

**EXHIBIT 1 TO
PLAINTIFFS' REPLY BRIEF**

NORTH CAROLINA GENERAL ASSEMBLY
SENATE COMMITTEE ON REDISTRICTING

TRANSCRIPT OF THE PROCEEDINGS
AUGUST 24, 2017 SESSION

In Raleigh, North Carolina
Thursday, August 24, 2017
Reported by Rebecca P. Scott

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1 SEN. VAN DUYN: Here's what I would say,
2 okay? So we have -- we have a district that is
3 shaped very similarly to what it was in the
4 unconstitutional maps, and that clearly we cannot
5 demonstrate, then, that we are in compliance with
6 the Courts if we do not at least verify that those
7 are no longer racially gerrymandered districts. So
8 we used the criteria that included reducing the
9 percentage of African-American voters in the
10 district.

11 SEN. BROWN: Senator Blue?

12 SEN. BLUE: I'd like to ask Senator Hise
13 a question, and he probably has anticipated what it
14 is. But specifically in the court order, they say
15 you've got to explain to them why you went over 50
16 percent in this district. What do you plan to tell
17 them?

18 SEN. HISE: I would think as we go
19 through this entire process -- I would even say
20 that the Plaintiffs' attorneys clearly stated even
21 to the Courts that when districts are created by
22 other criteria that there may be naturally
23 occurring districts that exceed 50 percent, but
24 that the predominant criteria in drawing that map
25 was not racing and could not have been race. There

1 were no criteria in drawing the map or assigning
2 voters in which we used race in order to place
3 individuals.

4 As a result of using the criteria we
5 have, there may be -- and I still don't know what
6 the numbers -- this is the first I've been told on
7 this district -- there may be naturally occurring
8 areas that have that -- a percentage of 50 percent,
9 a percentage of 40 percent or 42 percent.
10 Individuals group themselves into communities,
11 particularly in urban areas that are compact in
12 those, and naturally occurring districts may come
13 out.

14 And I think any numbers that you find,
15 which I'm willing to look at, are a result of
16 naturally occurring districts that we did not
17 assign any voters on the basis of race or move any
18 voters to districts on the basis of race.

19 SEN. BROWN: Senator Blue?

20 SEN. BLUE: So, as I understand it, with
21 a straight face, you're going to ask the
22 legislative lawyers to stand in front of these
23 three federal judges and say the same guy who drew
24 the district in 2011 knew all of these statistics,
25 he knew what the map looked like, he redrew the

1 di stricts in 2017, and he does not remember what
2 the map looked like, he does not remember why he
3 put 50 percent or greater in that district, and it
4 just coincidentally happens that it looks like the
5 same district, it's got over 50 percent, which is
6 what he sought out to achieve in 2011, but we
7 didn't know that was going to happen. That just
8 naturally occurred. Is that going to be the
9 answer?

10 SEN. HISE: I think no different than you
11 would say that when you drew the maps, you used
12 Maptitude and somehow guessing it has some long-
13 term memory because it was the same software used
14 or may happen to have been the same chair
15 individuals were sitting in. Dr. Hofeller was
16 given the criteria of this Committee, which was
17 significantly different from the criteria of the
18 previous committee as a result the court rulings,
19 and from the criteria, drew maps that did not
20 include race. Race was not part of the database.
21 It could not be calculated on the system that is
22 done.

23 I wasn't drawing. It was Rucho there
24 that was drawing then versus me there now, but I
25 can tell you that there is no consideration of race

1 in the drawing of these maps, hidden or otherwise,
2 nor is there is there sorting of individuals on the
3 basis of race in the districts in the maps as they
4 exist, quite counter to the amendments that you
5 have been proposing.

6 SEN. BROWN: Senator Bishop?

7 SEN. BISHOP: Thank you, Mr. Chairman. I
8 have a couple of other questions for Senator Van
9 Duyn. Senator Van Duyn, I didn't get the -- or
10 didn't retain the last name of the consultant that
11 Senator Blue identified, but did the same
12 gentleman -- his first name was Kareem -- did he
13 draw your proposed amendment to Guilford?

14 SEN. VAN DUYN: Senator Bishop, with the
15 Chair's permission, I worked with Senator McKissick
16 on this. I can't answer that honestly because I
17 don't know who he consulted with. Can I ask
18 Senator McKissick that question?

19 SEN. BLUE: I'll allow that. You may
20 need to identify yourself for the---

21 SEN. MCKISSICK: Sure. This is Senator
22 Floyd McKissick, Senator District 20. There is a
23 gentleman who was used by the name of Mr. Kareem
24 Crayton, C-r-a-y-t-o-n, who worked closely with
25 this in looking at potential alternative plans for

1 the Guilford County as well as for Mecklenburg
2 County, with the goal of trying to see what
3 alternative configurations might be put forth for
4 those particular clusters that would present an
5 alternative for this Committee and for this body to
6 consider as you move forward.

7 SEN. BROWN: Senator Bishop?

8 SEN. BISHOP: Senator Van Duyn, what does
9 Dr. Crayton have against Senator Wade?

10 SEN. VAN DUYN: I don't believe he has
11 anything against Senator Wade.

12 SEN. BISHOP: If you see on the map in
13 your amendment, the little red dot there underneath
14 the green District 28 and it's just in 27. I think
15 that's Senator Wade's home, and that's in Senator
16 Dr. Robinson's district, as I understand it. Is
17 that correct?

18 SEN. VAN DUYN: No one's been
19 double-bunked in this.

20 SEN. BISHOP: Do you know whether that
21 district is favorable to Senator Wade's prospects
22 for reelection or not?

23 SEN. VAN DUYN: I'm sorry. I honestly do
24 not know.

25 SEN. BISHOP: And did not give that

1 any -- do you know whether Dr. Crayton gave any
2 consideration to that in drawing the map?

3 SEN. VAN DUYN: We believe it would be
4 favorable to Senator Wade. I think, if you look at
5 the statistics that are attached, you can see that
6 that, in fact, is the case.

7 SEN. BROWN: Senator Clark, I'm going to
8 let you take off, and I'm going to let Senator
9 Bishop think about that for just a second. I think
10 he's got another question, but go ahead.

11 SEN. CLARK: Thank you, Mr. Chairman. I
12 think, Mr. Hise, when you were addressing Senator
13 Blue regarding what you would tell the Courts, you
14 would tell them that maybe we had exceeded the 50
15 percent mark as the result of a naturally occurring
16 district. I find that sort of puzzling because one
17 of our members Senator Erica Smith-Ingram did
18 submit criteria to this particular Committee which
19 said that we would recognize naturally occurring
20 districts. However, that was voted down. So are
21 we saying that is now an acceptable criteria?

22 SEN. HISE: That is the statement of your
23 Plaintiffs -- I'm sorry -- of the Plaintiffs in the
24 case.

25 SEN. CLARK: Follow-up.

1 SEN. BROWN: Follow-up.

2 SEN. CLARK: Since you did mention the
3 idea of a naturally occurring district, I even
4 admitted at the time when one the members -- fellow
5 members set it forth, I really didn't what the heck
6 that meant anyway. So since you've considered that
7 as appropriate, what is a naturally occurring
8 district anyhow?

9 SEN. HISE: I simply stated with what you
10 have with the reference. You can refer to their
11 counsel as to what they meant when they referenced
12 that, but districts come in at various percentages
13 based on the way individuals group together and the
14 way those are followed in without an intent or
15 without a specific purpose of the General Assembly
16 in drawing those maps.

17 SEN. BROWN: Senator Bishop, are you
18 ready now?

19 SEN. BISHOP: I think so. Thank you,
20 Mr. Chairman. Senator Van Duyn, do you know how
21 many municipalities you split in your proposed
22 amendment?

23 SEN. VAN DUYN: I believe we have
24 minimized the splitting of municipalities with this
25 map.