that the research illuminates is that all the systems have major flaws. No system has proven itself to be superior. Despite all the effort that goes in to selecting a judge by merit selection, the judges are not measurably better qualified than a judge chosen in an election or appointed by a governor. The data does show, however, if one is a minority or woman regardless of the selection system, the chances of becoming a judge, especially an appellate judge, are very slim. Judges make public policy that affect all the people, but a large majority of the judges come from environments that are far removed from the population at large. The following chapter will give a historical background to the present situation in Texas.

## Chapter Three

### Setting

To understand more clearly the judicial selection debate, it is important to start at the beginning. This chapter traces the judicial selection debate from the Declaration of Independence to the Texas Constitution of **1876**. The judicial selection system employed presently in Texas can be traced to the Texas Constitution of **1876**. When people or media refer to judicial reform in Texas they are in all probability referring to the Texas Supreme Court. The Texas Supreme Court is the conduit for the final resolutions of all tort lawsuits. Many of their rulings, such as school equalization, can have a direct effect on everyone in the state. Despite all the attention paid to reforming the judicial selection system, very little of it has focused on the underrepresentation of minorities and women in the judicial branch of government.

### History of Judicial Selection

Judicial reformers and politicians have been debating the best method of judicial selection in America for over 220 years. During Great Britain's reign over the American colonies, sovereignty resided in the King of England. One of the grievances cited in the Declaration of Independence was that the King "made judges dependent upon his will

alone for the tenure of their offices and the amount and payment of their salaries (Winters, 1966:1081)." After independence, the thirteen new states and the federal government used various methods of appointment in selecting judges. All these appointment methods (by the legislature, governor and council, governor and legislature, and executive and senate confirmation) suggested a determination to do away with the objectionable one-man control of the judiciary (Winters, 1966:1082). The early judicial reformers favored independence and longevity (Green, 1982:143). Hence, the system used in the federal government allows for lifetime appointments.

With the changes in political ideology, came changes in our judicial selection method. During the 1800s, Jacksonian democracy swept the nation with its fervor for popular political control (Schneider and Maughaus, 1979:45). President Andrew Jackson was highly critical of some of the powers assumed by the federal judiciary and was frustrated that he could not remove such judiciary from office. Simultaneously, the people felt that "judges were being appointed too frequently from the ranks of the wealthy and privileged (Winters, 1966:1083)." Jacksonian populism helped the people recognize their power as an electorate and they sought reforms to engage this power. Popular election of all public officials became one of the most notable reforms of the Jacksonian movement.

The first elected judges were lower court judges in Georgia, elected as early as 1812. Some twenty years later, Mississippi became the first state to adopt a completely elective judiciary. In 1846, New York switched to popular election of judges. After New York, all states entering the Union including Alaska in 1958, came in with an elected

judiciary (Winters, 1966:1083).

Efforts to reform the system and remove judges from the electoral process began almost **as soon as** the practice was instituted. The reformers feared the courts would be controlled by political machines. They saw non-partisan elections as a means of keeping political machines out of judicial elections. Most of the new West and Midwest states chose non-partisan elections as their method to select the judiciary. Still dissatisfied with the judicial selection process reformers developed "merit selection" at the turn of the century (**Green, 1992:143**).

### **Early Texas History**

The current system of judicial selection in Texas, which provided for popular election of judges and gubernatorial appointment to fill vacancies between elections, has changed very little since it was instituted in Article 5 of the 1876 Texas Constitution (**Green, 1992:144**). Texas tried several methods of selection before it chose the present system. Under the constitution of the Republic of Texas, both houses of congress jointly selected all judges except justices of the peace, who were popularly elected.

When Texas became a state in 1845, all judges were appointed by the Governor with advice and consent of the Texas Senate. Texans showed their support for the **Jacksonian** Democratic Movement of the 1830s and 1840s by exchanging gubernatorial selection of judges for popular election. The aftermath of the Civil War brought on the Reconstruction Period and a strong unpopular Reconstruction Governor, E.J. Davis, who under the Texas Constitution of 1869 was given broad authority to appoint many

governmental officials including judges (Green, 1992:143-144). The administration of Governor Davis "left the state with a deep fear of concentrated power in the executive (Douglas, 1975:677)." The return to popular election of judges in the Texas Constitution of 1876 was a direct response to the powers exercised by Governor Davis (Champagne, 1986:55).

Over the last one hundred years, there have been many proposals to change the current system of selection from popular election to merit selection or non-partisan election. None, however, have made it on the ballot (HRO, 1987:5-8). The early calls for Judicial Reform started after near defeats by unknowns of such "highly respected Supreme Court Justices" as W. St. John Ganwood in 1948 and Chief Justice Robert W. Calvert in 1962 (TRL, 1988:8). The early reformers also feared the problems associated with a two party system. They argued that merit selection would head off any troubles that a true two-party state would generate (Henderson and Sinclair, 1965:15; TRL, 1987:10). The debate over methods of judicial selection reached a climax in 1973 when the new constitution proposed by the Texas Constitution Revision Commission was defeated. The proposed constitution contained a plan for merit selection of judges (TRL, 1988:8).

### **The Current Debate in Texas**

The current debate on judicial reform has evolved tremendously since the proposed 1973 Texas Constitution. Prior to 1973, there were basically two major concerns of judicial reformers. First, the possible defeat of a person that was not

deemed "best qualified" by the elites of the judicial community. Second, the growth of a two-party political system in Texas. The first of these concerns was realized in 1976 when Don Yarborough defeated his Democratic primary opponent, Charles Barrow, who was the overwhelming choice of the State Bar's preferential poll. Yarborough went on to **win** the general election against two write in candidates. Before or at the time of his election, he was the target of at least fifteen law suits (Champagne, 1986:95). Seven months after taking his seat on the court Yarborough resigned under threat of impeachment.

Yarborough's short tenure ended an era when one had to be part of the old boys network to gain ascendance to the Texas Supreme Court. Historically, judges became justices only after they worked their way up through the lower courts or had served in the Legislature. At election time, sitting justices almost never drew opposition. Normally, justices would resign before the end of their terms, enabling their replacements to be named by the governor and to run as incumbents. In the event that an open seat was actually contested, the decisive factor in the race was the State Bar poll, which was the key to newspaper endorsements and the support of courthouse politicians (Henderson and Sinclair, 1968:492-496). Paul Burka (1987:139) described the atmosphere that this system created as:

In effect, the legal and political establishment **begat** generations of justices who reflected the assumption of their progenitors that preservation of a "good business climate" is the highest aim of government. Part of that climate was a legal system in which oil companies, hospitals, insurers, and other enterprises didn't have to live in constant fear of lawsuits . . . **All** it did was follow precedent, which mostly favored the defendant.

Yarborough's election not only gave ammunition to the judicial selection

reformers, but broke the myth that the Texas Supreme Court belongs to only the rich and powerful. Since Yarborough's election Robert Campbell, C. L. Ray, William Kilgarlin, Ted Z. Robertson, Oscar **Mauzy** and Lloyd Doggett have been elected without the support of the elite judicial establishment.

The second major concern was realized in 1978 when Texas became a true **two**-party state with the gubernatorial election of Bill Clements to the state's highest office. Only two decades earlier Henderson and Sinclair (1968:468) had found in their survey of lawyers and judges in Texas that one of the major factors that would "always disqualify" a judge is being "known as a Republican." Governor Clements became not only the first Republican governor in Texas since Reconstruction, but also the first Republican elected to a statewide office. **As** noted earlier, the Texas Constitution provides for the appointment by the governor of judges higher than district court to fill vacant judicial posts. Naturally, Bill Clements began appointing Republican judges to the benches and the Republican party began mounting numerous challenges for judicial posts.

Ronald Reagan's presidential sweeps of Texas in 1980 and 1984 are credited with "providing a strong boost for Republican judicial candidates (Champagne, 1986:70)." In the seventeen general elections from 1952 to 1982 only one incumbent district judge and two incumbent appellate judges have been defeated. In the next three elections **thirty**-five incumbent district judges and eighteen appellate judges were defeated (Hill, 1986:8). These defeats sent shock waves through the judicial community and a clamor for judicial reform was sent out. Yet, most of the turnover occurred in only two counties, Harris and Dallas, which had heavy straight ticket voting (HRO, 1987:18). Over the last three

elections the turnover rate has been moderate and the turnover rate is not mentioned as a major issue.

Besides the previous two concerns noted by the judicial selection reformers, three additional major developments have occurred in Texas that have over the last ten years led to added pressures for reform of the Texas judiciary: (1) increasing specialization of the bar and increasing cost of judicial elections; (2) dramatic population growth; (3) minority lawsuits.

Diversity of the Bar: Accelerating The Cost of Judicial Elections.

Former Chief Justice Hill asserts that "the big problem with our present system -- [is] excessive political contributions in judicial races (Hill, 1986:10)." Both proponents and opponents of judicial elections agree that it is very expensive to run a campaign in a state as vast as Texas, which has seventeen T.V. media markets.' The average contributions for all candidates for the Texas Supreme Court between 1982 and 1984 came to nearly \$340,000. The current nine sitting judges on the Texas Supreme Court raised more than 9.9 million dollars from 1988 to 1990. Chief Justice Tom Phillips, a staunch backer of merit selection, raised 3.8 million dollars for his 1990 race, while his opponent Oscar **Mauzy** raised 1.5 million dollars. No one questions the fact that judicial candidates need money to get their message out to the voter. The problem is that the base of contributors to judicial races has tended to be small. The bulk of the

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<sup>1</sup> Media market buys are not only very expensive for statewide candidates, but also for Court of Appeal candidates. Many Court of Appeal districts are so large that they fall into a number of different media markets. For example:

contributions raised for judicial races has typically come from lawyers (**overwhelmingly** defense and plaintiff), potential litigants, and a few special interest groups with strong legal interest.

To understand the controversy surrounding the Texas Supreme Court one has to appreciate the politics of lawyers involved in the selection process. According to Tom **McGarity**, a law professor at the University of Texas at Austin, Texas has in the last few years come from "behind the times to the cutting edge" in tort law (Rice, 1984).

Traditionally, the Texas Supreme Court had a reputation for being defense oriented or siding with defense lawyers, who represent people accused of causing injuries or torts. In the early 1980s plaintiff lawyers, who represent injured people filing lawsuits, began contributing large sums of money to choose judges of their philosophical tendency (Hart, 1988). By 1986 these large contributions were credited with electing C. L. Ray, William **Kilgarlin**, Ted Z. Robertson and Oscar **Mauzy** and changing the Texas Supreme Court "from one of the most pro-defendant court in the nation to being one of the most **pro-plaintiff** (Burka, 1987:206)."

The ascension and domination of the pro-plaintiff justices was a major factor in causing the Texas Supreme Court to become a battle ground for plaintiff and defense lawyers, each trying to pick candidates favorable to their perspective (Champagne, 1988:148). **The** two sides are natural enemies. Defense attorneys typically work for the big law firms or insurance companies, charge by the hour, and get paid, win or lose. They regard plaintiffs lawyers as ambulance chasers. Plaintiffs lawyers, on the other hand usually work for themselves or in small **firms**. Because their clients are often poor,

their fees are contingent upon winning; if their client loses, they get nothing. They think of defense attorneys as callous guardians of privilege and see themselves as avenging angels -- as the only weapon society has against asbestos manufacturers or the Ford Motor Company, which sold gas tanks that exploded and killed people.

The rise in the cost of judicial elections and the change of the Texas Supreme Court from a defense oriented court to a plaintiff oriented court occurred in the midst of the national debate over tort reform.<sup>2</sup> Proponents of tort reform, representing the defendant's bar, perceived a crisis in the civil justice system because of the trend toward higher and higher settlements in civil cases, especially personal injury case. While insurance companies declared that without some form of relief they either must charge exorbitant premiums or go bankrupt. Many liability insurance consumers organizations -- from doctors, to municipalities, to various industrial interest -- fearing higher rates or unavailability of insurance at any cost joined not only the tort reform movement, but the judicial reform movement.

Several incidents occurred in 1987 that invigorated the judicial reform movement. During the summer of 1987 the State Commission on Judicial Conduct sanctioned two sitting Democratic justices, C.L. Ray and William Kilgarlin, for alleged incidents involving plaintiffs lawyers who were also their contributors.<sup>3</sup> Shortly after that, the

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<sup>2</sup> Some of the leading case that have gave the court a perception of being pro-plaintiff are *Cavnar v. Quality Control Parking* (1985), *Whitworth v. Bynun* (1985), *Hofer v. Lavender* (1984), *Sanchez v. Schindler* (1983), *Duncan v. Cessna Aircraft* (1984) and *Gonzalez v. Gainan's Chevrolet City* (1985).

<sup>3</sup> Every major newspaper across the state headlined the State Commission on judicial Conduct rulings. Following is a sampling of the Headlines on June 10 the day after the

court decided to leave untouched the ten billion dollars awarded in the **Texaco-Pennzoil** case, which prompted scathing commentary in the national business media -- *Wall Street Journal* and *New York Times* (Champagne, 1988:157). In December, *60 Minutes* attacked the Texas judiciary in a segment titled "Justice for **Sale**."<sup>4</sup> In the midst of all that, two judges, Chief Justice John Hill and Justice Robert Campbell resigned from the court. Chief Justice Hill said he resigned so that he could join the judicial selection reform movement and "lobby for merit plan (Elder, 1987)." The resignations gave Republican Governor Clements the opportunity to appoint two Republicans to the court for the first time since Reconstruction.

The resignations meant that five seats -- a majority on the nine-member court -- were at stake in the 1988 elections instead of the usual three. Republicans, scenting an opportunity to end their unbroken record of failure in down-ballot state wide races, ran a "reform slate" against the Democratic nominees. Despite the print media's focus on the large amounts of contributions to the Texas Supreme Court candidates during the 1988

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**Commission** made their ruling: "State Ethics Panel Scolds Pair of Justices for Poor Conduct," -- *Houston Chronicle*; "Commission Rebukes 2 State Justices" -- *Austin American Statesman*; "2 Texas High Court Justices Rebuked in Unprecedented Action" -- *The Houston Post*; "Ray, Kilgarlin Get Slapped by Judicial Conduct Panel" -- *San Antonio Light*; "2 Justices Cited for Misconduct" -- *The Dallas Morning News*; Texas High Court Judges Disciplined -- *Fort Worth Star Telegram*.

<sup>4</sup> After the airing of the *60 Minutes* program newspapers across the state again wrote editorials and articles attacking the Texas Supreme Court and calling for judicial reform: On December 8, 1987 -- "High Court Reforms Pushed After *60 Minutes* Scrutiny" -- *Kerrville Times*; On December 9, 1987 -- "*60 Minutes* Report Sparks Criticisms: Republicans attack high court - Again" -- *The Houston Post*; "*60 Minutes* Probe of Texas Justice Calls for Resignations" -- *United Press International*; "Texas Justice Isn't for Sale, a Justice Says, but It Needs Reform" -- *Fort Worth Star-Telegram*.

elections, the judicial reform movement did not catch fire. In fact the leader of the reform movement within the Texas Supreme Court, Republican Chief Justice Tom Phillips, raised over 2.5 million dollars for his 1988 race.'

The two major stories of the 1988 elections were the coalition of defense lawyers, insurance companies and big business that Tom Phillips and the Republican party were able to put together and the voluntary 5000 dollar contribution cap per election for Supreme Court Justices. This coalition was strong enough to help elect three Republican judges to the Supreme Court. In the 1990 Supreme Court elections the coalition not only held on to the Chief Justice seat, but were able to add another Republican judge to the Court. Interestingly enough, the success of the coalition in Supreme Court elections can be credited with putting the brakes on the judicial reform movement in both the Republican and Democratic Parties.

Texans continuously reject nonelective schemes. When asked if Texans should continue to elect judges, over eighty percent of 1990 Democratic primary votes said yes; the referendum carried every county in the State.<sup>6</sup> Both the 1992 Republican platform<sup>7</sup>

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<sup>5</sup> The figures were derived by adding up all the contributions that Phillips raised in 1988 election cycle. The Contribution and Expenditure Reports are filed with the Secretary of State.

<sup>6</sup> Democratic Primary Election County by County Totals Report April 3, 1990. Austin: Office of the Secretary of the State, pp 459-63.

<sup>7</sup> Found under State Issues: Direct Election of State Judges and Appraisal Boards in the General Rules for All Conventions and Meetings Revised June, 1990 published by the Republican Party of Texas, March, 1992 p. 19.

and the 1990 Democrat<sup>8</sup> platform calls for the popular election of judges.

### **Dramatic Population Growth**

The population in Texas has grown from 7.7 million in 1950 to 17 million in the 1990.<sup>9</sup> Much of this growth has gravitated either toward the major metropolitan areas (Dallas, Houston, San Antonio ect.) or South Texas. This growth has had some major effects on judicial selection, especially at the district court level. An interim study of **The House Committee on the Judiciary** estimated the population of an average judicial district at 43,874. They found that there are twenty judicial districts with 1990 populations less than one one-hundredth of Harris County (Johnson, 1990: Table 1 and 2). The requirement that no judicial district be smaller than a county<sup>10</sup> has resulted in districts with tremendous variations in population. A judicial district consisting of Harris county may have as many as 2,013,190 eligible voters. Lamb county, on the other hand, may have as few as 10,558 eligible voters. Uncontested district court races in Harris and Dallas county can draw over 200,000 voters and contested races can draw between 400,000 and 700,000 voters (Champagne, 1988:151). Districts with large populations have made it difficult for judicial candidates running for district courts on a district-wide basis in these major metropolitan areas to canvas their huge numbers of potential voters.

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<sup>8</sup> Found under Judicial Selection in the Democratic Party Platform 1990, published by the Democratic Party of Texas, 1990 p.25.

<sup>9</sup> The population information came from the U.S. Bureau of Census found in **The World Almanac and Book of Facts 1985**, New York:Newspaper Enterprise Association, Inc., 1985 and from the Texas Legislative Council.

<sup>10</sup> Texas Government Code Annotated, §24.945(e) (Vernon 1988).

Another problem with the population growth is the large number of judges that are on the ballot in urban areas. There are seventy-seven district and court of appeal judges in Harris County, forty-nine in Dallas County, thirty in Tarrant County, twenty-six in Bexar County and nineteen in Travis County. Since all district and court of appeal judges run at-large it seems virtually impossible for the voter to recognize all the judges running in a large judicial district. A *Texas Lawyer* exit poll in Dallas and Harris Counties after the 1986 election suggested significant voter unfamiliarity with judicial candidates. Eighty-one percent of voters in Dallas County and seventy-seven percent of voters in Harris County could not recall that a name mentioned by the interviewer was a candidate for judicial district seat in the voters's county.<sup>11</sup>

The minority population has also been expanding rapidly in Texas. In 1980 Blacks and Hispanics made up nearly thirty-three percent of the population. According to the 1990 census minorities now make up over thirty-seven percent of the population. However, minorities represent only seven percent of the appellate court judges and twelve percent of the district judges.<sup>12</sup>

Minorities are challenging the at-large method of electing district and court-of-appeals judges. They maintain that the current judicial districts are fundamentally unfair and irrationally configured. Hill (1986:10) charges "that the result of our partisan election system is that Texas judges tend to be white males. Only one Hispanic and one

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<sup>11</sup> Johnson, "Voter Survey: Judges Unknown." *The Texas Lawyer*, November 10-14, 1986, at 1 col. 3.

<sup>12</sup> Court statistics are from the Office of Court Administration: Texas Judicial Council, November 1991.

female have served on the Texas Supreme Court in recent years; and since reconstruction, no blacks have served."

### Demands for a More Representative Judiciary

Black and Hispanic demands for more representation in the judiciary is seen by many as the newest element in the recurring debate concerning methods of judicial selection. Minorities have been fighting against discrimination and for fair representation in Texas since the Civil War. Many minorities view the current at-large election system as a subtle form of discrimination that should be eliminated. They are now challenging the system in the courts.

In 1988 two separate cases were filed in federal court charging that at-large elections violate the federal Voting Rights Act of 1965, 42 U.S.C. 1973 (1982) by diluting the ability of Black and Hispanic voters to elect the candidates of their choice in Texas. Minority groups in Texas have used the 1965 Voting Rights Act in the past to force local governments and the Texas Legislature to redraw their districts (Davidson and Korbel, 1981:998). The 1970 and 1980 Texas legislative congressional redistricting plans were the subject of several lawsuits.<sup>13</sup> Since 1972, however, minorities had little chance of challenging at-large elections because the United States Supreme Court rulings in *Wells*

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<sup>13</sup> See e.g. *Seamon v. Upham*, 536 F. Supp. 931 (E.D. Tex 1982), affd sub nom *Strake v. Seamon*, 469 U.S. 801 (1984); *Clements v. Valles*, 620 S.W. 2d 112 (Texas 1981); *Haham v. Howell* 410 U.S. 315 (1973); *Mauzy v. Legislative Redistricting, Bd.*, 471 S.W. 2nd 570.

*v. Edwards*<sup>14</sup> and *City of Mobile v. Bolden*<sup>15</sup> made the judiciary virtually immune to Voting Rights Act.

In 1988, the Fifth Circuit of Appeals in *Chisom v. Edwards*<sup>16</sup> ruled that the Voting Rights Act of 1965 applied to judicial elections. Shortly thereafter, attorneys in Texas filed suits in federal courts in Midland and Brownsville challenging the method used to chose Texas district and appellate judges in selected counties.

The Brownsville case, *Rangel v. Mattox* (Civil Action NO. B-83-053), was brought by two Cameron County voters against Attorney General Mattox, Secretary of State Bayoud and others. The plaintiffs challenged the at-large system used in electing the six judges on the 13th court of Appeals, which serves a 20-county area in South Texas. Only one of the six justices on the court is Hispanic, despite the fact that 56.6 percent of the population is Hispanic. The plaintiffs alleged that the system dilutes Hispanic voting strength in violation of §2 of the Voting Rights Act.<sup>17</sup> They claim that Hispanics have been underrepresented in the district because of past and present discrimination and

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<sup>14</sup> *Wells v. Edwards*, 347 F. supp. 453 (M.D. La. 1972) affd. 409 U.S. 1095 (1973) affirmed the district court's decision that the concept of one-man, one-vote apportionment does not apply to the judicial branch of the government.

<sup>15</sup> *City of Mobile vs Bolden*, 446 U.S. 55 (1980) also discouraged challenges by placing additional burdens on plaintiffs to prove a cause of action under the Voting Rights Act.

<sup>16</sup> The Supreme courts decision not to hear *Chisom v. Edwards*, 839 F.2d 1056 (5th Circuit), cert. denied sub nom *Roemer v. Chisom*, 109 S.Ct. 390 (1988) leave no doubt that, at least in the Fifth Circuit, Section 2 of the Voting Rights Act applies to judicial elections and judges are "representatives" as that term is used in the Voting Rights Act.

<sup>17</sup> Section 2 of the Voting Rights Act prohibits every state and political subdivision from imposing and voting qualification, standard, practice or procedure that results in a denial or abridgement of a United States citizen's right to vote on account of race, color, or status as a member of a minority group.

racially polarized voting.

In the Midland case, *LULAC v. Attorney General of Texas*, the plaintiffs, led by the League of United Latin American Citizens, sought a declaratory judgment that at-large election of district judges in nine targeted counties violate §2 of the Voting Rights Act by discriminating against black and Hispanic voters. They allege that the 190 judicial districts have a combined minority population of almost 30 percent, but only 5.3 percent of the 190 district judges are minority. They attribute the under-representation to voter dilution which was intentionally created and maintained with a discriminatory purpose that violated the civil rights of all plaintiffs by diluting their votes.

In 1989, federal judges in Midland and Brownsville held that the at-large system of electing certain judges in Texas violates §2 of the federal Voting Rights Act. It did this by diluting the ability of Black and Hispanic voters to elect the candidates of their choice. The federal judges ordered interim remedies that would have altered the 1990 elections, but the 5th U.S. Circuit Court of Appeals granted stays in both cases. The stays allowed the state to conduct the 1990 elections under existing law. In 1991, the Supreme Court overturned the 5th U.S. Circuit Court decision in *LULAC v. Attorney General of Texas*<sup>18</sup> that the Voting Rights Act does not apply to state judicial elections. The case was remanded back to the 5th Circuit Court to determine if the election system violates the Voting Rights Act, as the federal judge in Texas said it did. *Rangel* is currently

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<sup>18</sup> *League of United Latin American Citizens (LULAC) v. Attorney General of Texas*, 914 F.2d 620 (1990); rev'd sub nom. *Houston Lawyers' Association v. Attorney General of Texas*, 111 S.Ct. 2376 (1991).

<sup>19</sup> *id.*

before the 5th Circuit Court.

## **Summary**

Texas has had direct election of judges for over 100 years. Currently, there is no popular movement, despite the efforts of John Hill, outside of a few major newspapers and legislators to change the system to merit selection. Most of the so called "trial lawyer" or progressive judges have either retired or been defeated at the polls. The reform initiative has moved to the courts where under represented minorities are fights for judicial equity. Texas' history is horrendous when it comes to civil rights for minorities. At-large election systems continue to be used as another method of keeping minorities from gaining leadership roles in city, county and state government (Davidson and Korbel, **1981** and Taebel, **1982**). The remainder of this paper will be used to investigate whether single member districts can provide equity of representation for appellate court judges. The methodology used to answer this question is developed in Chapter Four.

## Chapter Four

### Methodology

While the concept of minority vote dilution is not easy to define, it is founded upon the theory that "the right to vote may be denied by dilution or debasement just as effectively as wholly prohibiting the franchise (*City of Port Arthur v U.S.*, 103 S.Ct. 530 (1982))." In what is now the leading case in the area of minority voting rights, the Supreme Court set out a simple three part test to determine if an at-large election system violates Section 2 of the Voting Rights Act.

First the minority group must demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single member district. Second, the community must show that it is politically cohesive. Third, the minority candidate must be able to demonstrate that the White majority votes sufficiently as a block to enable it -- in the absence of special circumstances, such as the minority candidate running unopposed... to usually defeat the minority's preferred candidate (*Thornburg v Gingles*, . 106 S.Ct. 2752 (1986)).

This chapter discusses where the data was obtained, defines the variable measurements used in the various tables and concludes with a table that includes all the variable measurements used in the study.

## Data

A county by county 1990 census report was obtained from the Texas Legislative Council Redistricting Project. This report contained the total and voting age population, along with the percentages of Black, Hispanic, Black plus Hispanic and "other" ethnic groups from the 254 counties in Texas. A list, dated November 12, 1991, of all the current judges and their jurisdictions were procured from the Office of Court Administration -- Texas Judicial Council. The Office of the Court Administration list included a breakdown of all Texas Women and Minority Judges. This data was imputed into a spreadsheet program on an IBM compatible, with a list of all state representative and senators. All counties were placed in their correct Court of Appeals Districts. Since the First and Fourteenth districts consist of the same counties and are elected on the same ballot, they were treated as one district when possible. In some instances the total number of judicial sets from the Fourteenth district was added to the First district, to give the First district a total of eighteen judicial seats.

This study also uses analytical generalization to help substantiate findings on polarization and electability of minorities under a single member district system. Polarization data from the twenty counties in the Thirteenth Court of Appeals District was taken from the Plaintiffs Exhibit Notebook used in *Rangel, et al v. Mattox, et al.*, Civ. No. B-88-053 (1988). The Plaintiffs Exhibit Notebook put together under the direction of the Texas Rural Legal Aid, Inc. by Dr. Charles Cotrell, Dr. Bob Brischetto and George Korbel included studies on all Democratic primary elections for all positions in every one of the twenty counties in the Thirteenth Court of Appeals from 1976 to 1988.

## VARIABLE MEASUREMENTS

### Population -- Per Judge and Deviation

To ensure that every ballot is weighed equally, the population for all **representative-type** elections should be equal. Population deviations from the average or ideal district of less than 4.5% have been invalidated, in Congressional districting, under the "one man, one vote" doctrine imposed by the equal protection clause of the U.S. constitution (*White v Weiser*, 412 U.S. 783, 93 S.Ct. 2348, 37 L.Ed. 2d 335 (1975)).

Population per judge ratios were calculated by dividing the total district population by the number of judges in the Court of Appeals district. The population of an average district ~~was~~ derived by dividing the state population by all the Court of Appeals districts seats in the fourteen districts. Population deviation was calculated by subtracting the population per judge from the population of an average district. The percentage of deviation ~~was~~ derived by dividing the average district population by the deviation and multiplying by 100. A positive number indicates that the district is larger than the mean. A negative number, on the other hand, indicates that the district is smaller than the mean.

### Minimum Minority Strength

Much of the evidence supports the assumption that Hispanics and Blacks each vote as a bloc in important elections and tend to support their own candidates (Tauber, 1978; Davidson and Korbel, 1981; Collins, 1980; Lieske and Hillard, 1984). The

minimum minority strength needed to have sufficient voting strength to elect one judge under a single member district was measured for every Court of Appeals District and Appellate jurisdiction. The minimum minority strength measure was developed to **determine** the possibility of a Hispanic or Black judge being elected in a certain jurisdiction. Tauber (1978:144-145) offered the following formula for determining minority **strength** if it were distributed proportionately.

$$MMS = MP \geq (1 / SC) / 2$$

where

MMS = minimum minority strength

MP = percent of minority population in the district

SC = number of judicial places.

That is to say that the  $MMS = (1 / SC) / 2$  is the percent of minority population needed to elect at least one judge if a proportionate system were in place. If  $MP \geq MMS$  than the minimum minority strength, than one would expect at one of the judges to be minority. For example, Hispanics in the Houston area constitute 18.4% of the population. The MMS for that district with its 18 appellate judges is 2.778. Since 18.4% is much greater than the MMS percent, one would expect at least one of the eighteen to be Hispanic under single member districts or proportional representation.

It is possible to estimate the number of minority judges a district should comprise, if it was proportionally represented, by multiplying the percent of the minority group with the number of judges in that district. The net gain of minority judges in a jurisdiction was calculated by subtracting the estimated number of minority judges from

the current number of minority judges. A positive number will be a net gain.

## **Polarization**

There are two criteria for determining whether a given at-large system has a discriminatory effect against minorities. These criteria are: (1) the racially polarized voting patterns in the at-large system, and (2) less than proportional representation of minority groups on the elected body.

Voting is considered to be polarized if a percentage of white voters large enough to constitute a majority of the electorate consistently casts ballot votes against minorities and thus defeats, minority candidates. Statistical evidence of polarization is obtained by comparing voting results between precincts that are racially homogeneous. The comparison is usually performed for elections in which a minority candidate opposes a white candidate. Regression analysis can be used to estimate correlations indicating racial bloc voting.

Polarization can also be measured by using the Index of Equity (Davidson and Korbel, **1981**). This measures the extent to which minority group members have been elected to office by using the concept of representational equity. Representation equity suggests that, all other things being equal, one would expect over a period of years that the percentage of minority elected officials would roughly approximate the percentage which that minority represents in the overall population of the electoral unit.

The "Equity Measure" is derived for each election by subtracting the percentage of the appellate court district's Hispanic or Black population from the percentage

minority seats held in that court. The dependent variable would be the equity or inequity of minority representation on the appellate court. The independent variables would be the districts Hispanic or Black percentage and the percentage of minority seats. Thus, if the Fourth Court of Appeals has only 28.8% of the Judges (2 of 7) but, 55.1% of the population, the equity score would be -26.3% (28.8% minus 55.1% equals -26.3%). The ratio score can then be computed by dividing the percentage of the judicial places held by minorities by the percentage of the districts minority population.

### **Drop-off Rate**

One of the methods employed to gauge voter interest in judicial elections is the "drop-off" rate. Drop-off rates are determined by comparing the total vote received by judicial candidates with the total number of ballots cast in the election. **Lovrich** and Sheldon, (1988) hypothesize that if race is a significant voting cue, than there should be clear evidence that a minority candidate attract a significantly higher proportion of the vote than an Anglo in a minority precinct or county. Measuring "drop-off" rates were difficult to accomplish for appellate court races, because very few Hispanics and Blacks have been willing to invest the money (which can be a sizeable amount when challenging an incumbent) and time needed to run in an at-large system, that they see as inherently unfair, unjust and discriminatory. However, in 1986 the first sitting Hispanic Supreme Court judge, who had been appointed by Governor White, ran against an Anglo trial lawyer from Odessa. Drop-off rates from counties in the Fourth and Thirteenth Court of Appeals districts were calculated to determine if counties with a

large Hispanic population would have less drop-off rates than counties with a small Hispanic population.

### **Summary**

The methods introduced above should be sufficient to provide the evidence needed to address the two criteria for determining whether the Texas Appellate Court judicial system frustrates the ability of a minority to elect candidates of its choice submitted in chapter two. The variables measures that are used in chapter five are defined in Table 4.1.

**Table 4.1**  
**Variable Measurements**

<b>Tables</b>	<b>Measurements</b>	<b>Data Sources</b>
<b>5.1 Representation</b> % of Black, Hispanic and Women Elected State Officials	(total number of minority elected state officials / total number of officials)	# of judges – Office of the Court Admin. as of November 12, 1991; Legislative Reference Guide
<b>5.2</b> % of Hispanic, Black or Women Judges	(# of minority judges / # of judges)	Office of the Court Administrator.
<b>5.3 14</b> Court of Appeals Districts	<b>TTL = Total</b> Pop; <b>VAP = Voter</b> Age Pop	1990 Census
<b>5.4</b> Population Per Judge Population of Average District Population Deviation Percent of Deviation	(total dis. pop / # of judge in dist.)  (state pop / all COA seals)  (pop per judge · pop of average dist.)  (pop of average dist. / dist. deviation) · 100	all populations – 1990 Census  # of judges per district – Office of the Court Administrator as of November 12, 1991
<b>5.5 - 6</b> Minimum Minority Strength  Estimated # of Minority Judges  Net Gain or Lost of Minority Judges	<b>(MP ≥ (1 / SC) / 1)</b>  (percent of minority · # of judges in dist.)  (est. # of new minority seats - current seats)	MP Source – 1990 Census  # of judges per district – Office of the Court Administrator as of November 12, 1991
<b>5.7</b> Polarization	Regression Analysis	Plaintiffs Exhibit Notebook. 1988
<b>5.8</b> Equity Measure  Ratio Score	(jurisdiction black or hispanic pop. · % of black or hispanic seats held)  (% of judicial seats held by blacks or hispanic / % of black or hispanic pop)	all populations – 1990 Census  # of judges per district – Office of the Court Administrator as of November 12, 1991
<b>5.9</b> Change – from at-large to single-member or mixed (part at-large and part single member)	(# before change and # after change)	Plaintiffs Exhibit Notebook. 1988
<b>Drop-off</b>	Top of the ticket vote total -judicial race total	Source – Election Returns · Secretary of State

## Chapter Five

### Analysis

The research question this paper is trying to answer is whether voting for appellate judges in single member district elections increases the likelihood of more minority judges winning seats on appellate courts in Texas. All appellate and district judges are state officials. But unlike state representatives and senators who must run in single member districts, all appellate and many district judges must run in at-large elections. The smallest district or sub district, that a person running for a state office can be elected to, is a state representative district.

TABLE 5.1  
Minority and Women  
Representation  
Among Elected State **Officials**

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Percent of Population	Black	Hispanic	Women
All Texans	11.9%	25.6%	50.7%
State Representatives	8.7%	13.3%	12.0%
State Senators	6.5%	12.9%	12.9%
State District Judges	2.3%	9.8%	13.0%
State Appellate Judges	1.0%	6.1%	11.0%

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Judicial **officials** are as of November 12, 1990 as reported by the Office to Court Administrator; Legislature Reference Guide. 1991.

The findings in Table 1 show that Blacks and Hispanics in Texas have a much better chance of being elected in small state representatives districts than in large appellate court districts. The most surprising finding in Table 1 is that despite the fact that Women are vastly underrepresented, their representation held consistent in all the branches of government. Unlike Blacks and Hispanics, type of selection method does not seem to be as important for Women as it is to Minorities.

### **Women and Minority Appellate Judges**

There are ninety-eight appellate court judges in the Texas Judicial System (Table 5.2). Of these ninety-eight judges only one (1%) is black. That judge, Morris Overstreet, presently serves on the Court of Criminal Appeals. He was appointed by the democratic party to run against a Black sitting judge that was appointed by Bill Clements. This was the first Black against Black statewide race under the 1873 Constitution. It is very interesting that the first elected statewide Black office holder comes from an area (Amarillo) with one of the smallest Black populations. Judge Overstreet defeated his white opponent in the (1992) democratic primary. An analysis of his votes in both the primary and general election would give a good indication of the amount of polarization and where it exists in Texas.

There are currently two Hispanic appellate court judges serving on the Corpus Christi court, two on the San Antonio court and one each on the Court of Criminal Appeals and the Texas Supreme Court. All six (6.1%) of the Hispanic judges serving on these courts come from high percentage Hispanic areas. Two of the judges, Fortunato P.

Benavides • Court of Criminal Appeals and Federico G. Hinojosa, Jr., now serving have recently been appointed to their position by Governor Anne Richards.

**Table 5.2**  
**Texas Women and Minority Judges**

Districts	# of Judges	Hispanic Judge		Black Judges		Women Judges	
		Number	Percent	Number	Percent	Number	Percent
1st (Houston)	9	0	0.0%	0	0.0%	4	44.4%
2nd (Fort Worth)	7	0	0.0%	0	0.0%	0	0.0%
3rd (Austin)	6	0	0.0%	0	0.0%	2	33.3%
4th (San Antonio)	7	2	28.6%	0	0.0%	1	14.3%
5th (Dallas)	13	0	0.0%	0	0.0%	4	30.8%
6th (Texarkana)	3	0	0.0%	0	0.0%	0	0.0%
7th (Amarillo)	4	0	0.0%	0	0.0%	0	0.0%
8th (El Paso)	4	0	0.0%	0	0.0%	0	0.0%
9th (Beaumont)	3	0	0.0%	0	0.0%	0	0.0%
10th (Waco)	3	0	0.0%	0	0.0%	0	0.0%
11th (Eastland)	3	0	0.0%	0	0.0%	0	0.0%
12th (Tyler)	3	0	0.0%	0	0.0%	0	0.0%
13th (Corpus Christi)	6	2	33.3%	0	0.0%	0	0.0%
14th (Houston)	9	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>80</b>	<b>4</b>	<b>5.0%</b>	<b>0</b>	<b>0.0%</b>	<b>11</b>	<b>13.8%</b>
Supreme Court	9	1	11.1%	0	0.0%	0	0.0%
Court of Crim. Appeals	9	1	11.1%	1	11.1%	0	0.0%
<b>All Appellate Judges</b>	<b>98</b>	<b>6</b>	<b>6.1%</b>	<b>1</b>	<b>1.0%</b>	<b>11</b>	<b>11.1%</b>

Texas Judicial Council – Office to the Court Administrator (November 12, 1991)

In 1978 Texas had only one woman appellate court judge,<sup>20</sup> currently there are eleven women judges serving on district appellate courts. All of these women are serving on courts that serve large urban areas (see Table 5.2). There are currently no women on either of the statewide courts, although Governor Clements did appoint Barbara Culver, but she was defeated in the republican primary of 1988. Nine of the fourteen Court of Appeals Districts have no minorities or women serving on them.

### **Large Geographic Size and Population**

The most surprising findings in this study were the discrepancies found in the geographic size and population between the fourteen Court of Appeals districts. There seems to be absolutely no rationality for the make up of the current districts. The 1st Court of Appeals Districts (Houston) has nearly 800,00 Hispanics living within its boundary. The following six Appellate Court districts, on the other hand, have total populations smaller than the number of Hispanics living in the 1st Court of Appeals. They are the 6th (553,424), 7th (759,593), 9th (774,413), 10th (634,541), 11th (404,438), and 12th (450,400) (see Table 5.3). The Black population (699,142) in the 1st Court of Appeals District is larger than four of the districts. Hispanics and Blacks, however, make up only 20.9% and 18.5% respectively of the total population (3.8 million) of the 1st District. Despite the fact that Blacks have a population of two million (11.9%), no judicial district (district or court of appeals) has a black majority. Hispanics constitute

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<sup>20</sup> According to the Texas Judicial Council Annual Report -- 1977:135, there were no Women district court judges from 1966 to 1976.

**Table 5.3**  
**Court of Appeals -- Total (TTL) and Voter Age Population (VAP)**

COA District		POPULATION					
		Total	Black	Hispanic	B + H	Anglo	Other
1st & 14th (Houston)	TTL	3,777,250	699,142	790,526	1,489,668	2,142,281	145,301
		22.3%	18.5%	20.9%	39.4%	56.7%	3.8%
	VAP	2,705,278	475,879	499,074	974,952	1,629,439	100,887
		22.3%	17.6%	18.4%	36.0%	60.2%	3.7%
2nd (Fort Worth)	TTL	1,785,606	168,109	180,658	348,767	1,388,935	47,905
		10.5%	9.4%	10.1%	19.5%	77.8%	2.7%
	VAP	1,302,582	112,476	112,986	225,462	1,044,295	32,825
		10.7%	8.6%	8.7%	17.3%	80.2%	2.5%
3rd (Austin)	TTL	1,339,830	127,972	259,912	387,884	921,641	30,305
		7.9%	9.6%	19.4%	29.0%	68.8%	2.3%
	VAP	989,505	86,196	167,443	253,639	712,806	23,060
		8.1%	8.7%	16.9%	25.6%	72.0%	2.3%
4th (San Antonio)	TTL	1,831,128	91,494	1,006,145	1,097,639	710,109	23,380
		10.8%	5.0%	54.9%	59.9%	38.8%	1.3%
	VAP	1,275,356	63,876	639,355	703,230	555,693	16,433
		10.5%	5.0%	50.1%	55.1%	43.6%	1.3%
5th (Dallas)	TTL	2,344,978	395,929	342,210	738,139	1,536,518	70,349
		13.8%	16.9%	14.6%	31.5%	65.5%	3.0%
	VAP	1,746,110	270,737	218,438	489,174	1,207,184	48,891
		14.4%	15.5%	12.5%	28.0%	69.1%	2.8%
6th (Texarkana)	TTL	553,424	102,732	15,480	118,212	431,291	3,874
		3.3%	18.6%	2.8%	21.4%	77.9%	0.7%
	VAP	404,150	68,219	9,452	77,671	323,731	2,748
		3.3%	16.9%	2.3%	19.2%	80.1%	0.7%
7th (AMARILLO)	TTL	759,593	38,902	171,383	210,285	538,196	11,394
		4.5%	5.1%	22.6%	27.7%	70.9%	1.5%
	VAP	541,210	24,966	99,627	124,592	408,848	7,770
		4.5%	4.6%	18.4%	23.0%	75.5%	1.4%

Table 5.3  
continued

District		Total	Black	Hispanic	B + H	Anglo	Other
8th (El Paso)	TTL	947,081	38,038	533,541	571,578	363,558	12,312
		5.6%	4.0%	56.3%	60.4%	38.4%	1.3%
	VAP	639,767	25,491	333,110	358,601	272,691	8,475
		5.3%	4.0%	52.1%	56.1%	42.6%	1.3%
9th (Beaumont)	TTL	774,413	127,540	40,507	168,047	596,087	10,067
		4.6%	16.5%	5.2%	21.7%	77.0%	1.3%
	VAP	556,225	83,561	24,618	108,179	441,506	6,540
		4.6%	15.0%	4.4%	19.4%	79.4%	1.2%
10th (Waco)	TTL	624,541	85,035	64,033	149,068	469,115	6,245
		3.7%	13.6%	10.3%	23.9%	75.1%	1.0%
	VAP	454,626	57,631	39,201	96,832	353,045	4,748
		3.7%	12.7%	8.6%	21.3%	77.7%	1.0%
11th (Eastland)	TTL	404,838	16,558	65,047	81,605	319,552	4,048
		2.4%	4.1%	16.1%	20.2%	78.9%	1.0%
	VAP	296,925	10,937	39,010	49,947	244,367	2,611
		2.4%	3.7%	13.1%	16.8%	82.3%	0.9%
12th (Tyler)	TTL	450,400	80,722	24,039	104,761	342,634	3,153
		2.7%	17.9%	5.3%	23.3%	76.1%	0.7%
	VAP	336,691	56,285	15,445	71,730	262,768	2,194
		2.8%	16.7%	4.6%	21.3%	78.0%	0.7%
13th (Corpus Christi)	TTL	1,346,608	41,739	847,084	888,823	446,439	10,773
		7.9%	3.1%	62.9%	66.0%	33.2%	0.8%
	VAP	902,206	28,097	521,989	550,086	344,749	7,370
		7.4%	11%	57.9%	61.0%	38.2%	0.8%
Totals	TTL	16,939,690	2,013,912	4,340,364	6,354,476	10,206,356	379,107
			11.9%	25.6%	37.5%	60.3%	2.2%
	VAP	12,150,631	1,364,352	2,719,745	4,084,097	7,801,121	264,552
			11.2%	22.4%	33.6%	64.2%	2.2%

Source: 1990 Census  
1K and 14th Court of Appeals Districts are identical.

slim voting age majorities --less than 60%-- in only three jurisdictions, Corpus Christi (13th District) with 20 counties (1.35 million), San Antonio (4th District) with 32 counties (1.83 million) and EL Paso (8th) with 22 counties (947,081). Anglos have high majorities in all the small districts -- over 70% -- such as the 6th District, which has 17 counties and a population of only 553,424; the 9th District, which has 11 counties and a population of only 774,413; the 10th District, 15 counties and a population of 624,541; and the 12th, 11 counties and a population of 404,834 (Appendix A).

#### Ideal District Population Size

As mentioned previously, in congressional districting, population variances of less than 4.5% have been invalidated under the "one man, one vote" doctrine imposed by the equal protection clause of the U.S. constitution. Population totals and population per judge vary dramatically in Texas Court of Appeals districts. The 1st Court of Appeals district has a population that is 933.04% larger than the 11th Court of Appeals. Table 4 shows the deviation per judge in the fourteen Court of Appeals districts.

The ideal district population per judge average is estimated to be 211,746. The smallest district (11th) has a mean population of 134,946 is 76,800 or 32.27% less than the ideal population. The largest district (1st), on the other hand, has a population of 419,694 which is 207,948 or 98.21% more than the ideal population. Eleven of the fourteen districts have deviated from the ideal district population over -- plus or minus -- 10%.

**Table 5.4  
Population Per Judge**

<b>Districts</b>	<b>Total Population</b>	<b># of Judges</b>	<b>Pop per Judge</b>	<b>Deviation per Judge</b>	<b>% of Deviation</b>
1st (Houston)	3,777,250	9	419,694	207,948	98.207%
2nd (Fort Worth)	1,785,606	7	255,087	43,341	20.468%
3rd (Austin)	1,339,830	6	223,305	11,559	5.459%
4th (San Antonio)	1,831,128	7	261,590	49,844	23.539%
5th (Dallas)	2,344,978	13	180,383	(31,363)	-14.812%
6th (Texarkana)	553,424	3	184,475	(27,271)	-12.879%
7th (Amarillo)	759,593	4	189,898	(21,848)	-10.318%
8th (El Paso)	947,081	4	236,770	25,024	11.818%
9th (Beaumont)	774,413	3	258,138	46,392	21.909%
10th (Waco)	624,541	3	208,180	(3,566)	-1.684%
11th (Eastland)	404,838	3	134,946	(76,800)	-36.270%
12th (Tyler)	450,400	3	150,133	(61,613)	-29.097%
13th (Corpus Christi)	1,346,608	6	224,435	12,689	5.992%
14th (Houston)	3,777,250	9	419,694	207,948	98.207%
<b>Total</b>	<b>16,939,690</b>	<b>80</b>	<b>211,746</b>	<b>0</b>	<b>0.000%</b>
			<b>Mean</b>	<b>Smallest Population</b>	<b>Largest Population</b>
			<b>(Average)</b>	<b>11th Dist.</b>	<b>1st &amp; 14th Dist</b>
District Population			211,746	134,946	419,694
Total Deviation			174,336	-76,800	207,948
Percent of Deviation			82.33%	-36.27%	98.21%

Texas Judicial Council – Office of the Court Administrator (November 12, 1988) and 1990 Census

### Minimum Minority Strength

The minimum minority strength (MMS) was calculated to show the minimum strength needed to elect one judge under a single member district for every Court of

Appeal district and Appellate jurisdiction. Table 5.5 displays the likelihood of a Hispanic or Black judge being elected in a jurisdiction. The findings show that Hispanics could win at least one judicial seat in nine of the fourteen appellate districts and two

**Table 5.5**  
**Minimum Minority Strength (MMS) and**  
**Estimated Net Hispanic Gain Under a Proportional System**

Districts	MMS	Hispanic Percent	# of Judger	Est. Hispanic Judges	Net Gain
1st (Houston)	5.556%	20.9%	9	2	
2nd (Fort Worth)	7.143%	10.1%	7	1	
3rd (Austin)	8.333%	19.4%	6	1	1
4th (San Antonio)	7.143%	54.9%	7	4	2
5th (Dallas)	3.846%	14.6%	13	2	2
6th (Texarkana)	16.667%	2.8%	3	0	0
7th (Amarillo)	12.500%	22.6%	4	1	1
8th (El Paso)	12.500%	56.3%	4	2	2
9th (Beaumont)	16.667%	5.2%	3	0	0
10th (Waco)	16.667%	10.3%	3	0	0
11th (Eastland)	16.667%	16.1%	3	0	0
12th (Tyler)	16.667%	5.3%	3	0	0
13th (Corpus Christi)	8.333%	62.9%	6	4	2
14th (Houston)	5.556%	20.9%	9	2	2
<b>Total</b>	<b>0.625%</b>	<b>25.6%</b>	<b>80</b>	<b>20</b>	<b>16</b>
Supreme Court	5.556%	25.6%	9	2	1
Court of Crim. Appeals	5.556%	25.6%	9	2	1
All Appellate Judged	0.510%	25.6%	98	24	18

1990 Census – Office of the Court Administrator (November 12, 1991)

Table 5.6  
Minimum Minority Strength (MMS) and  
Estimated Net Black Gain Under a Proportional System

Districts	MMS	Black Judges	# of Judges	Est. Black Judges	Net Gain
1st (Houston)	5.556%	18.5%	9	2	2
2nd (Fort Worth)	7.143%	9.4%	7	1	1
3rd (Austin)	8.333%	9.6%	6	1	1
4th (San Antonio)	7.143%	5.0%	7	0	0
5th (Dallas)	3.846%	16.9%	13	2	2
6th (Texarkana)	16.667%	18.6%	3	1	1
7th (Amarillo)	12.500%	5.1%	4	0	0
8th (El Paso)	12.500%	4.0%	4	0	0
9th (Beaumont)	16.667%	16.5%	3	0	0
10th (Waco)	16.667%	13.6%	3	0	0
11th (Eastland)	16.667%	4.1%	3	0	0
12th (Tyler)	16.667%	17.9%	3	1	1
13th (Corpus Christi)	8.333%	3.1%	6	0	0
14th (Houston)	5.556%	18.5%	9	2	2
<b>Total</b>	<b>0.625%</b>	<b>11.9%</b>	<b>80</b>	<b>10</b>	<b>10</b>
<b>Supreme Court</b>	<b>5.556%</b>	<b>11.9%</b>	<b>9</b>	<b>1</b>	<b>1</b>
<b>Court of Crim. Appeals</b>	<b>5.556%</b>	<b>11.9%</b>	<b>9</b>	<b>1</b>	<b>0</b>
<b>All Appellate Judges</b>	<b>0.510%</b>	<b>11.9%</b>	<b>98</b>	<b>12</b>	<b>11</b>

1990 Census -- Office of the Court Administrator (November 12, 1991)

seats in both of the higher courts. Blacks could win judicial seats in seven of the appellate districts and one seat in each of the higher courts see (Table 5.6). Some form of proportional representation could give Hispanics up to twenty-four seats a gain of eighteen and Blacks twelve seats a gain of eleven. The findings also show that minorities are somewhat better represented on the statewide appellate courts than on the district appellate courts. However, both of the statewide appellate court judges are up for re-election this year.

## **Polarization**

The Plaintiffs in *Rangle* demonstrated in their findings that there is sufficient polarization in the Thirteenth Court of Appeals district to violate Section 2 of the Voting Rights Act. Table 5.7 shows the polarization scores from all the minority v. Anglo elections on the appellate level from 1984 to 1988. Since no minority ran against an Anglo in 1988, an Anglo v. Anglo campaign was analyzed. The results clearly show a high degree of polarization in all the Hispanic v. Anglo elections.

During this period Salinas was the only Hispanic to run for a seat on the Thirteenth Court of Appeal. He secured ninety percent of the Hispanic vote, While his opponent, Young, received eighty-six percent of the Anglo vote. Despite the fact that the voter age population among Hispanics is over 50%, Salinas lost the election, because of the low turnout rate of 19.7% among Hispanics compared to White turnout of 25%. The polarization score was 0.759. It is interesting to note that the turnout rate in the 1984 Democratic primary was much higher for both Hispanics and Anglos in the district appellate court race than in the statewide Court of Criminal Appeals race.

In 1986 Judge Gonzalez, received 98.2% of the Hispanic vote in the Thirteenth Appellate District's Democratic primary and 99% in the runoff. Despite being a sitting incumbent Supreme Court Justice from the area with the backing of the Democratic hierarchy, Judge Gonzalez was only able to garner 29% of the Anglo vote during the primary and 41% in the runoff, The polarization scores of .695 and .585 for both of these elections were somewhat lower than the other Hispanic v. Anglo elections shown in Table 5.7. These scores, however, are much larger than the polarization score of .257 received by the Anglo v. Anglo 1988 appellate court race.

**Table 5.7**  
**Polarization -- Thirteenth Court of Appeals**

slope (m)		intercept (b)				
Election/Race Candidate		Registered Persons		Election Day Voter		Polarization
		Whites	Hispanics	Whites	Hispanics	Score
<b>1984 Dem. Primary - 13th Appellate Court</b>						
1 Salinas	0.142	3%	17.7%	14%	89.8%	0.759
2 Young	-0.19	21%	2%	86%	10.2%	
Turnout		25%	19.7%			
<b>1984 Dem. Primary - Ct of Criminal Appeals</b>						
1 Martinez	0.12	2%	145%	11%	83%	0.716
2 Nonhisp.	-0.16	19%	.3%	89%	17%	
Turnout		21%	0.174%			
<b>1986 Dem. Primary - State Supreme Court</b>						
1 Gonzalez	0.116	5%	16.7%	29%	98.2%	0.695
2 Nonhisp.	-0.12	13%	.3%	71%	1.8%	
Turnout		18%	17%			
<b>1986 Dem. Primary - Ct of Criminal Appeals</b>						
1 Martinez	0.103	3%	13%	16%	89.6%	0.726
2 Nonhisp.	-0.13	14%	1.5%	84%	10.4%	
Turnout		17%	14.5%			
<b>1986 Dem. Primary Runoff - State Supreme Court</b>						
1 Gonzalez	0.071	.4%	11.1%	41%	99% +	0.585
2 Gibson	-0.07	.6%	-.6%	59%	1%	
Turnout		10%	10.6%			
<b>1986 Dem. Primary Runoff - Ct of Criminal Appeals</b>						
1 Martinez	0.071	2.1%	9.2%	22%	99% +	0.766
2 Duncan	0.079	7.3%	-5%	78%	1%	
Turnout		95%	8.7%			
<b>1988 Dem. Primary - 13th Appellate Court</b>						
1 Bates	0.023	8%	10.4%	0.38	39%	0.257
2 Nyc	-0.07	13%	5.9%	0.62	61%	
Turnout		21%	16.2%			

Source -- Rangle v Mattox Plaintiffs Exhibit Notebook, 1988

## Equity (or Inequity) of Representation

Minority representation on all the courts is at an all time high in Texas. Despite this fact the equity findings show that minorities are vastly underrepresented in every appellate court jurisdiction (see Table 5.8), except the Court of Criminal Appeals, where the inequity score for Blacks is only **-.78%** and the ratio score is **.935**. The inequity score for all Hispanic and Blacks are **-19.50%** and **-10.87%** respectively.

The 8th Court of Appeals district has the highest inequity score (**-56.34%**) among Hispanics. Eleven of the Court of Appeals districts and both of the state appellate courts show Hispanic inequity scores to be above minus ten percent. The highest inequity score for Blacks is **-17.92**. Seven of the district appellate courts and one state court have Black inequity scores above ten percent. The high inequity scores shown on Table 5.8 indicate that polarization exist in a majority of the jurisdictions.

**Table 5.8**  
**Equity Measure**

Districts	Hispanic			Black		
	%	Equity	Ratio	%	Equity	Ratio
1st (Houston)	0.0%	-20.93%	0.000	0.0%	-18.51%	0.000
2nd (Fort Worth)	0.0%	-10.12%	0.000	0.0%	-9.41%	0.000
3rd (Austin)	0.0%	-19.40%	0.000	0.0%	-9.55%	0.000
4th (San Antonio)	28.6%	-26.38%	0.520	0.0%	-5.00%	0.000
5th (Dallas)	0.0%	-14.59%	0.000	0.0%	-16.88%	0.000
6th (Texarkana)	0.0%	-2.80%	0.000	0.0%	-18.56%	0.000
7th (Amarillo)	0.0%	-22.56%	0.000	0.0%	-5.12%	0.000
8th (El Paso)	0.0%	-56.34%	0.000	0.0%	-4.02%	0.000
9th (Beaumont)	0.0%	-5.23%	0.000	0.0%	-16.47%	0.000
10th (Waco)	0.0%	-10.25%	0.000	0.0%	-13.62%	0.000
11th (Eastland)	0.0%	-16.07%	0.000	0.0%	-4.09%	0.000
12th (Tyler)	0.0%	-5.34%	0.000	0.0%	-17.92%	0.000
13th Corpus Christi	33.3%	-29.57%	0.530	0.0%	-3.10%	0.000
14th (Houston)	0.0%	-20.93%	0.000	0.0%	-18.51%	0.000
<b>Total</b>	<b>5.0%</b>	<b>-20.62%</b>	<b>0.195</b>	<b>0.0%</b>	<b>-47.71%</b>	<b>0.000</b>
<b>Supreme Court</b>	<b>11.1%</b>	<b>-14.51%</b>	<b>0.434</b>	<b>0.0%</b>	<b>-11.89%</b>	<b>0.000</b>
<b>Court of Crim. Appeals</b>	<b>11.1%</b>	<b>-14.51%</b>	<b>0.434</b>	<b>11.1%</b>	<b>-0.78%</b>	<b>0.935</b>
<b>All Appellate Judges</b>	<b>6.1%</b>	<b>-19.50%</b>	<b>0.239</b>	<b>1.0%</b>	<b>-10.87%</b>	<b>0.086</b>

1990 Census – Office of the Court Administrator (November 12, 1991)

## Changes from At-Large to Single Member or Mixed

The *Rangle's* exhibit notebook looked at a number of city councils and school districts within the boundaries of the Thirteenth Court of Appeals that have been forced to change their method of election from an at-large system to a single member district or **mixed** system. Their findings, which are shown on Table 5.9, confirms the hypothesis that minorities have a much better chance of being elected in small single member districts than in at-large jurisdictions. Everyone of the city councils and school districts surveyed, gained minority representation after the implantation of single member districts.

Another interesting finding of this study shows that the jurisdictions that used pure single member districts were much more representative of the community as a whole, than the ones that used mixed elections. Only one minority, a black in Victoria, was able to win an at-large place in the mixed elections. Despite the fact that Hispanics makeup 51.9% of Corpus **Christi**, they were not able to elect an at-large Hispanic or Black to the city council.

**Table 5.9**  
**Recent Election Changes from At-Large to Single Member or Mixed<sup>1</sup>**

Jurisdiction	Combined Minority %	Seats	At-Large			Single Member District		
			Hispanic	Black	White	Hispanic	Black	White
Beeville - CC <sup>2</sup>	59.93%							
Before <sup>3</sup>		5	1	0	4			
After		5				3	0	2
Corpus Christi - CC	51.90%							
Before		7	1	0	6			
After <sup>*</sup>		8	0	0	3	3		2
Port Lavaca - CC	49.08%							
Before		6	1	0	5			
After		6				2	1	3
City of Victoria - CC	40.30%							
Before		5	0	0	5			
After <sup>*</sup>		6	0	1	2	1	0	3
Calhoun County ISD <sup>4</sup>	37.20%							
Before		7	0	0	7			
After <sup>*</sup>		7	0	0	1	2	0	4
Gonzales ISD	36.90%							
Before		7	0	0	7			
After		7				2	0	5
Victoria ISD	36.90%							
Before		7	1	0	6			
After <sup>*</sup>		7	0	0	2	1	1	3

<sup>1</sup> Mixed elections are **where** some members **are chosen** at large and other members by single member district.

<sup>2</sup> CC is an abbreviation used for City Council.

<sup>3</sup> **Before** refers to at-large elections before they were changed to single member or mixed.

<sup>4</sup> ISD - **I**ndependent **S**chool District

<sup>\*</sup> **Mixed** system

Source - Rangle v Mattox Plaintiffs Exhibit Notebook, 1988

## **Drop-Off Vote**

Drop-off votes in contested statewide Appellate Court races average between 10% and 15%, depending on the intensity of the race in question. The numbers are about the same as that School Board candidates and other down ballot candidates receive. The drop-off rate in Salinas 1984 race for the 13th Appellate Court was 11.4% in the district.

The results show that drop-off rates declined in counties with large Hispanic populations. The drop-off rates in the Gonzalez Supreme Court primary race were compared to the drop-off rates in the Mauzy Supreme Court race. Every county in the 4th and 13th Appellate Courts where Hispanics make up at least 55% of the population, except Bexar, had lower drop-off rates in the Gonzalez race than in the Mauzy race. On the other hand, every county with a Hispanic population of less than 55% had greater drop-off rates in the Gonzalez race than in the Mauzy race. Another interesting finding showed that **Gonzalez's** opponent's home county (Ector) actually produced more votes in the Supreme Court race than the top of the ticket. These findings substantiate the Hall and **Aspin** (1987) "friends and neighbor" theory.

## **Summary**

The findings show that minorities and women are underrepresented in all branches of elected government. However, minorities are even less represented in the judicial branch of government. Women, on the other hand, are equally represented in all branches of government. Where minorities do much better in single member districts than at-large elections, women do equally well in both systems.

There seems to be no "Rhyme or Reason" behind the makeup of the current Court of Appeal. There are districts with populations of over 4 million and districts with populations of under 500,000. The population per judge deviates dramatically and only three districts falls into the range of the ideal population per judge. This type of system dilutes the minority vote so much that it makes it almost impossible to elect a minority in most jurisdictions. The findings indicate, however, that minorities would have a much better chance getting elected to office under a single member district system.

## **Chapter Six**

### **Conclusion**

Over the past decade, there have been several developments which have led to pressures for reforming the method of selecting judges in Texas. Until recently most of the pressure for reform came from the business community and the media. The business community lost control of the Texas Supreme Court in the early 1980s after a number of plaintiff backed judges were elected. Fearing that the Texas Supreme Court was becoming to liberal and anti-business, the business community and their allies began calling for judicial reform and a new selection method. After several "plaintiffs judges" were turned out of office, the reform movement began to dissipate.

Minority groups fearing that the Texas Plan proposal, which called for merit selection and retention of judges, would further harm their chances of being represented in the judiciary brought suit in federal court. The minorities argued that the current judicial districts and at-large elections are fundamentally unfair and dilutes their vote. After studying the makeup of these districts this author has to agree with the minorities that the system is unfair.

**All** the evidence points in the direction that Texans want to continue electing their judges. This author proposes the following re-districting plan to not only make it easier for minorities to get elected, but to clean up some of the abuses that have taken place over the last decade.

The Texas Supreme Court and Court of Criminal Appeals should be divided into nine single member districts with a population of around 1,880,542 (see Table 6.2). These nine single member districts would also become the new Court of Appeals districts. Each Court of Appeals district would than be divided into nine single member subdistrict (81 total Court of Appeal judges) with a population of about 209,849. The largest district, Dallas North, and the smallest district would deviate only 5.3% and -7.12, respectively, from the ideal population size (see Table 6.1). These **smaller** districts would not only increase minority representation, but cut the high cost of campaigning for all judicial races.

Table 6.1

Proposed Plan -- Deviation and Population per Judge

Districts	Total Population	Deviation		# of Judges	Voters p Judge
		Number -----	Percent		
1st (East Texas)	1,850,928	-29614	-1.57%	9	205,659
2nd (South Texas)	1,746,619	-133923	-7.12%	9	194,069
3rd (West Texas)	1,959,469	78927	4.20%	9	217,719
4th (Houston West)	1,762,572	-117970	-6.27%	9	195,841
5th (Central Texas)	1,768,306	-112236	-5.97%	9	196,478
6th (Dallas South)	1,980,304	99762	5.30%	9	220,034
7th (Houston East)	1,905,811	25269	1.34%	9	211,757
8th (Dallas North)	1,978,748	98206	5.22%	9	219,861
9th (North Texas)	1,972,119	91577	4.87%	9	219,124
Total	16,924,876			81	208,949
Ideal Population Size	1,880,542				

Source: 1990 Census

**Table 6 2  
Proposed New Appellate Court Plan •• Population Distribution**

COA		POPULATION				
Districts		Total	Black	Hispanic	B & H	Anglo
1st (East Texas)	TTL	1,850,928	335,879	99,574	432,384	139,650
			18.1%	5.4%	23.4%	75%
	VAP	1,357,423	226,296	63,563	287,943	1,055,423
			16.7%	4.7%	21.2%	77.8%
2nd (South Texas)	TTL	1,746,619	59,822	1,064,961	1,121,668	609,853
			3.4%	61.0%	64.2%	34.9%
	VAP	1,172,229	40,528	656,480	695,286	466,628
			3.5%	56.0%	59.3%	39.8%
3rd (West Texas)	TTL	1,959,469	104,462	1,208,858	1,308,398	626,701
			5.3%	61.7%	66.8%	32.0%
	VAP	1,340,922	71,955	770,236	839,557	483,648
			5.4%	57.4%	62.6%	36.1%
4th (Houston West)	TTL	1,762,572	525,179	544,948	1,057,819	634,921
			29.8%	30.9%	60.0%	36.0%
	VAP	1,237,368	358,913	339,586	690,597	497,910
			29.0%	27.4%	15.8%	40.2%
5th (Central Texas)	TTL	1,768,306	232,914	291,647	518,802	1,214,943
			13.2%	16.5%	29.3%	68.7%
	VAP	1,304,945	157,603	186,718	340,958	937,572
			12.1%	14.3%	26.1%	71.8%
6th (Dallas South)	TTL	1,980,304	438,277	368,097	797,696	1,134,064
			22.1%	18.6%	40.3%	57.3%
	VAP	1,438,374	295,772	228,111	518,743	885,961
			20.6%	15.9%	36.1%	61.6%
7th (Houston East)	TTL	1,905,811	128,076	216,273	341,354	1,492,488
			6.7%	11.3%	17.9%	78.3%
	VAP	1,379,138	83,972	138,572	220,715	1,108,424
			6.1%	10.0%	16.0%	80.4%

Table 6.2  
Continued

Districts		Total	Black	Hispanic	B & H	Anglo
8th (Dallas North)	TTL	1,978,748	107,936	157,969	263,785	1,649,144
			55%	8.0%	13.3%	83.3%
	VAP	1,442,403	70,568	102,302	171,158	1,225,445
			4.9%	7.1%	11.9%	85.0%
9th (North Texas)	TTL	1,972,119	84,674	332,331	464,528	1,481,532
			4.3%	19.4%	23.6%	75.1%
	VAP	1,431,991	55,283	230,602	284,670	1,128,888
			3.9%	16.1%	19.9%	78.8%
Totals	TTL	16,924,876	2,017,219	4,334,658	6,306,707	10,241,296
			11.9%	25.6%	37.3%	60.5%
	VAP	12,104,793	1,360,890	2,716,172	4,049,627	7,789,905
			11.2%	22.4%	33.5%	64.4%

Source: 1990 Census  
COA is Court of Appeals.  
TTL is total population.  
VAP is voter age population.

**Appendix A**  
**Ethnic Population per County**  
**and**  
**Court of Appeals District**

Court of Appeals		Black			Hispanic		B&H	Anglo		Other
		Population	Pop	%	Pop	%	%	Pop	%	%
<b>1st</b>										
AUSTIN	TTL	19,832	2,618	13.2%	2,082	10.5%	23.7%	15,052	75.9%	0.4%
	VAP	14519	1742	12.0%	1249	8.6%	20.6%	11485	79.1%	0.3%
BRAZORIA	M	191707	15,912	8.3%	33,740	17.6%	25.9%	139,179	72.6%	1.5%
	VAP	135462	11650	8.6%	20726	15.3%	23.9%	101190	74.7%	1.4%
BRAZOS	M	121,862	13,649	11.2%	16,695	13.7%	24.9%	86,888	71.3%	3.8%
	VAP	95689	8995	9.4%	11387	11.9%	21.3%	71575	74.8%	3.9%
BURLESON	M	13,825	2,425	17.8%	1,621	11.9%	29.7%	9,510	69.8%	0.5%
	VAP	9912	1806	18.2%	1011	10.2%	26.4%	7248	73.1%	0.5%
CHAMBERS	TTL	20,088	2,551	12.7%	1,185	5.9%	18.6%	16,171	80.5%	0.9%
	VAP	14113	1764	12.5%	706	5.0%	17.5%	11516	81.6%	0.9%
COLORADO	TTL	18,383	3,125	17.0%	2,831	15.4%	32.4%	12,372	67.3%	0.3%
	VAP	13490	2158	16.0%	1754	13.0%	29.0%	9537	70.7%	0.3%
FORT BEND	TTL	225,421	46,662	20.7%	43,957	19.5%	39.7%	120,826	53.6%	6.5%
	VAP	150559	29359	19.5%	26950	17.9%	37.4%	85367	56.7%	6.2%
GALVESTON	TTL	217,399	38,262	17.6%	30,871	14.2%	31.8%	144,136	66.3%	1.9%
	VAP	157488	25515	16.2%	20180	12.8%	29.0%	108989	69.2%	1.8%
GRIMES	TTL	18,828	4,613	24.5%	2,655	14.1%	38.6%	11,504	61.1%	0.3%
	VAP	13889	3292	23.7%	1784	12.7%	36.4%	8778	63.2%	0.4%
HARRIS	TTL	2,818,199	541,094	19.2%	645,368	22.9%	42.1%	1,513,373	53.7%	4.2%
	VAP	2013190	368414	18.3%	406684	20.2%	38.5%	1155571	57.4%	4.1%
TRINITY	M	11,445	1,648	14.4%	275	2.4%	18.8%	9,476	82.8%	0.4%
	VAP	8765	1087	12.4%	158	1.8%	14.2%	7494	85.5%	0.3%
WALKER	M	50,917	12,322	24.2%	5,499	10.8%	35.0%	32,587	64.0%	1.0%
	VAP	41231	9772	23.7%	4288	10.4%	34.1%	26759	64.9%	1.0%
WALLER	TTL	23,390	8,795	37.6%	2,596	11.1%	48.7%	11,906	50.9%	0.4%
	VAP	17480	6879	39.4%	1536	8.8%	48.2%	8974	51.4%	0.4%
WASHINGTON	M	26,154	5,466	20.9%	1,151	4.4%	25.3%	19,302	73.8%	0.9%
	VAP	19501	3647	18.7%	722	3.7%	22.4%	14957	76.7%	0.9%
Total	TTL	3,777,250	699,142	18.5%	790,526	20.9%	39.4%	2,142,281	56.7%	3.8%
	VAP	2,705,278	475,870	17.6%	499,074	18.4%	36.0%	1,629,439	60.2%	3.7%
<b>2nd</b>										
ARCHER	M	7,973	8	0.1%	191	2.4%	2.5%	7,734	97.0%	0.5%
	VAP	5741	6	0.1%	132	2.3%	2.4%	5575	97.1%	0.5%
CLAY	TTL	10,024	241	2.4%	271	2.7%	5.1%	9,403	93.8%	1.1%
	VAP	7383	22	0.3%	148	2.0%	2.3%	7139	96.7%	1.0%
COOKE	TTL	30,777	1170	3.8%	1,416	4.6%	8.4%	27,822	90.4%	1.2%
	VAP	22068	640	2.9%	750	3.4%	6.3%	20435	92.6%	1.1%
DENTON	TTL	273,525	13676	5.0%	19,147	7.0%	12.0%	232,496	85.0%	3.0%
	VAP	199880	9594	4.8%	12592	6.3%	11.1%	171897	86.0%	2.9%
HOOD	TTL	28,981	58	0.2%	1,362	4.7%	4.9%	27,242	94.0%	1.1%
	VAP	21579	22	0.1%	820	3.8%	3.9%	20500	95.0%	1.1%
JACK	TTL	6,981	49	0.7%	230	3.3%	4.0%	6,674	95.6%	0.4%

**Appendix A**

**Ethnic Population per County and Court of Appeals District**

Court of Appeals	Population	Black		Hispanic		B&H	Anglo		Other	
		Pop	%	Pop	%	%	Pop	%	%	
MONTAGUE	VAP	5110	36	0.7%	118	2.3%	3.0%	4941	96.7%	0.3%
	TTL	17,274	0	0.0%	553	3.2%	3.2%	16,635	96.3%	0.5%
PARKER	VAP	13028	0	0.0%	287	2.2%	2.2%	12676	97.3%	0.5%
	TTL	64,785	583	0.9%	2,721	4.2%	5.1%	60,898	94.0%	0.9%
TARRANT	VAP	46641	373	0.8%	1632	3.5%	4.3%	44216	94.8%	0.9%
	TTL	1,170,103	140412	12.0%	140,412	12.0%	24.0%	854,175	73.0%	3.0%
WICHITA	VAP	852582	93784	11.0%	87816	10.3%	21.3%	647110	75.9%	2.8%
	TTL	122,378	11259	9.2%	10,525	8.6%	17.8%	97,902	80.0%	2.2%
WISE	VAP	90399	7503	8.3%	6509	7.2%	15.5%	74579	82.5%	2.0%
	TTL	34,679	381	1.1%	2,670	7.7%	8.8%	31,350	90.4%	0.8%
YOUNG	VAP	24869	323	1.3%	1517	6.1%	7.4%	22830	91.8%	0.8%
	TTL	18,126	272	1.5%	1,160	6.4%	7.9%	16,603	91.6%	0.6%
Total	VAP	1,785,606	168,109	9.4%	180,658	10.1%	19.5%	1,388,935	77.8%	2.7%
	TTL	1,302,582	112,476	8.6%	112,986	8.7%	17.3%	1,044,295	80.2%	2.5%

**3rd**

BASTROP	TTL	38,263	4515	11.8%	6,926	18.1%	29.9%	26,516	69.3%	0.8%
	VAP	27242	3133	11.5%	4223	15.5%	27.0%	19668	72.2%	0.8%
BELL	TTL	191,088	36116	18.9%	25,033	13.1%	32.0%	123,825	64.8%	3.2%
	VAP	136055	23401	17.2%	15510	11.4%	28.6%	92653	68.1%	3.3%
BLANCO	TTL	5,972	54	0.9%	842	14.1%	15.0%	5,040	84.4%	0.6%
	VAP	4482	40	0.9%	511	11.4%	12.3%	3908	87.2%	0.5%
BURNET	TTL	22,677	272	1.2%	2,449	10.8%	12.0%	19,797	87.3%	0.7%
	VAP	17101	171	1.0%	1385	8.1%	9.0%	15442	90.3%	0.7%
CALDWELL	TTL	26,392	2824	10.7%	9,976	37.8%	48.5%	13,407	50.8%	0.7%
	VAP	18562	1986	10.7%	6237	33.6%	44.3%	10191	54.9%	0.8%
COKE	TTL	3,424	7	0.2%	421	12.3%	12.5%	2,975	86.9%	0.6%
	VAP	2632	3	0.1%	258	9.8%	9.8%	2356	89.5%	0.6%
COMAL	TTL	51,832	466	0.9%	11,870	22.9%	23.8%	39,185	75.6%	0.6%
	VAP	36576	309	0.8%	7589	19.7%	20.5%	30436	78.9%	0.6%
CONCHO	TTL	3,044	15	0.5%	1,193	39.2%	39.7%	1,826	60.0%	0.3%
	VAP	2344	14	0.6%	870	37.1%	37.7%	1453	62.0%	0.3%
FAYETTE	TTL	20,095	1688	8.4%	1,708	8.5%	16.9%	16,639	82.8%	0.3%
	VAP	15271	1176	7.7%	1069	7.0%	14.7%	12996	85.1%	0.2%
HAYS	TTL	65,614	2231	3.4%	18,241	27.8%	31.2%	44,552	67.9%	0.9%
	VAP	49624	1786	3.6%	12208	24.6%	28.2%	35134	70.8%	1.0%
IRION	TTL	1,629	2	0.1%	384	23.6%	23.7%	1,241	76.2%	0.1%
	VAP	1167	1	0.1%	26	2.2%	2.3%	1138	97.5%	0.2%
LAMPASAS	TTL	13,521	270	2.0%	1,758	13.0%	15.0%	11,290	83.5%	1.5%
	VAP	9774	176	1.8%	1056	10.8%	12.6%	8386	85.8%	1.6%
LEE	TTL	12,854	1774	13.8%	141	1.1%	14.9%	10,900	84.8%	0.3%
	VAP	9040	1211	13.4%	741	8.2%	21.6%	7060	78.1%	0.3%
LLANO	TTL	11,631	23	0.2%	454	3.9%	4.1%	11,096	95.4%	0.5%
	VAP	9729	19	0.2%	302	3.1%	3.3%	9359	96.2%	0.5%

Appendix A

Ethnic Population per County and Court of Appeals District

Court of Appeals		Black			Hispanic		B&H	Anglo		Other
		Population	Pop	%	Pop	%	%	Pop	%	%
MCCUUOCH	TTL	8,778	167	1.9%	2,317	26.4%	28.3%	6,276	71.5%	0.2%
	VAP	6410	115	1.8%	1429	22.3%	24.1%	4852	75.7%	0.2%
MILAN	TTL	22,946	2937	12.8%	3,465	15.1%	27.9%	16,475	71.8%	0.3%
	VAP	16471	1878	11.4%	2042	12.4%	23.8%	12485	75.8%	0.4%
MILLS	TTL	4,531	9	0.2%	485	10.7%	10.9%	4,028	88.9%	0.2%
	VAP	3448	7	0.2%	279	8.1%	8.3%	3158	91.6%	0.1%
RUNNELS	TTL	11,294	181	1.6%	2,744	24.3%	25.9%	8,335	73.8%	0.3%
	VAP	8206	123	1.5%	1658	20.2%	21.7%	6401	78.0%	0.3%
SAN SABA	TTL	5,401	16	0.3%	999	18.5%	18.8%	4,369	80.9%	0.3%
	VAP	4001	8	0.2%	628	15.7%	15.9%	3353	83.8%	0.3%
SCHLEICHER	TTL	2,990	27	0.9%	1,061	35.5%	36.4%	1,896	63.4%	0.2%
	VAP	2017	22	1.1%	619	30.7%	31.8%	1372	68.0%	0.2%
STERLING	TTL	1,438	0	0.0%	387	25.5%	25.5%	1,067	74.2%	0.3%
	VAP	955	0	0.0%	219	22.9%	22.9%	732	76.7%	0.4%
TOM GREEN	TTL	98,458	4135	4.2%	25,501	25.9%	30.1%	67,444	68.5%	1.4%
	VAP	71840	2802	3.9%	15805	22.0%	25.9%	52300	72.8%	1.3%
TRAVIS	TTL	576,407	63405	11.0%	121,822	21.1%	32.1%	372,935	64.7%	3.2%
	VAP	438196	43381	9.9%	80828	18.4%	28.3%	299726	68.4%	3.3%
WILLIAMSON	TTL	139,551	6838	4.9%	19,956	14.3%	19.2%	110,524	79.2%	1.6%
	VAP	96362	4433	4.6%	12142	12.6%	17.2%	78246	81.2%	1.6%
Total	TTL	1,339,830	127,972	9.6%	258,812	18.4%	29.0%	821,641	68.8%	2.3%
	VAP	989,505	86,196	8.7%	167,443	16.9%	25.6%	712,806	72.0%	
<b>4th</b>										
ATACOSA	TTL	30,533	153	0.5%	16,060	52.6%	53.1%	14,167	46.4%	0.5%
	VAP	20441	102	0.5%	9873	48.3%	48.8%	10343	50.6%	0.6%
BANDERA	TTL	10,562	21	0.2%	1,172	11.1%	11.3%	9,273	87.8%	0.9%
	VAP	8054	8	0.1%	797	9.9%	10.0%	7176	89.1%	0.9%
BEXAR	TTL	1,185,394	84163	7.1%	589,141	49.7%	56.8%	493,124	41.6%	1.6%
	VAP	839453	58762	7.0%	382791	45.6%	52.6%	384409	45.8%	1.6%
BROOKS	TTL	8,204	0	0.0%	7,334	89.4%	89.4%	829	10.1%	0.5%
	VAP	5490	0	0.0%	4820	87.8%	87.8%	642	11.7%	0.5%
DIMMIT	TTL	10,433	63	0.6%	8,691	83.3%	83.9%	1,638	15.7%	0.4%
	VAP	6642	33	0.5%	5387	81.1%	81.6%	1196	18.0%	0.4%
DUVAL	TTL	12,918	13	0.1%	11,284	87.2%	87.3%	1,602	12.4%	0.3%
	VAP	8690	9	0.1%	7447	85.7%	85.8%	1208	13.9%	0.3%
EDWARDS	TTL	2,266	0	0.0%	1,183	52.2%	52.2%	1,074	47.4%	0.4%
	VAP	1520	0	0.0%	684	45.0%	45.0%	831	54.7%	0.3%
FRIO	TTL	13,472	189	1.4%	9,754	72.4%	73.8%	3,462	25.7%	0.5%
	VAP	8787	167	1.9%	5949	67.7%	69.6%	2619	29.8%	0.6%
GILLESPIE	TTL	17,204	34	0.2%	7,071	41.1%	41.3%	10,030	58.3%	0.4%
	VAP	13196	13	0.1%	145	1.1%	1.2%	12998	98.5%	0.3%
GUADALUPE	TTL	64,873	3633	5.6%	19,267	29.7%	35.3%	41,259	63.6%	1.1%
	VAP	46382	2551	5.5%	11967	25.8%	31.3%	31354	67.6%	1.1%
JIM HOGG	TTL	5,109	5	0.1%	4,659	91.2%	91.3%	419	8.2%	0.5%

Appendix A

Ethnic Population per County and Court of Appeals District

Court of Appeals		Black		Hispanic		B&H	Anglo		Other	
		Population	Pop	%	Pop	%	%	Pop	%	%
JIM WELLS	VAP	3441	3	0.1%	3100	90.1%	90.2%	320	9.3%	0.5%
	TTL	37,679	226	0.6%	27,204	72.2%	72.8%	10,060	26.7%	0.5%
KARNES	VAP	25425	127	0.5%	17645	69.4%	69.9%	7526	29.6%	0.5%
	TTL	12,455	361	2.9%	5,916	47.5%	50.4%	6,115	49.1%	0.5%
KENDALL	VAP	8657	242	2.8%	3619	41.8%	44.6%	4761	55.0%	0.4%
	TTL	14,589	58	0.4%	2,393	16.4%	16.8%	12,036	82.5%	0.7%
KERR	VAP	10759	32	0.3%	1485	13.8%	14.1%	9156	85.1%	0.8%
	TTL	36,304	799	2.2%	5,990	16.5%	18.7%	29,261	80.6%	0.7%
KIMBLE	VAP	27873	530	1.9%	3819	13.7%	15.6%	23358	83.8%	0.6%
	TTL	4,122	0	0.0%	771	18.7%	18.7%	3,335	80.9%	0.4%
KINNEY	VAP	3070	3	0.1%	476	15.5%	15.6%	2582	84.1%	0.3%
	TTL	3,119	56	1.8%	1,569	50.3%	52.1%	1,457	46.7%	1.2%
LA SALLE	VAP	2334	33	1.4%	1074	46.0%	47.4%	1197	51.3%	1.3%
	TTL	5,254	53	1.0%	4,067	77.4%	78.4%	1,103	21.0%	0.6%
MASON	VAP	3509	53	1.5%	2604	74.2%	75.7%	835	23.8%	0.5%
	TTL	3,423	7	0.2%	671	19.6%	19.8%	2,732	79.8%	0.4%
MAVERICK	VAP	2618	3	0.1%	416	15.9%	16.0%	2189	83.6%	0.4%
	TTL	36,378	36	0.1%	34,013	93.5%	93.6%	1,564	4.3%	2.1%
MCMULLEN	VAP	22544	23	0.1%	20786	92.2%	92.3%	1217	5.4%	2.3%
	TTL	817	0	0.0%	320	39.2%	39.2%	493	60.3%	0.5%
MEDINA	VAP	815	0	0.0%	224	36.4%	36.4%	389	63.3%	0.3%
	TTL	27,312	82	0.3%	12,127	44.4%	44.7%	14,912	54.6%	0.7%
MENARD	VAP	19209	77	0.4%	7780	40.5%	40.9%	11237	58.5%	0.6%
	TTL	2,252	7	0.3%	725	32.2%	32.5%	1,511	67.1%	0.4%
REAL	VAP	1703	5	0.3%	473	27.8%	28.1%	1218	71.5%	0.4%
	TTL	2,412	0	0.0%	574	23.8%	23.8%	1,814	75.2%	1.0%
STARR	VAP	1847	0	0.0%	393	21.3%	21.3%	1439	77.9%	0.8%
	TTL	40,518	41	0.1%	39,383	97.2%	97.3%	972	2.4%	0.3%
SUTTON	VAP	24553	25	0.1%	23743	96.7%	96.8%	712	2.9%	0.3%
	TTL	4,135	0	0.0%	1,865	45.1%	45.1%	2,245	54.3%	0.6%
UVALDE	VAP	2666	3	0.1%	1221	42.6%	42.7%	1622	56.6%	0.7%
	TTL	23,340	47	0.2%	14,097	60.4%	60.6%	9,033	38.7%	0.7%
VAL VERDE	VAP	15848	32	0.2%	8780	55.4%	55.6%	6941	43.8%	0.6%
	TTL	38,721	774	2.0%	27,298	70.5%	72.5%	10,339	26.7%	0.8%
WEBB	VAP	25965	519	2.0%	17111	65.9%	67.9%	8101	31.2%	0.9%
	TTL	133,239	133	0.1%	125,111	93.9%	94.0%	7,328	5.5%	0.5%
WILSON	VAP	84362	84	0.1%	78372	92.9%	93.0%	5484	6.5%	0.5%
	TTL	22,650	249	1.1%	8,083	35.6%	36.7%	14,247	62.9%	0.4%
ZAPATA	VAP	15637	156	1.0%	5066	32.4%	33.4%	10352	66.2%	0.4%
	TTL	9,279	0	0.0%	7,516	81.0%	81.0%	1,726	18.6%	0.4%
ZAVALA	VAP	6051	0	0.0%	4581	75.7%	75.7%	1446	23.9%	0.4%
	TTL	12,162	292	2.4%	10,873	89.4%	91.8%	949	7.8%	0.4%
Total	VAP	7815	281	3.6%	6729	86.1%	89.7%	774	9.9%	0.4%
	TTL	1,831,128	91,494	5.0%	1,006,145	54.9%	59.9%	710,109	38.8%	1.3%
	VAP	1,275,356	63,876	5.0%	639,355	50.1%	55.1%	555,693	43.6%	1.3%

Ethnic Population per County and Court of Appeals District

Court of Appeals	Population	Black		Hispanic		B&H	Anglo		Other	
		Pop	%	Pop	%	%	Pop	%	%	
<b>5th</b>										
COLLIN	TTL	264,036	10825	4.1%	18,218	6.9%	11.0%	226,543	85.8%	3.2%
	VAP	187534	7126	3.8%	11627	6.2%	10.0%	163155	87.0%	3.0%
DALLAS	TTL	1,852,810	368709	19.9%	314,978	17.0%	36.9%	1,109,833	59.9%	3.2%
	VAP	1357162	248361	18.3%	199503	14.7%	33.0%	867227	63.9%	3.1%
GRAYSON	TTL	95,021	6556	6.9%	2,756	2.9%	9.8%	84,284	88.7%	1.5%
	VAP	70913	4397	6.2%	1702	2.4%	8.6%	63822	90.0%	1.4%
HUNT	TTL	64,343	6820	10.6%	2,895	4.5%	15.1%	53,984	83.9%	1.0%
	VAP	47338	4450	9.4%	1799	3.8%	13.2%	40663	85.9%	0.9%
KAUFMAN	TTL	5,220	731	14.0%	334	6.4%	20.4%	4,113	78.8%	0.8%
	VAP	36858	4865	13.2%	1953	5.3%	18.5%	29744	80.7%	0.8%
ROCKWALL	TTL	25,804	845	3.3%	1,511	5.9%	9.2%	22,967	89.7%	1.1%
	VAP	18082	579	3.2%	922	5.1%	8.3%	16382	90.6%	1.1%
VAN ZANDT	TTL	37,944	1442	3.8%	1,518	4.0%	7.8%	34,795	91.7%	0.5%
	VAP	28223	960	3.4%	931	3.3%	6.7%	26191	92.8%	0.5%
Total	TTL	2,344,978	395,929	16.9%	342,210	14.6%	31.5%	1,536,518	65.5%	3.0%
	VAP	1,746,110	270,737	15.5%	218,438	12.5%	28.0%	1,207,184	68.1%	2.8%
<b>6th</b>										
BOWIE	TTL	81,865	17803	21.8%	1,307	1.6%	23.4%	61,902	75.8%	0.8%
	VAP	59471	11537	19.4%	952	1.6%	21.0%	46506	78.2%	0.8%
CAMP	TTL	9,904	2357	23.8%	505	5.1%	28.9%	7,002	70.7%	0.4%
	VAP	7297	1671	22.9%	314	4.3%	27.2%	5283	72.4%	0.4%
CASS	TTL	29,982	6056	20.2%	360	1.2%	21.4%	23,446	78.2%	0.4%
	VAP	21785	3965	18.2%	218	1.0%	19.2%	17515	80.4%	0.4%
DELTA	TTL	4,857	403	8.3%	68	1.4%	9.7%	4,342	89.4%	0.9%
	VAP	3680	261	7.1%	37	1.0%	8.1%	3349	91.0%	0.9%
FANNIN	TTL	24,804	1637	6.6%	496	2.0%	8.6%	22,448	90.5%	0.9%
	VAP	18832	1111	5.9%	282	1.5%	7.4%	17288	91.8%	0.8%
FRANKLIN	TTL	7,802	351	4.5%	359	4.6%	9.1%	7,037	90.2%	0.7%
	VAP	5815	238	4.1%	215	3.7%	7.8%	5321	91.5%	0.7%
GREGG	TTL	104,948	19940	19.0%	3,778	3.6%	22.6%	80,285	76.5%	0.9%
	VAP	76227	13187	17.3%	2287	3.0%	20.3%	60067	78.8%	0.9%
HARRISON	TTL	57,483	18038	27.9%	1,265	2.2%	30.1%	39,836	69.3%	0.6%
	VAP	40928	10764	26.3%	737	1.8%	28.1%	29182	71.3%	0.6%
LAMAR	TTL	43,949	6417	14.6%	483	1.1%	15.7%	36,478	83.0%	1.3%
	VAP	32510	4161	12.8%	293	0.9%	13.7%	27699	85.2%	1.1%
MARION	TTL	9,984	3095	31.0%	150	1.5%	32.5%	6,689	67.0%	0.5%
	VAP	7513	2119	28.2%	98	1.3%	29.5%	5267	70.1%	0.4%
MORRIS	TTL	13,200	3221	24.4%	238	1.8%	26.2%	9,662	73.2%	0.6%
	VAP	9577	2145	22.4%	134	1.4%	23.8%	7240	75.6%	0.6%
PANOLA	TTL	22,035	4054	18.4%	485	2.2%	20.6%	17,408	79.0%	0.4%
	VAP	15896	2686	16.9%	286	1.8%	18.7%	12860	80.9%	0.4%
RED RIVER	TTL	14,317	2878	20.1%	272	1.9%	22.0%	11,081	77.4%	0.6%

## Ethnic Population per County and Court of Appeals District

Court of Appeals	Population	Black		Hispanic		B&H	Anglo		Other	
		Pop	%	Pop	%	%	Pop	%	%	
RUSK	VAP	10874	1925	17.7%	152	1.4%	19.1%	8743	80.4%	0.5%
	TTL	43,735	8968	20.5%	1,749	4.0%	24.5%	32,845	75.1%	0.4%
TITUS	VAP	31567	5935	18.8%	1010	3.2%	22.0%	24496	77.6%	0.4%
	TTL	24,009	3217	13.4%	2,545	10.6%	24.0%	18,103	75.4%	0.6%
UPSHUR	VAP	17157	2093	12.2%	1561	9.1%	21.3%	13417	78.2%	0.5%
	TTL	31,370	3890	12.4%	627	2.0%	14.4%	26,696	85.1%	0.5%
WOOD	VAP	22704	2656	11.7%	386	1.7%	13.4%	19548	86.1%	0.5%
	TTL	29,380	2409	8.2%	793	2.7%	10.9%	26,031	88.6%	0.5%
Total	VAP	22317	1763	7.9%	491	2.2%	10.1%	19951	89.4%	0.5%
	TTL	553,424	102,732	18.6%	15,480	2.8%	21.4%	431,201	77.0%	0.7%
7th	VAP	404,1501	68,219	16.9%	9,452	2.3%	19.2%	323,731	80.1%	0.7%
	TTL	2,021	0	0.0%	55	2.7%	2.7%	1,952	96.6%	0.7%
ARMSTRONG	VAP	1459	0	0.0%	34	2.3%	2.3%	1414	96.9%	0.8%
BAILEY	TTL	7,064	127	1.8%	2,741	38.8%	40.6%	4,175	59.1%	0.3%
	VAP	4814	82	1.7%	1569	32.6%	34.3%	3148	65.4%	0.3%
BRISCOE	TTL	1,971	69	3.5%	387	18.6%	22.1%	1,531	77.7%	0.2%
	VAP	1420	38	2.7%	202	14.2%	16.9%	1176	82.8%	0.3%
CARSON	TTL	6,576	13	0.2%	355	5.4%	5.6%	6,155	93.6%	0.8%
	VAP	4609	9	0.2%	189	4.1%	4.3%	4374	94.9%	0.8%
CASTRO	TTL	9,070	263	2.9%	4,190	46.2%	49.1%	4,562	50.3%	0.6%
	VAP	5774	150	2.6%	2283	39.2%	41.8%	3326	57.6%	0.6%
CHILDRESS	TTL	5,953	321	5.4%	851	14.3%	19.7%	4,733	79.5%	0.8%
	VAP	4400	207	4.7%	458	10.4%	15.1%	3709	84.3%	0.6%
COCHRAN	TTL	4,377	232	5.3%	1,856	42.4%	47.7%	2,276	52.0%	0.3%
	VAP	2918	143	4.9%	1053	36.1%	41.0%	1713	58.7%	0.3%
COLUNGSWORT	TTL	3,573	229	6.4%	561	15.7%	22.1%	2,748	76.9%	1.0%
	VAP	2622	147	5.6%	299	11.4%	17.0%	2153	82.1%	0.9%
COTTLE	TTL	2,247	200	8.9%	386	16.3%	25.2%	1,672	74.4%	0.4%
	VAP	1669	115	6.9%	195	11.7%	18.6%	1352	81.0%	0.4%
CROSBY	TTL	7,304	321	4.4%	3,112	42.6%	47.0%	3,842	52.6%	0.4%
	VAP	5022	221	4.4%	1768	35.2%	39.6%	3018	60.1%	0.3%
DALLAM	TTL	5,461	115	2.1%	1,152	21.1%	23.2%	4,145	75.9%	0.9%
	VAP	3801	65	1.7%	692	18.2%	19.9%	3003	79.0%	1.1%
DEAF SMITH	TTL	19,153	306	1.6%	9,347	48.8%	50.4%	9,404	49.1%	0.5%
	VAP	12387	186	1.5%	5240	42.3%	43.8%	6900	55.7%	0.5%
DICKENS	TTL	2,571	113	4.4%	478	18.6%	23.0%	1,962	76.3%	0.7%
	VAP	1960	73	3.7%	292	14.9%	18.6%	1586	80.9%	0.5%
DONLEY	TTL	3,696	126	3.4%	140	3.8%	7.2%	3,415	92.4%	0.4%
	VAP	2895	84	2.9%	78	2.7%	5.6%	2724	94.1%	0.3%
FLOYD	TTL	8,497	323	3.8%	3,382	39.8%	43.6%	4,750	55.9%	0.5%
	VAP	5811	209	3.6%	1865	32.1%	35.7%	3707	63.8%	0.5%
FOARD	TTL	1,794	88	4.9%	233	13.0%	17.9%	1,462	81.5%	0.6%
	VAP	1365	55	4.0%	145	10.6%	14.6%	1158	84.8%	0.6%

Appendix A

Ethnic Population per County and Court of Appeals District

Court of Appeals		Black			Hispanic		B&H	Anglo		Other
		Population	Pop	%	Pop	%	%	Pop	%	%
GARZA	TTL	5,143	329	6.4%	1,455	28.3%	34.7%	3,328	64.7%	0.6%
	VAP	3515	190	5.4%	823	23.4%	28.8%	2485	70.7%	0.5%
GRAY	TTL	23,967	911	3.8%	1,893	7.9%	11.7%	20,803	86.8%	1.5%
	VAP	17630	582	3.3%	1040	5.9%	9.2%	15761	89.4%	1.4%
HALE	TTL	34,671	1838	5.3%	14,423	41.6%	46.9%	18,098	52.2%	0.9%
	VAP	23507	1175	5.0%	8180	34.8%	39.8%	13940	59.3%	0.9%
HALL	TTL	3,905	305	7.8%	726	18.6%	26.4%	2,847	72.9%	0.7%
	VAP	2978	203	6.8%	405	13.6%	20.4%	2356	79.1%	0.5%
HANSFORD	TTL	5,848	0	0.0%	1,175	20.1%	20.1%	4,637	79.3%	0.6%
	VAP	4028	0	0.0%	665	16.5%	16.5%	3339	82.9%	0.6%
HARDEMAN	TTL	5,283	322	6.1%	586	11.1%	17.2%	4,327	81.9%	0.9%
	VAP	3904	211	5.4%	308	7.9%	13.3%	3354	85.9%	0.8%
HARTLEY	TTL	3,634	7	0.2%	200	5.5%	5.7%	3,391	93.3%	1.0%
	VAP	2581	5	0.2%	116	4.5%	4.7%	2431	94.2%	1.1%
HEMPHILL	TTL	3,720	7	0.2%	413	11.1%	11.3%	3,274	88.0%	0.7%
	VAP	2570	5	0.2%	213	8.3%	8.5%	2331	90.7%	0.8%
HOCKLEY	TTL	24,199	1018	4.2%	7,647	31.6%	35.8%	15,391	63.6%	0.6%
	VAP	16386	639	3.9%	4359	26.6%	30.5%	11290	68.9%	0.6%
HUTCHINSON	TTL	25,689	668	2.6%	2,518	9.8%	12.4%	22,093	86.0%	1.6%
	VAP	18216	419	2.3%	1403	7.7%	10.0%	16085	88.3%	1.7%
KENT	TTL	1,010	6	0.6%	120	11.9%	12.5%	883	87.4%	0.1%
	VAP	749	5	0.7%	75	10.0%	10.7%	668	89.2%	0.1%
KING	TTL	354	0	0.0%	53	15.0%	15.0%	301	85.0%	0.0%
	VAP	245	0	0.0%	32	13.1%	13.1%	213	86.9%	0.0%
LAMB	TTL	15,072	829	5.5%	5,516	36.6%	42.1%	8,651	57.4%	0.5%
	VAP	10558	517	4.9%	3189	30.2%	35.1%	6810	64.5%	0.4%
LIPSCOMB	TTL	3,143	0	0.0%	380	12.1%	12.1%	2,722	86.6%	1.3%
	VAP	2228	0	0.0%	196	8.8%	8.8%	2003	89.9%	1.3%
LUBBOCK	TTL	222,636	17143	7.7%	50,984	22.9%	30.6%	150,947	67.8%	1.6%
	VAP	183771	11136	6.8%	31116	19.0%	25.8%	118734	72.5%	1.7%
LYNN	TTL	6,756	223	3.3%	2,816	41.7%	45.0%	3,669	54.5%	0.5%
	VAP	4706	151	3.2%	1718	36.5%	39.7%	2814	59.8%	0.5%
MOORE	TTL	17,865	89	0.5%	5,699	31.9%	32.4%	11,684	65.4%	2.2%
	VAP	11963	60	0.5%	3182	26.6%	27.1%	8470	70.8%	2.1%
MOTLEY	TTL	1,532	67	4.4%	136	8.9%	13.3%	1,319	86.1%	0.6%
	VAP	1175	51	4.3%	81	6.9%	11.2%	1036	88.2%	0.6%
OCHILTREE	TTL	9,128	0	0.0%	1,643	18.0%	18.0%	7,375	80.8%	1.2%
	VAP	6306	0	0.0%	927	14.7%	14.7%	5303	84.1%	1.2%
OLDHAM	TTL	2,278	9	0.4%	200	8.8%	9.2%	2,018	88.6%	2.2%
	VAP	1338	0	0.0%	84	6.3%	6.3%	1224	91.5%	2.2%
PARMER	TTL	9,863	118	1.2%	4,093	41.5%	42.7%	5,602	56.8%	0.5%
	VAP	6601	79	1.2%	2291	34.7%	35.9%	4198	63.6%	0.5%
POTTER	TTL	97,874	8711	8.9%	19,281	19.7%	28.6%	66,554	68.0%	3.4%
	VAP	69734	5509	7.9%	11227	16.1%	24.0%	50908	73.0%	3.0%
RANDALL	TTL	89,673	1076	1.2%	6,187	6.9%	8.1%	81,333	90.7%	1.2%
	VAP	65189	717	1.1%	3780	5.8%	6.9%	59890	91.9%	1.2%

Court of Appeals	TTL / VAP	Black		Hispanic		B&H	Anglo		Other	
		Population	Pop	%	Pop	%	%	Pop	%	%
ROBERTS	TTL	1,025	0	0.0%	34	3.3%	3.3%	988	96.4%	0.3%
	VAP	718	0	0.0%	14	1.9%	1.9%	702	97.8%	0.3%
SHERMAN	TTL	2,858	3	0.1%	537	18.8%	18.9%	2,304	80.6%	0.5%
	VAP	2022	2	0.1%	319	15.8%	15.9%	1692	83.7%	0.4%
SWISHER	TTL	8,133	342	4.2%	2,497	30.7%	34.9%	5,246	64.5%	0.6%
	VAP	5675	218	3.8%	1385	24.4%	28.2%	4046	71.3%	0.5%
TERRY	TTL	13,218	449	3.4%	5,195	39.3%	42.7%	7,468	56.5%	0.8%
	VAP	8844	265	3.0%	2901	32.8%	35.8%	5625	63.6%	0.6%
WHEELER	TTL	5,879	153	2.6%	376	6.4%	9.0%	5,291	90.0%	1.0%
	VAP	4312	82	1.9%	207	4.8%	6.7%	3980	92.3%	1.0%
WILBARGER	TTL	15,121	1346	8.9%	2,193	14.5%	23.4%	11,418	75.5%	1.1%
	VAP	11130	913	8.2%	1247	11.2%	19.4%	8859	79.6%	1.0%
YOAKUM	TTL	8,786	88	1.0%	3,216	36.6%	37.6%	5,439	61.9%	0.5%
	VAP	5725	52	0.9%	1803	31.5%	32.4%	3841	67.1%	0.5%
Total	TTL	759,593	38,902	5.1%	171,383	22.6%	27.7%	538,196	70.9%	1.5%
	VAP	485,460	23,446	4.8%	85,295	17.6%	22.4%	369,253	76.1%	1.5%
<b>8th</b>										
ANDREWS	TTL	14,338	272	1.9%	4,545	31.7%	33.6%	9,277	64.7%	1.7%
	VAP	9375	169	1.8%	2438	26.0%	27.8%	6609	70.5%	1.7%
BREWSTER	TTL	8,681	87	1.0%	3,698	42.6%	43.6%	4,827	55.6%	0.8%
	VAP	6629	73	1.1%	2559	38.6%	39.7%	3938	59.4%	0.9%
CRANE	TTL	4,852	130	2.8%	1,577	33.9%	36.7%	2,917	62.7%	0.6%
	VAP	3038	79	2.6%	857	28.2%	30.8%	2084	68.6%	0.6%
CROCKETT	TTL	4,078	41	1.0%	2,023	49.6%	50.6%	2,006	49.2%	0.2%
	VAP	2822	31	1.1%	1273	45.1%	46.2%	1510	53.5%	0.3%
CULBERSON	TTL	3,407	3	0.1%	2,419	71.0%	71.1%	947	27.8%	1.1%
	VAP	2219	0	0.0%	1462	65.9%	65.9%	737	33.2%	0.9%
ECTOR	TTL	118,934	5590	4.7%	37,345	31.4%	36.1%	74,572	62.7%	1.2%
	VAP	81223	3574	4.4%	21280	26.2%	30.6%	55394	68.2%	1.2%
EL PASO	TTL	591,610	21890	3.7%	411,761	69.6%	73.3%	149,677	25.3%	1.4%
	VAP	398798	15154	3.8%	261611	65.6%	69.4%	116050	29.1%	1.5%
GAINES	TTL	14,123	339	2.4%	4,604	32.6%	35.0%	9,081	64.3%	0.7%
	VAP	8882	189	2.1%	2589	28.6%	30.7%	6162	68.6%	0.7%
GLASSCOCK	TTL	1,447	0	0.0%	424	29.3%	29.3%	1,019	70.4%	0.3%
	VAP	936	0	0.0%	247	26.4%	26.4%	686	73.3%	0.3%
HUDSPETH	TTL	2,915	15	0.5%	1,936	66.4%	66.9%	950	32.6%	0.5%
	VAP	1987	14	0.7%	1234	62.1%	62.8%	729	36.7%	0.5%
JEFF DAVIS	TTL	1,946	8	0.4%	771	39.6%	40.0%	1,152	59.2%	0.8%
	VAP	1433	1	0.1%	532	37.1%	37.2%	898	62.7%	0.1%
LOVING	TTL	107	0	0.0%	14	13.1%	13.1%	93	86.9%	0.0%
	VAP	79	0	0.0%	11	13.9%	13.9%	68	86.1%	0.0%
MARTIN	TTL	4,956	89	1.8%	1,958	39.5%	41.3%	2,879	58.1%	0.6%
	VAP	3262	62	1.9%	1116	34.2%	36.1%	2065	63.3%	0.6%
MIDLAND	TTL	106,611	8316	7.8%	22,815	21.4%	29.2%	74,201	69.6%	1.2%

Appendix A

Ethnic Population per County and Court of Appeals District

Court of Appeals		Black		Hispanic		B&H	Anglo		Other	
		Population	Pop	%	Pop	%	%	Pop	%	%
PECOS	VAP	73188	5341	7.3%	13170	18.0%	25.3%	53778	73.5%	1.2%
	TTL	14,675	59	0.4%	8,335	56.8%	57.2%	6,193	42.2%	0.6%
PRESIDIO	VAP	9608	38	0.4%	5006	52.1%	52.5%	4507	46.9%	0.6%
	TTL	6,637	7	0.1%	5,416	81.6%	81.7%	1,195	18.0%	0.3%
REAGAN	VAP	4494	0	0.0%	3523	78.4%	78.4%	953	21.2%	0.4%
	TTL	4,514	128	2.8%	1,941	43.0%	45.8%	2,438	54.0%	0.2%
REEVES	VAP	2798	78	2.8%	1035	37.0%	39.8%	1676	59.9%	0.3%
	TTL	15,852	349	2.2%	11,540	72.8%	75.0%	3,900	24.6%	0.4%
TERRELL	VAP	10537	232	2.2%	7176	68.1%	70.3%	3077	29.2%	0.5%
	TTL	1,410	1	0.1%	752	53.3%	53.4%	650	46.1%	0.5%
UPTON	VAP	993	0	0.0%	491	49.4%	49.4%	497	50.1%	0.5%
	TTL	4,447	93	2.1%	1,668	37.5%	39.6%	2,659	59.8%	0.6%
WARD	VAP	2859	60	2.1%	935	32.7%	34.8%	1847	64.6%	0.6%
	TTL	13,115	459	3.5%	4,826	36.8%	40.3%	7,699	58.7%	1.0%
WINKLER	VAP	8769	281	3.2%	2824	32.2%	35.4%	5586	63.7%	0.9%
	TTL	8,626	164	1.9%	3,174	36.8%	38.7%	5,227	60.6%	0.7%
Total	VAP	5757	115	2.0%	1762	30.6%	32.6%	3840	66.7%	0.7%
	TTL	947,081	38,038	4.0%	533,541	58.3%	60.4%	363,558	38.4%	1.3%
9th	VAP	639,767	25,481	4.0%	333,110	52.1%	56.1%	272,681	42.6%	1.3%
	TTL	69,884	10762	15.4%	6,080	8.7%	24.1%	52,553	75.2%	0.7%
ANGELINA	VAP	49869	6932	13.9%	3391	6.8%	20.7%	39247	78.7%	0.6%
	TTL	41,320	3471	8.4%	661	1.6%	10.0%	37,023	89.6%	0.4%
HARDIN	VAP	29206	2190	7.5%	409	1.4%	8.9%	26490	90.7%	0.4%
	TTL	31,102	5878	18.9%	591	1.9%	20.8%	24,508	78.8%	0.4%
JASPER	VAP	22293	3678	16.5%	334	1.5%	18.0%	18213	81.7%	0.3%
	TTL	239,397	74452	31.1%	12,688	5.3%	36.4%	146,511	61.2%	2.4%
JEFFERSON	VAP	174707	49267	28.2%	8211	4.7%	32.9%	113734	65.1%	2.0%
	TTL	52,726	6907	13.1%	2,900	5.5%	18.6%	42,603	80.8%	0.6%
LIBERTY	VAP	37323	4740	12.7%	1680	4.5%	17.2%	30680	82.2%	0.6%
	TTL	182,201	7835	4.3%	13,301	7.3%	11.6%	159,244	87.4%	1.0%
MONTGOMERY	VAP	128109	4996	3.9%	7943	6.2%	10.1%	113889	88.9%	1.0%
	TTL	13,589	3039	22.4%	149	1.1%	23.5%	10,326	76.1%	0.4%
NEWTON	VAP	9560	1931	20.2%	105	1.1%	21.3%	7485	78.3%	0.4%
	TTL	80,509	6763	8.4%	1,932	2.4%	10.8%	71,089	88.3%	0.9%
ORANGE	VAP	57508	4371	7.6%	1208	2.1%	9.7%	51470	89.5%	0.8%
	TTL	30,687	3897	12.7%	1,596	5.2%	17.9%	24,488	79.6%	2.3%
POLK	VAP	23083	2516	10.9%	948	4.1%	15.0%	19159	83.0%	2.0%
	TTL	16,372	2538	15.5%	426	2.6%	18.1%	13,327	81.4%	0.5%
SAN JACINTO	VAP	12074	1702	14.1%	266	2.2%	16.3%	10046	83.2%	0.5%
	TTL	16,646	1998	12.0%	183	1.1%	13.1%	14,415	86.6%	0.3%
M E R	VAP	12493	1237	9.9%	125	1.0%	10.9%	11094	88.8%	0.3%
	TTL	774,413	127,540	16.5%	40,507	5.2%	21.7%	596,087	77.0%	1.3%
Total	VAP	556,225	83,581	15.0%	24,818	4.4%	19.4%	441,506	79.4%	1.2%

**Appendix A**

**Ethnic Population per County and Court of Appeals District**

Court of Appeals		Black		Hispanic		B&H	Anglo		Other	
		Population	Pop	%	Pop	%	%	Pop	%	%
<b>10th</b>										
BOSQUE	TTL	15,125	318	2.1%	1,437	9.5%	11.6%	13,310	88.0%	0.4%
	VAP	11563	208	1.8%	821	7.1%	8.9%	10488	90.7%	0.4%
CORYELL	TTL	64,213	13613	21.2%	6,229	9.7%	30.9%	42,381	66.0%	3.1%
	VAP	47273	10116	21.4%	4207	8.9%	30.3%	31484	66.6%	3.1%
ELLIS	TTL	85,167	8517	10.0%	11,242	13.2%	23.2%	64,812	76.1%	0.7%
	VAP	58765	5406	9.2%	6523	11.1%	20.3%	46424	79.0%	0.7%
FALLS	TTL	17,712	4818	27.2%	2,072	11.7%	38.9%	10,751	60.7%	0.4%
	VAP	13188	3389	25.7%	1358	10.3%	36.0%	8388	63.6%	0.4%
FREESTONE	TTL	15,818	3005	19.0%	617	3.9%	22.9%	12,117	76.6%	0.5%
	VAP	11531	2110	18.3%	369	3.2%	21.5%	9006	78.1%	0.4%
HAMILTON	TTL	7,733	0	0.0%	402	5.2%	5.2%	7,284	94.2%	0.6%
	VAP	6007	0	0.0%	222	3.7%	3.7%	5781	95.9%	0.4%
HILL	TTL	27,146	2525	9.3%	2,226	8.2%	17.5%	22,287	82.1%	0.4%
	VAP	20292	1623	8.0%	1339	6.6%	14.6%	17248	85.0%	0.4%
JOHNSON	TTL	87,165	2526	2.6%	7,482	7.7%	10.3%	86,380	88.9%	0.8%
	VAP	68829	1652	2.4%	4543	6.6%	9.0%	62084	90.2%	0.8%
LEON	TTL	12,665	1621	12.8%	507	4.0%	16.8%	10,487	82.8%	0.4%
	VAP	9390	1193	12.7%	310	3.3%	16.0%	7850	83.6%	0.4%
LIMESTONE	TTL	20,946	4147	19.8%	1,466	7.0%	26.8%	15,207	72.6%	0.6%
	VAP	15438	2794	18.1%	834	5.4%	23.5%	11717	75.9%	0.6%
MADISON	TTL	10,931	2580	23.6%	1,181	10.8%	34.4%	7,094	64.9%	0.7%
	VAP	8579	2016	23.5%	935	10.9%	34.4%	5576	65.0%	0.6%
MCLENNAN	TTL	189,123	29503	15.6%	23,640	12.5%	28.1%	134,088	70.9%	1.0%
	VAP	139885	19304	13.8%	14408	10.3%	24.1%	104634	74.8%	1.1%
NAVARRO	TTL	39,926	7586	19.0%	2,875	7.2%	26.2%	29,066	72.8%	1.0%
	VAP	29168	5046	17.3%	1808	6.2%	23.5%	22022	75.5%	1.0%
ROBERTSON	TTL	15,511	4266	27.5%	1,908	12.3%	39.8%	9,307	60.0%	0.2%
	VAP	11075	2769	25.0%	1130	10.2%	35.2%	7154	64.6%	0.2%
SOMERVELL	TTL	5,360	11	0.2%	750	14.0%	14.2%	4,545	84.8%	1.0%
	VAP	3643	4	0.1%	393	10.8%	10.9%	3209	88.1%	1.0%
Total	TTL	624,541	85,035	13.6%	64,033	10.3%	23.9%	469,115	75.1%	1.0%
	VAP	454,626	57,631	12.7%	39,201	8.6%	21.3%	353,045	77.7%	1.0%
<b>11th</b>										
BAYLOR	TTL	4,385	180	4.1%	333	7.6%	11.7%	3,850	87.8%	0.5%
	VAP	3406	109	3.2%	184	5.4%	8.6%	3093	90.8%	0.6%
BORDEN	TTL	799	2	0.3%	12	1.5%	1.8%	774	96.9%	1.3%
	VAP	575	2	0.3%	61	10.6%	10.9%	507	88.1%	1.0%
BROWN	TTL	34,371	1547	4.5%	3,815	11.1%	15.8%	28,769	83.7%	0.7%
	VAP	25134	905	3.6%	2187	8.7%	12.3%	21867	87.0%	0.7%
CALLAHAN	TTL	11,859	0	0.0%	486	4.1%	4.1%	11,290	95.2%	0.7%
	VAP	8601	0	0.0%	292	3.4%	3.4%	8248	95.9%	0.7%
COLEMAN	TTL	9,710	243	2.5%	1,136	11.7%	14.2%	8,292	85.4%	0.4%

Appendix A

Ethnic Population per County and Court of Appeals District

Court of Appeals		Black		Hispanic		B&H	Anglo		Other	
		Population	Pop	%	Pop	%	%	Pop	%	%
COMANCHE	VAP	7382	155	2.1%	694	9.4%	11.5%	6504	88.1%	0.4%
	TTL	13,381	13	0.1%	2,208	16.5%	16.6%	11,106	83.0%	0.4%
DAWSON	VAP	10242	10	0.1%	1331	13.0%	13.1%	8870	86.6%	0.3%
	TTL	14,349	617	4.3%	6,127	42.7%	47.0%	7,548	52.6%	0.4%
EASTLAND	VAP	9807	402	4.1%	3540	36.1%	40.2%	5825	59.4%	0.4%
	TTL	18,488	388	2.1%	1,405	7.6%	9.7%	16,602	89.8%	0.5%
ERATH	VAP	14185	326	2.3%	837	5.9%	8.2%	12951	91.3%	0.5%
	TTL	27,991	196	0.7%	2,463	8.8%	9.5%	25,108	89.7%	0.8%
FISHER	VAP	21294	170	0.8%	1469	6.9%	7.7%	19505	91.6%	0.7%
	TTL	4,842	189	3.9%	997	20.6%	24.5%	3,651	75.4%	0.1%
HASKELL	VAP	3590	126	3.5%	617	17.2%	20.7%	2840	79.1%	0.2%
	TTL	6,820	246	3.6%	1,309	19.2%	22.8%	5,224	76.6%	0.6%
HOWARD	VAP	5117	154	3.0%	783	15.3%	18.3%	4160	81.3%	0.4%
	TTL	32,343	1229	3.8%	8,603	26.6%	30.4%	22,187	68.6%	1.0%
JONES	VAP	23626	874	3.7%	5505	23.3%	27.0%	17011	72.0%	1.0%
	TTL	16,490	660	4.0%	2,787	16.9%	20.9%	12,961	78.6%	0.5%
KNOX	VAP	11939	430	3.6%	1636	13.7%	17.3%	9814	82.2%	0.5%
	TTL	4,837	339	7.0%	1,089	22.5%	29.5%	3,391	70.1%	0.4%
MITCHELL	VAP	3507	186	5.6%	628	17.9%	23.5%	2669	76.1%	0.4%
	TTL	8,016	361	4.5%	2,389	29.8%	34.3%	5,242	65.4%	0.3%
NOLAN	VAP	5813	244	4.2%	1465	25.2%	29.4%	4087	70.3%	0.3%
	TTL	16,594	780	4.7%	4,248	25.6%	30.3%	11,466	69.1%	0.6%
PALO PINTO	VAP	11976	515	4.3%	2539	21.2%	25.5%	8862	74.0%	0.5%
	TTL	25,055	802	3.2%	2,305	9.2%	12.4%	21,673	86.5%	1.1%
SCURRY	VAP	18445	516	2.8%	1346	7.3%	10.1%	16398	88.9%	1.0%
	TTL	18,634	876	4.7%	4,454	23.9%	28.6%	13,212	70.9%	0.5%
SHACKELFORD	VAP	13319	693	5.2%	2664	20.0%	25.2%	9896	74.3%	0.5%
	TTL	3,316	13	0.4%	272	8.2%	8.6%	3,014	90.9%	0.5%
STEPHENS	VAP	2428	12	0.5%	141	5.8%	6.3%	2265	93.3%	0.4%
	TTL	9,010	262	2.8%	766	8.5%	11.3%	7,929	88.0%	0.7%
STONEWALL	VAP	6550	170	2.6%	413	6.3%	8.9%	5934	90.6%	0.5%
	TTL	2,013	89	4.4%	238	11.8%	16.2%	1,677	83.3%	0.5%
TAYLOR	VAP	1501	53	3.5%	144	9.6%	13.1%	1298	86.5%	0.4%
	TTL	119,855	7538	6.3%	17,470	14.6%	20.9%	92,852	77.6%	1.5%
THROCKMORTON	VAP	87053	4875	5.6%	10446	12.0%	17.6%	70426	80.9%	1.5%
	TTL	1,880	0	0.0%	135	7.2%	7.2%	1,733	92.2%	0.6%
Total	VAP	1435	0	0.0%	88	6.1%	6.1%	1339	93.3%	0.6%
	TTL	404,838	16,558	4.1%	65,047	18.1%	20.2%	319,552	78.9%	0.9%
12th	VAP	296,925	10,937	3.7%	39,010	13.1%	16.8%	244,367	82.3%	0.9%
	TTL	48,204	11183	23.2%	3,953	8.2%	31.4%	32,731	67.9%	0.7%
ANDERSON	VAP	36744	8929	24.3%	2976	8.1%	32.4%	24582	66.9%	0.7%
	TTL	41,049	6937	16.9%	2,709	6.6%	23.5%	31,115	75.8%	0.7%
CHEROKEE	VAP	30290	4695	15.5%	1727	5.7%	21.2%	23626	78.0%	0.8%

Appendix A

Ethnic Population per County and Court of Appeals District

Court of Appeals		Black			Hispanic		B&H	Anglo		Other
		Population	Pop	%	Pop	%	%	Pop	%	%
HENDERSON	TTL	58,543	4742	8.1%	2,342	4.0%	12.1%	51,167	87.4%	0.5%
	VAP	44481	3203	7.2%	1468	3.3%	10.5%	39544	88.9%	0.6%
HOPKINS	TTL	28,833	2480	8.6%	1,413	4.9%	13.5%	24,739	85.8%	0.7%
	VAP	21172	1715	8.1%	889	4.2%	12.3%	18420	87.0%	0.7%
HOUSTON	TTL	21,375	6327	29.6%	962	4.5%	34.1%	14,001	65.5%	0.4%
	VAP	15991	4382	27.4%	672	4.2%	31.6%	10874	68.0%	0.4%
NACOGDOCHES	TTL	54,753	9034	16.5%	2,792	5.1%	21.6%	42,488	77.6%	0.8%
	VAP	42069	6184	14.7%	1809	4.3%	19.0%	33739	80.2%	0.8%
RAINS	TTL	6,715	289	4.3%	161	2.4%	6.7%	6,225	92.7%	0.6%
	VAP	5031	201	4.0%	98	1.9%	5.9%	4709	93.6%	0.5%
SABINE	TTL	9,586	1122	11.7%	115	1.2%	12.9%	8,321	86.8%	0.3%
	VAP	7572	765	10.1%	53	0.7%	10.8%	6739	89.0%	0.2%
SAN AUGUSTINE	TTL	7,999	2248	28.1%	136	1.7%	29.8%	5,599	70.0%	0.2%
	VAP	6046	1487	24.6%	85	1.4%	26.0%	4462	73.8%	0.2%
SHELBY	TTL	22,034	4737	21.5%	529	2.4%	23.9%	16,702	75.8%	0.3%
	VAP	16269	3075	18.9%	342	2.1%	21.0%	12804	78.7%	0.3%
SMITH	TTL	151,309	31624	20.9%	8,927	5.9%	26.8%	109,548	72.4%	0.8%
	VAP	111026	21650	19.5%	5329	4.8%	24.3%	83270	75.0%	0.7%
Total	TTL	450,400	80,722	17.9%	24,039	5.3%	23.3%	342,634	76.1%	0.7%
	VAP	336,891	56,285	16.7%	15,445	4.6%	21.3%	262,768	78.0%	0.7%
<b>13th</b>										
ARANSAS	TTL	17,892	322	1.8%	3,596	20.1%	21.9%	13,276	74.2%	3.9%
	VAP	13386	228	1.7%	2235	16.7%	18.4%	10548	78.8%	2.8%
BEE	TTL	25,135	729	2.9%	12,919	51.4%	54.3%	11,160	44.4%	1.3%
	VAP	17210	465	2.7%	8123	47.2%	49.9%	8398	48.8%	1.3%
CALHOUN	TTL	19,053	553	2.9%	6,897	36.2%	39.1%	11,013	57.8%	3.1%
	VAP	13435	390	2.9%	4326	32.2%	35.1%	8383	62.4%	2.5%
CAMERON	TTL	260,120	780	0.3%	213,038	81.9%	82.2%	45,001	17.3%	0.5%
	VAP	168280	505	0.3%	129912	77.2%	77.5%	37022	22.0%	0.5%
DEWITT	TTL	18,840	2110	11.2%	4,559	24.2%	35.4%	12,114	64.3%	0.3%
	VAP	13783	1447	10.5%	2922	21.2%	31.7%	9372	68.0%	0.3%
GOLIAD	TTL	5,980	407	6.8%	2,147	35.9%	42.7%	3,397	56.8%	0.5%
	VAP	4343	295	6.8%	1425	32.8%	39.6%	2601	59.9%	0.5%
GONZALES	TTL	17,205	1721	10.0%	6,142	35.7%	45.7%	9,256	53.8%	0.5%
	VAP	12250	1176	9.6%	3749	30.6%	40.2%	7264	59.3%	0.5%
HIDALGO	TTL	383,545	767	0.2%	326,780	85.2%	85.4%	54,080	14.1%	0.5%
	VAP	243124	486	0.2%	196930	81.0%	81.2%	44492	18.3%	0.5%
JACKSON	TTL	13,039	1213	9.3%	2,777	21.3%	30.6%	9,023	69.2%	0.2%
	VAP	9363	871	9.3%	1751	18.7%	28.0%	6723	71.8%	0.2%
KENEDY	TTL	460	0	0.0%	362	78.7%	78.7%	93	20.2%	1.1%
	VAP	322	0	0.0%	244	75.8%	75.8%	73	22.6%	1.6%
KLEBERG	TTL	30,274	999	3.3%	18,528	61.2%	64.5%	10,233	33.8%	1.7%
	VAP	21429	729	3.4%	12343	57.6%	61.0%	7950	37.1%	1.9%
LAVACA	TTL	18,890	1348	7.2%	1,589	8.5%	15.7%	15,700	84.0%	0.3%

Appendix A

Ethnic Population per County and Court of Appeals District

Court of Appeals	Population	Black		Hispanic		B&H	Anglo		Other	
		Pop	%	Pop	%	%	Pop	%	%	
LIVE OAK	VAP	14087	916	6.5%	1042	7.4%	13.9%	12087	85.8%	0.3%
	TTL	9,556	10	0.1%	3,325	34.8%	34.9%	6,154	64.4%	0.7%
MATAGORDA	VAP	6941	7	0.1%	2110	30.4%	30.5%	4775	68.8%	0.7%
	TTL	36,928	5096	13.8%	9,084	24.6%	38.4%	21,824	59.1%	2.5%
NUECES	VAP	25325	3419	13.5%	5394	21.3%	34.8%	16005	63.2%	2.0%
	TTL	291,145	12810	4.4%	151,978	52.2%	56.6%	122,863	42.2%	1.2%
REFUGIO	VAP	202321	8497	4.2%	97721	48.3%	52.5%	93675	46.3%	1.2%
	TTL	7,976	648	8.1%	3,166	39.7%	47.8%	4,140	51.9%	0.3%
SAN PATRICIO	VAP	5782	428	7.4%	2157	37.3%	44.7%	3186	55.1%	0.2%
	TTL	58,749	940	1.6%	29,788	50.7%	52.3%	27,612	47.0%	0.7%
VICTORIA	VAP	39757	596	1.5%	18527	46.6%	48.1%	20356	51.2%	0.7%
	TTL	74,361	4908	6.6%	25,357	34.1%	40.7%	43,576	58.6%	0.7%
WHARTON	VAP	51824	3369	6.5%	15806	30.5%	37.0%	32286	62.3%	0.7%
	TTL	39,955	6313	15.8%	10,109	25.3%	41.1%	23,334	58.4%	0.5%
WILLACY	VAP	28013	4230	15.1%	6219	22.2%	37.3%	17452	62.3%	0.4%
	TTL	17,705	71	0.4%	14,943	84.4%	84.8%	2,638	14.9%	0.3%
Total	VAP	11231	45	0.4%	9052	80.6%	81.0%	2100	18.7%	0.3%
	TTL	1,346,608	41,739	3.1%	847,084	62.9%	66.0%	446,485	33.2%	0.8%
	VAP	902,206	28,087	3.1%	521,989	57.9%	61.0%	344,749	38.2%	0.8%

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